

On December 28, 1944, the Peabody Essex Museum (then the Peabody Museum) purchased a wampum message stick (Accession E25262) from Dr. Frank G. Speck, who had obtained the message stick in 1945 from the Six Nations Reserve, Ontario, Canada. The item consists of a small wooden stick to which are attached four shell wampum beads and a piece of red ribbon. Museum records indicate that the object is Cayuga.

Evidence presented during consultation by representatives of the Cayuga Nation of New York and museum documentation indicate that the cultural item has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated by any individual tribal member.

The Cayuga people have, over time, moved, and today live in three main areas: in and around Versailles, NY; at the Six Nations Reserve in Ontario, Canada; and at the Seneca-Cayuga Reservation in Oklahoma. The Cayuga Nation of New York has informed the Peabody Essex Museum that the tribe may act on behalf of the Cayuga community of Canada in this matter.

Officials of the Peabody Essex Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the Peabody Essex Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the object of cultural patrimony and the Cayuga Nation of New York.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred objects or object of cultural patrimony should contact John R. Grimes, Curator of Native American Art and Culture, Peabody Essex Museum, East India Square, Salem, MA 01970, telephone (978) 745-9500, before November 21, 2003. Repatriation of the sacred objects and object of cultural patrimony to the Cayuga Nation of New York may proceed after that date if no additional claimants come forward.

The Peabody Essex Museum is responsible for notifying the Cayuga Nation of New York and Seneca-Cayuga Tribe of Oklahoma that this notice has been published.

Dated: August 27, 2003.

**John Robbins,**

*Assistant Director, Cultural Resources.*

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**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### **American Basin Fish Screen and Habitat Improvement Project, Sacramento River, California**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of intent to prepare an environmental impact statement/ environmental impact report and notice of scoping meeting.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969 as amended, the Bureau of Reclamation (Reclamation) proposes to participate in a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the American Basin Fish Screen and Habitat Improvement Project (ABFS). The ABFS is being proposed by the Natomas Mutual Water Company (NMWC), a private mutual water company. The California Department of Fish and Game (CDFG) will be the lead agency under the California Environmental Quality Act (CEQA). The purpose of the ABFS is to improve passage conditions for migratory fish species in segments of the lower Sacramento River and Natomas Cross Canal adjacent to the American Basin, to improve aquatic and riparian habitat conditions in the project area, and to prevent entrainment of resident and migratory fish species in unscreened water diversions.

**DATES:** A public scoping meeting will be held on November 20, 2003, from 6:30 to 8:30 p.m. in Sacramento, California.

Written comments on the project scope should be sent to the ABFS at the address below by December 4, 2003.

**ADDRESSES:** The public scoping meeting will be held at the Residence Inn by Marriott, located in the South Natomas area of Sacramento, at 2410 West El Camino Avenue.

Written comments on the project scope should be sent to the American Basin Fish Screen and Habitat Improvement Project, c/o Stephen Sullivan, Mead & Hunt, Inc., 3327 Longview Drive, Suite 100, North Highlands, CA 95660.

**FOR FURTHER INFORMATION CONTACT:** John Robles, Environmental Specialist with the Bureau of Reclamation at (916) 978-5050 or James Navicky, Environmental

Scientist with California Department of Fish and Game at (916) 358-2030.

**SUPPLEMENTARY INFORMATION:** NMWC is a private mutual water company subject to local land use controls, including those of Sacramento and Sutter counties and the City of Sacramento. The service area of the NMWC includes the entire Natomas Basin, and NMWC controls surface water rights for over 280 landowners within the 55,000-acre Natomas Basin. NMWC diverts water from the Sacramento River [generally between River Mile (RM) 79 and RM 61] and the Natomas Cross Canal to provide irrigation water for agricultural uses and habitat preservation.

NMWC currently maintains five pumping plants along the Sacramento River and the Natomas Cross Canal. These pumping plants divert surface water from the Sacramento River and Natomas Cross Canal into the NMWC service area. The five pumping plants maintain a total maximum water diversion capacity of 630 cubic feet per second (cfs). There are also several local landowners within the Natomas Basin that are diverting irrigation water from the Sacramento River into the Natomas Basin through small privately owned pumps.

Drainage and flood control for the Natomas Basin is provided by Reclamation District 1000 (RD 1000), a public agency that has a coinciding service area with the NMWC and several joint use facilities.

Irrigation water is distributed primarily throughout the service area using NMWC's system of highline canals. NMWC also uses the RD 1000 drainage canal system to distribute water within the service area. Sacramento River water is pumped into the drainage canal system to be commingled with tailwater. This water is then relifted into the highline canal system or delivered directly into the fields.

