

Place
Stamp
Here

TO: Ken Mashita
U.S. Army Engineer District, Honolulu
Programs & Project Management Division
Environmental & Special Projects Branch
Fort Shafter, Hawai'i 96858-5440

Public Notice

The U.S. Army, Hawaii, will host a Public Information Meeting to share technical information on the draft protocols for studies of the impact of live-fire training activities on soil, water and air in the Makua Military Reservation. Data from these studies and others will be incorporated in the Environmental Impact Statement. At the informal meeting, the public will have an opportunity to ask clarifying technical questions on the draft protocols.

The Public Information Meeting will be held on Tuesday, July 16, 2002, from 7 p.m. to 9 p.m., Wai'anae Army Recreation Center, 85-010 Army Street, Wai'anae, Hawai'i 96792. Written comments will be accepted at the meeting. Other comments must be sent by August 6, 2002 by U.S. Mail, fax, or e-mail to:

Ken Mashita
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Programs & Project Management Division
Environmental & Special Projects Branch
Building 252, Attn: CEPOH-PP-E
Fort Shafter, HI 96858-5440
FAX: 808-438-7801
E-mail: Calvin.K.Mashita@poh01.usace.army.mil

The draft study protocols are available on the Internet at www.MakuaEIS.com and at the following libraries: Hawai'i State Library, Wai'anae Public Library, Wahiawā Public Library, and Pearl City Public Library.

Public Notice

The Army will conduct a public meeting on Tuesday, Sept. 24 from 7 to 9 p.m. in the Multipurpose Room in the Wai'anāe District Park to gather community comments on identifying high priority areas for clearing unexploded ordnance from within the Mākua Military Reservation.

The meeting is being conducted in compliance with the settlement agreement between the Army and Mālama Mākua with the focus on increasing public access to cultural sites in the reservation. Information from the meeting may be incorporated into the Environmental Impact Statement. At the informal meeting, the public will have an opportunity to ask clarifying questions concerning the high priority areas and clearing unexploded ordnance from within the Mākua Military Reservation.

The Public Information Meeting will be held on Tuesday, September 24, 2002, from 7 to 9 p.m., Wai'anāe District Park, Multi-purpose Room, 85-601 Farrington Highway, Wai'anāe, Hawai'i 96792. Written comments will be accepted at the meeting. Other comments must be sent by Tuesday, October 1, 2002 by U.S. Mail, fax, or e-mail to:

Glen Takishita
US Army Engineer District, Honolulu
Programs & Project Management Division
Building 230, Attn: CEPOH-PP
Fort Shafter, HI 96858-5440
FAX: 808-438-6989
E-mail: Glen.Takishita@poh01.usace.army.mil

The EA for A Prescribed Burn at Mākua Military Reservation will also be discussed at this meeting and this document is available on the Internet at www.MakuaEIS.com and at the following libraries: Hawai'i State Library, Wai'anāe Public Library, Wahiawā Public Library, and Pearl City Public Library.



DEPARTMENT OF THE ARMY
25TH INFANTRY DIVISION (LIGHT) AND U.S. ARMY, HAWAII
FORT SHAFTER HAWAII 96858-5000



ANNUAL REPORT on UNEXPLODED ORDNANCE CLEARANCE
SUBMITTED FOR OCTOBER 2001-OCTOBER 2002

1. This Annual Report is submitted in accordance with paragraph 8c of the Settlement Agreement between Malama Makua and the United States Department of the Army executed on October 4, 2001, which requires the Army to provide to the people of the Wai'anae Coast, an annual progress report on the Unexploded Ordnance (UXO) clearance from Makua Military Range (MMR).

- Paragraph 6c of the Settlement Agreement stipulates that the 25th Infantry Division (Light) (25th ID (L)) and United States Army Hawaii (USARHAW) will be required to make good faith efforts, subject to certain limitations, to conduct archaeological surveys of all the Surface Danger Zones (SDZ) areas within MMR, that are located outside the south firebreak road.
- In addition, Paragraph 8a Settlement Agreement states that the 25th ID (L) and USARHAW will conduct UXO clearance for the area 1000 meters mauka (toward the mountain) from Farrington Highway subject to certain limitations.

The following information summarizes the Army's progress to date to accomplish the above Settlement Agreement UXO requirements:

<u>Task</u>	<u>Date</u>
a. Completed MMR Prescribed Burn Plan	1 Jun 02
b. Informal consultation with US Fish and Wild Life Services (USFWS)	11 Jun 02
c. Ordered Supplies, Equipment for Prescribed Burn	15 Jun 02
d. State of Hawaii Department of Health Approval	8 Jul 02
e. Prepare Environmental Assessment (EA) for MMR Burn Plan (Corps of Engineer/ Honolulu Engineering District) (COE/HED)	11 Jul 02
f. Informal consultation with USFWS	22 Jul 02
g. Prepare UXO Clearance Contract (COE/HED)	7 Aug 02
h. Concurrence Letter from USFWS	9 Aug 02
i. Letter from Office of Hawaiian Affairs	13 Aug 02
j. Completed EA and Draft Finding of No Significant Impact (FNSI)	19 Aug 02
k. Letter from State of Hawaii Preservation Office (SHPO)	27 Aug 02
l. Posted Office of Environmental Quality Control (OEQC) Bulletin Notice	8 Sep 02
m. 30-day Public Comment Ends	8 Oct 02
n. Execute Prescribed Burn Plan	28 Oct – 1 Nov 02*
o. Conduct UXO Clearance	8 Nov 02*

* Proposed date, subject to change pending favorable weather conditions.

2. The Settlement Agreement requirements for archaeological surveys and UXO clearance cannot be accomplished safely without the clearing of vegetation requiring the accomplishment of a successful prescribed burn. It is dangerous for individuals including archaeologists to enter an area where there is UXO or to perform UXO removal operations where there is vegetative cover. The prescribed burn would have the following benefits: allow the detection and identification of UXO, facilitate the survey for archaeological sites, plus reduce the fuel load thereby reducing the likelihood of catastrophic fire.

Prescribed Burn Plan

The Army has prepared a Prescribed Burn Plan to safely clear vegetation and reduce fuel load. The Prescribed Burn Plan was developed in coordination with the agencies listed below.

Agencies Contacted for Burn Plan & EA

US Army: G3/Directorate of Plans Training and Mobilization,
Range Division
Installation Fire and Safety Office
Directorate of Public Works, Environmental Division
706th Explosive Ordnance Detachment (EOD)
Public Affairs Office

Other Agencies: US Fish & Wildlife Service (USF&WS)
US Forest Service, Region 5
Federal Fire Department
City and County of Honolulu Fire Department
State of Hawaii Department of Land & Natural Resources,
Div. of Forestry & Wildlife & State Historic Preservation
Office
State of Hawaii, Department of Health
State of Hawaii, Office of Hawaiian Affairs

Risks

- The 25th ID (L) understands the inherent risks involved in the proposed action to conduct a prescribed burn at MMR. To mitigate those risks, the prescribed burn plan shall identify potential fire threat to threatened and endangered species, required ground and aerial firefighting resources, escaped wildfire risk analysis, and consider timeliness of the prescribed burn based on favorable forecasted weather conditions. The overall objective in any fire management activity is to provide for firefighter and public safety first.

