

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024-5192, telephone (212) 769-5837, before July 1, 2005. Repatriation of the human remains to the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana may proceed after that date if no additional claimants come forward.

The American Museum of Natural History is responsible for notifying Blackfeet Tribe of the Blackfeet Indian Reservation of Montana that this notice has been published.

Dated: May 20, 2005

**Paul Hoffman,**

*Deputy Assistant Secretary, Fish and Wildlife and Parks.*

[FR Doc. 05-10819 Filed 5-31-05; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate a Cultural Item: Berkshire Museum, Pittsfield, MA

**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 a cultural item in the possession of the Berkshire Museum, Pittsfield, MA, that meets the definition of "sacred object" and "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.

The cultural item is a clay pipe bowl. The 4-inch x 1.25-inch pipe bowl is a brown-gray ceramic cylindrical tube with a tapered end and bent at a 120 degree angle 1 inch from the flared end; both ends of the pipe are chipped, revealing dark gray ceramic material with flecks of white temper. It was excavated in 1863 from an unknown site in Pittsfield, Berkshire County, MA, by S.L. Werden and given to the Berkshire Museum on an unknown date. It was found in the collection in 1992. Tribal representatives identified the clay pipe

bowl as an instrument belonging to the Stockbridge-Munsee Band of Mohican Indians (now known as the Stockbridge-Munsee Community, Wisconsin). The bowl has been dated to the Late Woodland period (circa A.D. 1000-1580).

Representatives of the Stockbridge-Munsee Community, Wisconsin indicated during consultation that this cultural item is a specific ceremonial object needed for the continuation of traditions and rituals within the tribe. Throughout Mohican Indian history, pipe bowls of this type have been used to seal peace treaties between rival groups, as religious offerings to higher spirits, and as funerary gifts to the deceased.

Officials of the Berkshire Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the cultural item is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents, and that, pursuant to 25 U.S.C. 3001 (3)(D), the cultural item has ongoing historical, traditional or cultural importance central to the Native American group or culture itself, rather than property owned by an individual. Officials of the Berkshire 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 sacred object/cultural patrimony and the Stockbridge-Munsee Community, Wisconsin.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred object/cultural patrimony should contact Nezka Pfeifer, Collections Manager, Berkshire Museum, 39 South Street, Pittsfield, MA 01201, telephone (413) 443-7171, before July 1, 2005. Repatriation of the sacred object/cultural patrimony to the Stockbridge-Munsee Community, Wisconsin may proceed after that date if no additional claimants come forward.

The Berkshire Museum is responsible for notifying the Stockbridge-Munsee Community, Wisconsin that this notice has been published.

Dated: May 20, 2005.

**Paul Hoffman,**

*Deputy Assistant Secretary, Fish and Wildlife and Parks.*

[FR Doc. 05-10806 Filed 5-31-05; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Native American Graves Protection and Repatriation Review Committee Findings and Recommendations Regarding a Dispute Between Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum

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

**ACTION:** Notice.

**SUMMARY:** At a March 13-15, 2005, public meeting in Honolulu, HI, the Native American Graves Protection and Repatriation Review Committee (Review Committee) considered a dispute between Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum. The dispute focused on the disposition of carved sandstone blocks from the Island of Moloka'i known as Kalaina Wawae that are under the control of the Bishop Museum. The Review Committee recommended that the Bishop Museum and Hui Malama o Mo'omomi work together to revise expeditiously the current memorandum of agreement to require the consent of Hui Malama o Mo'omomi prior to the removal of the Kalaina Wawae from the Island of Molokai.

**SUPPLEMENTARY INFORMATION:** On April 9, 1999, the Bishop Museum published a Notice of Intent to Repatriate in the **Federal Register**. The notice identified three sandstone blocks containing carved footprints, also known as Kalaina Wawae, as objects of cultural patrimony culturally affiliated with Hui Malama I Na Kupuna O Hawai'i Nei.

On March 4, 2003, the Bishop Museum and Hui Malama O Mo'omomi signed a memorandum of agreement to place the Kalaina Wawae at Mo'omomi, Island of Moloka'i. Hand written at the bottom of the memorandum of agreement is the following: "Signed under protest because Hui Malama I Na Kupuna O Hawai'i Nei was removed from this agreement without explanation by Bishop Museum to any of the parties. This act demonstrates a lack of respect on the part of the museum." The Kalaina Wawae were moved to Mo'omomi on the Island of Moloka'i.

On November 3, 2003, the Bishop Museum published a correction in the **Federal Register** rescinding the April 9, 1999, notice. The correction states that the Bishop Museum does not intend to repatriate the Kalaina Wawae to the Native Hawaiian organizations that previously presented claims.

On November 29, 2004, Hui Malama I Na Kupuna O Hawai'i Nei requested

the assistance of the Review Committee in resolving its dispute with the Bishop Museum as to whether repatriation of the Kalaina Wawae to Hui Malama I Na Kupuna O Hawai'i Nei was complete when no competing claims were filed following publication of the April 9, 1999, **Federal Register** notice.

