

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

A detailed assessment of the human remains was made by the Department of Energy and the Burke Museum professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation, Washington; Confederated Tribes of the Umatilla Reservation, Oregon; and the Wanapum Band, a non-federally recognized Indian group.

In 1981, human remains representing a minimum of one individual were removed from an area within the Hanford site, Benton County, WA, by John A. Hedron. In 1985, the museum received the human remains and cultural items from Dr. Robert Rushmer on behalf of Mr. Hedron, and they were accessioned by the museum that same year (Burke Accn. # 1985-106). No known individual was identified. The seven associated funerary objects are 1 piece of copper ore, 1 chopper, 1 flaked stone tool, 1 core, 1 flake, and 2 mussel shell fragments.

Museum documentation indicates that the associated funerary objects were recovered with fragmentary human remains, and the types of cultural items are consistent with other Native American funerary objects found in the Columbia River area. The human remains consist of nine fragments. The human remains were determined to be Native American based on the associated artifacts and geographic location. Ethnographic documentation indicates that the present day location of Hanford, WA, is located within an overlapping aboriginal territory of descendants of the Yakama, Walla Walla, and Wanapum groups, which are represented today by the Confederated Tribes and Bands of the Yakama Nation, Washington; Confederated Tribes of the Umatilla Reservation, Oregon; and the Wanapum Band, a non-federally recognized Indian group.

The Yakama Treaty, signed on June 9, 1855, included the Hanford area in the aboriginal territory of the present-day Confederated Tribes and Bands of the Yakama Nation, Washington. The Walla Walla people have also occupied this area since before historic times. As per the Treaty of Walla Walla, signed on June 9, 1855, the Walla Walla people are represented by the present-day Confederated Tribes of the Umatilla Reservation, Oregon. The Wanapum Band occupied the Hanford area, which is now designated the U.S. Department of Energy Hanford Site, as recently as World War II, when they moved to the Priest Rapids area.

Officials of the Department of Energy and the Burke Museum have

determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Department of Energy and the Burke Museum also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the seven objects 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. Lastly, officials of the Department of Energy and the Burke Museum 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 Native American human remains and associated funerary objects and the Confederated Tribes and Bands of the Yakama Nation, Washington, and Confederated Tribes of the Umatilla Reservation, Oregon. Furthermore, officials of the Department of Energy and the Burke Museum have determined that there is a cultural relationship between the human remains and associated funerary objects and the Wanapum Band, a non-federally recognized Indian group.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Annabelle Rodriguez, U.S. Department of Energy, Cultural/Historic Resources Program, Richland Operations Office, 825 Jadwin Avenue, MSIN A5-15 Richland, WA 99352, (509) 372-0277, before November 13, 2006. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Umatilla Reservation, Oregon, and Confederated Tribes and Bands of the Yakama Nation, Washington, for themselves and on behalf of the Wanapum Band, a non-federally recognized Indian group, may proceed after that date if no additional claimants come forward. The Confederated Tribes of the Umatilla Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-federally recognized Indian group, are claiming jointly all cultural items from the Hanford area.

The Department of Energy is responsible for notifying the Confederated Tribes of the Umatilla Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Wanapum Band, a non-federally recognized Indian group, that this notice has been published.

Dated: September 25, 2006

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion: Saint Martin's Waynick Museum, Lacey, WA; Correction**

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

**ACTION:** Notice; correction

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (5), of the completion of an inventory of human remains in the possession of the Saint Martin's Waynick Museum (Waynick Museum), Lacey, WA. The human remains were removed from Vashon Island, King County, WA.

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.

This notice replaces the Notice of Inventory Completion published in the **Federal Register** on February 22, 2006 (FR Doc. E6-2448, page 9154) in order to correct the number of human remains and collection history from a minimum of two individuals removed from one site to a minimum of six individuals removed from six sites.

A detailed assessment of the human remains was made by Waynick Museum professional staff in consultation with representatives of the Puyallup Tribe of the Puyallup Reservation, Washington.

In 2003, the Waynick Museum found bones in the museum collection. In April 2004, the Puyallup Tribe of the Puyallup Reservation, Washington notified the Waynick Museum of their belief that human remains were in the possession of the Waynick Museum. In May 2004, the bones were determined to be Native American human remains representing two individuals that were culturally affiliated with the Puyallup Tribe of the Puyallup Reservation, Washington. A Notice of Inventory Completion was published in the **Federal Register** on February 22, 2006.

Additional human remains were subsequently found in a storage room in the monastery. Dr. Stephen Fulton, Associate Professor of Biology at Saint Martin's University, assisted in determining the minimum number of individuals.

