

were removed from an unknown location. In June 2014, an auction was posted that contained a human cranium, reportedly recovered by a private citizen from the Josiah Benner Farm, PA. The auction included a photograph, some battlefield objects, and an accompanying description that attributed the human remains and Civil War Era objects to the Battle of Gettysburg in 1863. The Josiah Benner Farm served as a field hospital during and immediately following the Battle of Gettysburg from July 1 to July 4, 1863.

Due to the public outcry and threat of a riot, the auction was cancelled. The human cranium and Civil War objects were donated to the Gettysburg Foundation. At the request of the Gettysburg Foundation, the human cranium was sent to the Smithsonian Institution's National Museum of Natural History for analysis. Forensic analysis of the cranium was used to determine whether the human cranium represented the remains of a Civil War soldier.

Forensic analysis indicates that the human cranium likely is the remains of a male, aged 22 to 25 years, whose ancestry is Native American and most closely associated with Indian tribes of the southwestern United States based on craniometrics measurements.

Stable isotope analysis and a radiocarbon sample were extracted from a fragmented left maxillary third molar. Stable isotope analysis indicates a diet largely comprised of C4 plants, likely maize, with moderate to low levels of meat protein. The AMS radiocarbon dating yielded results of 700 BP + 20 years. Calibrated date ranges are calculated to Cal AD 1269–1299 (94.53%) and Cal AD 1370–1379 (5.47%), respectively. The Civil War Era objects in the auction with the human cranium are not associated funerary objects.

Pursuant to 43 CFR 10.16, the Secretary of the Interior may make a recommendation for a transfer of control of culturally unidentifiable Native American human remains. In July 2016, the Gettysburg Foundation requested that the Secretary, through the Native American Graves Protection and Repatriation Review Committee, recommend the proposed transfer of control of the culturally unidentifiable Native American human remains in this notice to the Pueblo of San Felipe, New Mexico. The Review Committee, acting pursuant to its responsibility under 25 U.S.C. 3006(c)(5), considered the request at its September 2016 meeting and recommended to the Secretary that the proposed transfer of control proceed. An October 20, 2016 letter on

behalf of the Secretary of Interior from the National Park Service Associate Director, Cultural Resources, Partnerships, and Science transmitted the Secretary's independent review and concurrence with the Review Committee that:

- The Gettysburg Foundation consulted with the appropriate Indian tribes or Native Hawaiian organizations,
- none of The Consulted Tribes objected to the proposed transfer of control, and
- the Gettysburg Foundation may proceed with the agreed upon transfer of control of the culturally unidentifiable human remains to the Pueblo of San Felipe, New Mexico.

Transfer of control is contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

#### **Determinations Made by the Gettysburg Foundation**

Officials of the Gettysburg Foundation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the forensic 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 and any present-day Indian tribe.
- Pursuant to 43 CFR 10.16, the disposition of the human remains will be to the Pueblo of San Felipe, New Mexico.

#### **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 Daniel Bringman, Gettysburg Foundation, 1195 Baltimore Pike, Gettysburg, PA 17325, phone 717-339-2116, email [dbringman@gettysburgfoundation.org](mailto:dbringman@gettysburgfoundation.org) by December 9, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Pueblo of San Felipe, New Mexico may proceed.

The Gettysburg Foundation is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: October 31, 2016.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

**[NPS-WASO-NAGPRA-22252;  
PPWOCRADN0-PCU00RP14.R50000]**

### **Notice of Intent To Repatriate Cultural Items: U.S. Army Corps of Engineers, Omaha District, Omaha, NE**

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers, Omaha District (Omaha District), in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Omaha District. If no additional claimants come forward, transfer of control of the cultural items 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 these cultural items should submit a written request with information in support of the claim to the Omaha District at the address in this notice by December 9, 2016.

**ADDRESSES:** Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO-PM-AB, 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. 3005, of the intent to repatriate cultural items under the control of the Omaha District, Omaha, NE., 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 Item(s)

Cultural items consisting of seven unassociated funerary objects that were collected from 39WW7, the Swan Creek site, Dewey County, South Dakota, are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District.

The Swan Creek site, 39WW2 was an earthlodge village and cemetery that was excavated between 1954 and 1956 prior to inundation by flood waters of the Oahe Reservoir. Over 125 sets of human remains were recovered, and 102 of these individuals are currently housed at SARC and reported under a separate Notice of Inventory Completion. Human remains of the other individuals were reburied in 1986 at site 39ST15.

SARC currently holds seven funerary objects that were originally collected with individuals that were reburied. The excavation records clearly show these items as having been removed from the burial of a specific individual. These seven unassociated funerary objects are one lithic projectile point and six ceramic body sherds from the same ceramic vessel.

Site 39WW7 is an earthlodge village and associated cemetery. Based on village organization, fortifications, geographic location and features, as well as the associated artifact assemblage, the site is believed to represent at least two major time periods, the Akaska Focus of the Extended Coalescent (A.D. 1500–1675) and the Le Beau Phase of the Post Contact Coalescent (A.D. 1675–1780) of the Plans Village tradition. Based on oral tradition, historic accounts, archaeological evidence, geographical location, and physical anthropological interpretations, both the Extended and Post Contact Coalescent variants are believed to be ancestral Arikara. The Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation. Consultation with the Three Affiliated Tribes of the Fort Berthold Reservation indicates that these objects represent the kinds of objects that are placed with individuals at the time of death.

### Determinations Made by the Omaha District

Officials of the Omaha District have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the seven 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 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

### 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 these cultural items should submit a written request with information in support of the claim to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO-PM-AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995-2674, email [sandra.v.barnum@usace.army.mil](mailto:sandra.v.barnum@usace.army.mil), by December 9, 2016. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

The Omaha District is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, that this notice has been published.

Dated: October 24, 2016.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS-WASO-NAGPRA-22251;  
PPWOCRADNO-PCU00RP14.R50000]**

### Notice of Intent To Repatriate Cultural Items: Albion College, Albion, MI

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

**ACTION:** Notice.

**SUMMARY:** Albion College, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian

organization not identified in this notice that wish to claim these cultural items should submit a written request to Albion College. If no additional claimants come forward, transfer of control of the cultural items 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 these cultural items should submit a written request with information in support of the claim to Albion College at the address in this notice by December 9, 2016.

**ADDRESSES:** Bille Wickre, Department of Art and Art History, Albion College, 611 East Porter Street, Albion, MI 49224, telephone (517) 629-0246, email [bwickre@albion.edu](mailto:bwickre@albion.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 cultural items under the control of Albion College, Albion, MI, that meet the definition of sacred 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 Item

At an unknown date before 1973, one sacred object was removed from Zuni lands, most likely from a location in New Mexico. The sacred object is a cottonwood cylinder, 71 cm. long and 23.7 cm. in diameter. It is rounded at both ends and carved to resemble a human figure with a face, ears, hair and cap or helmet at one end and hands at the other end. There is a hole in the front center at a place where some scholars suggest is an umbilicus. The wood is significantly weathered and shows signs of aging. Based upon the form and condition, the object has been determined to be a Zuni *Ahayu:da* or war god.

In 1973, the sacred object (*Ahayu:da*) was donated by an individual to Albion College. There is no further information regarding its origin or date. After the donor's death in 1990, Bille Wickre contacted the donor's children and