

responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). 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.

#### Consultation

A detailed assessment of the human remains was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; and the United Keetoowah Band of Cherokee Indians in Oklahoma (hereafter referred to as "The Consulted Tribes").

#### History and Description of the Remains

Between December 1938 and June 1939, human remains representing, at minimum, one individual were removed from the Little Bear Creek site, 1CT8, in Colbert County, AL, by the Alabama Museum of Natural History (AMNH) at the University of Alabama. TVA acquired the site on August 20, 1936, for the Pickwick Reservoir project. This shell midden site is at the confluence of Little Bear Creek and the Tennessee River. While there are no radiocarbon dates from this site, the excavated artifacts indicate that the major occupations took place during the Late Archaic (4000–1000 B.C.). Ceramics, while not abundant, were found in the upper two-to-three feet. Some of the ceramics suggest minor occupations during the Colbert (300 B.C.–A.D. 100) and McKelvey (A.D. 500–1000) phases. Distinctive shell-tempered vessels associated with some burials indicate a Mississippian Kogers Island phase (A.D. 1200–1500) occupation. The human remains are of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

Human remains and associated funerary objects excavated from site 1CT8 were the subject of a notice published in the **Federal Register** on December 21, 2018. In January 2019, the human remains in this notice were discovered by the AMNH in the course of conducting a curation improvement project.

#### Determinations Made by the Tennessee Valley Authority

Officials of Tennessee Valley Authority have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American, based on their presence in prehistoric archeological sites and osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Treaty of September 20, 1816, indicates that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- The Cherokee Nation; Eastern Band of Cherokee Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma have declined to accept transfer of control of the human remains.
- Pursuant to 43 CFR 10.11(c)(1)(ii), the Tennessee Valley Authority has decided to transfer control of the human remains to The Chickasaw Nation.

#### Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11C, Knoxville, TN 37902–1401, telephone (865) 632–7458, email [tomaher@tva.gov](mailto:tomaher@tva.gov), by November 8, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Chickasaw Nation may proceed.

The Tennessee Valley Authority is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: September 13, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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#### DEPARTMENT OF THE INTERIOR

##### National Park Service

[NPS–WASO–NAGPRA–NPS0028908; PPWOCRADNO–PCU00RP14.R50000]

#### Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and South Dakota State Archaeological Research Center, Rapid City, SD

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers, Omaha District (USACE, Omaha District) has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the USACE, Omaha District. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the USACE, Omaha District at the address in this notice by November 8, 2019.

**ADDRESSES:** Ms. Sandra Barnum, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO–PMA–C, 1616 Capital Avenue, Omaha, NE 68102, telephone (402) 995–2674, email [sandra.v.barnum@usace.army.mil](mailto:sandra.v.barnum@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** Notice is hereby 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 under the control of the U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and in the physical custody of the South Dakota State Archaeological Research Center, Rapid City, SD. The human remains and associated funerary objects were removed from site 39BR0011 and an unidentified site in Brule County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). 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.

#### Consultation

A detailed assessment of the human remains was made by the South Dakota State Archaeological Research Center (SARC) and USACE, Omaha District professional staff in consultation with representatives of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Nation, Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Upper Sioux Community, Minnesota; and the Yankton Sioux Tribe of South Dakota (hereafter referred to as "The Tribes").

#### History and Description of the Remains

Sometime in the 1950s or 1960s, human remains representing, at minimum, one individual were removed from site 39BR0011 in Brule County, SD. The site was excavated in 1953, 1954, and 1965 by the Smithsonian Institution, and either during these excavations or shortly thereafter illegal excavations occurred onsite. At that time, a neighbor gifted a box containing

human remains and artifacts he had collected from the site to a Mr. Thompson. In May 2000, Mr. Thompson donated the box to the Siouxland Heritage Museum. The Museum then contacted SARC and the U.S. Army Corps of Engineers about the human remains. The U.S. Army Corps of Engineers accepted the human remains and had them transferred to SARC on November 3, 2001. Based on the wide temporal and geographic span represented by the artifacts, it was determined that the artifacts and the human remains (a cranial fragment) in the box were not likely associated. No known individuals were identified.

Sometime prior to 1979, human remains representing, at minimum, one individual were removed from an unidentified site in Brule County, SD. In all, human remains and soil samples from two burials were collected by Robert Gant, and were kept at the W.H. Over Museum until the end of the 1979 field season. The human remains and soil samples were then transferred to the University of Tennessee for analysis, where they remained until 1988, at which time they were transferred back to South Dakota. The human remains were reburied in Stanley County at site 39ST15. The soil samples were sent to SARC in January 1988. In February 2002, one of the soil samples was water screened, and multiple human bone fragments were collected. No known individuals were identified. The two associated funerary objects are two soil samples.

#### Determinations Made by the U.S. Army Corps of Engineers, Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice 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.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission, the land

from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Yankton Sioux Tribe of South Dakota.

- Treaties indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Yankton Sioux Tribe of South Dakota. Executive Orders indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Sioux, represented today by The Tribes.

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Tribes.

#### Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ms. Sandra Barnum, U.S. Army Corps of Engineers, Omaha District, ATTN: CENWO-PMA-C, 1616 Capitol Avenue, Omaha, NE 68102, telephone (402) 995-2674, email [sandra.v.barnum@usace.army.mil](mailto:sandra.v.barnum@usace.army.mil), by November 8, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

The U.S. Army Corps of Engineers, Omaha District is responsible for notifying The Tribes that this notice has been published.

Dated: September 13, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0028955; PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Lassen National Forest, Susanville, CA**

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

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**SUMMARY:** The U.S. Department of Agriculture, Forest Service, Lassen National Forest has completed an inventory of human remains, in