

of the BLM decision making process. However, the BLM will not formally respond to the comments.

The BLM asks that those submitting comments make them as specific as possible with reference to page numbers and chapters in the FEIS.

Public comments, including the names and mailing addresses of respondents, will be available for public review at the Idaho Falls District Office in Idaho Falls, Idaho, during regular business hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

**David Rosenkrance,**  
*BLM Challis Field Manager.*

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**BILLING CODE 4310-GG-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent To Prepare an Environmental Impact Statement for the Modification/Removal of the Canal Diversion Dam in Cuyahoga Valley National Park, OH

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement for the Modification/Removal of the Canal Diversion Dam in Cuyahoga Valley National Park, Ohio.

**SUMMARY:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the National Park Service (NPS) is announcing its intent to prepare an Environmental Impact Statement (EIS) for the modification/removal of the Canal Diversion Dam in Cuyahoga Valley National Park, Ohio. The Canal Diversion Dam on the Cuyahoga River is owned by the Ohio Department of

Natural Resources (ODNR). The NPS will be the lead Federal Agency for preparation of the EIS, and ODNR and the Ohio Environmental Protection Agency (OEPA) will be cooperating agencies. The Canal Diversion Dam (alternatively known as the Brecksville Dam, Station Road Dam, SR82 Dam, or SUM-3253-1) on the Cuyahoga River is 183 feet long, nearly 8 feet high, and feeds water into the Ohio and Erie Canal that then drains north through Cuyahoga Valley National Park and into Cleveland Metropark's Ohio and Erie Canal Reservation. The watered portion of the canal and its historic features are a National Historic Landmark.

The OEPA has concluded that the dam negatively impacts water quality and interrupts aquatic communities by restricting fish passage. The NPS has concluded that maintaining water in the canal is also critical because of the important natural, cultural, and educational values associated with the watered portion of the canal. Alternatives that seek to improve river water quality and habitat values while maintaining a watered canal segment are being evaluated.

**DATES:** To determine the scope of issues to be addressed in the EIS and to identify significant issues related to the modification/removal of the Canal Diversion Dam, the NPS and cooperating agencies will conduct a public scoping meeting in the area of Cuyahoga Valley National Park. Representatives of the NPS and the cooperating agencies will be available to discuss issues, resource concerns, and the planning process at the public meeting. When the public scoping meeting has been scheduled, its location, date, and time will be published in local media and on the NPS Web site listed below.

**ADDRESSES:** Information will be available for public review and comment, either in person or by written request, at the headquarters for Cuyahoga Valley National Park located at 15610 Vaughn Road, Brecksville, Ohio 44141; telephone 216-524-1497. Information will be available at the NPS Planning, Environment and Public Comment (PEPC) Web site at <http://parkplanning.nps.gov/cuva>. Information will also be available from the OEPA, 2110 East Aurora Road, Twinsburg, Ohio 44087.

To facilitate sound analysis of environmental impacts, the NPS and cooperating agencies are gathering information necessary for the preparation of the EIS. Suggestions on environmental issues to be analyzed and additional alternatives to consider are

being sought from other Agencies, Tribes, organizations, and the public. Comments and participation in this scoping process are invited and encouraged. If you wish to comment on the scoping materials or on any other issues associated with the EIS, you may submit your comments by any one of several methods. You may submit your comments online through the PEPC Web site: Click on the link titled "Modification/removal of Canal Diversion Dam on the Cuyahoga River at Station Road/SR82." You may also mail comments to the OEPA at the address given above. To aid in the scoping process, comments should be received within 45 days of the beginning of the public comment period.

Interested Agencies and organizations are also invited to arrange meetings to provide input directly. Such meetings can be arranged by contacting the OEPA at the address and telephone above.

Before including your address, telephone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the scope of the EIS and to arrange Agency meetings, requests should be directed to: William J. Zawiski, Environmental Scientist, Ohio Environmental Protection Agency, 2110 East Aurora Road, Twinsburg, Ohio 44087; e-mail: [bill.zawiski@epa.state.oh.us](mailto:bill.zawiski@epa.state.oh.us); telephone 330-963-1134. Information can also be obtained from the Project Contact, Meg Plona, Biologist, Cuyahoga Valley National Park, telephone 330-342-0764, extension 2.

