

**DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Intent to Repatriate a Cultural Item: Rochester Museum & Science Center, Rochester, 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. 3005, of the intent to repatriate one cultural item in the possession of the Rochester Museum & Science Center, Rochester, NY, that meets the definitions of "sacred object" and 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 cultural item. The National Park Service is not responsible for the determinations in this notice.

In 1961, the museum acquired a large wooden medicine face (AE 9499/61.334.1) from the Rochester Museum Association that previously had purchased it from M.L. Philpott, Rochester, NY. According to the seller, it had belonged to his father-in-law, a worker on several estates in the Adirondacks, who received it from a Dr. Salisbury in approximately 1913.

Original museum documentation stated that this medicine face could only be generally affiliated with the "Iroquois" (New York State or Canada). Oral evidence presented during consultation with representatives of the Haudenosaunee Standing Committee on Burial Rules and Regulations, as well as historical and anthropological scholarly materials, support the fact that the Onondaga Nation is the Keeper of the Central Fire of the Haudenosaunee Confederacy, and as such has the responsibility within the Haudenosaunee Confederacy to bring back national cultural patrimony and sacred objects that are affiliated with the "Iroquois" generally, and to return those objects to their rightful communities. Therefore, it is the understanding of all the Haudenosaunee Confederacy Nations that any medicine faces affiliated generally as "Iroquois" are affiliated with the Onondaga Nation.

In the course of consultations with members of the Onondaga Nation, it was shown that any individual who carved a medicine face and alienated it to a

third party that in turn donated it to the Rochester Museum & Science Center did not have the authority to do so.

Furthermore, Onondaga Nation traditional religious leaders have identified this medicine face as being needed for the practice of traditional Native American religions by present-day adherents. Based on consultation with NAGPRA representatives from the Onondaga Nation and other Haudenosaunee and non-Haudenosaunee consultants, the museum has determined that the medicine face is both a sacred object and object of cultural patrimony. Accordingly, museum documentation, consultation and oral evidence show that this medicine face is a sacred object and an object of cultural patrimony, and that the medicine face can be culturally affiliated to the Onondaga Nation of New York on behalf of the Haudenosaunee Confederacy (also known as the Iroquois Confederacy or Six Nations, which includes the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora Nations that are in part represented by the following Federally-recognized tribes: Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York).

Officials of the Rochester Museum & Science Center have determined, that pursuant to 25 U.S.C. 3001(3)(C), the one cultural item described above is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Rochester Museum & Science Center have also determined that, pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has an 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 Rochester Museum & Science Center 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 sacred object/object of cultural patrimony and the Onondaga Nation of New York.

Representatives of any other Indian Nation or tribe that believes itself to be culturally affiliated with the sacred object/object of cultural patrimony should contact Adele DeRosa, Rochester

Museum & Science Center, Rochester, NY 14607, telephone (585) 271-4552, ext 302, before June 3, 2010.

Repatriation of the sacred object/object of cultural patrimony to the Onondaga Nation of New York may proceed after that date if no additional claimants come forward.

The Rochester Museum & Science Center is responsible for notifying the Onondaga Nation of New York that this notice has been published.

Dated: April 27, 2010.

**David Tarler,***Acting Manager, National NAGPRA Program.*

[FR Doc. 2010-10376 Filed 5-3-10; 8:45 am]

**BILLING CODE 4312-50-S****DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Intent to Repatriate a Cultural Item: Virginia Museum of Fine Arts, Richmond, 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. 3005, of the intent to repatriate a cultural item in the possession of the Virginia Museum of Fine Arts, Richmond, VA, that meets the definition of "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 cultural item. The National Park Service is not responsible for the determinations in this notice.

The cultural item is a ceremonial headdress made of wood, eagle or eider down, sea lion whiskers, ermine hide, abalone shell, feathers, and fibers (VMFA accession # 55.31.7). The headdress is approximately 17.25 inches in height, 10 inches in width, and 9.5 inches in diameter (43.7 cm x 25.2 cm x 24.2 cm). The mask portion of the headdress is composed of a polychrome carved wooden bird holding a limp object in its beak, and the right wing of the mask has been broken off and repaired. A stylized face appears beneath the beak, which is flanked by applied vertical wings. The nose of the face is a bird's head, turned upward. The eyes and teeth are made of abalone shell. The top of the headdress is decorated with alternating sea lion

whiskers and red-shafted flicker feathers. The headdress itself is lined with ermine hide, and ermine hide also hangs from the back of the headdress.

