

DEPARTMENT OF THE INTERIOR**National Park Service****[NPS-WASO-NAGPRA-12142; 2200-1100-665]****Notice of Intent To Repatriate Cultural Items: Rochester Museum & Science Center, Rochester, NY****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

SUMMARY: The Rochester Museum & Science Center, in consultation with the appropriate Indian tribe, has determined that the cultural items listed meet the definition of sacred objects and objects of cultural patrimony and repatriation to the Indian tribe stated below may occur if no additional claimants come forward. Representatives of any Indian tribe that believes itself to be culturally affiliated with the cultural items may contact the Rochester Museum & Science Center.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the cultural items should contact the Rochester Museum & Science Center at the above address by March 21, 2013.

ADDRESSES: George C. McIntosh, Director of Collections, Rochester Museum & Science Center, 657 East Ave., Rochester, NY 14607, telephone (585) 697-1906.

SUPPLEMENTARY INFORMATION: 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 six cultural items in the possession of the Rochester Museum & Science Center that meet the definitions of sacred objects and objects of cultural patrimony 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 cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Traditional religious leaders from the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) have identified six wampum items as being needed for the practice of traditional Native American religions by present-day adherents. In the course of consultations with tribal

NAGPRA representatives, it was shown that individuals who sold or donated the wampum items did not have the authority to alienate them to a third party or sell them directly to the Rochester Museum & Science Center. Museum documentation, supported by oral evidence presented during consultation, indicates that the following six wampum items are culturally affiliated with the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York):

(1) Invitation wampum, tally stick with 11 notches cut into it with four attached strands of purple and white shell bead wampum, collected by James P. Ditmars, Geneva, NY and purchased by George S. Conover, AE145/27.89.8;

(2) Council wampum composed of three strands of white glass and purple and white shell beads collected by Arthur C. Parker on the Tonawanda Reservation, AE2050/30.376.22;

(3) "Name Necklace" wampum composed of a 34 inch-long single strand of predominantly purple with several white shell beads collected by Laura Parker Doctor on the Tonawanda Reservation, AE2051/29.288.2;

(4) Condolence wampum composed of 16 strands of purple and white shell beads, "used by Iroquois council in raising up civil chiefs," collected by Everett R. Burmaster on the Tonawanda Reservation and purchased by Arthur C. Parker in 1934, AE2525/34.149.1;

(5) Council wampum composed of seven 18 inch-long strands of purple and white shell beads tied to a section of buckskin by a few pieces of red ribbon decorated with white glass beads, purchased from Robert Tahamont by Arthur C. Parker in 1935, and museum records state the wampum was from "village of Big Kettle, descendant of Sappy Jones" and "[t]he string traveled from Jones Bridge to Mt Morris," AE2960/35.173.1; and

(6) Gaiwiyo wampum, composed of 11-inch strands of white and purple shell beads collected by Arthur C. Parker on the Tonawanda Reservation in 1934, and museum records state "[u]sed by Indian Priest in preaching code of Handsome Lake," AE 2970/34.163.1.

Determination Made by the Rochester Museum & Science Center

Officials of the Rochester Museum & Science Center have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the six cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

- Pursuant to 25 U.S.C. 3001(3)(D), the six cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

- 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 and objects of cultural patrimony and the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York).

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred objects and objects of cultural patrimony should contact George C. McIntosh, Director of Collections, Rochester Museum & Science Center, 657 East Ave., Rochester, NY 14607, telephone (585) 697-1906 before March 21, 2013. Repatriation of the sacred objects and objects of cultural patrimony to the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) may proceed after that date if no additional claimants come forward.

The Rochester Museum & Science Center is responsible for notifying the Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York) that this notice has been published.

Dated: January 17, 2013.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2013-03660 Filed 2-15-13; 8:45 am]

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DEPARTMENT OF THE INTERIOR**National Park Service****[NPS-WASO-NAGPRA-12188; 2200-1100-665]****Notice of Intent To Repatriate Cultural Items: Grand Rapids Public Museum, Grand Rapids, MI****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

SUMMARY: The Grand Rapids Public Museum, in consultation with the appropriate Indian tribe, has determined that the cultural items meet the definition of unassociated funerary objects and repatriation to the Indian tribe stated below may occur if no additional claimants come forward. Representatives of any Indian tribe that believes itself to be culturally affiliated

with the cultural items may contact the Grand Rapids Public Museum.

DATES: Representatives of any Indian tribe that believes it has a cultural affiliation with the cultural items should contact the Grand Rapids Public Museum at the address below by March 21, 2013.

