

use. In addition, bio-hazardous materials (e.g., discarded hypodermic needles, human feces) are commonly found in the area. The hot springs flow into the South Fork Payette River, which creates the potential for environmental contamination. Many secondary effects associated with the primary activities are causing direct resource harm. These impacts include trash (glass, cans, food), construction of unauthorized structures, and damage/removal of vegetation.

The BLM will post signs at main entry points to the closed area and/or other locations on-site. This restriction will be posted in the Four Rivers Field Office, Boise District BLM. Maps of the affected area and other documents associated with this restriction are available at 3948 Development Avenue, Boise, Idaho 83705. Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0-7, and 43 CFR 8364.1, the Bureau of Land Management will enforce the following rule within the Skinny Dipper Hot Springs use restriction:

You must not be in the closed area between sunset and sunrise.

**Exemptions:** The following persons are exempt from this order: Federal, State, and local officers and employees in the performance of their official duties; members of organized rescue or firefighting forces in the performance of their official duties; and persons with written authorization from the Bureau of Land Management.

**Penalties:** Any person who violates the above rule may be tried before a United States Magistrate and fined no more than \$1,000, imprisoned for no more than 12 months, or both. Violators may also be subject to the enhanced fines provided for in 18 U.S.C. 3571.

**Authority:** 43 CFR 8364.1.

**Steven A. Ellis,**

*Idaho State Director.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-10923; 2200-1100-665]

#### Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Coconino National Forest, Flagstaff, AZ

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA), Forest Service, Coconino National Forest, in consultation with the appropriate Indian tribe, has determined that the cultural items meet the definition of unassociated funerary objects and repatriation to the Indian tribe stated below may occur if no additional claimants come forward. Representatives of any Indian tribe that believes itself to be culturally affiliated with the cultural items may contact the USDA, Forest Service, Southwestern Region.

**DATES:** Representatives of any Indian tribe that believes it has a cultural affiliation with the cultural items should contact the USDA, Forest Service, Southwestern Region at the address below by September 24, 2012.

**ADDRESSES:** Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA, Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, telephone (505) 842-3238.

**SUPPLEMENTARY INFORMATION:** 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 located at the Natural History Museum of Utah and under the control of the Coconino National Forest 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 Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

#### History and Description of the Cultural Items

In 1926, four unassociated funerary objects [Catalogue #s 10876, 10877, 10878 and 10879] were removed from Elden Pueblo (site NA 142) in Coconino County, AZ, during legally authorized archaeological excavations conducted by Jesse W. Fewkes of the Smithsonian Institution. The Elden Pueblo (site NA 142) is on the Coconino National Forest. These four objects have been curated at the Natural History Museum of Utah since 1932, when the Smithsonian Institution transferred the objects to the museum. The four unassociated funerary objects are three ceramic bowls and one ceramic jar.

Based on archaeological evidence and material culture, Elden Pueblo (site NA 142) has been identified as a Northern

Sinagua site, comprised of a pueblo, pithouses, and outlier pueblos, which were occupied in the second half of the 13th and the first quarter of the 14th centuries A.D. The records at the Natural History Museum of Utah and the Smithsonian Institution indicate that these four cultural items were removed from a burial context and that the human remains were either left in the ground or are not locatable at the present time. Continuities among the ethnographic materials in the Flagstaff area of north central Arizona indicate that the Northern Sinagua sites in that area are affiliated with the Hopi Tribe, Arizona. In addition, oral traditions presented by representatives of the Hopi Tribe support their claims of cultural affiliation with Northern Sinagua sites in this portion of north central Arizona.

#### Determinations Made by the USDA, Forest Service, Southwestern Region

Officials of the USDA, Forest Service, Southwestern Region and the Coconino National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the four 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.

- 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 Hopi Tribe, Arizona.

#### Additional Requestors and Disposition

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA, Forest Service, 333 Broadway Blvd. SE., Albuquerque, NM 87102, (505) 842-3238 before September 24, 2012. Repatriation of the unassociated funerary objects to the Hopi Tribe, Arizona may proceed after that date if no additional claimants come forward.

The Coconino National Forest is responsible for notifying the Hopi Tribe, Arizona that this notice has been published.

Dated: July 24, 2012.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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