National Environmental Policy Act Compliance

The Army prepared an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and issued a Draft FNSI for the proposed action of a Prescribed Burn. The announcement of the availability of these documents was published in the OEQC bulletin on September 8, 2002.

Based on the purpose and need as well as an analysis of potential environmental impacts in the EA and implementation of mitigation measures identified in consultation with various agencies, the Army currently plans to burn approximately 324-364 hectares (800-900 acres) within the north and south firebreak roads as well as parcels outside the firebreak road. The proposed action will clear approximately 60% of the area identified in the Settlement Agreement to include portions of the SDZ and 1000 meter buffer areas. The proposed action would also serve to reduce fuel load at Makua thereby reducing the risk of catastrophic fire. The prescribed burn would take approximately four days.

UXO Clearance Next Steps

- Upon successful completion of the MMR Prescribed Burn Plan, UXO Technicians and UXO sweep personnel will conduct a surface sweep to locate, identify, and flag any OE (Ordnance and Explosive)/UXO and OE/UXO-related scrap found within the burn areas.
- The UXO technicians shall report all OE/UXO to the Range Division.
- Range Division will have the responsibility to notify and coordinate with 706th EOD to remove and properly dispose of reported OE/UXO.
- The successful completion of the MMR Prescribed Burn Plan may facilitate future Army efforts to implement the burning and UXO clearance of additional areas identified by the Settlement Agreement.

Funds Request

- In accordance with Paragraph 8a of the Settlement Agreement, the 25th ID (L) is required to make good faith efforts to secure the necessary funding for UXO clearance.
- To comply with these provisions 25 ID (L) requested and received \$325,000 from the MACOM, US Army Pacific (USARPAC) for the burn and UXO clearance activities. 25th ID (L) and USARHAW funded an additional \$204,000. The total funding for this effort to date is \$529,000.

High Priority UXO Areas

Pursuant to Paragraph 8b of the Settlement Agreement, the Army conducted a public meeting on September 24, 2002 to solicit community input into the identification of high priority areas for UXO clearance with a focus on cultural access. The public may submit comments on this issue until Oct 1, 2002.

Next Step

The Army will continue working with the public to develop the list of high priority areas for UXO clearance and develop a proposed plan for future clearance of those areas.

Other UXO Clearance at MMR from October 2001- October 2002

- Additionally, the following UXO have been located.
 - EOD confirmed the finding of a 100lb bomb next to the center road below Objective Deer. This bomb was blown in place on 3 October 01.
 - On 3 October 01, EOD disposed of three 81 mm rounds found between 21 September 2001 and 3 October 2001.
 - EOD has further confirmed the finding and disposition of the following:
 - WWII 81 mm mortars, 11 each -
 - 105mm High Explosive (HE), 2 each
 - 2.75mm Rocket warhead, 1 each
 - 40mm Target Practice (TPT), 4 each
 - 75mm (possibly HE) tank round, 2 each
 - 81mm HE round, 6 each confirmed being shot on 16 January 02 into Area G. These failed to detonate on impact.
 - 20mm TPT, 3 each
 - 37mm Anti-Tank, 1 each
 - 107mm HE, 1 each

Public Notice

The U.S. Army, Hawaii, will host a community meeting on Tuesday, December 10 from 6 p.m. to 8:30 p.m. in the Multi-purpose Room in the Wai'anae District Park, 85-601 Farrington Highway, Wai'anae, Hawai'i 96792.

This meeting will provide an opportunity for the people of the Wai'anae Coast to participate in identifying and prioritizing areas for unexploded ordnance clearance with the focus on increasing access to cultural sites in the Mākua Military Reservation (MMR). The meeting is in compliance with a settlement agreement for MMR.

Written comments on this issue will be accepted at the meeting or may be sent by December 17, 2002, by U.S. Mail, fax, or e-mail to:

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Programs & Project Management Division
Environmental & Special Projects Branch
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E-mail: earl.nagasawa@poh01.usace.army.mil

Additional information about MMR and the preparation of the Environmental Impact Statement is available on the Internet at www.MakuaEIS.com.



DEPARTMENT OF THE ARMY
25TH INFANTRY DIVISION (LIGHT) AND U.S. ARMY, HAWAII
FORT SHAFTER HAWAII 96858-5000



**Update on Actions for Makua Settlement Agreement and
Environmental Impact Statement (EIS) Preparation as of December 10, 2002**

Makua Military Reservation (MMR) Prescribed Burn Update

- ◆ Executed Burn Plan 2 during the week of October 28, 2002 through November 1, 2002.
- ◆ Did not meet all burn objectives due to wet weather conditions. Rain prevented application of fire retardant for primary and secondary containment lines.
- ◆ Accomplished approximately 60% of proposed burn units.
- ◆ Burned only inside the firebreak road network (Units A & B). Did not burn outside the firebreak road (Units C1 & C2).
- ◆ Conducted limited UXO survey activities in Units A & B.
- ◆ Burn within the North Firebreak Road revealed 17 new archaeological sites.
- ◆ The Army plans to burn at some future date, when conditions are drier.

Endangered Species Act Formal Consultation

- ◆ The Army initiated formal consultation with US Fish & Wildlife Service on November 25, 2002 for the proposed action of burning areas required by the Settlement Agreement and outlined in Prescribed Burn Plan 1.

EIS Air, Soil, Water Sampling Update

- ◆ The Army amended its air, soil and water studies at MMR in response to community comments. Copies of the final revised sampling plans are available on the internet at www.MakuaEIS.com and at the public libraries.
- ◆ Air Sampling was performed during the prescribed burn on October 29, 2002.
- ◆ Additional air sampling will be conducted during the first two combined live fire exercises for Fiscal Year 03 (January 29, 2003 and February 5, 2003).
- ◆ Field work completed to date includes the drilling and installation of 7 monitoring wells, installation of rain gauges, collection of shallow soil samples, and installation of stream sampling equipment.

Improved Conventional Munitions (ICMs)

- ◆ Headquarters Department of the Army (HQDA) prohibits entry into range impact areas that are suspected or confirmed ICM areas. This policy is stated in HQDA message 151835Z, dated April 1996 and again in HQDA Letter 385-01-1, dated March 2, 2001.
- ◆ An HQDA waiver is required to enter suspected or confirmed ICM areas. Waivers are granted for limited purposes such as to determine the boundaries of an ICM area or to clear contaminated property prior to releasing it from Army control. A waiver may also be granted where range maintenance is necessary for vital training to proceed.
- ◆ The Army is currently working with the 25th Infantry Division (Light) Installation Safety Officer to develop a record of his observation of ICMs at MMR. The Army, in coordination with the Installation Safety Officer, will request a waiver to define the boundaries of the ICM area at MMR.
- ◆ The Army will post these policy documents on the internet at www.MakuaEIS.com, at the public libraries and provide copies to counsel for Malama Makua.