ADDRESSES: Marilyn Merdzinski, Director of Education & Interpretation, Grand Rapids Public Museum, 272 Pearl St. NW., Grand Rapids, MI 49501, telephone (616) 929-1801.

SUPPLEMENTARY INFORMATION: 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 Grand Rapids Public Museum 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 Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item(s)

At an unknown date, one unassociated funerary object was removed from a mound at an unknown location in Kentucky and acquired by the Grand Rapids Public Museum from a source with the initials "K.S.I." (likely Kent Scientific Institute, the former name of the Grand Rapids Public Museum). The object is a stone human effigy vessel that was identified in the museum records as a "[w]aterbottle of sundried (probably Peruvian Indian make) clay for burial with dead S (W?), KY." Digital images of the object were reviewed by the Chickasaw Nation Preservation and Repatriation Department and a professor at Murray State University. It was determined that this vessel was identical to a human effigy vessel from Wickcliffe Mounds, KY, and likely affiliated with the Chickasaw Nation. In the Great Chickasaw Cession of 1818, lands were ceded in western Kentucky to the U.S. Government and traditional tribal hunting and trading routes covered a large portion of Kentucky. Therefore, it is conceivable that this stone human effigy vessel is culturally affiliated with the Chickasaw Nation.

In May and November of 1912, one lot of unassociated funerary objects was removed from an unknown location

near Tupelo in Lee County, MS, by W. C. Wyman. At an unknown date, the lot of unassociated funerary objects was sold to Dr. Ruth Herrick by an unknown person. In 1974, the lot of unassociated funerary objects was bequeathed to the Grand Rapids Public Museum by Dr. Ruth Herrick. The lot of unassociated funerary objects is identified in the Grand Rapids Public Museum's records as "large beads, glass, shell, and bone, early trade beads." Digital images of these objects were reviewed by the Chickasaw Nation Preservation and Repatriation Department, who determined that these objects are likely affiliated with the Chickasaw Nation.

At an unknown date, 1 lot of unassociated funerary objects was removed from an unknown location near Tupelo in Lee County, MS, by an unknown individual. At an unknown date, the lot of unassociated funerary objects was acquired by Dr. Ruth Herrick. In 1974, the lot of associated funerary objects was bequeathed to the Grand Rapids Public Museum by Dr. Ruth Herrick. The lot of unassociated funerary objects is identified in the Grand Rapids Public Museum's records as "animal bone and shell beads, identified by donor and G. Olson." Digital images of these objects were reviewed by the Chickasaw Nation Preservation and Repatriation Department, who determined that these objects are likely affiliated with the Chickasaw Nation. Documented evidence of Chickasaw occupation in northern Mississippi supports cultural affiliation of the two lots of unassociated funerary objects from Lee County, MS, with the Chickasaw Nation.

Determinations Made by the Grand Rapids Public Museum

Officials of the Grand Rapids Public Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 3 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.

- 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 Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary

objects should contact Marilyn Merdzinski, Director of Education & Interpretation, Grand Rapids Public Museum, 272 Pearl St. NW., Grand Rapids, MI 49501, telephone (616) 929-1801 March 21, 2013. Repatriation of the unassociated funerary objects to the Chickasaw Nation may proceed after that date if no additional claimants come forward.

The Grand Rapids Public Museum is responsible for notifying the Chickasaw Nation that this notice has been published.

Dated: January 25, 2013.

Melanie O'Brien,

Acting Manager, National Native American Graves Protection and Repatriation Act Program.

[FR Doc. 2013-03655 Filed 2-15-13; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Smith Farm Enterprises, L.L.C.*, Civil Action No. 2:13-CV-00024-RGD-LRL, was lodged with the United States District Court for the Eastern District of Virginia on January 16, 2013.

This proposed Consent Decree concerns a complaint filed by the United States against Smith Farm Enterprises, L.L.C., pursuant to Section 309 of the Clean Water Act, 33 U.S.C. 1319, to obtain injunctive relief and recover civil penalties from the Defendant for alleged violations of the Clean Water Act by discharging pollutants into waters of the United States without and in violation of required Clean Water Act permits. The proposed Consent Decree resolves these allegations by requiring the Defendant to restore impacted areas, perform mitigation and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to David J. Kaplan, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, P.O. Box 7611, Washington, DC 20044-7611, and refer to *United States v. Smith Farm Enterprises, L.L.C.*, DJ #90-5-1-7-19117.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Eastern District of Virginia, Walter E. Hoffman