

The later burials at the site contained pottery types (e.g., Schultz Incised, Monongahela, shell-tempered) and copper ornaments (e.g., spirals) that usually are associated with Susquehannock peoples who lived in the Susquehanna River Valley in New York and Pennsylvania. Archeological data indicate that Susquehannock material culture and lifeways were broadly similar to other Iroquoian- and Algonquian- speaking peoples, including the Haudenosaunee, Erie, Petun, Huron, and Delaware among others. Archeological and historical evidence shows that, towards the end of the 16th century, the Susquehannock moved south along the Susquehanna River to escape warfare and position their villages closer to trade with the southern colonies. Throughout the 17th century, the Susquehannock were greatly reduced by disease and warfare. Historical records show that by A.D. 1763, the Susquehannock were so diminished by these processes that they ceased to exist as a separate group. Individuals and groups were adopted and assimilated into various Indian Nations. Some survivors moved northward to live among the Haudenosaunee, while other Susquehannocks lived among their Delaware allies. As a result, no Federally-recognized Susquehannock groups exist today for the purposes of NAGPRA. Haudenosaunee oral tradition describes a relationship of shared group identity with the Susquehannock peoples, such as those interred at the Engelbert site, based on the adoption of many Susquehannock into Nations within the Haudenosaunee Confederacy. The Onondaga Nation asserts a relationship of shared group identity with the peoples interred at the Engelbert site based on oral history, geography, linguistics, material culture, and kinship.

The Onondaga Nation petitioned the Native American Graves Protection and Repatriation Committee (Review Committee) to hear a dispute with the New York State Museum about the cultural affiliation of the human remains removed from the Engelbert site. The Engelbert funerary objects in the physical possession and control of Binghamton University are directly associated with the human remains removed from the Engelbert site, but were not part of this hearing. During their October 11–12, 2008 meeting in San Diego, CA, and in their Findings and Recommendations published in the **Federal Register** (74 FR 9427–9428, March 4, 2009), the Review Committee found a relationship of shared group

identity between the human remains from the Engelbert site and the Onondaga Nation and Haudenosaunee Confederacy. The Onondaga Nation and the New York State Museum consulted with members of the Confederacy, as well as the Stockbridge-Munsee and Delaware Nation, and found support for repatriation of the Engelbert human remains to the Onondaga Nation, as documented in written support from the Federally-recognized Tonawanda Seneca Indians of New York and Tuscarora Nation of New York; verbal support from the Federally-recognized Oneida Nation of New York; St. Regis Mohawk Tribe, New York; Seneca Nation of New York; Cayuga Nation of New York, and Oneida Tribe of Indians of Wisconsin; and written support from the Delaware Tribe of Indians (part of the Federally-recognized Cherokee Nation, Oklahoma) and the Federally-recognized Stockbridge-Munsee Community, Wisconsin. Based on this information, Binghamton University also supports the repatriation of the associated funerary objects from the Engelbert site to the Onondaga Nation within whose traditional territory the associated funerary objects were found.

Officials of Binghamton University have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 2,640 lots and objects described above are reasonably believed to have been placed with or near individual Native American human remains at the time of death or later as part of the death rite or ceremony. Officials of Binghamton University have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the associated funerary objects and the Haudenosaunee Confederacy, a non-Federally-recognized Indian group for the purposes of NAGPRA. Based on the written and verbal support of Haudenosaunee and Delaware Nations, officials of Binghamton University also have determined that the associated funerary objects should be repatriated to the Onondaga Nation of New York within whose traditional territory the associated funerary objects were found.

Representatives of any other Indian Nation or tribe that believes itself to be culturally affiliated with the associated funerary objects should contact Nina M. Versaggi, Public Archaeology Facility, Binghamton University, Binghamton, NY 13902–6000, telephone (607) 777–4786, before July 20, 2009. Repatriation of the associated funerary objects to the Onondaga Nation of New York may proceed after that date if no additional claimants come forward.

Binghamton University is responsible for notifying the Cayuga Nation of New York; Delaware Tribe (part of the Cherokee Nation, Oklahoma); Delaware Nation, Oklahoma; Oneida Tribe of Indians of Wisconsin; Oneida Nation of New York; Onondaga Nation of New York; Saint Regis Mohawk Tribe, New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Stockbridge-Munsee Community, Wisconsin; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York that this notice has been published.

Dated: May 18, 2009

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R9–FHC–2009–N0092; 71490–1351–0000–M2–FY09]

#### Marine Mammal Protection Act; Stock Assessment Report

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of draft revised marine mammal stock assessment reports for the Pacific walrus stock and two stocks of polar bears; request for comments.

**SUMMARY:** In accordance with the Marine Mammal Protection Act of 1972, as amended (MMPA), and its implementing regulations, we, the U.S. Fish and Wildlife Service (Service), have developed draft revised marine mammal stock assessment reports (SARs) for the Pacific walrus (*Odobenus rosmarus divergens*) stock and for each of the two polar bear (*Ursus maritimus*) stocks in Alaska: The southern Beaufort Sea polar bear stock and the Chukchi/Bering seas polar bear stock. These three SARs are available for public review and comment.

**DATES:** We must receive comments by September 16, 2009.

**ADDRESSES:** To obtain the SARs for the Pacific walrus or either polar bear stock, and to submit comments, see Document Availability and Public Comment, respectively, under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Rosa Meehan, Marine Mammals Management Office, (800) 362–5148 (telephone) or [r7\\_mmm\\_comment@fws.gov](mailto:r7_mmm_comment@fws.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under the MMPA (16 U.S.C. 1361 *et seq.*) and its implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR part 18, we regulate the taking, possession, transportation, purchasing, selling, offering for sale, exporting, and importing of marine mammals. One of the MMPA's goals is to ensure that stocks of marine mammals occurring in waters under U.S. jurisdiction do not experience a level of human-caused mortality and serious injury that is likely to cause the stock to be reduced below its *optimum sustainable population level* (OSP). OSP is defined as "the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element."