Makua Issues & Update

Improved Conventional Munitions (ICMs)

- ◆ Beginning in 1998, Headquarters Department of the Army (HQDA) prohibited entry into range impact areas that were suspected ICM and confirmed ICM areas. This policy was reiterated in HQDA message 151835Z, dated April 1996 and again in HQDA Letter 385-01-1, dated 2 March 2001.
- ◆ Based on this policy, HQDA Waiver is required to enter suspected ICM and confirmed ICM areas. Waivers are granted for limited purposes such as to determine the boundaries of an ICM area.
- ◆ The Army is currently working with the 25th Infantry Division (Light) Installation Safety Officer to develop a record of his observation of ICMs at MMR and to define the boundaries of the ICM area. The Army will request a waiver to define the boundaries of the ICM area at Makua Military Reservation (MMR).
- ◆ We will make these documents available to the public on the internet at www.MakuaEIS.com and to the members of Malama Makua through their attorney at Earhjustice.

Endangered Species Act Formal Consultation

- ◆ Initiated formal consultation with US Fish & Wildlife Service on 25 November 02 for the proposed action of burning all areas required by the Settlement Agreement and outlined in Prescribed Burn Plan 1.

Makua Prescribed Burn Update

- ◆ Executed Burn Plan 2 during the week of 28 Oct 02 through 1 Nov 02.
- ◆ Did not meet all burn objectives due to wet weather conditions. Rain conditions prevented application of fire retardant for primary and secondary containment lines.
- ◆ Accomplished approximately 60% of proposed burn units.
- ◆ Burned only inside the firebreak road network (Units A & B). Did not burn outside the firebreak road (Units C1 & C2).
- ◆ Conducted limited UXO survey activities only in Units A & B.
- ◆ The Army plans to burn at some future date when conditions are drier.

Air, Soil, Water Sampling Update

- ◆ The Army amended its air, soil and water studies in the MMR in response to community comments. Copies of the final revised sampling plans are available on the internet at www.MakuaEIS.com and at the public libraries.
- ◆ Air Sampling was performed during the prescribed burn on October 29, 2002.
- ◆ Additional air sampling will be conducted during the first two combined live fire exercises for FY03 (29 January 02 and 5 February 03).
- ◆ Fieldwork completed to date includes the drilling and installation of 7 monitoring wells, installation of rain gages, collection of shallow soil samples, and installation of stream sampling equipment.

HANDOUT

FOR

PUBLIC MEETING

ON CULTURAL ACCESS

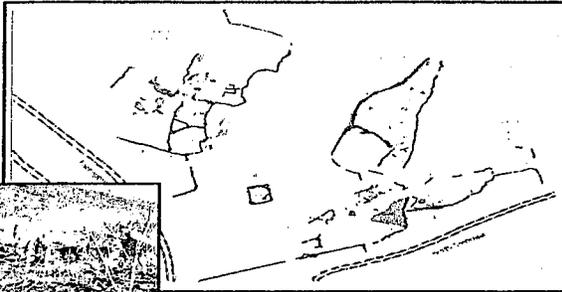
AT MAKUA

10 DECEMBER 2002

Cultural Resources at Makua Military Reservation

Prehistoric (prior to 1778)
remnants of habitation, agricultural, and religious complexes are evident

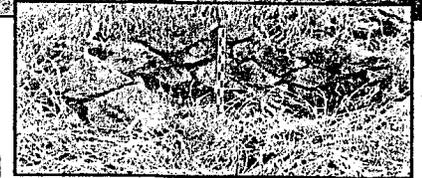
Ukanipo Heiau



A Programmatic Agreement between the Army and the Ukanipo Heiau Advisory Council was established in October 2000 to manage site activities at the heiau



Site 5456
imu
AD 1400-1670



Site 5775 Feature 94, C-shape

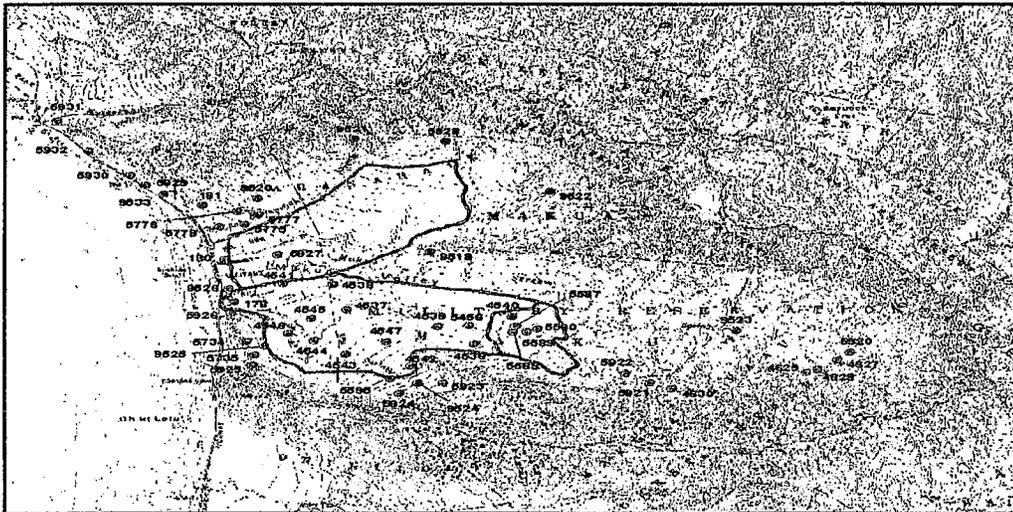
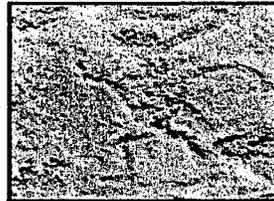


