

Another example of cultural resources are areas that American Indians and Alaska Natives use for subsistence activities (e.g., hunting, fishing). (**Note:** Specific requirements for determining if a particular feature is a cultural resource may be found in the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Archeological Resources Protection Act, Executive Order 13007, and the American Indian Religious Freedom Act.).

*Defense site* means locations that are or were owned by, leased to, or otherwise possessed or used by the Department of Defense. The term does not include any operational range, operating storage or manufacturing facility, or facility that is used for or was permitted for the treatment or disposal of military munitions. (10 U.S.C. 2710(e)(1)).

*Department of Defense (DoD) Components* means the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, the DoD Field Activities, and any other DoD organizational entity or instrumentality established to perform a government function.

*Discarded military munitions (DMM)* means military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of, consistent with applicable environmental laws and regulations. (10 U.S.C. 2710(e)(2)).

*Ecological resources* means: (1) A threatened or endangered species (designated under the Endangered Species Act (ESA)) is present on the munitions response site; or (2) the munitions response site is designated under the ESA as critical habitat for a threatened or endangered species; or (3) there are identified sensitive ecosystems such as wetlands or breeding grounds present on the munitions response site.

*Former* (as in "former range") means the munitions response site is a location that was: (1) Closed by a formal decision made by the DoD Component with administrative control over the location, or (2) put to a use incompatible with the presence of UXO, DMM, or MC.

*Historical evidence* means that the investigation: (1) Found written documents or records, or (2) documented interviews of persons with knowledge of site conditions, or (3) found and verified other forms of information.

*In the subsurface* means the munition or CWM is: (1) Entirely beneath the ground surface, or (2) fully submerged in a water body.

*Military munitions* means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. The term includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, except that the term does include non nuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*) have been completed. (10 U.S.C. 2710(e)(3) and 40 CFR 260.10)

*Military range* means designated land and water areas set aside, managed, and used to research, develop, test, and evaluate military munitions, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas. (40 CFR 266.201).

*Munitions constituents (MC)* means any materials originating from unexploded ordnance, discarded military munitions, or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions. (10 U.S.C. 2710(e)(4))

*Munitions response* means response actions, including investigation, removal actions, and remedial actions, to address the explosives safety, human health, or environmental risks presented by UXO, DMM, or MC.

*Munitions response area (MRA)* means any area on a defense site that is known or suspected to contain UXO,

DMM, or MC. Examples include former ranges or munitions burial areas. An MRA is comprised of one or more munitions response sites.

*Munitions response site (MRS)* means a discrete location within an MRA that is known to require a munitions response.

*On the surface* means the munition or CWM is: (1) Entirely or partially exposed above the ground surface, or (2) entirely or partially exposed above the surface of a water body (e.g., as a result of tidal activity).

*Operational range* means a military range that is used for range activities, or a military range that is not currently being used but that is still considered by the Secretary to be a range area, is under the jurisdiction, custody, or control of the Department of Defense, and has not been put to a new use that is incompatible with range activities. (10 U.S.C. 2710(e)(5)).

*Physical evidence* means: (1) Recorded observations from on-site investigations, such as finding intact UXO or DMM, or components, fragments, or other pieces of military munitions, or (2) the results of field or laboratory sampling and analysis procedures, or (3) the results of geophysical investigations.

*Practice munitions* means munitions that contain an inert filler (e.g., wax, sand, concrete), a spotting charge (i.e., a pyrotechnic charge), and a fuze. For a munition to be classified as a "practice munition," the fuze cannot be considered "sensitive."

*Range activities* means research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and the training of military personnel in the use and handling of military munitions, other ordnance, and weapons systems.

*Small arms ammunition* means ammunition that is .50 caliber or smaller and shotgun shells.

*Unexploded ordnance (UXO)* means military munitions that: (1) Have been primed, fuzed, armed, or otherwise prepared for action; (2) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and (3) remain unexploded either by malfunction, design, or any other cause. (10 U.S.C. 2710(e)(9) and 40 CFR 266.201).

*United States* means, in a geographic sense, the States, territories, and possessions and associated navigable waters, contiguous zones, and ocean waters of which the natural resources are under the exclusive management authority of the United States. (10 U.S.C. 2710(e)(10)).