

action statement in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on all of these documents.

## Background

The Service listed the California red-legged frog as threatened on May 23, 1996 (61 FR 25813). The Service is currently evaluating southwestern pond turtle for listing following the filing of a petition to list this species (80 **Federal Register** [FR] 19259, April 10, 2015), and southwestern pond turtle is a California state species of special concern. Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under the ESA, “take” is defined to include the following activities: “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532). Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22. Issuance of an ITP also must not jeopardize the existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR 402.02. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5)).

## Proposed Activities

The applicant has applied for a permit for incidental take of California red-legged frog and southwestern pond turtle. The take would occur in association with the operations, maintenance, and closure of the Tajigus Landfill and ReSource Center in Santa Barbara County, California.

The HCP includes avoidance and minimization measures for the California red-legged frog and southwestern pond turtle and mitigation for unavoidable loss of habitat. As mitigation, the applicant proposes to protect 110-s of otherwise developable land adjacent to the Tajigus Landfill with a conservation easement. The proposed conservation easement area is comprised of aquatic, adjacent upland, and dispersal habitat within California red-legged frog Critical Habitat Unit STB-6; including 3,500 linear feet of

occupied California red-legged frog and southwestern pond turtle breeding habitat within Arroyo Quemado drainage.

## Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

## Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

### Stephen Henry,

*Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS-WASO-NAGPRA-NPS0033684;  
PPWOCRADN0-PCU00RP14.R50000]**

### Notice of Intent To Repatriate Cultural Items: Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK

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

**ACTION:** Notice.

**SUMMARY:** The Sam Noble Oklahoma Museum of Natural History (Museum) at the University of Oklahoma, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Museum. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not

identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Museum at the address in this notice by May 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072-7029, telephone (405) 325-1994, email [mlevine@ou.edu](mailto:mlevine@ou.edu).

**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 a cultural item under the control of the Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Norman, OK, that meets the definition of an unassociated funerary object 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 Item

In 1941, one unassociated funerary object—a metal ring—was removed from a burial at the Clement 1 site (34Mc8) in McCurtain County, OK. The metal ring was recovered during excavations carried out by the Works Progress Administration in 1941 and was transferred to the Museum sometime that year.

Although the Clement 1 site (34Mc8) includes a pre-contact component, the ring was interred during a reoccupation of the site sometime after the 1700s. Based on archeological, geographical, and historical evidence, as well as oral history and information gained through tribal consultation, the ring and associated burial most likely are culturally affiliated with The Choctaw Nation of Oklahoma.

### Determinations Made by the Sam Noble Oklahoma Museum of Natural History

Officials of the Sam Noble Oklahoma Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above is 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 is 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 object and The Choctaw Nation of Oklahoma.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Dr. Marc Levine, Associate Curator of Archaeology, Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, 2401 Chautauqua Avenue, Norman, OK 73072-7029, telephone (405) 325-1994, email [mlevine@ou.edu](mailto:mlevine@ou.edu), by May 9, 2022. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to The Choctaw Nation of Oklahoma may proceed.

The Sam Noble Oklahoma Museum of Natural History is responsible for notifying The Choctaw Nation of Oklahoma that this notice has been published.

Dated: April 1, 2022.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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#### DEPARTMENT OF THE INTERIOR

##### National Park Service

[NPS-WASO-NAGPRA-NPS0033683;  
PPWOCRADN0-PCU00RP14.R50000]

#### Notice of Intent To Repatriate Cultural Items: Presbyterian Historical Society, Philadelphia, PA

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

**SUMMARY:** The Presbyterian Historical Society, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of both a sacred object and an object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Presbyterian

Historical Society. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Presbyterian Historical Society at the address in this notice by May 9, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Nancy J. Taylor, Executive Director, Presbyterian Historical Society, 425 Lombard Street, Philadelphia, PA 19147, telephone (215) 627-1852, email [ntaylor@history.pcusa.org](mailto:ntaylor@history.pcusa.org).

**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 a cultural item under the control of the Presbyterian Historical Society, Philadelphia, PA, that meets the definition of both a sacred object and an 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 Native American cultural item. The National Park Service is not responsible for the determinations in this notice.

#### History and Description of the Cultural Item

The Presbyterian Historical Society (PHS) holds in its museum collection a “[c]onch shell used by David Brainerd to call Native Americans to worship” (accession number 638).

David Brainerd (1718–1747) was an ordained Presbyterian minister who served as a missionary to Mohican, Stockbridge, and Delaware Indians in New York, Pennsylvania, and New Jersey from 1743 to 1746. According to PHS records, PHS acquired the conch shell sometime in the late nineteenth century from Sarah E. Marsh, daughter of Reverend Cutting Marsh, with Reverend William P. Breed acting as intermediary. In 1830, Cutting Marsh (1800–1873), a Presbyterian, began missionary work among the Stockbridge in Wisconsin. The one sacred object/ object of cultural patrimony is a large conch shell.

According to information provided by the Stockbridge Munsee Community, Wisconsin, the conch shell is an object of cultural patrimony as well as a sacred object. Relying on oral tradition and supported by evidence in written accounts, the Stockbridge Munsee Community, Wisconsin posits that Mohican Sachem John Metoxan blew the conch shell for worship. Metoxan led 80 Stockbridge-Munsee Community ancestors west to Indiana in 1818 and joined the majority of the community in Wisconsin in 1822. He became sachem in 1830, the same year Reverend Cutting Marsh began his missionary work in Wisconsin.

#### Determinations Made by the Presbyterian Historical Society

Officials of the Presbyterian Historical Society 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.

- Pursuant to 25 U.S.C. 3001(3)(D), the one 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.

- 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 and object of cultural patrimony and the Stockbridge Munsee Community, Wisconsin.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Nancy J. Taylor, Executive Director, Presbyterian Historical Society, 425 Lombard Street, Philadelphia, PA 19147, telephone (215) 627-1852, email [ntaylor@history.pcusa.org](mailto:ntaylor@history.pcusa.org), by May 9, 2022. After that date, if no additional claimants have come forward, transfer of control of the sacred object and object of cultural patrimony to the Stockbridge Munsee Community, Wisconsin may proceed.

The Presbyterian Historical Society is responsible for notifying the Stockbridge Munsee Community, Wisconsin that this notice has been published.