

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.

In 2004, an incised bowl and two chert drills were removed from a burial pit at archeological site 41NA231, also known as the Tallow Grove site, in the Lake Naconiche project area, Nacogdoches County, TX. The removal was associated with archeological data recovery in an area to be impacted by construction and/or operation of Lake Naconiche. No preserved human remains were in the burial pit.

The Tallow Grove site, 41NA231, is a Middle Caddo Period habitation on a late Holocene terrace near Naconiche Creek. The temporal context is supported by recovered temporally diagnostic artifacts, radiocarbon analyses, and oxidizable carbon ratio dates. The main occupation of the site took place between the early part of the 13th century and approximately A.D. 1480, and was preceded by an earlier Woodland Period occupation that dates from 110 B.C. to A.D. 435. None of the radiocarbon-dated features are earlier than the Middle Caddo Period. The small cemetery (approximately 8 x 6 meters), situated near the remnants of several structures, and an extensive midden deposit and outdoor work area, contained eight burials. Five burials had preserved human remains (two of these burials included associated funerary objects), two burial pits preserved neither human remains nor associated funerary objects, and one burial pit preserved no human remains, but did contain the unassociated funerary objects described above. The mortuary practices and types of associated and unassociated funerary objects are consistent with the traditions of the Caddo Indian peoples. Preserved funerary offerings included pottery vessels placed near the shoulders or head. Geographic placement of the site and archeological evidence provide a reasonable basis for the officials of the County of Nacogdoches to believe that the unassociated funerary objects are culturally affiliated with the Caddo Nation of Oklahoma.

Officials of the County of Nacogdoches have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the three 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 County of Nacogdoches 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 Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact George Campbell, County of Nacogdoches, 101 West Main Street, Nacogdoches, TX 75961, telephone (936) 569-6772, before April 13, 2009. Repatriation of the unassociated funerary objects to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The County of Nacogdoches is responsible for notifying the Caddo Nation of Oklahoma that this notice has been published.

Dated: February 20, 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: U.S. Department of the Interior, National Park Service, Hawaii Volcanoes National Park, Hawaii National Park, HI**

**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 U.S. Department of the Interior, National Park Service, Hawaii Volcanoes National Park, Hawaii National Park, HI, 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 superintendent, Hawaii Volcanoes National Park.

In 1905, five funerary objects were removed from Forbes Cave in Hawaii County, HI, by David Forbes, William Wagner, and Frederick Haenisch. The whereabouts of the human remains that were in the cave is unknown. On March 14, 1956, the five items were donated to Hawaii National Park, now known as

Hawaii Volcanoes National Park, by Forbes' daughter, Blodwin Forbes Edmondson. The five unassociated funerary objects are one carved wooden female image, one game board or table, one cutting tool made from a human clavicle, one gourd water bottle with shell stopper, and one wrist ornament made of rock oyster, and are Native Hawaiian in origin.

Claims based on cultural affiliation were received by Hawaii Volcanoes National Park from the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawanakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana. Each qualifies as a Native Hawaiian organization under NAGPRA, pursuant to 25 U.S.C. 3001(11), and each is entitled to claim and receive the five unassociated funerary objects. Hawaii Volcanoes National Park is unable to determine which requesting party is the most appropriate claimant.

Officials of Hawaii Volcanoes National Park have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the five 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 Hawaii Volcanoes National Park 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 Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawanakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana. Lastly, officials of Hawaii Volcanoes National Park have determined that, pursuant to 43 CFR 10.10 (c)(2), the park cannot determine by the preponderance of the evidence which requesting party is the most appropriate claimant and will retain the unassociated funerary objects until the Department of Hawaiian Homelands,

Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawanakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana mutually agree upon the appropriate recipient or the dispute is otherwise resolved pursuant to NAGPRA or as ordered by a court of competent jurisdiction.

Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with the unassociated funerary objects should contact Cindy Orlando, superintendent, Hawaii Volcanoes National Park, Hawaii National Park, HI 96718, telephone (808) 985-6025, before April 13, 2009. Repatriation of the unassociated funerary objects to the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawanakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana may proceed after that date when the affiliated Native Hawaiian organizations have mutually agreed upon a resolution.