Site 4537



Site 4542

Petroglyphs



Site #	Description	Features	Reference	
1	50-80-03178	Kaupunakopo Heiau	1	McAllister 1992
2	50-80-03180	Kaupunakopo Heiau	1	McAllister 1992
3	50-80-03181	Kaupunakopo Heiau	2	McAllister 1992
4	50-80-03436	well	1	Ribe et al. 1992
5	50-80-03437	pond	2	Ribe et al. 1992
6	50-80-03438	military & C-shape	4	Ribe et al. 1992
7	50-80-03440	military complex	2	Ribe et al. 1992
8	50-80-03440	military complex	2	Ribe et al. 1992
9	50-80-03442	well	1	Ribe et al. 1992
10	50-80-03442	well	12	Ribe et al. 1992
11	50-80-03442	well	42	Ribe et al. 1992
12	50-80-03442	well	2	Ribe et al. 1992
13	50-80-03442	well	4	Ribe et al. 1992
14	50-80-03442	well	2	Ribe et al. 1992
15	50-80-03442	well	2	Ribe et al. 1992
16	50-80-03442	well	2	Ribe et al. 1992
17	50-80-03442	well	2	Ribe et al. 1992
18	50-80-03442	well	1	Callison et al. 1996
19	50-80-03442	well	1	Callison et al. 1996
20	50-80-03442	well	1	Callison et al. 1996
21	50-80-03442	well	1	Callison et al. 1996
22	50-80-03442	well	1	Callison et al. 1996
23	50-80-03442	well	1	Callison et al. 1996
24	50-80-03442	well	1	Callison et al. 1996
25	50-80-03442	well	1	Callison et al. 1996
26	50-80-03442	well	1	Callison et al. 1996
27	50-80-03442	well	1	Callison et al. 1996
28	50-80-03442	well	1	Callison et al. 1996
29	50-80-03442	well	1	Callison et al. 1996
30	50-80-03442	well	1	Callison et al. 1996
31	50-80-03442	well	1	Callison et al. 1996
32	50-80-03442	well	1	Callison et al. 1996
33	50-80-03442	well	1	Callison et al. 1996
34	50-80-03442	well	1	Callison et al. 1996
35	50-80-03442	well	1	Callison et al. 1996
36	50-80-03442	well	1	Callison et al. 1996
37	50-80-03442	well	1	Callison et al. 1996
38	50-80-03442	well	1	Callison et al. 1996
39	50-80-03442	well	1	Callison et al. 1996
40	50-80-03442	well	1	Callison et al. 1996
41	50-80-03442	well	1	Callison et al. 1996
42	50-80-03442	well	1	Callison et al. 1996
43	50-80-03442	well	1	Callison et al. 1996
44	50-80-03442	well	1	Callison et al. 1996
45	50-80-03442	well	1	Callison et al. 1996
46	50-80-03442	well	1	Callison et al. 1996
47	50-80-03442	well	1	Callison et al. 1996
48	50-80-03442	well	1	Callison et al. 1996
49	50-80-03442	well	1	Callison et al. 1996
50	50-80-03442	well	1	Callison et al. 1996
51	50-80-03442	well	1	Callison et al. 1996
52	50-80-03442	well	1	Callison et al. 1996
53	50-80-03442	well	1	Callison et al. 1996
54	50-80-03442	well	1	Callison et al. 1996
55	50-80-03442	well	1	Callison et al. 1996
56	50-80-03442	well	1	Callison et al. 1996
57	50-80-03442	well	1	Callison et al. 1996
58	50-80-03442	well	1	Callison et al. 1996
59	50-80-03442	well	1	Callison et al. 1996
60	50-80-03442	well	1	Callison et al. 1996

Post Contact & Mahele Period (1778-1864)

Kuleana walls, exclosures, and continuously occupied prehistoric sites are evident from this period



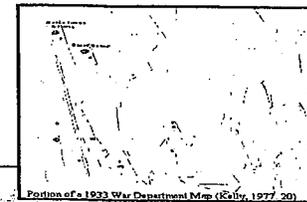
Site 4536, well



Site 4630 with spring,
LCA 9706:2 to Kauh

Ranching Era (1864-1929)

walls, wells, and pens remain of the cattle ranching era

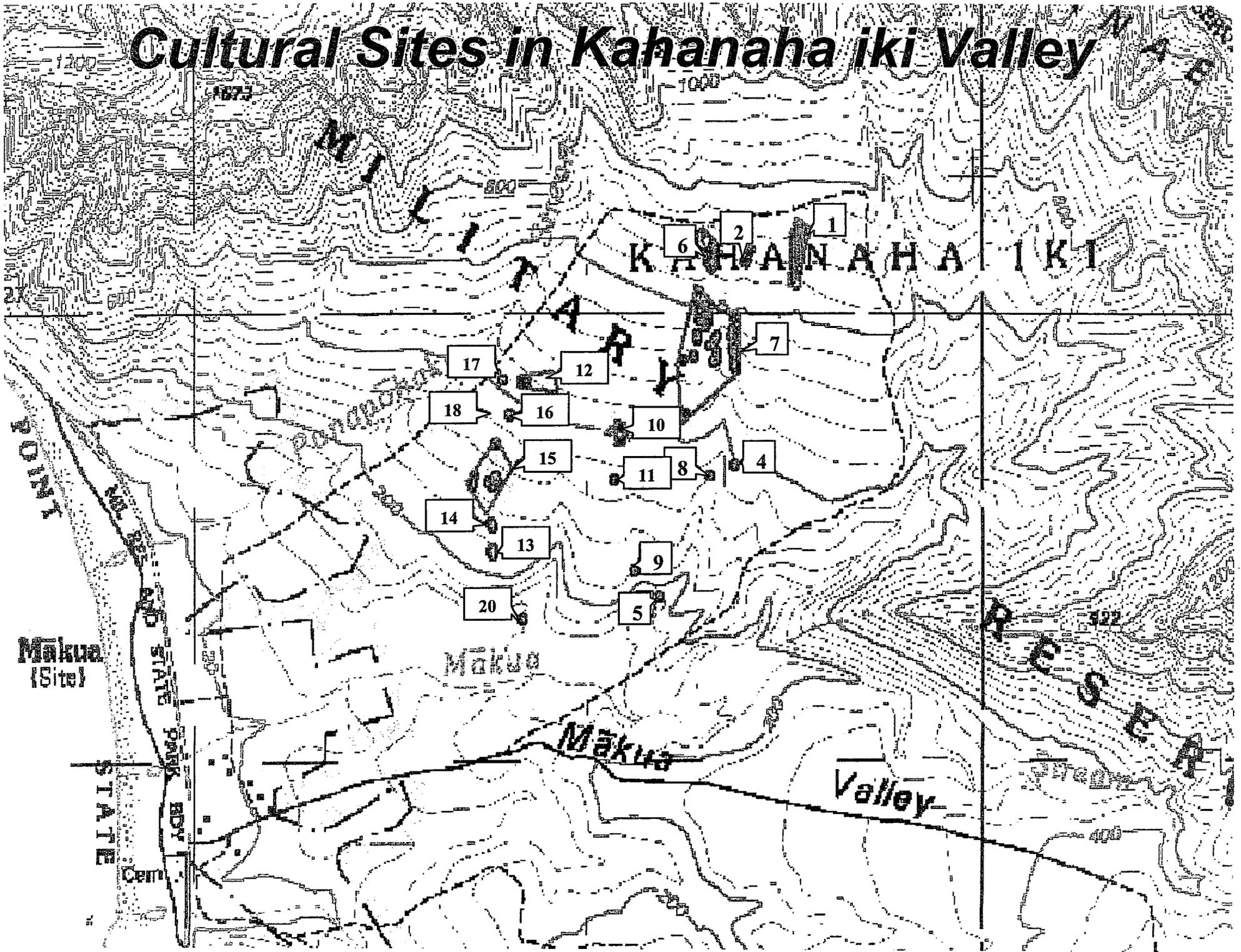


Portion of a 1933 War Department Map (Rally, 1977:20)



