

and November 2005. It was unclear whether the proposed action would involve NPS lands or adversely affect NPS resources, or whether such effects could be appropriately analyzed in another NEPA document until more information regarding possible alternatives and impacts became available. The NPS managers now believe that an EIS is most appropriate given the scope and complexity of the proposed action, and the likelihood that alternatives may impact park resources, involve access to NPS lands, or utilize NPS funds. All information generated during the previous scoping process will be retained for use in this EIS process. Anyone who contributed comments to the OEPA regarding the dam removal need not resend their comments.

A preliminary set of alternatives for modification or removal of the Canal Diversion Dam has been developed. These include: (1) No Action—the dam would remain on the river continuing to adversely impact water quality of the Cuyahoga River and provide water to the Ohio and Erie Canal; (2) Total Removal—the dam would be removed, restoring a free-flowing river and water would be provided to the Ohio and Erie Canal to maintain its current watered state; and (3) Partial Removal/Modification—the dam would be altered to allow for restoration of water quality as well as eliminating existing recreational boating hazard. Water would be provided to the Ohio and Erie Canal to maintain its current watered state. A variety of background documents have been completed and are available for review in the NPS PEPC Web site listed above.

Dated: December 5, 2008.

**Ernest Quintana,**

*Regional Director, Midwest Region.*

**Editorial Note:** This document was received in the Office of the Federal Register on July 21, 2009.

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Intent to Repatriate Cultural Items: U.S. Department of Defense, Army Corps of Engineers, Walla Walla District, Walla Walla, WA and Museum of Anthropology, Washington State University, Pullman, WA**

**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 control of the U.S. Department of Defense, Army Corps of Engineers, Walla Walla District, Walla Walla, WA, and in the physical custody of the Museum of Anthropology, Washington State University, Pullman, WA, 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 museum, institution, or Federal agency that has control of the unassociated funerary objects. The National Park Service is not responsible for the determinations in this notice.

In July 1963, cultural items were removed from the Marmes Rockshelter (45FR50), Franklin County, WA, by Washington State University under contract with the National Park Service and prior to the inundation of the reservoir created by the construction of the Lower Monumental Dam by the U.S. Army Corps of Engineers. The material from the excavation is curated at Washington State University. The cultural items that were removed are believed to have been placed with or near the human remains from Burial 13. As the human remains from Burial 13 are not in the control or possession of a Federal agency or museum, the cultural items are unassociated funerary objects. The 176 unassociated funerary objects are 44 faunal fragments, 12 basalt samples, 15 chert/cryptocrystalline flakes, 2 shells, 9 organic materials (including plants), 1 stone sample, 6 pieces of basalt blocky shatter, 6 pieces of chert/cryptocrystalline blocky shatter, 2 chert/cryptocrystalline flake shatter, 6 basalt flake shatter, 2 obsidian flakes, 1 retouched basalt flake, 1 retouched chert/cryptocrystalline flake, 53 basalt flakes, 1 chert/cryptocrystalline core, 1 chert/cryptocrystalline flakes, 12 basalt flakes, and 2 lots of shell remains.

The unassociated funerary objects are determined to be associated with the Late Cascade Phase (6500 to 4500 BP). The archeological evidence found in the Marmes Rockshelter (and in six nearby archeological sites) supports a nearly continuous occupation from the Late Cascade Phase to the Harder Phase (2500–500 BP), and provides the most direct physical line of evidence supporting a determination of cultural affiliation between an earlier group and a present-day Indian tribe. Geographical

and anthropological lines of evidence support the archeological. Oral tradition evidence provided by tribal elders indicates that a large Palus (Palouse) village, inhabited by tribal ancestors from time immemorial, was once located near the Marmes Rockshelter. According to tribal elders, these ancestors were mobile, and traveled the landscape to gather resources as well as trade among each other.

Ethnographic documentation indicates that the present-day location of the Marmes Rockshelter in Franklin County, WA, is within the territory occupied historically by the Palus (Palouse) Indians. During the historic period, the Palouse people settled along the Snake River, relied on fish, game and root resources for subsistence, shared their resource areas and maintained extensive kinship connections with other groups in the area, and had limited political integration until the adoption of the horse (Walker 1998). These characteristics are common to the greater Plateau cultural communities surrounding the Palouse territory including the Nez Perce, Cayuse, Walla Walla, Yakama, and Wanapum groups. Moreover, the information provided during consultation by representatives of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group, substantiate their cultural affiliation with each other and with the earlier group represented at the Marmes Rockshelter. The descendants of these Plateau communities of southeastern Washington, now widely dispersed, are members of the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group.