The ABFS is necessary to avoid and/or minimize potentially adverse effects to at-risk fish species, including listed and proposed species, that inhabit or otherwise use these watercourses during various life stages, and to ensure the reliability of NMWC's water diversion and distribution facilities so that water supplies for agricultural use, habitat preservation, and habitat maintenance, including winter flooded waterfowl habitat, will continue. The habitat created through the operation of NMWC irrigation facilities provides habitat for at-risk species such as the state and federally-listed giant garter snake and the state-listed Swainson's hawk, as well as other species. Seasonal flooding

of rice fields for rice straw decomposition provides wetland habitat for various local and migratory waterfowl.

The ABFS has been developed to address concerns regarding the health of local fish species. At various times of the year and various life stages, the lower Sacramento River and Natomas Cross Canal are inhabited by numerous fish species, including such state and federally-listed species as the winter-run chinook salmon, spring-run chinook salmon, Central Valley steelhead, Sacramento splittail, delta smelt, and other at-risk species. These fish species, particularly anadromous salmonids (those fish that live as adults in salt water and spawn in fresh water) use the Sacramento River and Natomas Cross Canal as part of their migration corridor for upstream migration of spawning adults and downstream migration of rearing juveniles. Many of the fish species of concern that use these rivers have declined in population during the last few decades as a result of various stress factors.

The ABFS would maintain the existing NMWC diversion capacity of 630 cfs, and include the following improvements to NMWC facilities under all action alternatives:

- Decommissioning and removal of the existing Verona Diversion Dam and lift pumps;
- Removing the five pumping plants (two along the Natomas Cross Canal and three along the Sacramento River) and several small diversions operated by local landowners;
- Constructing one, or two new diversion facilities with fish screens;
- Modifications to the distribution system, including regrading of existing canals and drains, the construction of new irrigation canals and drains, and modifications to drainage canals to redistribute flows from the new diversion locations;
- Additional capacity for the internal relief pumps at RD 1000 Pumping Plant No. 3 in place of the removed Riverside Pumping Plant;
- Regrading the Riverside Main Highline Canal from RD 1000 Pumping Plant No. 3 to the existing Riverside Pumping Plant;
- Upgrading of two control structures, the County Line Check and Lift Pump and the Elkhorn Check and Lift Pumps;
- Regrading the North Drainage Canal from the V drain to Highway 99 in order to improve conveyance;
- Regrading the Elkhorn Main Highline Canal between the existing Prichard Pumping Plant and the existing Elkhorn Pumping Plant; and,

- Additional modifications to the distribution system based on which diversion facilities are constructed. The EIS/EIR will consider a range of alternatives including the no-action alternative.

Scoping is an early and open process designed to determine the issues and alternatives to be addressed in the EIS/EIR. The following are items to be addressed that have been identified to date: Aesthetics/Visual Quality; Agricultural Resources; Air Quality; Biological Resources (Terrestrial and Aquatic Biology); Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use; Noise; Transportation and Circulation; Environmental Justice; Indian Trust Assets; Cumulative Impacts; and Construction Effects.

The draft EIS/EIR will focus on the impacts and benefits of implementing the various alternatives. It will contain an analysis of the physical, biological, social, and economic impacts arising from the alternatives. In addition, it will address the cumulative impacts of implementation of the alternatives in conjunction with other past, present, and reasonably foreseeable actions.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: October 16, 2003.

**Frank Michny,**

*Regional Environmental Officer, Mid-Pacific Region.*

[FR Doc. 03-26621 Filed 10-21-03; 8:45 am]

**BILLING CODE 4310-MN-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on September 30, 2003, a proposed Consent Decree in *United*

*States v. Alliant Techsystems, Inc.*, Civil Action No. 03-4648, was lodged with the United States District Court for the District of New Jersey.

In this action the United States seeks the recovery of response costs incurred regarding the Radiation Technology Superfund site, In Rockaway Township, New Jersey. The proposed consent decree embodies an agreement with Alliant Techsystems, Inc. (ATK) to perform the groundwater remedy at the Site and to reimburse the U.S. Environmental Protection Agency for up to \$249,000 of its past response costs and for all oversight costs in connection with the performance of the remedy. The decree provides ATK with a covenant not to sue under sections 106 and 107(a) of CERCLA, sections 9606 and 9607(a).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Alliant Techsystems, Inc.*, D.J. No. 90-11-2-07691/1.

The Consent Decree may be examined at the Office of the United States Attorney, 970 Broad Street, Room 400, Newark, NJ 07102, and at the Region II Office of the U.S. Environmental Protection Agency, Region III Records Center, 290 Broadway, 17th Floor, New York, NY 1007-1866. During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$32.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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