State Site #	Description From Survey Report	Number of Features	Site Cluster Number	Priority For Access
178	Kumuakuopio Heiau	1	Kumuakuopio Heiau	Accessible
4537	mounds/wall	15	Makua Valley Complex Makai	Accessible
4541	walls	12	"	Accessible
4542	ag/hab complex	45	"	Accessible
4543	ag/hab complex	29	"	Accessible
4544	ag/hab complex	27	"	Accessible
4545	ag/hab complex	4	"	Accessible
4546	poss. shrine/encl.	3	"	Accessible
4547	mounds/wall	4	"	Accessible
4538	military & C-shape	4	"	Accessible
4539	retaining wall	1	Imu Complex	Accessible
5456	imu complex	11	"	Accessible
180	Kaahihi Heiau	1	Kaahihi Heiau	Accessible
5927	walls	13	"	Accessible
181	Ukanipo Heiau	44	Ukanipo Heiau	Accessible
4536	walls/well	3	Well/aquaduct Complex	Accessible
5923	ag/hab complex	37	Koiahi Gulch Complex	Occasional access w. EOD
5924	terraces	2	"	Occasional access w. EOD
5595	wall/enclosure	2	"	Occasional access w. EOD
5775	ag/hab complex	123	Ukanip[o Heiau Complex	
5776	ag/hab complex	116	"	
5777	mound	1	"	
5778	encl/mounds	10	"	
5929	military complex	3	Kahanahaiki Platform Complex	
5930	platforms	2	"	
5931	wall	1	"	
5932	path	1	"	
9533	platform/wall	2	"	
4540	mid-valley complex	29	Mid-Makua Valley Complex	
5587	mid-valley complex	4	"	
5588	mid-valley complex	1	"	
5589	mid-valley complex	2+	"	
5590	mid-valley complex	3+	"	
4630	spring/walls	5	Ohikilolo Spring Complex	
5921	ag complex	5	"	
5922	ag complex	6	"	
4627	ag/shrine	30+	Makua Valley Complex Mauka	
4628	mound	1	"	
4629	ag complex	1+	"	
5920	ag complex	50+	"	
5925	ag complex	20+	Ohikilolo/Kaneana Cave Complex	
5926	well/ag/hab	11	"	
5734	temp shelter	1	"	
5735	lithic scatter	1	"	
9525	wall	1	"	
5928	ag wall	1	North Makua Stream Complex	
9521	ag terraces	1+	Punapohaku Stream Complex	
9522	terraces/walls	1+	Kahanahaiki Complex Mauka	
9523	hab complex	1+	Spring Complex	
9518	trail	1	Makua Trail	
new	Occupation/ag/heiau complex	100+	Kahanahaiki Mid-Valley Complex	

Cultural Sites in Kahanahiki Valley



GANDA Site No.	No. of Features	Feature No.	Formal Type	Tentative Function	Probable age	Preliminary Recommendations
1	12		complex	Agriculture	pre-Contact	phase II
2	unknown		complex	agriculture	pre-Contact	no further work
3	unknown		complex			
4	1		mound	agriculture/land clearing	post-Contact	no further work
5	2		complex	possible habitation	pre-Contact	phase II
6	6		complex	military/agriculture	modern (< 50 yrs) pre-Contact	phase II/no further work
7	42		complex	permanent habitation/ agriculture/poss. burial military	modern (< 50 yrs)/ pre-Contact	phase II/no further work
8	3		complex	ceremonial	pre-Contact	phase II
9	1		wall	dam	post-Contact	phase II
10	2		complex	possible burial/ceremonial	pre-Contact	phase II
11	2		complex	habitation	pre-Contact	phase II
12	2		complex	agriculture	pre-Contact	phase II
13	4		complex	agriculture	pre-Contact	phase II
14	3		terrace	agriculture	pre-Contact	phase II
15	14		complex	permanent habitation/ agriculture/military	pre-Contact/ modern (< 50 yrs)	phase II/no further work
16	1		enclosure	agriculture	pre-Contact	phase II
17	1		enclosure	agriculture	pre-Contact	phase II
18	1		enclosure	agriculture	pre-Contact	phase II
19	1		C-shape	habitation (poss)	pre-Contact?	phase II
20	3		complex	burial (poss)	post-Contact?	phase II

- The laboratory's accreditation and inclusion of part 1303 in its scope remains in effect through the effective date for mandatory third party certification to the lead paint ban.

Testing performed by a firewalled laboratory prior to Commission acceptance of its accreditation cannot be used as the basis for certification pursuant to CPSA § 14(a)(3)(B)(i) of compliance with the lead paint ban by a manufacturer or private labeler with a 10 percent or greater ownership interest in the laboratory.

Dated: September 16, 2008.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. E8-22167 Filed 9-19-08; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Cancellation of Environmental Impact Statement

AGENCY: Department of Air Force, DoD.

ACTION: Notice of cancellation of Environmental Impact Statement.

SUMMARY: The Department of the Air Force is canceling the preparation of an Environmental Impact Statement (EIS) for the proposed Common Battlefield Airmen Training (CBAT) Program. The Air Force proposed implementing the CBAT Program at one of three Air Force installations: Moody Air Force Base (AFB), near Valdosta, GA; Barksdale AFB in Bossier City, LA; and Arnold AFB near Manchester, TN.

The Air Force published two previous **Federal Register** notices on this proposal:

- Notice of Intent (NOI)—FR November 14, 2006 (Volume 71, Number 219, pg. 66313–66314)
- Notice of Availability (NOA)—FR June 28, 2007 (Vol. 72, No. 110, pg. 31822)—Environmental Protection Agency (EPA) Weekly receipt of Environmental Impact Statements

FOR FURTHER INFORMATION CONTACT: Ms. Debra Harkiewicz, HQ AETC/A7CVI, 266 F Street W., Bldg 901, Randolph, AFB, TX 78150—(210) 652-3959.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E8-22046 Filed 9-19-08; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability (NOA) of the Supplemental Draft Environmental Impact Statement (SDEIS) for Military Training Activities at Makua Military Reservation (MMR), Hawaii

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Army proposes to conduct live-fire military training exercises at MMR, Oahu, Hawaii, for units assigned to the 25th Infantry Division (25th ID) and for other military components. Other military components that have used MMR in the past include the Marine Corps, Army Reserves, and the Hawaii Army National Guard. The training proposed for MMR includes company-level, combined arms live-fire exercises and convoy live-fire training. The SDEIS addresses, among other things, the potential direct, indirect, and cumulative environmental impacts associated with the proposal to conduct military training activities at MMR. The Army has prepared the SDEIS pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), Environmental Analysis of Army Actions (32 CFR Part 651).

