

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

Between July 2 and July 27, 1909, cultural items were excavated from coastal shell middens on Sawyer's Island, Lincoln County, ME, by Professor F.B. Loomis. A document in the Amherst College Archives, Pratt Museum Papers, titled "Field Record of Specimens from 'Sawyer's Island First Digging,' a Paleo-Indian Site", gives the provenience for the materials he collected. This document shows that, among many other faunal and cultural objects, Loomis found one human jaw with five teeth. This jaw is no longer in the possession of the Amherst College Museum of Natural History; the date and circumstances under which these partial human remains left the museum collections are unknown. The 69 cultural items in this notice may have been associated with the now missing human remains. It is not known whether the cultural items come from the same burial or the same site as the partial human remains; only that all of the cultural items come from Sawyer's Island middens and were excavated in the same month. Consultation with the Wabanaki Intertribal Repatriation Committee, a non-Federally recognized Indian group, which represents the Federally-recognized Aroostook Band of Micmac Indians of Maine, Houlton Band of Maliseet Indians of Maine, Passamaquoddy Tribe of Maine, and Penobscot Tribe of Maine, indicates that they consider the objects could have been funerary, and therefore, are unassociated funerary objects as defined by 25 U.S.C. 3001. The 69 unassociated funerary objects are 31 bone awls, 11 bone tools, 9 horn tools, 6 stone tools, 6 stone arrow or spear heads, 3 celts, 1 stone amulet, 1 tooth pendant, and 1 bone harpoon point.

Loomis interpreted the material collected on Sawyer's Island to be Algonquin and the people of the middens to be related to the present-day Abnakis of Maine, (see Loomis & Young, *American Journal of Science*, v. 34, p. 41). Loomis concluded that the middens were built between 200 to 400 years prior to European contact, A.D. 1627, (see Loomis, *American Journal of Science*, v. 31, p. 227). According to Dr. John Stubbs, Jr., Peabody Museum of Archeology and Ethnology, the presence of pottery fragments found within the

Sawyer's Island midden suggests the human remains and cultural items are most likely less than 2,700 years old. The Federally-recognized Aroostook Band of Micmac Indians of Maine, Houlton Band of Maliseet Indians of Maine, Passamaquoddy Tribe of Maine, and Penobscot Tribe of Maine, represented by the Wabanaki Intertribal Repatriation Committee, a non-Federally recognized Indian group, are widely recognized as having a shared cultural relationship with the people of the Ceramic Period of Maine (2,000 B.P. to European contact).

Officials of the Amherst College Museum of Natural History have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 69 cultural items 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 Amherst College Museum of Natural History 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 unassociated funerary objects and the Federally-recognized Aroostook Band of Micmac Indians of Maine, Houlton Band of Maliseet Indians of Maine, Passamaquoddy Tribe of Maine, and Penobscot Tribe of Maine, which are represented by the Wabanaki Intertribal Repatriation Committee, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Tekla A. Harms, Repatriation Coordinator & Professor of Geology, Department of Geology, Amherst College, Amherst, MA 01002, telephone (413) 542-2711, before January 8, 2010. Repatriation of the unassociated funerary objects to the Aroostook Band of Micmac Indians of Maine, Houlton Band of Maliseet Indians of Maine, Passamaquoddy Tribe of Maine, and Penobscot Tribe of Maine may proceed after that date if no additional claimants come forward.

The Amherst College Museum of Natural History is responsible for notifying the Aroostook Band of Micmac Indians of Maine, Houlton Band of Maliseet Indians of Maine, Passamaquoddy Tribe of Maine, and Penobscot Tribe of Maine that this notice has been published.

Dated: November 9, 2009.

**David Tarler,**

*Acting Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: Denver Museum of Nature & Science, Denver, CO

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

**ACTION:** Notice.

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 cultural items. The National Park Service is not responsible for the determinations in this notice.