**SUPPLEMENTARY INFORMATION:** The Cuyahoga River upstream of the dam does not meet aquatic community goals set forth in Ohio's Water Quality Standards. The Lower Cuyahoga River Total Maximum Daily Load (TMDL) report, as well as previous OEPA water quality surveys, has indicated that a cause of nonattainment of the standards is the dam. The TMDL report recommends that the Canal Diversion Dam be modified or removed to restore water quality in the Cuyahoga River upstream of the structure. Public and stakeholder scoping regarding modification or removal of the dam was initiated by the OEPA in August 2002, and included public meetings August

and November 2005. It was unclear whether the proposed action would involve NPS lands or adversely affect NPS resources, or whether such effects could be appropriately analyzed in another NEPA document until more information regarding possible alternatives and impacts became available. The NPS managers now believe that an EIS is most appropriate given the scope and complexity of the proposed action, and the likelihood that alternatives may impact park resources, involve access to NPS lands, or utilize NPS funds. All information generated during the previous scoping process will be retained for use in this EIS process. Anyone who contributed comments to the OEPA regarding the dam removal need not resend their comments.

A preliminary set of alternatives for modification or removal of the Canal Diversion Dam has been developed. These include: (1) No Action—the dam would remain on the river continuing to adversely impact water quality of the Cuyahoga River and provide water to the Ohio and Erie Canal; (2) Total Removal—the dam would be removed, restoring a free-flowing river and water would be provided to the Ohio and Erie Canal to maintain its current watered state; and (3) Partial Removal/Modification—the dam would be altered to allow for restoration of water quality as well as eliminating existing recreational boating hazard. Water would be provided to the Ohio and Erie Canal to maintain its current watered state. A variety of background documents have been completed and are available for review in the NPS PEPC Web site listed above.

Dated: December 5, 2008.

**Ernest Quintana,**

*Regional Director, Midwest Region.*

**Editorial Note:** This document was received in the Office of the Federal Register on July 21, 2009.

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Intent to Repatriate Cultural Items: U.S. Department of Defense, Army Corps of Engineers, Walla Walla District, Walla Walla, WA and Museum of Anthropology, Washington State University, Pullman, WA**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items in the control of the U.S. Department of Defense, Army Corps of Engineers, Walla Walla District, Walla Walla, WA, and in the physical custody of the Museum of Anthropology, Washington State University, Pullman, WA, that meet the definition of “unassociated funerary objects” under 25 U.S.C. 3001.

This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the unassociated funerary objects. The National Park Service is not responsible for the determinations in this notice.

In July 1963, cultural items were removed from the Marmes Rockshelter (45FR50), Franklin County, WA, by Washington State University under contract with the National Park Service and prior to the inundation of the reservoir created by the construction of the Lower Monumental Dam by the U.S. Army Corps of Engineers. The material from the excavation is curated at Washington State University. The cultural items that were removed are believed to have been placed with or near the human remains from Burial 13. As the human remains from Burial 13 are not in the control or possession of a Federal agency or museum, the cultural items are unassociated funerary objects. The 176 unassociated funerary objects are 44 faunal fragments, 12 basalt samples, 15 chert/cryptocrystalline flakes, 2 shells, 9 organic materials (including plants), 1 stone sample, 6 pieces of basalt blocky shatter, 6 pieces of chert/cryptocrystalline blocky shatter, 2 chert/cryptocrystalline flake shatter, 6 basalt flake shatter, 2 obsidian flakes, 1 retouched basalt flake, 1 retouched chert/cryptocrystalline flake, 53 basalt flakes, 1 chert/cryptocrystalline core, 1 chert/cryptocrystalline flakes, 12 basalt flakes, and 2 lots of shell remains.

The unassociated funerary objects are determined to be associated with the Late Cascade Phase (6500 to 4500 BP). The archeological evidence found in the Marmes Rockshelter (and in six nearby archeological sites) supports a nearly continuous occupation from the Late Cascade Phase to the Harder Phase (2500–500 BP), and provides the most direct physical line of evidence supporting a determination of cultural affiliation between an earlier group and a present-day Indian tribe. Geographical

and anthropological lines of evidence support the archeological. Oral tradition evidence provided by tribal elders indicates that a large Palus (Palouse) village, inhabited by tribal ancestors from time immemorial, was once located near the Marmes Rockshelter. According to tribal elders, these ancestors were mobile, and traveled the landscape to gather resources as well as trade among each other.

Ethnographic documentation indicates that the present-day location of the Marmes Rockshelter in Franklin County, WA, is within the territory occupied historically by the Palus (Palouse) Indians. During the historic period, the Palouse people settled along the Snake River, relied on fish, game and root resources for subsistence, shared their resource areas and maintained extensive kinship connections with other groups in the area, and had limited political integration until the adoption of the horse (Walker 1998). These characteristics are common to the greater Plateau cultural communities surrounding the Palouse territory including the Nez Perce, Cayuse, Walla Walla, Yakama, and Wanapum groups. Moreover, the information provided during consultation by representatives of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group, substantiate their cultural affiliation with each other and with the earlier group represented at the Marmes Rockshelter. The descendants of these Plateau communities of southeastern Washington, now widely dispersed, are members of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

Officials of the U.S. Department of Defense, Army Corps of Engineers, Walla Walla District have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 176 unassociated funerary objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the U.S. Department of