

Oklahoma; Ysleta del Sur Pueblo of Texas; and Zuni Tribe of the Zuni Reservation, New Mexico that this notice has been published.

Dated: April 13, 2009.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E9-10539 Filed 5-6-09; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion: Department of the Interior, Bureau of Indian Affairs, Washington, DC and New York University College of Dentistry, New York, NY**

**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. 3003, of the completion of an inventory of human remains in the control of the Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the physical custody of the New York University College of Dentistry, New York, NY. The human remains were removed from Pima County, AZ.

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

A detailed assessment of the human remains was made by the Bureau of Indian Affairs and New York University College of Dentistry professional staff in consultation with representatives of the Tohono O'odham Nation of Arizona.

In February 1919, human remains representing a minimum of one individual were removed from a burial area in Sells, which is within the Tohono O'odham Reservation, Pima County, AZ, by E.H. Davis. That same year, Davis donated the human remains to the Museum of the American Indian, Heye Foundation. In 1956, the Museum of the American Indian transferred the human remains to Dr. Theodore Kazamiroff, New York University College of Dentistry. No known individual was identified. No associated funerary objects are present.

Records identify the human remains as an "Old Papago skeleton exhumed

from burial place" at "Indian Oasis, Arizona." The Papago are also known by the name Tohono O'odham. Indian Oasis is today known as Sells, AZ. The Tohono O'odham consider Sells to be part of their ancestral homelands. The O'odham people are identified in 16th century Spanish documents as living in present-day northern Mexico and southern Arizona. Several documents record Tohono O'odham communities in the region in the late 17th century. The Tohono O'odham remained in southern Arizona, even during the Apache raids of the 19th century, and several winter or "well villages" were located in the Sells district. Tohono O'odham residents of Kui Tat and Tecolote, two defensive villages at the time of the Gadsden Purchase in 1853, resettled into the village of Artesa, which later became part of Sells. In the early 20th century, Sells was identified as Komoktetuvavosit, a well village. In 1916, the Tohono O'odham Reservation was established by Executive Order. In 1937, the Tohono O'odham Nation was recognized under the Indian Reorganization Act.

The assignment of a tribal affiliation of "Papago" for the human remains suggests that they date to the late 17th to mid-20th centuries, the time period for which variants of the word "Papago" were in use. The cranial morphology of the human remains is consistent with biometric data from early 20th century Tohono O'odham communities. The description of the human remains as an "old" skeleton implies that the burial predated the more recent cemetery burials around Sells. Prior to the adoption of cemeteries as burial areas, individuals were placed in protected locations such as cairns. The condition and the weathering pattern of the human remains are consistent with a cairn or other protected burial area.

Officials of the Bureau of Indian Affairs and New York University College of Dentistry 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 Bureau of Indian Affairs and New York University College of Dentistry 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 Tohono O'odham Nation of Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Dr. Louis Terracio, New York University College of Dentistry,

345 East 24th St, New York, NY 10010, telephone (212) 998-9917, before June 8, 2009. Repatriation of the human remains to the Tohono O'odham Nation of Arizona may proceed after that date if no additional claimants come forward.

The New York University College of Dentistry and Bureau of Indian Affairs are responsible for notifying the Tohono O'odham Nation of Arizona that this notice has been published.

Dated: April 14, 2009.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E9-10544 Filed 5-6-09; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion: Montclair Art Museum, Montclair, NJ**

**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. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Montclair Art Museum, Montclair, NJ. The human remains and associated funerary objects were removed from Harbor Springs, Emmett County, MI.

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.

A detailed assessment of the human remains was made by Montclair Art Museum professional staff in consultation with representatives of Little Traverse Bay Bands of Odawa Indians, Michigan.

At an unknown date, human remains representing a minimum of one individual were removed from Harbor Springs, Emmett County, MI. Additional circumstances surrounding the donation of the human remains to the Montclair Art Museum are not known. No known individual was identified. The two associated funerary objects are one knife and one fishing spear head.

A handwritten label on the base states that these are "Indian Relics." The label

also states that everything except the spear were found in a grave at Harbor Springs, MI. However, given the storage of the spear head with the human remains and knife, museum officials reasonably believe it to be an associated funerary object and related to the other items.

