

43 CFR 8372.0-3: Authority, 8372.1-1: Public lands, general, and 8372.3: Issuance of permits; The Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287; the Federal Land Policy and Management Act, 43 U.S.C. 1740.

Dated: September 25, 1998.

KJ Mushovic,

For the Glennallen Management Team.

[FR Doc. 98-26258 Filed 9-30-98; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the U.S. Fish & Wildlife Service, Mesa, AZ

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the U.S. Fish & Wildlife Service, Mesa, AZ which meet the definition of "object of cultural patrimony" under Section 2 of the Act.

The cultural items are: 30 medicine bags, two fire starter kits, two deer toe rattles, one constellation rattle, two prayer sticks, two animal skin wraps, and two small wooden bows.

Collectively, these items are referred to as *Na'at'oye' jish*, or Shooting/Lightning Way paraphernalia

On July 19, 1996, an undercover Special Agent of the U.S. Fish & Wildlife Service purchased two prayer sticks, an animal skip wrap, and two medicine bags from Neil Hicks, owner of Indian Territory, Tucson, AZ. Mr. Hicks told the Agent at the time of purchase that all items were "Navajo Medicine items." Following the execution of a federal search warrant in November 1996, Special Agents of the U.S. Fish & Wildlife Service recovered the Navajo medicine items listed above. On June 25, 1998, Mr. Neil Hicks, DBA Indian Territory, pled guilty to selling Native American cultural items obtained in violation of the Native American Graves Protection and Repatriation Act (Title 18 USC, Section 1173).

These cultural items were purchased by Mr. Hicks from person(s) unknown who obtained these items in violation of the Act. Consultation evidence presented by representatives of the Navajo Nation indicate that the Lightning Way is one of twelve major chants still performed in the Navajo Nation. Bundles for these Ways should

only be in the possession of a qualified *Hataalii* (chanter, singer, or medicine person) capable of understanding the *jish*. In Navajo tradition, *jish* is only cared for or possessed by a human being, it is not "property" capable of being "owned" in the Western meanings of the words.

Officials of the U.S. Fish & Wildlife Service have determined that, pursuant to 43 CFR 10.2 (d)(4), these 41 cultural items have ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the U.S. Fish & Wildlife Service have also determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these items and the Navajo Nation.

This notice has been sent to officials of the Navajo Nation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Kevin Ellis, Special Agent, Office of Law Enforcement, U.S. Fish & Wildlife Service, 26 N. MacDonald, Room 105, Mesa, AZ 85201; telephone: (602) 835-8289 before November 2, 1998. Repatriation of these objects to the Navajo Nation may begin after that date if no additional claimants come forward.

Dated: September 28, 1998.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-26334 Filed 9-30-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Marshall County, OK in the Control of the United States Army Corps of Engineers, Tulsa District, Tulsa, OK

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Marshall County, OK in the control of the United States Army Corps of Engineers, Tulsa District, Tulsa, OK.

A detailed assessment of the human remains was made by U.S. Army Corps of Engineers professional staff in consultation with representatives of the Wichita and Affiliated Tribes.

In 1954, human remains representing one individual was excavated at site 34MA1, Lake Texoma, Marshall County, OK during legally-authorized salvage excavations by University of Oklahoma personnel. No known individual was identified. The two associated funerary objects documented with the burial are a stone flake and a shell hoe. During the inventory process, the stone flake could not be located within the collections of the University of Oklahoma.

Based on the cultural material at site 34MA1 in addition to the associated funerary objects, this individual has been determined to be Native American. This cultural material also dates the site to the late prehistoric period, 800-1600 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA1 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1954, human remains representing a minimum of six individuals were excavated at site 34MA2, Lake Texoma, Marshall County, OK by University of Oklahoma personnel during legally-authorized salvage excavations conducted by University of Oklahoma personnel. No known individuals were identified. Since 1986, five of these individuals have been in the possession of Dr. Douglas Owsley of the Smithsonian Institution, according to University records. The U.S. Army Corps, Tulsa District, has possession of the sixth individual and other cultural material from site 34MA2. The seven associated funerary objects recorded during the excavations include one stone core, one stone scraper, two stone projectile points, one stone knife, and two bone awls. These objects were not located at the University of Oklahoma during the inventory process.

