

recognized San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona. These four tribes are members of the Western Apache NAGPRA Working Group.

Officials of the Southwest Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the 55 cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Southwest Museum have also determined that, pursuant to 25 U.S.C. 3001 (3)(D), the 55 cultural items described above have 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 Southwest 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 objects of cultural patrimony and sacred objects and the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the objects of cultural patrimony and sacred objects should contact Dr. Duane H. King, Executive Director, or Jamie Hebert, NAGPRA Research Associate for Collections, Southwest Museum of the American Indian, Autry National Center, 234 Museum Drive, Los Angeles, CA 90065, telephone (323) 221-2164 extension 241, before December 4, 2006.

Repatriation of the objects of cultural patrimony and sacred objects to the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Tonto Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona may proceed after that date if no additional claimants come forward.

Southwest Museum is responsible for notifying the Apache Tribe of Oklahoma; Fort Sill Apache Tribe of Oklahoma; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; San Carlos Reservation, Arizona; Tonto

Apache Tribe of Arizona; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona that this notice has been published.

Dated: September 28, 2006.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E6-18509 Filed 11-1-06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Inventory Completion: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, 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. 3003, of the completion of an inventory of human remains and associated funerary objects in the control of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, WA. The human remains and associated funerary objects were removed from Yakima 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.

A detailed assessment of the human remains was made by the Burke Museum professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation, Washington; Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Reservation, Oregon; and Confederated Tribes of the Warm Springs Reservation of Oregon.

In 1959, human remains representing a minimum of one individual were removed from Bergen site #30 at the junction of Wenas Creek and Yakima River, Yakima County, WA, by Dr. Harold Bergen, an avocational archeologist. In 1989, the human remains and cultural items were donated by Dr. Bergen to the Burke

Museum (Burke Accn. # 1989-57). No known individual was identified. The 102 associated funerary objects are 1 basketry fragment, 2 unmodified stones, 46 mammal remains, 1 point, 1 scraper, 49 shell and shell bead fragments, 1 elk tooth pendant, and 1 utilized flake.

The human remains were collected from a talus area in a shallow depression of a talus slide with basalt rocks mounded around the depression. Dr. Bergen excavated a single burial. The burial contained no evidence of burning, however, other burials at the site, but not removed, showed signs of burning and appeared to be cremations. This burial pattern is consistent with Yakama burial practices (Schuster 1990: 338).

The Yakama Treaty, signed on June 9, 1855, included the area surrounding the junction of Wenas Creek and Yakima River in the aboriginal territory of the present-day Confederated Tribes and Bands of the Yakama Nation, Washington. Other ethnographic and historic documentation confirms that this area is in the aboriginal territory of the Yakama (Daugherty 1973; Ray 1936; Schuster 1990). According to Swanton (1952), the Yakama group Si'la-hlama occupied the area along the Yakima River between Wenas Creek and Umtanum Creek. Furthermore, the Lower Yakama village ts'kik was located on the Yakima River, just downstream from the junction of Wenas Creek and the Yakima River. Descendants of the Yakama are members of the present-day Confederated Tribes and Bands of the Yakama Nation, Washington.

Officials of 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 Burke Museum also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 102 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 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.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010,

Seattle, WA 98195-3010, telephone (206) 685-2282, before December 4, 2006. Repatriation of the human remains and associated funerary objects to the Confederated Tribes and Bands of the Yakama Nation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation, Washington; Confederated Tribes of the Colville Reservation, Washington; Confederated Tribes of the Umatilla Reservation, Oregon; and Confederated Tribes of the Warm Springs Reservation of Oregon that this notice has been published.

Dated: September 28, 2006

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Intent To Repatriate Cultural Items: Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, 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 possession of the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, Seattle, 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 cultural items. The National Park Service is not responsible for the determinations in this notice.

The 1,549 cultural items are 1 copper ore, 5 abalone shell gorgets, 5 shell pendants, 2 shell fragments, 1 steatite pipe, 2 points, 1,530 beads, 1 basketry fragment with leather, 1 iron spear, and 1 iron axehead.

Between 1950 and 1960, Dr. Harold Bergen, an avocational archeologist, collected funerary objects from the Bergen site #20, along the foot of a rocky bluff outside of Selah, Yakima County,

WA. Ten burials were found in a flexed position with stones placed on the human remains. The human remains were in a fragile condition and were not collected with the exception of two crania. The crania were not accessioned by the Burke Museum and the whereabouts of the two individuals are unknown. In 1989, the unassociated funerary objects were donated to the Burke Museum (Burke Accession #1989-57). The 1,546 unassociated funerary objects are 1 copper ore, 5 abalone shell gorgets, 5 shell pendants, 2 shell fragments, 1 steatite pipe, 2 points, and 1,530 beads.

Ethnographic and archeological evidence indicates that rockslide burials in talus slopes were customary burial practices of the Yakama. It was also customary for the Yakama to bury individuals with many of their personal belongings. The burial practices and funerary objects are consistent with practices of the Confederated Tribes and Bands of the Yakama Nation, Washington. Selah is within the aboriginal territory of the Confederated Tribes and Bands of the Yakama Nation, Washington and within the land claims boundaries of Indian Claims Commission decisions (12 ICC 301 (1963); 7 ICC 794 (1959)).

In 1995, one cultural item was accessioned by the museum when it was found in collections (Burke Accession #1995-64). The circumstances surrounding how the cultural item came into Burke Museum's collection is unknown. According to museum documentation, the cultural item was collected from a burial immediately south of Priest Rapids Dam, Yakima County, WA. The one unassociated funerary object is a fragment of leather attached to a basketry fragment. Museum documentation includes a note indicating it was from the Earnest Combes Collection, that copper was also found with the burial, and the human remains were those of a child. The human remains and copper are not located at the Burke Museum and no further information could be located.

Ethnographic and archeological data suggests that deceased Yakama people were commonly wrapped in buckskin, blankets, and tule mats in preparation for burial. The leather and basketry fragments are consistent with this information. Priest Rapids Dam is within the aboriginal territory of the Confederated Tribes and Bands of the Yakama Nation, Washington.

In 1896, two cultural items were acquired through trade with the Hudson Bay Company by Dr. R.E Stewart. According to museum documentation, the cultural items were found on a grave

and are from Satus Creek, WA. In 1905, the cultural items were donated to the Burke Museum (Burke Accession #40). The two unassociated funerary objects are one iron spear and one iron axe head.

The two cultural items are consistent with other funerary objects known to be associated with Yakama burials. The Se'tas-lemma and Lower Yakama bands were the groups ethnographically noted to have occupied the Satus Creek area. Satus Creek is within the aboriginal territory of the Confederated Tribes and Bands of the Yakama Nation, Washington. Satus Creek falls within the lands ceded in the Yakama Treaty of 1855.

Officials of the Burke Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the 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 Burke 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 1,549 unassociated funerary objects and the Confederated Tribes and Bands of the Yakama Nation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195-3010, telephone (206) 685-2282, before December 4, 2006. Repatriation of the unassociated funerary objects to the Confederated Tribes and Bands of the Yakama Nation, Washington may proceed after that date if no additional claimants come forward.

The Burke Museum is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation, Washington that this notice has been published.

Dated: September 28, 2006

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF JUSTICE

### **Justice Management Division; No FEAR Act Notice**

**AGENCY:** Justice Management Division, Department of Justice.