Hawaii Volcanoes National Park is responsible for notifying the Department of Hawaiian Homelands, Hawaii Island Burial Council, Hoohuli Ohana, Hooulu Lahui, Hui Malama I Na Kupuna O Hawai'i Nei, Ka Ohana Ayau, Keaweamahi Ohana, Kekumano Ohana, Laika-a-Mauia Ohana, Na Lei Alii Kawanakoa, Na Papa Kanaka O Pu'ukohola Heiau, Office of Hawaiian Affairs, Royal Hawaiian Academy of Traditional Arts, and Van Horn Diamond Ohana that this notice has been published.

Dated: January 29, 2009

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: San Diego Museum of Man, San Diego, CA; 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. 3005, of the intent to repatriate cultural items in the possession of the San Diego Museum of Man, San Diego, CA, that meet the definition of "unassociated funerary objects" or "object 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 Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

This notice corrects a Notice of Intent to Repatriate Cultural Items published in the **Federal Register** (73 FR 59653, October 9, 2008), which described 28 cultural items (26 unassociated funerary objects and 2 objects of cultural patrimony) that were culturally affiliated to the Tohono O'odham Nation of Arizona. Since publication, the Gila River Indian Community of the Gila River Indian Reservation, Arizona, has claimed one Wihosa mask, an object of cultural patrimony, used in the Navichu ceremony from Komatke, AZ. This object of cultural patrimony is described in a separate notice.

The notice published in the **Federal Register** (73 FR 59653, October 9, 2008) is replaced with the following:

The cultural items are 26 unassociated funerary objects and 1 object of cultural patrimony.

In 1959, cultural items were removed by M.J. Rogers from an abandoned Papago Village approximately four miles west of Covered Wells, Pima County, AZ, on the south side of Highway 86. The 26 unassociated funerary objects are 24 pottery sherds, 1 cockle shell fragment, and 1 metavolcanic stone (possibly rhyolite) scraper.

The 24 pottery sherds are reasonably believed to have been placed as part of a pottery sacrifice on graves covered with boulders. Based on consultation with a tribal representative of the Tohono O'odham Nation of Arizona, the cockle shell fragment and metavolcanic stone scraper are also reasonably believed to be unassociated funerary objects.

In 1976, one medicine bundle container (dated to circa 1930) was acquired from Mrs. Martinez of Havanna Naka (Crow Hang) Village on what was called the Papago Reservation. The medicine bundle belonged to Mrs.

Martinez' husband, a local medicine man.

Based on consultation with a tribal representative of the Tohono O'odham Nation of Arizona, the officials of the San Diego Museum of Man have reasonably determined that the one cultural item is an object of cultural patrimony used in important ceremonies of the O'odham people and could not have been alienated by a single individual.

Recorded information from museum records about the unassociated funerary objects and object of cultural patrimony states that all the items were located on traditional Papago (Tohono O'odham) land. Descendants of the O'odham people are members of the Tohono O'odham Nation of Arizona.

Officials of the San Diego Museum of Man have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 26 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 San Diego Museum of Man also have determined that, pursuant to 25 U.S.C. 3001 (3)(D), the one cultural item described above has 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 San Diego Museum of Man 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 object of cultural patrimony and the Tohono O'odham Nation of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects and object of cultural patrimony should contact Philip Hoog, Archaeology and NAGPRA Coordinator, San Diego Museum of Man, 1350 El Prado, Balboa Park, San Diego, CA 92101, telephone (619) 239-2001, before April 13, 2009. Repatriation of the unassociated funerary objects and object of cultural patrimony to the Tohono O'odham Nation of Arizona may proceed after that date if no additional claimants come forward.

The San Diego Museum of Man is responsible for notifying the Gila River Indian Community of the Gila River Indian Reservation, Arizona and Tohono O'odham Nation of Arizona that this notice has been published.