Based on the cultural material at site 34MA2 in addition to the associated funerary objects, these individuals have been determined to be Native American. This cultural material also dates the site to the late prehistoric period, 800-1600 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the

aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA2 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1954 or 1973, human remains representing a minimum of two individuals were removed from site 34MA10 by University of Oklahoma personnel (if 1954), or by University of Texas personnel (if 1973). No known individuals were identified. The 41 associated funerary objects include 39 stone flakes, one unmodified stone, and one projectile point.

Based on the cultural material at site 34MA10 in addition to the associated funerary objects, these individuals have been determined to be Native American. This cultural material also dates the site to the late prehistoric period, 800-1600 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA10 are culturally affiliated with the Wichita and Affiliated Tribes.

Between 1954 and November 16, 1990, human remains representing a minimum of six individuals were excavated from site 34MA15 by University of Oklahoma and Wichita State University personnel during legally authorized excavations. No known individuals were identified. No associated funerary objects are present.

Based on cultural material recovered at site 34MA15, these individuals have been identified as Native American. Based on the radiocarbon dates and very time-specific cultural material, site 34MA15 has been identified as a large village occupied between 1250-1650 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains from site 34MA15 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1955, human remains representing one individual were removed from site 34MA24 during legally-authorized

excavations by University of Oklahoma personnel. No known individual was identified. The two associated funerary objects are a ceramic sherd and one pipestem.

Based on the associated funerary objects, this burial is estimated to date between 500-1500 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA24 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1971, human remains representing a minimum of three individuals were excavated from site 34MA14, Lake Texoma, Marshall County, OK without a permit by unknown person(s) who turned the remains over to the University of Oklahoma. No known individuals were identified. The five associated funerary objects include four stone flakes and one piece of non-human bone.

Based on the cultural material and associated funerary objects at site 34MA14, these burials are estimated to date to between ca. 300-1300 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34MA14 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1978 and 1979, human remains representing a minimum of four individuals were excavated from site 34KA172, Kaw Lake, Kay County, OK by University of Oklahoma personnel. No known individuals were identified. The 975 funerary objects include stone knife blades, stone scrapers, clay daub, stone flakes, soil, milling stones, abraders, one pendant, ceramic sherds including one reconstructed vessel, and projectile points; and are currently in the possession of the University of Oklahoma.

Based on cultural material, radiocarbon dates, and archeomagnetic dates, these burials are estimated to date to between 1300-1400 A.D. Based on ceramic types; stone tools, site organization; associated funerary

objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34KA172 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1976, human remains representing two individuals were excavated from site 34OS135 near present-day Birch Lake, Osage County, OK by University of Tulsa personnel during legally authorized excavations. No known individuals were identified. The 439 associated funerary objects include stone flakes, scrapers, bifaces, simple flake tools, and 21 projectile points.

Based on cultural material and radiocarbon dates, these burials are estimated to date to between 1000-1500 A.D. Based on ceramic types; stone tools, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34OS135 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1959, human remains representing five individuals were excavated from site 34NW2 at Oolagah Lake, Nowata County, OK during legally authorized excavations by the University of Oklahoma. No known individuals were identified. The 605 associated funerary objects include a milling stone, a hammer stone, a cord-marked ceramic sherd, burnt berries and nut fragments, clay daub, animal bone, bone awls, beaver incisors, red and yellow (hematite/ocher) painted stones, stone flakes, stone tools, and a sandstone abrader. An additional nine recorded associated funerary objects, consisting of two bone awls, one stone flake, one worked stone flake tool, two stone knives, one bone tool, one turtle shell, and a painted stone, have not been located within the collections of the University of Oklahoma.

Based on the cultural material at site 34NW2, these burials are estimated to date the Late Archaic period, approximately between 500 B.C. to 500 A.D. Based on mussel shell; stone tools, site organization; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the

Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34NW2 are culturally affiliated with the Wichita and Affiliated Tribes.

In 1969, human remains representing a minimum of two individuals were excavated from site 34PW54 located at Keystone Lake, Pawnee County, OK during legally authorized excavations by the University of Oklahoma. No known individuals were identified. The approximately nine associated funerary objects include a projectile point, stone flakes, a ceramic sherd, tabular sandstone, and animal bones.