DATES: The public comment period for the SDEIS will end 45 days after publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: Please send written comments on the SDEIS to: U.S. Army Garrison, Hawaii. ATTN: Public Affairs Office, 742 Santos Dumont, WAAF, Schofield Barracks, HI 96857. E-mail comments should be sent to: usaghipaomakuaEIS@hawaii.army.mil.

FOR FURTHER INFORMATION CONTACT: U.S. Army Garrison, Hawaii, at (808) 656-3152; or by facsimile at (808) 656-3162.

SUPPLEMENTARY INFORMATION: This EIS was originally published as a draft in 2005. The Army made several changes to the EIS in response to public comments including the evaluation of an additional training alternative at the Pohakuloa Training Area (PTA). The Army is republishing the EIS as a supplemental draft to seek public comment.

The SDEIS analyzes four alternatives to accomplish the proposed training in the State of Hawaii: MMR Alternative 1 (Reduced Capacity Use with Some Weapons Restrictions), MMR Alternative 2 (Full Capacity Use with

Some Weapons Restrictions), MMR Alternative 3 (Full Capacity Use with Fewer Weapons Restrictions), and PTA Alternative 4 (Full Capacity Use with Fewer Weapons Restrictions). Alternative 3 is the Army's Preferred Alternative. A No Action Alternative, under which no live fire military training would be conducted at MMR, was also evaluated.

For all alternatives (with the exception of No Action), the range would be used for 242 training days per year. MMR Alternative 1 (Reduced Capacity Use) involves conducting up to 28 company-level combined arms live-fire exercises (CALFEXs) per year and 100 convoy live-fire exercises per year. MMR Alternatives 2, 3, and 4 (Full Capacity Use) involve conducting up to 50 company-level CALFEXs per year and 200 convoy live-fire exercises per year. Weapon systems used for all training alternatives would be similar to those used during past training at MMR. MMR Alternative 2 incorporates the use of small arms tracer ammunition. MMR Alternative 3 (Preferred Alternative) adds tracer ammunition; inert, tube-launched, optically tracked, wire-guided (TOW) missiles; 2.75-inch rockets; and illumination munitions. PTA Alternative 4 would encompass training similar to that in Alternative 3.

Some of the major potential impacts discussed in the SDEIS are associated with contamination of soil; surface water and groundwater quality; air quality; cultural sites; natural resources; endangered and threatened species; noise; recreational resources; wildfires; and the safety and transport of munitions through the Waianae community. The Army would phase in certain training activities and ammunition types as steps are taken to conserve endangered species.

Copies of the SDEIS are available at the following libraries on the islands of Oahu and Hawaii: Hawaii State Library, 478 South King Street, Honolulu; Wahiawa Public Library, 820 California Avenue, Wahiawa; Waianae Public Library, 85-625 Farrington Highway, Waianae; and the Pearl City Public Library, 1138 Waimano Home Road, Pearl City; Hilo Public Library, 300 Waianuenu Avenue, Hilo; Kailua-Kona Public Library, 75-138 Hualalai Road, Kailua-Kona; Thelma Parker Memorial Public and School Library, 67-1209 Mamalahoa Hwy. Kamuela.

The Army invites the general public, local governments, other federal agencies, and state agencies to submit written comments or suggestions concerning the alternatives and analysis addressed in the SDEIS. An electronic version of the SDEIS is available for

download at the following Web site:
<http://www.garrison.hawaii.army.mil/makuaeis>.

Public meetings will be held during the 45-day comment period. The exact locations, times and dates of the public meetings will be announced in advance through notices and media news releases. A Final EIS will be published following the close of the comment period on the SDEIS and incorporation of public comments.

Dated: September 12, 2008.

Addison D. Davis, IV,

*Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health).*

[FR Doc. E8-21942 Filed 9-19-08; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy. U.S. Patent Number 5,520,331 entitled "Liquid atomizing nozzle", issued on May 28, 1996. U.S. Patent Number 5,721,632 entitled "Excited state polarization altering optical filter", issued on February 24, 1998. U.S. Patent Number 5,822,047 entitled "Modulator LIDAR system", issued October 13, 1998. U.S. Patent Number 6,125,270 entitled "Verification system for transmitters and command tone generators", issued on September 26, 2000. U.S. Patent Number 6,241,164 entitled "Effervescent liquid fine mist apparatus and method", issued June 5, 2001. U.S. Patent Number 6,249,241 entitled "Marine vessel traffic system", issued on June 19, 2001. U.S. Patent Number 6,411,450 entitled "Method of assessing the effectiveness of a laser eye protection device", issued on June 25, 2002. U.S. Patent Number 6,484,072 entitled "Embedded terrain awareness warning system for aircraft", issued on November 19, 2002. U.S. Patent Number 6,485,142 entitled "Artificial human eye and test apparatus", issued on November 26, 2002. U.S. Patent Number 6,557,570 entitled "Portable apparatus for cleaning a conduit and method for cleaning a conduit", issued on May 6, 2003. U.S. Patent Number 6,598,802

entitled "Effervescent liquid fine mist apparatus and method", issued on July 29, 2003. U.S. Patent Number 6,659,963 entitled "Apparatus for obtaining temperature and humidity measurements", issued on December 9, 2003. U.S. Patent Number 7,010,339 entitled "Hybrid lidar-radar for medical diagnostics", issued on March 7, 2006. U.S. Patent Number 7,025,304 entitled "Helicopter messenger cable illumination", issued on April 11, 2006. U.S. Patent Number 7,156,161 entitled "Lightweight thermal heat transfer apparatus", issued on January 2, 2007. U.S. Patent Number 7,176,812 entitled "Wireless blade monitoring system and process", issued on February 13, 2007. U.S. Patent Number 7,180,442 entitled "Target identification method using cepstral coefficients", issued on February 20, 2007. U.S. Patent Number 7,225,999 entitled "Spray array apparatus", issued on June 5, 2007. U.S. Patent Number 7,239,311 entitled "Global Visualization Process (GVP) and system for implementing a GVP", issued on July 3, 2007. U.S. Patent Number 7,284,600 entitled "Process of making a light weight thermal heat transfer apparatus", issued on October 23, 2007. U.S. Patent Number 7,331,183 entitled "Personal portable environmental control system", issued on February 19, 2008. U.S. Patent Number 7,380,467 entitled "Bond integrity tool", issued on June 3, 2008. U.S. Patent Application Number 11/220,189 filed on September 1, 2005, Navy Case Number 76519 entitled "Method for reducing hazards". U.S. Patent Application Number 10/956,522 filed on September 23, 2004, Navy Case Number 83683 entitled "Method for comparing tabular data". U.S. Patent Application Number 12/136,427 filed on June 10, 2008, Navy Case Number 83687 entitled "System analysis modeling apparatus and method". U.S. Patent Application Number 11/845,684 filed on January 26, 2006, Navy Case Number 96334 entitled "Radically compressive rope assembly". U.S. Patent Application Number 11/973,986 filed on October 15, 2007, Navy Case Number 97027 entitled "System for isolating faults between electrical equipment". U.S. Patent Application Number 11/900,143 filed on September 5, 2007, Navy Case Number 97946 entitled "Optical bench fiber optic transmitter". U.S. Patent Application Number 12/056,707 filed on March 28, 2008, Navy Case Number PAX03 entitled "Parachute Opening Shock Emulator (POSE)". U.S. Patent Application Number 12/111,434 filed on April 30, 2008, Navy Case Number PAX04 entitled "Counter measure