Officials of the U.S. Department of Defense, Army Corps of Engineers, Walla Walla District have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 176 unassociated funerary 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 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 U.S. Department of

Defense, Army Corps of Engineers, Walla Walla District, 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 Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Nez Perce Tribe, Idaho. Furthermore, officials of the U.S. Department of Defense, Army Corps of Engineers, Walla Walla District have determined that there is a cultural relationship between the unassociated funerary objects and the Wanapum Band, a non-Federally recognized Indian group.

Representatives of any other Indian tribe that believe their tribe is culturally affiliated with the unassociated funerary objects should contact Lieutenant Colonel Michael Farrell, U.S. Department of Defense, Army Corps of Engineers, Walla Walla District, 201 North Third Avenue, Walla Walla, WA 99362-1876, telephone (509) 527-7700, before August 24, 2009. Repatriation of the unassociated funerary objects to the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; and Nez Perce Tribe, Idaho may proceed after that date if no additional claimants come forward. The U.S. Department of Defense, Army Corps of Engineers, Walla Walla District acknowledges participation of the Wanapum Band, a non-Federally recognized Indian group, in the transfer of the unassociated funerary objects to the Federally-recognized Indian tribes.

The U.S. Department of Defense, Army Corps of Engineers, Walla Walla District is responsible for notifying the Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Indian Reservation, Oregon; Confederated Tribes and Bands of the Yakama Nation, Washington; Nez Perce Tribe, Idaho; and the Wanapum Band, a non-Federally recognized Indian group that this notice has been published.

Dated: July 14, 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: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, 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 cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definitions of "sacred objects" and "objects 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 cultural items. The National Park Service is not responsible for the determinations in this notice.

The four cultural items are a medicine chord and three buckskin caps.

In 1912, the medicine cord was collected by Grace Nicholson from an unknown locality. It was donated to the Peabody Museum of Archaeology and Ethnology by Lewis Farlow later that same year. It measures approximately 86 cm and is made of a twisted leather thong with various leather fringes. The leather thong is tied with metal wraps at intervals of approximately 12 cm. An assemblage of items are attached to the bottom of the cord: a large stone projectile point; a small hide bundle tied with turquoise, coral, shell, and abalone beads; a black discoidal bead; a clear glass cylindrical bead; a ceramic bead; and a violet glass bead.

Collector's documentation describes this cultural item as White Mountain Apache. Consultation with the White Mountain Apache Tribe indicates that stylistic characteristics of this item are consistent with traditional White Mountain Apache forms.

The first cap is made of two hide pieces sewn together with sinew. It has a twisted hide chin strap on the bottom. It measures approximately 12.5 cm x 19 cm x 17.5 cm. There is a 2 cm high hide band which is folded over and sewn along the bottom of the cap. On the band are black zigzag designs with alternating black triangles. Two parallel black lines run along the circumference

of the cap above the hide band. A cross-like design, formed with four black converging triangles is painted on the front center and back center of the cap. Numerous feathers are attached to the crown of the cap. There are four elements equally spaced along the top of the cap: a shell hoop with sinew wrapping above one of the painted crosses; a worked abalone shell above the other painted cross; one piece of obsidian with sinew wrapping; and one piece of quartz with sinew wrapping.

The second cap is made of two pieces of hide sewn together with sinew. There is a hide chin strap on the bottom of the cap. The cap measures approximately 9 cm x 17 cm x 19 cm. It has a band of green and blue beads across the bottom. There is a band of nine triangular linear designs which are composed of red triangles within black outlines above the band of beads. A cluster of 13 feathers are attached to the crown of the cap.

The third cap is made of three pieces of hide sewn together with sinew. There is a twisted hide chin strap on the bottom. The cap measures approximately 12.5 cm x 13.5 cm x 17.5 cm. There is a strip of red cloth trim along the bottom. Above the cloth is a row of yellow triangles with black outlines which extends across the circumference of the cap. Four black painted zigzag linear designs ascend from the spaces in-between the yellow triangles at intervals of every two or three triangles. These linear designs each branch out into five lines. Each line extends all the way to the crown of the cap and culminates in a black dot. There is a row of six holes below the center of the cap which runs across the circumference; this suggests that additional elements may have been present at some point. Ten holes on the crown of the cap indicate the presence of attachments which are currently absent.

During the summer of 1922, the three buckskin caps were purchased by Samuel Guernsey from Babbitt's Store in Flagstaff, AZ. Mr. Guernsey donated the first cap to the Peabody Museum in the same year it was purchased. In 1985, William Claflin bequeathed the second and third caps to the Peabody Museum. Museum documentation describes all three buckskin caps as "Western Apache." William Claflin's catalogue states that the two caps in his possession came from the "Trading Post on the Apache Reservation." Museum accession files list the cap donated by Samuel Guernsey as having come from "Cibicu Creek Trading Post." Given that all three of the caps have similar provenience information and were purchased by Samuel Guernsey around