In 1955, the headdress was purchased by the Virginia Museum of Fine Arts from the Portland Art Museum, OR (Portland Art Museum accession # 48.3.439). Records from the Portland Art Museum read as follows: "Purchase, Indian Collection Subscription Fund. To be known as the Axel Rassmussen Collection. Vendor, Earl Stendahl."

Representatives of the Central Council of the Tlingit & Haida Indian Tribes, specifically the Lúkaax.ádi clan, a Tlingit clan, have identified that this headdress represents the Kingfisher Fort. The Kingfisher Fort is a site of cultural and historic importance to the Lúkaax.ádi clan, and this Kingfisher Fort Headdress (*Tlax'aneis' Noow Shaakee.át*) is needed for continuing their cultural ceremonies.

Representatives of the Central Council of the Tlingit & Haida Indian Tribes have also provided evidence that this headdress is an object of cultural patrimony. It is communally owned and, at the time of removal had - and continues to have - ongoing, historical, traditional, and cultural importance central to the Tlingit society and culture. Furthermore, no tribal member consented to alienate it, and no evidence exists to demonstrate that its transfer outside the tribe was voluntary.

Officials of the Virginia Museum of Fine Arts have determined that, pursuant to 25 U.S.C. 3001(3)(D), the 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. Officials of the Virginia Museum of Fine Arts 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 object of cultural patrimony and the Central Council of the Tlingit & Haida Indian Tribes.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the object of cultural patrimony should contact Kelly Burrow, Assistant Registrar, Virginia Museum of Fine Arts, 200 N. Blvd., Richmond, VA 23220, telephone (804) 204-2669, before June 3, 2010. Repatriation of the object of cultural patrimony to the Central Council of the Tlingit & Haida Indian Tribes may proceed after that date if no additional claimants come forward.

The Virginia Museum of Fine Arts is responsible for notifying the Central Council of the Tlingit & Haida Indian

Tribes that this notice has been published.

Dated: March 25, 2010.

**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: Rochester Museum & Science Center, Rochester, 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. 3005, of the intent to repatriate cultural items in the possession of the Rochester Museum & Science Center, Rochester, NY, 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.

In 1929, the museum purchased two small wooden medicine faces from Alvin Dewey, Rochester, NY. On March 25, 1922, Alvin Dewey obtained them from Albert G. Heath, Chicago, IL. The first medicine face measures 2 3/4" inches long (AE 2880/D 10922/29.259.27). The second medicine face is a small wooden "Leader's" face that measures 2 7/8" long (AE 2881/D 11923/29.259.28). According to the documentation, these were individually tied to poles "and carried by the Leader in the Seneca False Face Ceremonies."

Museum documentation indicates that these medicine faces are culturally affiliated with the "Seneca." NAGPRA representative consultants from the Tonawanda Seneca Nation informed the Rochester Museum & Science Center that ethnographic objects identified as "Seneca" should go back to them because the Tonawanda Seneca Nation is the center of the Seneca religious fire. This was agreed upon by representatives from the Seneca Nation of New York, the Tonawanda Band of Seneca Indians of New York, and the Seneca-Cayuga Tribe of Oklahoma.

Tonawanda Seneca Nation traditional religious leaders have identified these medicine faces as being needed for the practice of traditional Native American religions by present-day adherents. During consultation, it was shown that individuals who carved a face did not have the authority to alienate it to a third party or sell it indirectly to the Rochester Museum & Science Center. Therefore, based on consultation with NAGPRA representatives from the Tonawanda Seneca Nation and other Haudenosaunee and non-Haudenosaunee consultants, the museum has determined that the medicine faces are both sacred objects and objects of cultural patrimony.

Officials of the Rochester Museum & Science Center have determined, that pursuant to 25 U.S.C. 3001(3)(C), the two 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 Rochester Museum & Science Center have also determined that, pursuant to 25 U.S.C. 3001(3)(D), the two cultural items described above have an 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 Rochester Museum & Science Center 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 sacred objects/objects of cultural patrimony and the Tonawanda Band of Seneca Indians of New York.

Representatives of any other Indian Nation or tribe that believes itself to be culturally affiliated with the sacred objects/objects of cultural patrimony should contact Adele DeRosa, NAGPRA Coordinator/Collections Manager, Rochester Museum & Science Center, 657 East Ave., Rochester, NY 14607, telephone (585) 271-4552, ext 302, before June 3, 2010. Repatriation of the sacred objects/objects of cultural patrimony to the Tonawanda Band of Seneca Indians of New York may proceed after that date if no additional claimants come forward.

The Rochester Museum & Science Center is responsible for notifying the Seneca Nation of New York, Seneca-Cayuga Tribe of Oklahoma, and Tonawanda Band of Seneca Indians of New York that this notice has been published.