expendable load simulator". U.S. Patent Application Number 12/114,063 filed on May 2, 2008, Navy Case Number PAX05 entitled "Variable intensity LED illumination system". U.S. Patent Application Number 12/113,387 filed on May 1, 2008, Navy Case Number PAX08 entitled "Method and system for alerting aircrew to unsafe vibration levels".

ADDRESSES: Request for data and inventor interviews should be directed to Mr. Paul Fritz, Naval Air Warfare Center Aircraft Division, Business Office, Office of Research and Technology Applications, Building 505; Room 116, 22473 Millstone Road, Patuxent River, MD 20670, telephone: 301-342-5586 or e-mail: Paul.Fritz@navy.mil.

DATES: Request for data, samples, and inventor interviews should be made prior to November 03, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Fritz, Office of Research and Technology Applications, Building 505; Room 116, Naval Air Warfare Center Aircraft Division, 22473 Millstone Road, Patuxent River, MD 20670, Telephone: 301-342-5586, Paul.Fritz@navy.mil.

SUPPLEMENTARY INFORMATION: The U.S. Navy intends to move expeditiously to license these inventions. All licensing application packages and commercialization plans must be returned to Naval Air Warfare Center Aircraft Division, Business Office, Office of Research and Technology Applications, Building 505; 22473 Millstone Road, Patuxent River, MD 20670.

The Navy, in its decisions concerning the granting of licenses, will give special consideration to existing licensees, small business firms, and consortia involving small business firms. The Navy intends to ensure that its licensed inventions are broadly commercialized throughout the United States.

PCT application may be filed for each of the patents as noted above. The Navy intends that licensees interested in a license in territories outside of the United States will assume foreign prosecution and pay the cost of such prosecution.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: September 15, 2008.

T.M. Cruz,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8-22043 Filed 9-19-08; 8:45 am]

BILLING CODE 3810-FF-P

Summary: No formal comment letter was sent to the preparing agency.
 EIS No. 20080301, ERP No. F-BLM-
 J65494-UT, Richfield Field Office
 Resource Management Plan,
 Implementation, Future Management
 of the Public Lands and Resource,
 Glen Canyon National Recreation
 Area, Capitol Reef and Canyonlands
 National Parks, Sanpete, Sevier, Piute,
 Wayne and Garfield Counties, UT.

Summary: EPA continues to have
 concerns with potential impacts to air
 quality, riparian and wetlands
 resources, and water quality.

EIS No. 20080306, ERP No. F-AFS-
 H65037-00, Nebraska and South
 Dakota Black-Tailed Prairie Dog
 Management, To Manage Prairie Dog
 Colonies in an Adaptive Fashion,
 Nebraska National Forest and
 Associated Units, Including Land and
 Resource Management Plan
 Amendment 3, Dawes, Sioux, Blaines
 Counties, NE and Custer, Fall River,
 Jackson, Pennington, Jones, Lyman,
 Stanley Counties, SD.

Summary: No formal comment letter
 was sent to the preparing agency.

Dated: September 16, 2008.

Ken Mittelholtz,

*Environmental Protection Specialist, Office
 of Federal Activities.*

[FR Doc. E8-21957 Filed 9-18-08; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION
 AGENCY**

[ER-FRL-8585-7]

**Environmental Impacts Statements;
 Notice of Availability**

Responsible Agency: Office of Federal
 Activities, General Information (202)
 564-1399 or [http://www.epa.gov/
 compliance/nepa/](http://www.epa.gov/compliance/nepa/).

**Weekly Receipt of Environmental
 Impact Statements**

Filed 09/08/2008 through 09/12/2008.
 Pursuant to 40 CFR 1506.9.

EIS No. 20080352, Draft Supplement,
 COE, 00, White River Minimum Flood
 Study, To Provide an Improved
 Minimum Flow for the Benefit of the
 Tail Water Fishery, White River Basin
 Lakes: Beaver, Table Rock, and Bull
 Shoal Lakes on the White River;
 Norfork Lake on the North Fork White
 River; and Greens Ferry Lake on the
 Little Red River, AR and MO,
Comment Period Ends: 11/03/2008,
Contact: Mike Biggs 501-324-7342.

EIS No. 20080353, Draft Supplement,
 AFS, 00, Gypsy Moth Management in
 the United States: A Cooperative

Approach, Proposing New Treatments
 that were not Available when the
 1995 EIS was written, US, *Comment
 Period Ends:* 11/03/2008, *Contact:*
 William Oldland 304-285-1585.

EIS No. 20080354, Final EIS, NPS, VA,
 Manassas National Battlefield Park
 General Management Plan,
 Implementation, Fairfax and Prince
 William Counties, VA, *Wait Period
 Ends:* 10/20/2008, *Contact:* Bill
 Arguto 202-619-7277.

EIS No. 20080355, Final EIS, AFS, OR,
 Ashland Forest Resiliency Project, To
 Recover from Large-Scale High-
 Severity Wild Land Fire, Upper Bear
 Analysis Area, Ashland Ranger
 District, Rogue River-Siskiyou
 National Forest, Jackson County, OR,
Wait Period Ends: 10/20/2008,
Contact: Ken Grigsby 541-618-2126.

EIS No. 20080356, Draft Supplement,
 AFS, CA, Kings River Project, New
 Information regarding Pacific Fisher
 (*Martes pennanti*), Proposal to Restore
 Historical Pre-1850 Forest Conditions,
 Implementation, High Sierra Ranger
 District, Sierra National Forest, Fresno
 County, CA, *Comment Period Ends:*
 11/03/2008, *Contact:* Ray Porter 559-
 855-5355.