In 1938, human remains representing a minimum of one individual were removed from a cist burial mound on Vashon-Maury Island, King County, WA, by Lynne "Black Eagle" Waynick. Mr. Waynick documented the removal of the cist burial and recorded it in his report, "[a]mong the Clam Shell Mounds and Ancient Camp Sites of Vashon Island." In the early 1960s, the human remains were donated to Saint Martin's Abbey in Lacey, WA, as part of the original collection for the museum named after Mr. Waynick, known as Saint Martin's Waynick Museum. In 1996, the cranium of the individual was stored in a different building and was not reunited with the rest of the human remains until 2005. The human remains were incorrectly identified as two individuals in the February 22, 2006 Notice of Inventory Completion. No known individual was identified. No associated funerary objects are present.

At an unknown date between 1920 and 1970, human remains representing a minimum of one individual were removed from a shell burial near Burton on Vashon Island, King County, WA, most likely by Lynne "Black Eagle" Waynick. An index card found with the human remains states: "...skull found in a shell burial near Burton Wash." The human remains are believed to have been donated as part of the original collection of the Waynick Museum in the 1960s. In 1996, the human remains were stored in a different building and were not identified until 2005. Based on storage, museum documentation, excavator and museum history, the human remains are believed to be a Native American individual removed from Vashon Island. No known individual was identified. No associated funerary objects are present.

At an unknown date between 1920 and 1970, human remains representing a minimum of two individuals were probably removed from Vashon Island, King County, WA. Mr. Lynn "Black Eagle" Waynick may have been the excavator. The human remains were probably part of the original collection of the Waynick Museum and would have been in the possession of the museum since that time. Mr. Waynick was a resident of Vashon Island for many years and documented the excavation of another Native American individual from Vashon Island. The human remains were stored in a

cardboard box in the Saint Martin's Abbey monastery building itself, but outside of the space designated for the museum's storage. Museum documentation did not provide the location of the human remains and they were found in collections in 2005.

Based on storage, excavator and museum history, the human remains are probably Native American and removed from Vashon Island. No known individuals were identified. No associated funerary objects are present.

At an unknown date between 1920 and 1970, human remains representing a minimum of two individuals were removed from most likely Vashon Island, King County, WA, probably by Lynn "Black Eagle" Waynick. The human remains were probably part of the original collection of the Waynick Museum and would have been in the possession of the museum since that time. Mr. Waynick was a resident of Vashon Island for many years and documented the excavation of another Native American individual from Vashon Island. The human remains were found in collections in 2003 and identified as human remains in 2004. The human remains were stored in a cardboard box commingled with other bones in Waynick Museum storage with no accession number or accompanying information; however, they were found in a box containing other Native American human remains, including the individual documented as being removed from the cist burial. Based on storage, excavator and museum history, the human remains are probably Native American and removed from Vashon Island. No known individuals were identified. No associated funerary objects are present.

Archeological and historical documentation identifies Vashon Island as a site of several Puyallup villages at or before the signing of the Medicine Creek Treaty of 1854. The Vashon-Maury Island is located in the historically documented traditional territory of the Puyallup tribe. Based on museum documentation, geographic location, storage, excavator and museum history, all individuals described in this Notice of Inventory Completion are believed to be Native American and culturally affiliated to the Puyallup. Descendants of the Puyallup are members of the Puyallup Tribe of the Puyallup Reservation, Washington.

Officials of Saint Martin's Waynick Museum have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of six individuals of Native American ancestry. Officials of Saint Martin's

Waynick 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 Native American human remains and the Puyallup Tribe of the Puyallup Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Brother Luke Devine, Saint Martin's Waynick Museum, 5300 Pacific Ave. SE, Lacey, WA 98503, (360) 438-4458, before November 13, 2006. Repatriation of the human remains to the Puyallup Tribe of the Puyallup Reservation, Washington may proceed after that date if no additional claimants come forward.

Saint Martin's Waynick Museum is responsible for notifying the Puyallup Tribe of the Puyallup Reservation, Washington that this notice has been published.

Dated: August 31, 2006

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF JUSTICE

### **Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Delaware Hazardous Substances Cleanup Act**

Notice is hereby given that on September 29, 2006, a proposed Consent Decree in *United States and the State of Delaware v. E.I. Du Pont De Nemours & Company, Inc., and CIBA Speciality Chemicals Corporation*, Civil Action No. 06-612 was lodged with the United States District Court for the District of Delaware.

In this action the United States and the State of Delaware sought claims for natural resource damages brought pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. 9601 *et seq.* and the Delaware Hazardous Substance Cleanup Act ("HSCA"), 7 *Del. C.* Chapter 91 with respect to the release of hazardous substances from DuPont-Newport chemical facility, located in Newport, Delaware. Under the proposed Consent Decree, the defendants will fund restoration projects on the "Pike Property" as set forth in the Damage Assessment and Restoration Plan ("DARP", attached to the Consent