The five cultural items are Navajo *jish*, represented by three medicine bundles (AC.11423A-J; AC.11424A-R; AC.11425A-L), one stone prayer club (AC.4918), and one fetish and its wrapping (AC.194A-B).

The first medicine bundle (AC.11423A-J) dates between about 1880 and 1920, and consists of one outer wrapping blanket (AC.11423A), two plain rattles (AC.11423B), three lightning rattles (AC.11423C), three eagle feather brushes (AC.11423D), eight medicine bows and arrows (AC.11423E), six small medicine bags (AC.11423F), and four horned hats (AC.11423G-J).

The second medicine bundle (AC.11424A-R) dates to an unknown period, and consists of one outer wrapping blanket (AC.11424A), four bullroarers (AC.11424B), three lightning rattles (AC.11424C), two small plain rattles (AC.11424D), four sacks of medicine (AC.11424E), one gourd rattle (AC.11424F), four prayer sticks and hide (AC.11424G), two small medicine bags (AC.11424H), one blue stone horse fetish (AC.11424I), one bag of minerals and grease (AC.11424J), four fetish amulets (AC.11424K), three painted shell pots (AC.11424L), eight medicine stones (AC.11424M), one turtle shell (AC.11424N), four claw necklaces (AC.11424O), two pairs of claw wristlets (AC.11424P-Q), and one pottery painted pot (AC.11424R).

The third medicine bundle (AC.11425A-L) dates between about 1880 and 1920, and consists of one outer wrapping blanket (AC.11425A); eight streamer racks made of wood,

metal, and cloth (AC.11425B); two streamers made of wood, metal, and cloth (AC.11425C); two eagle feather brushes (AC.11425D); one set of fire sticks (AC.11425E); two hide bags (AC.11425F); nine small medicine bags (AC.11425G); one corn meal basket tray (AC.11425H); two feather prayer sticks (AC.11425I); one small hide (AC.11425J); one medicine bow and arrow (AC.11425K); and one lynx hide (AC.11425L).

The three medicine bundles were originally sold by a Navajo medicine man named Mike Salt or Ushie, from Sawmill, AZ. He sold them to an art dealer named Don Pablo of Scottsdale, AZ, who in turn sold the objects to Mr. Charles M. Eberhart of the Western Trading Post, located in Denver, CO. Mr. and Mrs. Eberhart donated the bundles to the museum in 1974.

The stone prayer club (AC.4918) dates to an unknown period. It is made from black slate and is approximately 11 x 3 inches in size. The club was originally accessioned as "Alaskan," but then later changed to "probably Navajo." This change was based on a similar object on display at the Navajo Museum of Ceremonial Arts in Santa Fe, NM, which had a label reading "Ceremonial knife (slate) held by medicine man or patient during certain acts of various ceremonies and pressed against certain parts of the patient's body to expel evil." Furthermore, in 1978, two Navajo consultants visited the Denver Museum of Nature & Science, and explained that this item was "used ceremonially in prayer to ward off evil." In 1959, the stone prayer club was purchased by Francis V. and Mary W.A. Crane at Southwest Indian Arts & Crafts, Santa Fe, NM. The Cranes later donated the club to the museum in 1983.

The fetish and wrapping (AC.194A-B) date to an unknown period. It is a carved stone with turquoise, white stone and black stone inlay; shell pieces; feathers; yarn; hide (AC.194A); and one calico cloth (AC.194B). These objects were accessioned as a "Navajo" "talking prayerstick." In 1954, the fetish and wrapping were purchased by Francis V. and Mary W.A. Crane at Kohlberg's Antiques and Indian Arts, Denver, CO. The Cranes later donated the fetish and wrapping to the museum in 1972.

During consultation, representatives of the Navajo Nation provided detailed documentation to demonstrate Navajo rights of possession, and that the items are both objects of cultural patrimony and sacred objects. In particular, the tribe detailed that these Navajo *jish* are used in the *Na'at'oyéé* (The Male Shooting Way ceremony) and the *Hochiiji* (The Evil Way ceremony),

which are still widely practiced by members of the present-day Navajo tribe. The Navajo people believe that *jish* are alive and must be treated with respect. The primary purpose of the *jish* is to cure people of diseases, mental and physical illness, and to restore beauty and harmony. Furthermore, the Navajo Nation asserts that no single individual can truly own any *jish*. These sacred objects are made by knowledgeable Navajo people and *Hataaliis* (Medicine persons) from animals and plants that unselfishly contributed themselves for the benefit of the Navajo people and the universe. In order to possess sacred *jish*, one must have the proper ceremonial knowledge with which to care and utilize them. The right to control *jish* is outlined by traditional laws, which vests this responsibility in *Hataaliis*. The *Hataaliis* only care, utilize, and bequeath *jish* for the Navajo people. *Hataalii* do not have the right to sell *jish*, because they do not own them, they are only caretakers on behalf of the Navajo people.

The extant anthropological literature substantiates these claims. Medicine bags are made during ceremonies out of "sacred" materials, stored in special places, used only in prescribed ritual contexts, and hold myriad articles to which supernatural properties are attributed. Anthropologists have documented, in particular, the use of *jish* in the Male Shooting Way and Evil Way ceremonies, and the ways in which the medicine objects are linked to traditional myths. Anthropologists have further documented that medicine bundles are sacred items, fundamental to the practice of traditional Navajo religion. *Jish*, used for ceremonial healing, are unique from Western notions of medicine in part because of the special sacred properties believed to be imbued in the bundles. Further, unlike Western medical objects, Navajos consider the *jish* to be animate and, therefore, are subject to culturally-defined rules for handling. Therefore, museum officials reasonably believe that the *jish* is a sacred object.

While the anthropological literature seems to be unanimous that *jish* are sacred objects, some scholars have suggested that they are alienable possessions. However, other scholars have documented that some Navajos consider certain bundles to be "indestructible property" that are "ultimately owned by a definable social group." Other researchers emphasize that the medicine ceremonies belong to all Navajos and the bundles are cared for by entire clans. Additionally, some of the earliest documented efforts to collect *jish* (by Washington Matthews in

1888 and Stewart Culin in 1903), demonstrate that Navajos traditionally view *jish* as inalienable. Moreover, the courts have established that *jish* should be considered objects of cultural patrimony. In *United States v. Corrow*, 119 F.3d 796 (10th Cir. 1997), *cert. denied*, 522 U.S. 1133 (1998), the court held that *jish* fall within NAGPRA's definition of object of cultural patrimony. During consultation, the Navajo Nation insisted that the *jish* is a kind of clan property. When a holder of the *jish* dies and does not have a son or student to pass them on to, the *jish* reverts back to the clan. Therefore, museum officials reasonably believe that the *jish* is also an object of cultural patrimony.

Officials of the Denver Museum of Nature & Science have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the five cultural items are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Denver Museum of Nature & Science have also determined that, pursuant to 25 U.S.C. 3001 (3)(D), the five cultural items have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual. Lastly, officials of the Denver Museum of Nature & Science 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 sacred objects/objects of cultural patrimony and the Navajo Nation of Arizona, New Mexico & Utah.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred objects/objects of cultural patrimony should contact Dr. Chip Colwell-Chanthaphonh, Curator of Anthropology, NAGPRA Officer, Department of Anthropology, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO 80205, telephone (303) 370-6378, before January 8, 2010. Repatriation of the sacred objects/objects of cultural patrimony to the Navajo Nation of Arizona, New Mexico & Utah may proceed after that date if no additional claimants come forward.

The Denver Museum of Nature & Science is responsible for notifying the Navajo Nation of Arizona, New Mexico & Utah that this notice has been published.

Dated: November 9, 2009.

**David Tarler,**

*Acting Manager, National NAGPRA Program.*

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**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Intent to Repatriate Cultural Items: Paul H. Karshner Memorial Museum, Puyallup, 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 possession of the Paul H. Karshner Memorial Museum, Puyallup, WA, that meets the definition of "unassociated funerary objects" under 25 U.S.C. 3001.

