

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, thirty (30) days from the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Randy Thomas, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101-4669, telephone (406) 896-5134 or (406) 896-5009.

**SUPPLEMENTARY INFORMATION:** This survey was executed at the request of the Superintendent, Northern Cheyenne Agency, through the Rocky Mountain Regional Director, Bureau of Indian Affairs, and was necessary to determine boundaries of trust or tribal interest lands.

#### Principal Meridian, Montana

T. 2 S., R. 44 E.

The plat, in 13 sheet(s), representing the corrective dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and a portion of the subdivision of section 34, the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, a portion of the subdivision of certain sections, the adjusted original meanders of portions of the former left and right banks of the Tongue River, downstream, through certain sections, certain partition lines dividing an abandoned channel of the Tongue River, lying within section 10, the adjusted original medial line of an abandoned channel of the Tongue River, through sections 9 and 10, and former Tract 37, now designated Tract 38, lying within sections 9 and 10, the subdivision of section 21, and the survey of certain meanders of the present left and right banks of the Tongue River, downstream, through certain sections, the former left bank of an abandoned channel of the Tongue River, through sections 9 and 10, certain division of accretion lines, and certain partition lines dividing an abandoned channel of the Tongue River, Township 27 North, Range 4 East, Principal Meridian, Montana, was accepted March 31, 2010.

We will place a copy of the plat, in 13 sheet(s), and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in 13 sheet(s), prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in 13 sheet(s), until the day after

we have accepted or dismissed all protests and they have become final, including decisions or appeals.

**Authority:** 43 U.S.C. Chap. 3

Dated: April 1, 2010.

**Michael T. Birtles,**  
Chief Cadastral Surveyor, Division of Resources.

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**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Native American Graves Protection and Repatriation Review Committee Findings Related to the Identity of Cultural Items in the Possession of the American Museum of Natural History, New York, NY

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

**ACTION:** Native American Graves Protection and Repatriation Review Committee: Findings.

This notice is published as part of the National Park Service's administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(g)). The findings of fact do not necessarily represent the views of the National Park Service or the Secretary of the Interior.

**SUMMARY:** The Native American Graves Protection and Repatriation Review Committee (Review Committee) was established by section 8 of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 3006), and is an advisory body governed by the Federal Advisory Committee Act (5 App. U.S.C. 1-16). At its October 30-31, 2009, public meeting in Sarasota, FL, the Review Committee, acting pursuant to its statutory responsibility (25 U.S.C. 3006(c)(3)), reviewed the record and made findings of fact related to the identity of 45 cultural items in the possession of the American Museum of Natural History at the request of the San Carlos Apache Tribe and the White Mountain Apache Tribe, acting through the Western Apache NAGPRA Working Group. The Review Committee found that each of the 45 cultural items was both a "sacred object" (25 U.S.C. 3001(3)(C), 43 CFR 10.2(d)(3)) and "cultural patrimony" (25 U.S.C. 3001(3)(D), 43 CFR 10.2(d)(4)).

**SUPPLEMENTARY INFORMATION:** In June 2007, the San Carlos Apache Tribe and the White Mountain Apache Tribe, acting through the Western Apache NAGPRA Working Group, submitted a request for repatriation of certain items

in the possession of the American Museum of Natural History. The San Carlos Apache Tribe requested the repatriation of 29 items, and the White Mountain Apache Tribe requested the repatriation of 16 different items. The San Carlos Apache Tribe and the White Mountain Apache Tribe claimed each item as both a "sacred object" (25 U.S.C. 3001(3)(C), 43 CFR 10.2(d)(3)) and "cultural patrimony" (25 U.S.C. 3001(3)(D), 43 CFR 10.2(d)(4)).

In response, the American Museum of Natural History agreed that the repatriation request satisfied the criteria for such requests (43 CFR 10.10(a)). Though it agreed that the information in the repatriation request showed that each of the 45 items in question was a "cultural item", the American Museum of Natural History would neither agree nor disagree that the items belonged to the category of sacred object and the category of cultural patrimony, and it identified the items as "cultural items" in its two notices of intent to repatriate the 45 cultural items that were published in the **Federal Register** on March 9, 2009 (74 Fed. Reg. 10,066 and 10,069).

The American Museum of Natural History's position regarding the category or categories of cultural item to which each of the 45 cultural items belonged led the San Carlos Apache Tribe and the White Mountain Apache Tribe, acting through the Western Apache NAGPRA Working Group, to request from the Review Committee findings of fact on the identity, by category, of each cultural item. The Review Committee Chair agreed to the request.

At its October 30-31, 2009, meeting, the Review Committee reviewed the repatriation request from the San Carlos Apache Tribe and the White Mountain Apache Tribe for the 45 cultural items, and heard presentations by the San Carlos Apache Tribe and the White Mountain Apache Tribe in order to answer two questions. The first question was: *Did the written repatriation request—the initial document, dated June 7, 2006, plus all relevant subsequent documents sent prior to January 22, 2009—submitted to the American Museum of Natural History (Museum) by the San Carlos Apache Tribe and the White Mountain Apache Tribe, through the Western Apache NAGPRA Working Group, for items deemed by the requesting tribes to be both "sacred objects" and "cultural patrimony", show that, more likely than not, some or all of the 45 items that the Museum stated were "cultural items" in their Notices of Intent to Repatriate in fact were "sacred objects", as defined at 25 U.S.C. 3001(3)(C) and 43 CFR*

10.2(d)(3)? If yes, which cultural items were shown to be sacred objects? The second question was: *Did the written request for repatriation referenced in Question #1 show that, more likely than not, some or all of the 45 items that the Museum stated were "cultural items" in their Notices of Intent to Repatriate in fact were "cultural patrimony", as defined at 25 U.S.C. 3001CFR 10.2(d)(4)? If yes, which cultural items were shown to be cultural patrimony?*

**Findings of Fact:** By a unanimous vote—six members, comprising a quorum, were present—the Review Committee found that the information contained in the written repatriation request submitted to the American Museum of Natural History by the San Carlos Apache Tribe and the White Mountain Apache Tribe, as well as the information presented by the tribes to the Review Committee on October 30, 2009, in Sarasota, Florida, showed that, more likely than not, each of the 45 cultural items was both a "sacred object" and "cultural patrimony."

Dated: February 2, 2010.

**Dan Monroe,**

*Acting Chair, Native American Graves Protection and Repatriation Review Committee.*

[FR Doc. 2010-7936 Filed 4-7-10; 8:45 am]

**BILLING CODE 4312-50-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLORM07000; L14300000.EU0000; OR-65853; HAG-10-0049]

### Noncompetitive Lease of Public Land; Josephine County, Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action.

**SUMMARY:** The Bureau of Land Management (BLM) has determined that the parcel of land identified in this notice (approximately 10.21 acres) is available for wildlife rehabilitation and education activities through a non-competitive (direct) lease to Wildlife Images Rehabilitation and Education Center in order to resolve unauthorized use and occupancy of public land. This determination of availability conforms to the Medford District Resource Management Plan (2008) as well as the Rogue River Plan (1972) and the 2003 Hellgate Recreation Area Management Plan (2003) for the Rogue National Wild and Scenic River. The determination of availability is also fully consistent with the prior Resource Management Plan, as amended, for the BLM Medford District,

dated June 1995. The lease would be issued pursuant to Section 302(b) of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, (90 Stat. 2762; 43 U.S.C. 1732) and the implementing regulations at 43 CFR part 2920.

**DATES:** Interested parties may submit written comments regarding: (1) The availability of the lands described herein for leasing, and (2) The decision to accept for processing an application from Wildlife Images Education and Rehabilitation Center for a non-competitive lease. Comments must be received no later than 45 days from the publication date of this notice in the **Federal Register**.

**ADDRESSES:** Address all written comments to Abbie Jossie, Field Manager, Bureau of Land Management, Grants Pass Interagency Office, 2164 NE Spalding, Grants Pass, Oregon 97526. Only written comments submitted through the U.S. Postal Service or other delivery service, or hand-delivered to the BLM Medford District Office will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed.

**FOR FURTHER INFORMATION CONTACT:** Carl Symons, Realty Specialist, BLM Medford District Office, 3040 Biddle Road, Medford, Oregon 97504. Phone: (541) 618-2239.

**SUPPLEMENTARY INFORMATION:** The parcel is a portion of a 26.40-acre tract acquired by the United States under the authority of the Wild and Scenic Rivers Act (W&SRA) (Pub. L. 90-542) and managed as part of the Rogue W&SR Corridor. In accordance with section 14A(a) of the W&SRA, tracts within the boundaries of a wild and scenic rivers system may be leased, subject to such restrictive covenants as may be necessary to carry out the purposes of the Act. Section 14A(b) of the W&SRA also states: "Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the U.S." The BLM has performed due diligence to contact the landowners prior to the U.S. acquisition (David B. Heriot, Benjamin M. Heriot, and Marcia Chamberlain) and has not been able to locate them. This notice also provides 45 days for the above-named landowners to provide written notification to the BLM, at the above address, of their objection to offering a non-competitive lease to Wildlife Images Rehabilitation and Education Center and of their desire to exercise their first right of lease offering (subject to payment of full cost recovery and fair market value rent). The

following described lands have been examined and found suitable for leasing under the provisions of section 302(b) of FLPMA:

### Willamette Meridian, Josephine County, Oregon

T. 35 S., R.7 W.,

A portion of the lands described in the deed from David B. Heriot, Benjamin M. Heriot, and Marcia Chamberlain to the United States, recorded Volume 283, Page 449 in Josephine County, Oregon, Deed Records, more particularly described as that portion lying West or Westerly of the Westerly right of way line of the State secondary Highway known as the Lower River Road of the following described tract: Beginning at the Southeast corner of the George B. Miller Donation Land Claim No. 37 in Township 35 South, Range 7 West of the Willamette Meridian; thence North 425.3 feet; thence West (bearing as cited in the above-mentioned deed from David B. Heriot, Benjamin M. Heriot, and Marcia Chamberlain to the United States of America) 1454.64 feet to the Southwest corner of a parcel of land described in deed from Black-Eagle Sun and Katherine B. Sun to Wildlife Images Rehabilitation and Education Center, Inc., recorded in Volume 65, Page 103, Josephine County, Oregon, Deed Records; thence Southerly to the South boundary of said Donation Land Claim No. 37, and the Northwest corner of a parcel of land described in deed from Mary Ann Wade and Gary Lynn Wade to Wildlife Images, Inc., recorded Volume 112, Page 2916 in Josephine County, Oregon, Deed Records; thence East (bearing as cited in the above-mentioned deed from David B. Heriot, Benjamin M. Heriot, and Marcia Chamberlain to the United States of America, along the South boundary of said Donation Land Claim No. 37) 1404.68 feet to the point of beginning.

The proposed lease is to resolve unauthorized uses related to Wildlife Images Rehabilitation and Education Center in Merlin, Oregon. Proposed authorizations include existing wildlife and supporting facilities such as a wildlife pond, wildlife enclosures, above- and below-ground power lines, buried water and phone lines, foot bridges, walking trails, etc. The lease is also proposed to include upgrading of wildlife fences to meet standards as set by state and/or Federal regulatory agencies.

As provided in 43 CFR 2920.5-4(b), "Land use authorizations may be offered on a negotiated, non-competitive basis when, in the judgment of the authorized officer, equities, such as prior use of the