To help accomplish the goal of maintaining marine mammal stocks at their OSPs, section 117 of the MMPA requires us and the National Marine Fisheries Service (NMFS) to prepare a SAR for each marine mammal stock that occurs in waters under U.S. jurisdiction. A SAR must be based on the best scientific information available; therefore, we prepare it in consultation

with established regional scientific review groups. Each SAR must include: (1) A description of the stock and its geographic range; (2) a minimum population estimate, maximum net productivity rate, and current population trend; (3) an estimate of human-caused mortality and serious injury; (4) a description of commercial fishery interactions; (5) a categorization of the status of the stock; and (6) an estimate of the potential biological removal (PBR) level. The PBR is defined as "the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its OSP." The PBR is the product of the minimum population estimate of the stock ( $N_{min}$ ); one-half the maximum theoretical or estimated net productivity rate of the stock at a small population size ( $R_{max}$ ); and a recovery factor ( $F_r$ ) of between 0.1 and 1.0, which is intended to compensate for uncertainty and unknown estimation errors.

Section 117 of the MMPA also requires us and NMFS to review the SARs (a) at least annually for stocks that are specified as strategic stocks, (b) at least annually for stocks for which significant new information is available,

and (c) at least once every 3 years for all other stocks.

A *strategic stock* is defined in the MMPA as a marine mammal (a) for which the level of direct human-caused mortality exceeds the PBR; (b) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA), within the foreseeable future; or (c) which is listed as a threatened or endangered species under the ESA, or is designated as depleted under the MMPA.

The following table summarizes the information we are now making available in the draft revised SARs for the Pacific walrus, the southern Beaufort Sea polar bear, and the Chukchi/Bering Seas polar bear stocks, listing each stock's  $N_{min}$ ,  $R_{max}$ ,  $F_r$ , PBR, annual estimated human-caused mortality and serious injury, and status. After consideration of any public comments we receive, we will revise any or all of these SARs, as appropriate. We will publish a notice of availability and summary for each final SAR, including responses to comments we received.

TABLE 1—SUMMARY: DRAFT REVISED STOCK ASSESSMENT REPORTS FOR THE PACIFIC WALRUS, SOUTHERN BEAUFORT SEA POLAR BEAR, AND CHUKCHI/BERING SEAS POLAR BEAR

| Stock                             | $N_{min}$ | $R_{max}$ | $F_r$ | PBR | Annual estimated average human-caused mortality and serious injury | Stock status |
|-----------------------------------|-----------|-----------|-------|-----|--|--------------|
| Pacific Walrus .....              | 15,164    | 0.08      | 1.0   | 607 | 4,963–5,460 .....  | Strategic.   |
| Southern Beaufort Sea Polar Bear. | 1,397     | 0.0603    | 0.5   | 22  | 33 (Alaska) .....  | Strategic.   |
| Chukchi/Bering Seas Polar Bear    | 2,000     | 0.0603    | 0.5   | 30  | 21 (Canada) .....  | Strategic.   |
|                                   |           |           |       |     | 37 (Alaska) .....  |              |
|                                   |           |           |       |     | —(Russia) .....  |              |

**Document Availability**

*Draft Revised SARs for Pacific Walrus, Southern Beaufort Sea Polar Bear, and Chukchi/Bering Seas Polar Bear*

You may obtain copies by any one of the following methods:

- Internet: <http://alaska.fws.gov/fisheries/mmm/walrus/reports.htm> (for the walrus stock) and <http://alaska.fws.gov/fisheries/mmm/polarbear/reports.htm> (for both polar bear stocks).

- Write to or visit (during normal business hours from 8 a.m. to 4:30 p.m. Monday through Friday) the Chief, U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503; telephone: (800) 362–3800.

**Public Comment**

*Draft Revised SARs for Pacific Walrus, Southern Beaufort Sea Polar Bear, and Chukchi/Bering Seas Polar Bear*

You may submit a written comment by any one of the following methods:

- E-mail: [r7\\_mmm\\_comment@fws.gov](mailto:r7_mmm_comment@fws.gov).
- Mail or hand-delivery: Chief, Marine Mammals Management Office (see address above).
- Fax: (907) 786–3816.

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In accordance with the MMPA, we include in this notice a list of the information sources and public reports upon which we based the SARs.

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**Authority:** The authority for this action is the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et al.*).

Dated: June 9, 2009.

**Marvin Moriarty,**

*Acting Director, Fish and Wildlife Service.*

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## INTERNATIONAL BOUNDARY AND WATER COMMISSION

### United States Section; Notice of Availability of a Final Environmental Assessment and Final Finding of No Significant Impact for Flood Control Improvements to the Arroyo Colorado Floodway, Hidalgo and Cameron Counties, TX

**AGENCY:** United States Section, International Boundary and Water Commission, United States and Mexico.

**ACTION:** Notice of Availability of Final Environmental Assessment (EA) and Final Finding of No Significant Impact (FONSI).

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Final Regulations (40 CFR Parts 1500 through 1508), and the United States Section, International Boundary and Water Commission's (USIBWC) Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083); the USIBWC hereby gives notice of availability of the Final Environmental Assessment and FONSI for Flood Control Improvements to the Arroyo Colorado Floodway, a component of the