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In 1937, two unassociated funerary objects were removed from a grave in Alaska, by Dr. Warner and Mrs. Ella Karshner while on a tourist cruise of southeast Alaska, and donated to the Paul H. Karshner Memorial Museum in 1938 (Catalog No. 1938.01.1-71). The objects are described in museum records as, "2 strings of old Russian beads from an Alaskan grave. Probably used in barter with Indians when Alaska belonged to Russia." The two necklaces are composed of glass beads of various colors. One necklace has faceted blue and round red beads (26" long); the other necklace has blue, green, white, red, black, and yellow round beads (66" long).

While there is no record of the exact location the funerary objects were obtained, the museum has a letter written by Mrs. Karshner describing the couple's 1937 Alaskan cruise on the *SS Cordova*, an Alaska Steamship Company (ASC) vessel. On their cruise, she noted they stopped for two weeks at Klawock, located on the west side of Prince of Wales Island. A 1936 Alaska Steamship Company route map confirms Klawock was a stop along their Seattle-Skagway-Sitka route. All of the other items donated by the Karshners from their

1937 Alaskan cruise were recorded as collected from southeast Alaska. Based on this evidence, the museum considers the objects to have been removed from a location along the Alaska Steamship Company's Seattle-Skagway-Sitka route in southeast Alaska.

The museum consulted with the Sealaska Corporation regarding these unassociated funerary objects. In 1971, the Sealaska Corporation was formed under the Alaska Native Claims Settlement Act, and its shareholders include Native residents of southeast Alaska and Native people who originated from southeast Alaska. Southeast Alaska is within the traditional territory of the Tlingit and Haida Alaskan Native groups (De Laguna 1990: 203-228; Whorl 1990:149-158 in *Handbook of North American Indians*, Vol. 7, Northwest Coast). Consultation evidence presented by the Sealaska Corporation supports the use of Russian trade beads among Alaskan Native Tlingit people as early as 1741, when the first contact between Tlingit people and Russians occurred (Dauenhauer, 2008). The beads became a symbol of wealth for Tlingit people who owned them, and it was a common practice among the Tlingit to inter beads with their deceased.

Officials of the Paul H. Karshner Memorial Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the two cultural items 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 an Native American individual. Officials of the Paul H. Karshner Memorial 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 unassociated funerary objects and the Sealaska Corporation.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Jay Reifel, Assistant Superintendent, Puyallup School District, telephone (253) 840-8971, or Ms. Beth Bestrom, Curator, Paul H. Karshner Memorial Museum, 309 4th St. NE, Puyallup, WA 98372, telephone (253) 841-8748, before January 8, 2010. Repatriation of the unassociated funerary objects to the Sealaska Corporation may proceed after that date if no additional claimants come forward.

The Paul H. Karshner Memorial Museum is responsible for notifying the

Sealaska Corporation that this notice has been published.

Dated: October 29, 2009.

**Richard C. Waldbauer,**

*Acting Manager, National NAGPRA Program.*

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**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, and Public Museum of West Michigan, Grand Rapids, MI**

**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. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Anchorage, AK, and in the possession of the Public Museum of West Michigan (Grand Rapids Public Museum), Grand Rapids, MI. The human remains and associated funerary objects were removed from Amaknak Island, Aleutians East Borough, AK.

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 Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains and associated funerary objects was made by the Bureau of Land Management, Alaska State Office, and the Grand Rapids Public Museum professional staff in consultation with representatives of the Ounalashka Corporation and Qawalangin Tribe of Unalaska.

In 1971, human remains representing a minimum of 15 individuals were removed from the Dutch Harbor Site on Amaknak Island, Aleutians East Borough, AK, during an expedition that was co-sponsored by the American Institute for Exploration, Western Michigan University, and the Public Museum of Grand Rapids. The expedition was directed by Western Michigan University faculty and Ted