EIS No. 20080357, Draft EIS, FRC, CA,
 Big Creek Hydro Project (FERC Nos.
 67, 120, 2085, and 2175) Proposes to
 Relicenses, Big Creek Nos. 2A, 8 and
 Eastwood—FERC No. 67; Big Creek
 Nos. 1 and 2—FERC No. 2175;
 Mammoth Pool—FERC No. 2085 and
 Big Creek No. 3 FERC No. 120, Fresno
 and Madera Counties, CA, *Comment
 Period Ends:* 11/03/2008, *Contact:*
 Patricia Schaub 1-866-208-3372.

EIS No. 20080358, Final EIS, SFW, TX,
 Williamson County Regional Habitat
 Conservation Plan, Application for an
 Incidental Take Permit, Williamson
 County, TX, *Wait Period Ends:* 10/20/
 2008, *Contact:* Bill Seawell 512-490-
 0057.

EIS No. 20080359, Final EIS, BIA, WY,
 Riverton Dome Coal Bed Natural Gas
 (CBNG) and Conventional Gas
 Development Project, Construction of
 Well Pads, Roads, Pipelines, and
 Production Facilities, Wind River
 Indian Reservation (WRIR), Fremont
 County, WY, *Wait Period Ends:* 10/20/
 2008, *Contact:* Ray Nation 307-332-
 3718.

EIS No. 20080360, Draft EIS, NOA, 00,
 Amendment 1 to the 2006
 Consolidated Highly Migratory
 Species (HMS) Fishery Management
 Plan, (FMP), Updating and Revising
 Essential Fish Habitat (EFH) for
 Atlantic Highly Migratory Species
 (HMS) consider additional Habitat
 Area of Particular Concern (HAPC)
 and Analyze Fishing Impacts,

Chesapeake Bay, MD, Delaware Bay,
 DE, Great Bay, NJ and Outer Bank off
 NC, *Comment Period Ends:* 11/18/
 2008, *Contact:* Margo Schulze-Haugen
 301-713-2347.

EIS No. 20080361, Draft Supplement,
 USA, HI, Makua Military Reservation
 (MMR) Project, Proposed Military
 Training Activities, To Conduct the
 Necessary Type, Level, Duration, and
 Intensity of Live-Fire and other
 Military Training Activities, in
 Particular Company-Level Combined-
 Arms, Live-Fire Exercises (CALFEX),
 25th Infantry Division (Light) and US
 Army, HI, *Comment Period Ends:* 11/
 03/2008, *Contact:* Dennis Drake 808-
 656-3152.

EIS No. 20080362, Final EIS, AFS, CO,
 Durango Mountain Resort
 Improvement Plan, Special-Use-
 Permits, Implementation, San Juan
 National Forest, La Plata and San Juan
 Counties, CO, *Wait Period Ends:* 10/
 20/2008, *Contact:* Richard Speegle
 970-375-3310.

EIS No. 20080363, Final EIS, AFS, CA,
 Modoc National Forest Noxious Weed
 Treatment Project, Proposes to
 Implement a Control and Eradication
 Project, Lassen, Modoc and Siskiyou
 Counties, CA, *Wait Period Ends:* 10/
 20/2008, *Contact:* Robert Haggard
 530-233-8840.

Amended Notices

EIS No. 20080296, Final EIS, FHW, TX,
 Grand Parkway (State Highway 99)
 Selected the Preferred Alternative
 Alignment, Segment F-2 from SH 249
 to IH 45, Right-of-Way Permit and
 U.S. Army COE Section 404 Permit,
 Harris County, TX, *Wait Period Ends:*
 11/07/2008, *Contact:* Justin Ham 512-
 536-5963.

Revision to FR Notice Published 08/
 08/2008. Extending Wait Period from
 09/17/2008 to 11/07/2008.

EIS No. 20080322, Final EIS, NRC, GA,
 Vogtle Electric Generating Plant Site,
 Early Site Permit (ESP), for the
 Construction and Operation of a new
 Nuclear Power Generating Facility
 Application Approval, Burke County,
 GA NUREG 1872, *Wait Period Ends:*
 10/20/2008, *Contact:* Mark D. Notich
 301-415-3053.

Revision to FR Notice Published 08/
 22/2008: Due to Agency submitting
 Errata to the Final EIS, the Wait Period
 will change from 9/22/2008 to 10/20/
 2008.

Dated: September 16, 2008.

Ken Mittelholtz,

*Environmental Protection Specialist, Office
 of Federal Activities.*

[FR Doc. E8-21956 Filed 9-18-08; 8:45 am]

BILLING CODE 6560-50-P

**NOTICE OF AVAILABILITY OF THE SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT (SDEIS) FOR MILITARY
TRAINING ACTIVITIES AT MAKUA MILITARY RESERVATION, HAWAII**

September 19, 2008

The Department of the Army announces the availability of the SDEIS for Military Training Activities at Makua Military Reservation (MMR), Hawaii, published in today's *Federal Register*.

The Army is committed to ensuring that its operations respect the environment and cultural resources, while simultaneously maximizing the readiness of its forces. Accordingly, the Army is publishing an SDEIS to ensure the public has an additional opportunity to review and comment on this very important matter.

The original Draft Environmental Impact Statement was issued in 2005 but several developments over the past three years have necessitated a new draft. Public comments to this new draft will be considered in preparing a final statement and decision by the Army on Makua's future use.

The SDEIS includes changes to the 2005 document after receiving public input. These include analyzing the cumulative impact of stationing additional Army units and Stryker combat vehicles in Hawaii; an alternative to use Pohakuloa Training Area on the Big Island; additional clearance of unexploded ordnance and cultural access at Makua; and Army responses to a new 2007-08 biological opinion regarding Makua.

The SDEIS includes a 45-day public comment period and four public hearings, after which the Army will thoroughly review all public comments, and use those to assist in the preparation of a Final EIS. The Army expects to issue the Final EIS in the spring of 2009.

The Army invites the general public, local governments, other federal agencies, and state agencies to submit written comments or suggestions concerning the alternatives and analysis addressed in the SDEIS. An electronic version of the SDEIS is available at the following website: <http://www.garrison.hawaii.army.mil/makuaeis>.

Copies of the SDEIS will be available at the following libraries on the islands of Oahu and Hawaii: Hawaii State Library, 478 South King Street, Honolulu; Wahiawa Public Library, 820 California Avenue, Wahiawa; Waianae Public Library, 85-625 Farrington Highway, Waianae; and the Pearl City Public Library, 1138 Waimano Home Road, Pearl City; Hilo Public Library, 300 Waianuenue Avenue, Hilo; Kailua - Kona Public Library, 75-138 Hualalai Road, Kailua-Kona; Thelma Parker Memorial Public and School Library, 67-1209 Mamalahoa Hwy. Kamuela.

Over the next 45 days, public comments may be submitted on-line at www.garrison.hawaii.army.mil/makuaeis; by fax to (808)656-3162; by email to usahipaomakuaeis@hawaii.army.mil; or by USPS mail to:

Attn: Makua EIS-Public Comments
742 Santos Dumont, WAAF
Schofield Barracks, HI 96857