On December 17, 2004, the Review Committee's designated Federal officer acknowledged receipt of the November 29, 2004, request and identified questions as to whether the Kalaina Wawae are objects of cultural patrimony as an issue of fact with which the Review Committee might wish to assist in resolving. The request for a recommendation regarding the finality of repatriation, which is likely dependent on provisions of state law and other legal authorities, was identified as being beyond the Review Committee's purview.

On February 2, 2005, the Bishop Museum provided information to the Review Committee relevant to the dispute, including a declaration that the museum does not consider the Kalaina Wawae to be objects of cultural patrimony.

On February 21, 2005, the Review Committee's designated Federal officer notified Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum that the Review Committee had agreed to assist in the resolution of the dispute at its next meeting.

On March 1, 2005, the Review Committee's designated Federal officer invited a representative of Hui Malama O Mo'omomi to provide information to the Review Committee.

**Findings and Recommendations:** On March 13–15, 2005, the Review Committee considered the dispute as presented by representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Bishop Museum, and Hui Malama o Mo'omomi and made the following findings:

1. There is disagreement regarding whether the Kalaina Wawae are objects of cultural patrimony.
2. The Review Committee has chosen not to come to a finding as to whether the Kalaina Wawae are objects of cultural patrimony at this time.
3. The Review Committee recognizes the cultural significance of the Kalaina Wawae to the people of the Island of Molokai.
4. The Review Committee believes that the current location of the Kalaina Wawae is appropriate.

The Review Committee recommends that the Bishop Museum and Hui Malama o Mo'omomi work together to revise expeditiously the current memorandum of agreement to require

the consent of Hui Malama o Mo'omomi prior to the removal of the Kalaina Wawae from the Island of Molokai.

The National Park Service publishes this notice as part of its administrative and staff support for the Review Committee. The findings and recommendations are those of the Review Committee and do not necessarily represent the views of the Secretary of the Interior. Neither the Secretary of the Interior nor the National Park Service has taken a position on these matters.

Dated: May 20, 2005.

**Rosita Worl,**

*Chair, Native American Graves Protection and Repatriation Review Committee.*

[FR Doc. 05–10809 Filed 5–31–05; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Native American Graves Protection and Repatriation Review Committee Findings and Recommendations Regarding a Dispute Between Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum**

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

**ACTION:** Notice.

**SUMMARY:** At a March 13–15, 2005, public meeting in Honolulu, HI, the Native American Graves Protection and Repatriation Review Committee (Review Committee) considered a dispute between Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum. The dispute focused on whether three items from the Island of Molokai in the possession of the Bishop Museum are subject to repatriation under provisions of the Native American Graves Protection and Repatriation Act. The Review Committee recommended that the Bishop Museum proceed toward repatriation of the three objects to the appropriate claimants.

**SUPPLEMENTARY INFORMATION:** On May 2, 2003, the Bishop Museum published a Notice of Intent to Repatriate in the **Federal Register**. The notice identified a small wooden image carved into human form and a cowrie shell as unassociated funerary objects culturally affiliated with the Molokai Burial Council, Hui Malama I Na Kupuna O Hawai'i Nei, and the Office of Hawaiian Affairs.

On August 29, 2003, Hui Malama I Na Kupuna O Hawai'i Nei filed a claim with the Bishop Museum to repatriate

the small wooden image and cowrie shell.

On October 21, 2003, Hui Malama I Na Kupuna O Hawai'i Nei asked the Bishop Museum to explain why a rock oyster shell pendant that had also been previously listed as an unassociated funerary object on the museum's Molokai inventory had not been included in the May 2, 2003 notice.

On November 8, 2004, Hui Malama I Na Kupuna O Hawai'i Nei requested the assistance of the Review Committee in resolving its dispute with the Bishop Museum. The request also included an allegation that the Bishop Museum failed to comply with the repatriation provisions of the Act.

On December 17, 2004, the Review Committee's designated Federal officer acknowledged receipt of the November 8, 2004, request and identified questions as to whether the rock oyster shell pendant was an unassociated funerary object or whether the museum had right of possession to the three items as issues of fact with which the Review Committee might wish to assist in resolving. The same day, the allegation of failure to comply was referred to the Director, National Park Service for investigation.

On February 2, 2005, the Bishop Museum notified the Review Committee that the museum intended to publish a Notice of Intent to Repatriate identifying the rock oyster pendant as an unassociated funerary object. The museum also notified the Review Committee that it did not intend to assert right of possession to either the cowrie shell or the rock oyster pendant. The museum did assert a right of possession to the carved wooden figure.

On February 18, 2005, the Review Committee's designated Federal officer notified Hui Malama I Na Kupuna O Hawai'i Nei and the Bishop Museum that the Review Committee had agreed to assist in the resolution of the dispute at its next meeting.

On March 1, 2005, the Review Committee's designated Federal officer sent letters to two claimants inviting them to provide information to the Review Committee: Royal Hawaiian Academy of Traditional Arts and Na Lei Ali'i Kawanakoa.

#### **FINDINGS AND RECOMMENDATIONS:**

On March 13–15, 2005, the Review Committee considered the dispute as presented by representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Bishop Museum, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Na Lei Ali'i Kawanakoa and made the following findings: