

processors—can be developed and implemented. This **Federal Register** notice serves to provide application instructions for licensed Dungeness crab buyer/processors who believe they qualify for interim compensation. Applications must be provided to the Superintendent, Glacier Bay National Park and Preserve, on or before October 1, 1999.

**DATES:** Applications for the Dungeness crab commercial fishery processor interim compensation program will be accepted on or before October 1, 1999.

**ADDRESSES:** Applications for the Dungeness crab commercial fishery processor interim compensation program should be submitted to the Superintendent, Glacier Bay National Park and Preserve, P.O. Box 140, Gustavus, Alaska 99826. A delivery address is located at 1 Park Road, in Gustavus.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the Dungeness crab commercial fishery compensation program, please contact Tomie Lee, Glacier Bay National Park and Preserve, P. O. Box 140, Gustavus, Alaska 99826. Phone: (907) 697-2230.

**SUPPLEMENTARY INFORMATION:** The Act, as amended, requires Dungeness crab fishermen to provide certain information sufficient to determine their eligibility for compensation. NPS will require similar corroborating documentation from Dungeness crab buyers/processors making application to NPS for 1999 interim compensation as described in this notice. Dungeness crab processors must provide the following information to the Superintendent: (1) Full name, mailing address, and a contact phone number. (2) A sworn and notarized personal affidavit from the owner of the processing business attesting to the applicant's history of buying Dungeness crab harvested from either the Beardslee Island or Dundas Bay wilderness areas of the park as a licensed buyer/processor for at least 6 of 12 years during the period of 1987 through 1998. (3) A copy of the business's current State of Alaska license for buying/processing Dungeness crab. (4) Any available corroborating information—including documentation of Dungeness crab landed/purchased from the Alaska Department of Fish and Game shellfish statistical units that include wilderness areas in the Beardslee Islands or Dundas Bay and/or sworn and notarized affidavits of witnesses—that can assist in a determination of eligibility for compensation. The Superintendent, with the concurrence of the State of Alaska, will make a written

determination on eligibility for compensation based on the documentation provided by the applicant. The Superintendent, with the concurrence of the State of Alaska, will also make a written determination on the amount of 1999 interim compensation to be paid to an eligible applicant. NPS intends to complete payment of interim compensation to processors meeting the above eligibility criteria by December 1, 1999. Receipt of compensation for 1999 losses will not prejudice any opportunity the applicant may have to seek any additional compensation that may be provided for in the Act, as amended.

If an application for compensation is denied, the Superintendent will provide the applicant the reasons for the denial in writing. Denial of interim compensation as a Dungeness crab processor will not affect consideration for future compensation for processors under the Act, as amended.

Dated: July 20, 1999.

**Paul R. Anderson,**

*Acting Regional Director, Alaska.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Draft Principles of Agreement Regarding the Disposition of Culturally Unidentifiable Human Remains—Extended Date for Comments**

**AGENCY:** National Park Service

**ACTION:** Notice

Section 8 (c)(5) of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3006 (c)(5)) requires the Review Committee to recommend specific actions for developing a process for the disposition of culturally unidentifiable Native American human remains. The Review Committee has developed the following draft principles of agreement for comment and discussion. The document is intended for wide circulation to elicit comments from Indian tribes, Native Hawaiian organizations, museums, Federal agencies, and national scientific and museum organizations.

Anyone interested in commenting on the review committee's draft principles of agreement should send written comments to:

The NAGPRA Review Committee  
c/o Departmental Consulting  
Archeologist  
National Park Service (2275)

1849 C St. NW. (NC340)  
Washington DC, 20240

Comments received by **September 3, 1999** will be considered by the committee at its next scheduled meeting. For additional information, please contact Dr. C. Timothy McKeown at (202) 343-4101.

**Note:** We will not accept any comments in electronic form.

Dated: July 23, 1999.

**Veletta Canouts,**

*Acting Departmental Consulting  
Archeologist,*

*Deputy Manager, Archeology and  
Ethnography Program.*

#### **DRAFT PRINCIPLES OF AGREEMENT**

At its June 25-27, 1998 meeting, the NAGPRA Review Committee examined the legislative history of NAGPRA and discussed both the law's intent and how to proceed with one of the Committee's most pressing tasks-- making recommendations on the disposition of culturally unidentifiable human remains. One result was a set of principles. Working from these, the Review Committee offers the following draft principles of agreement as a next step for discussion. The Committee wishes to underscore the preliminary nature of these principles and their placement as a beginning point for consideration of this topic.

##### **A. Intent of NAGPRA.**

1. The legislative intent of NAGPRA is stated by the statute's title, the "Native American Graves Protection and Repatriation Act".

2. Specifically, the statute mandates:

a. The disposition of all Native American human remains and cultural items excavated on Federal lands after November 16, 1990,

b. The repatriation of culturally affiliated human remains and associated funerary objects in Federal agency and museum collections,

c. The development of regulations for the disposition of unclaimed remains and objects (under 25 U.S.C. 3002) and culturally unidentified human remains in Federal agency and museum collections (under 25 U.S.C. 3006).

3. The legal standing of funerary objects associated with culturally unidentifiable human remains is not addressed by NAGPRA and is beyond the Review Committee's charge.

4. While the statute does not always specify disposition, it is implicit that:

a. The process be primarily in the hands of Native people (as the nearest next of kin),

b. Repatriation is the most reasonable and consistent choice.

5. Additionally, a fundamental tension exists within the statute

between the legitimate and long denied need to return control over ancestral remains and funerary objects to Native people, and the legitimate public interest in the educational, historical and scientific information conveyed by those remains and objects. (25 U.S.C. 3002 (c); 25 U.S.C. 3005 (b))

#### **B. Culturally Unidentifiable Human Remains.**

1. Federal agencies and museums must make a decision as to whether all Native American human remains are related to lineal descendants, culturally affiliated with a present day Federally recognized Indian tribe, or are culturally unidentifiable. This determination must be made through a good faith evaluation of all relevant, available documentation and consultation with any appropriate Indian tribe.

2. A determination that human remains are culturally unidentifiable may change as additional information becomes available.

3. Human remains can be identified as "culturally unidentifiable" for different reasons. At present, four categories are recognized:

a. Those which are culturally affiliated, but with a non-Federally recognized Native American group.

b. Those which represent a defined past population, but for which no present day Indian tribe exists.

c. Those for which some evidence exists, but insufficient for a Federal agency or museum to make a determination of cultural affiliation.

d. Those for which no information exists.

#### **C. Guidelines for the disposition of culturally unidentifiable human remains.**

1. Four principles must serve as the foundation for any regulations on the disposition of culturally unidentifiable human remains. They must be:

a. *Respectful*. Culturally unidentifiable human remains are no less deserving of respect than those for which cultural affiliation can be established. While the Review Committee is aware that the term 'culturally unidentifiable' is inherently offensive to many Native people, it is the term used in the statute.

b. *Equitable*. Regulations must be perceived as fair and within the intent of the statute.

c. *Doable*. Regulations must propose a process that is possible for Federal agencies, museums, and claimants and worth the effort to implement.

d. *Enforceable*. There is no point in making regulations that can not or will not be enforced.

2. Since human remains may be determined to be culturally

unidentifiable for different reasons, there will be more than one appropriate disposition/repatriation solution.

Examples:

a. Human remains that are, technically, culturally unidentifiable because the appropriate claimant is not federally recognized [section B(3)(a.) above], may be repatriated once federal recognition has been granted, or if the claimant works with another culturally affiliated, federally recognized Indian tribe (example—the Titicut site / Mashpee case).

b. Human remains for which there is little or no information [section B(3)(c. and d.) above] should be speedily repatriated since they have little educational, historical or scientific value.

3. Documentation.

a. Since documentation is required (25 U.S.C. 3003 (b)(2)), it is appropriate that it be conducted in accordance with defined standards.

b. Documentation should be proportional to the importance of the information conveyed. For example, remains from a defined past population for which no present-day Indian tribe exists [section B(3)(b.) above] are of far greater educational, historical and scientific importance than those for which there is little or no information [section B(3)(c) and (d) above].

c. Appropriate documentation includes non-invasive techniques such as measurement, description and photography.

d. Invasive testing is not required for statutory documentation. Such testing may be performed if agreed upon by the parties in consultation.

e. Documentation prepared for compliance with the statute is a public record.

#### **D. Models for the disposition of culturally unidentifiable human remains.**

1. Joint recommendations by institutions, Federal agencies, or states and appropriate claimants. The Review Committee has recommended the repatriation of culturally unidentifiable human remains in those cases where:

a. All the relevant parties have agreed in writing.

b. Statutory requirements have been met.

c. The guidelines listed above have been followed.

These cases have included institutions (University of Nebraska, Lincoln), units of the National Park Service (Carlsbad Caverns NP and Guadalupe Mountains NM), and states (Minnesota and Iowa).

2. Regional consultations

Historical and cultural factors, and therefore issues concerning the

definition and disposition of culturally unidentifiable human remains, vary significantly across the United States. For example, issues in the Southeast, where most Indian tribes were forcibly removed during the 19th century, are very different from those in the Southwest where many Indian tribes remain on their ancestral lands. Similarly, issues in the Northeast and California differ significantly from those in the Great Plains. Therefore, it is reasonable to look for regional solutions that best fit regional circumstances.

The Review Committee recommends a process in which the Federal agencies, institutions and Indian tribes within a region consult together and propose the most appropriate disposition solutions for that region.

As with joint recommendations, any proposed regional disposition must meet both statutory requirements and the guidelines listed above.

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## **DEPARTMENT OF THE INTERIOR**

### **National Park Service**

#### **Notice of Inventory Completion for Native American Human Remains from Kansas in the Possession of the Department of Anthropology, University of Tennessee, Knoxville, TN**

**AGENCY:** National Park Service

**ACTION:** Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains in the possession of the Department of Anthropology, University of Tennessee, Knoxville, TN.

A detailed assessment of the human remains was made by Department of Anthropology professional staff in consultation with representatives of the Pawnee Indian Tribe of Oklahoma.

At an unknown date, human remains representing two individuals were recovered from the Kansas Monument site (14RP1), Republic County, KS by person(s) unknown. At an unknown date, these human remains were donated to the Department of Anthropology by person(s) unknown. No known individuals were identified. No associated funerary objects are present.

Based on material culture and village organization, the Kansas Monument site has been identified as an historic Pawnee cemetery and village (c. 1820-1830s AD). Based on this information,