Harbor Springs is within the territory of the Little Traverse Bay Band of Odawa Indians, Michigan.

Officials of the Montclair Art 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 Montclair Art Museum also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the two 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 Montclair Art 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 Little Traverse Bay Bands of Odawa Indians, Michigan.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Twig Johnson, Curator of Native American Art, Montclair Art Museum, 3 South Mountain Ave., Montclair, NJ 07042–1747, telephone (973) 746–5555, ext. 225, before June 8, 2009.

Repatriation of the human remains and associated funerary objects to the Little Traverse Bay Bands of Odawa Indians, Michigan may proceed after that date if no additional claimants come forward.

The Montclair Art Museum is responsible for notifying the Little Traverse Bay Bands of Odawa Indians, Michigan that this notice has been published.

Dated: April 3, 2009.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E9–10542 Filed 5–6–09; 8:45 am]

**BILLING CODE 4312–50–S**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**Notice of Inventory Completion:  
Virginia Department of Conservation  
and Recreation, Division of State  
Parks, Richmond, VA and Southwest  
Virginia Museum Historical State Park,  
Big Stone Gap, VA**

**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. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the Virginia Department of Conservation and Recreation, Division of State Parks, Richmond, VA, and in the possession of the Southwest Virginia Museum Historical State Park, Big Stone Gap, VA. The human remains and associated funerary objects were removed from caves in Lee, Scott, and Wise Counties, VA.

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.

A detailed assessment of the human remains was made by Virginia Department of Conservation and Recreation and Virginia Historic Resources professional staff in consultation with representatives of the Federally-recognized Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Shawnee Tribe, Oklahoma; and United Keetoowah Band of Cherokee Indians in Oklahoma. The Virginia Department of Conservation and Recreation and Virginia Historic Resources professional staff also consulted with representatives of the following non-Federally recognized Indian groups: Chickahominy Tribe, Eastern Chickahominy Tribe, Mattaponi Tribe, Monacan Indian Tribe, Nansemond Tribe, Pamunkey Tribe, Rappahannock Tribe, and Upper Mattaponi Tribe.

At unknown dates, human remains representing a minimum of three individuals were removed from various caves in Lee, Scott, and Wise Counties,

VA. According to records of the Southwest Virginia Museum Historical State Park, portions of the human remains have possible donation records of 2/7/58, 8/11/53, or 6/23/70, and may have been removed during those times. No known individuals were identified. The nine associated funerary objects are one possible trade item made with glass trade beads, three effigy pipes, one Catlinite pipe, two bird figures, one pot, and one steatite.

At an unknown date, human remains representing a minimum of one individual were removed from a burial cave in Lee County, VA. No known individual was identified. No associated funerary objects are present.

While scientific dating of the human remains was not possible, similar osteological comparisons of prehistoric Native Americans from other mortuary caves in southwest Virginia reveal through radiocarbon dates and artifact evidence that the predominant use of mortuary caves in the region was between circa A.D. 900–1400. Caves used as mortuary facilities for prehistoric Native Americans are known throughout the southeastern United States, and have been commonly documented in the far upper reaches of the Tennessee Valley drainage basin (far southwest Virginia). Mississippian sites of this type appeared almost simultaneously throughout the Southeast around A.D. 850, and were mainly located within river floodplain environments. Archeological scholarship traces Cherokee beginnings back to, at least, the beginning of the Mississippian Period. Many scholars refer to the Cherokee evolving out of the Mississippian tradition in the southern Appalachians to have maintained a continuity of material culture.

In the 1500s, Spanish explorers found a flourishing Cherokee culture that dominated the southern Appalachians. The Cherokees controlled some 140,000 square miles throughout eight present-day southern states, including the counties of southwest Virginia. Further historical evidence of Cherokee territorial control of this area, in modern times, is reflected in the Watauga Treaty of 1775, in which the Cherokee sold the area of present-day southwest Virginia, Tennessee, and Kentucky to Richard Henderson to form the new colony of Transylvania. Both the Cherokee tribe and the colony of Virginia later opposed this land purchase. Today, the rich history and culture of the Cherokee are interpreted at sites and events throughout the region. Regional history books document Cherokee history and many individuals speak of their Cherokee ancestry. Descendants of the