Based on the associated funerary objects, these burials have been determined to be Native American and are estimated to date between 1200-1500 A.D. Based on ceramics; stone tools, site organization and dating; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains and associated funerary objects from site 34PW54 are culturally affiliated with the Wichita and Affiliated Tribes.

Around 1985, human remains representing one individual were recovered from the surface of site 34PW86 located at Keystone Lake, Pawnee County, OK, probably by Tulsa District Corps personnel. No known individuals were identified. No associated funerary objects are present.

Based on a projectile point from site 34PW86, these human remains are estimated to date between 500-1500 A.D. Based on the projectile point; scrapers, ceramics, site organization; associated funerary objects; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains from site 34PW186 are culturally affiliated with the Wichita and Affiliated Tribes.

Around 1988, human remains representing a minimum of four individuals were recovered from site 34PW186, Keystone Lake, Pawnee County, OK probably by Tulsa District Corps personnel. No known individuals were identified. No associated funerary objects are present.

Known archeological sites at Pawnee Cove are identified as Late Archaic through Plains Village habitation sites based on cultural material and

occupation evidence dating from 100-1600 A.D. Based on projectile point, scrapers, ceramics; other stone tools, site organization; 16th, 17th, and 18th century historic accounts of the aboriginal occupants of the general area; and oral history presented during consultation with representatives of the Wichita and Affiliated Tribes; the Army Corps of Engineers has determined that the human remains originating at Pawnee Cove, Keystone Lake, Pawnee County, OK are culturally affiliated with the Wichita and Affiliated Tribes.

Based on the above mentioned information, officials of the U.S. Army Corps of Engineers have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least 37 individuals of Native American ancestry. Officials of the U.S. Army Corps of Engineers have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 1,472 objects listed 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. Lastly, officials of the U.S. Army Corps of Engineers have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Wichita and Affiliated Tribes of Oklahoma.

This notice has been sent to officials of the Caddo Indian Tribe of Oklahoma, the Pawnee Tribe of Oklahoma, the Kaw Nation, the Kiowa Nation of Oklahoma, the Comanche Tribe of Oklahoma, the Osage Nation of Oklahoma, and the Fort Sill Apache Tribe of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Mr. Robert W. Jobson, NAGPRA Coordinator, Planning Division, U.S. Army Corps of Engineers, Tulsa District, P.O. Box 61, Tulsa, OK 74121-0061, telephone (918) 669-7193, before November 1, 1998. Repatriation of the human remains and associated funerary objects to the Wichita and Affiliated Tribes of Oklahoma may begin after that date if no additional claimants come forward.

Dated: September 28, 1998.

Francis P. McManamon,
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Manager, Archeology and Ethnography
Program.*

[FR Doc. 98-26335 Filed 9-30-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Puget Sound, WA in the Possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Puget Sound, WA in the possession of the University of Pennsylvania Museum of Archaeology and Anthropology, University of Pennsylvania, Philadelphia, PA.

A detailed assessment of the human remains was made by University of Pennsylvania Museum professional staff in consultation with representatives of the Jamestown S'Klallam Tribe, the Port Gamble Indian Community of the Port Gamble Reservation, and the Lower Elwha Tribal Community of the Lower Elwha Reservation.

At an unknown date, human remains representing one individual were removed from Puget Sound, WA by Dr. David U. Egbert. In 1870, these human remains were donated to the Wistar Institute, Philadelphia, PA. In 1915, these human remains were transferred to the University of Pennsylvania Museum. No known individuals were identified. No associated funerary objects are present.

Based on original accession information, this individual has been determined to be Native American. Based on the original accession information from the Wistar Institute, this individual has been determined to be S'Klallam. The northwestern region of Puget Sound, which extends to the Dungeness River mouth, incorporates the traditional territory of the Port Gamble S'Klallam Reservation. Geographical and historical evidence provided by representatives of the Jamestown S'Klallam Tribe indicates cultural affiliation between these human remains and the present-day Port Gamble S'Klallam Indian Community of the Port Gamble Reservation.

In 1856, human remains representing one individual were removed from Puget Sound, WA by person(s) unknown and donated to the Academy of Natural Sciences, Philadelphia, PA. In 1997, the control of these human