



Miami Tribe of Oklahoma

P.O. Box 1326—Miami, Oklahoma 74355

Ph: 918-542-1445 Fax: 918-542-7260



VIA FEDERAL EXPRESS

August 10, 2012

Mr. Jonathan B. Jarvis, Director
National Park Service
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240



Re: Notice of Failure to Comply with Native American Graves Protection and Repatriation Act, of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58

Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park

Dear Mr. Jarvis:

Please allow me to introduce myself to you through this correspondence. My name is Thomas Gamble and I serve as Chief of the Miami Tribe of Oklahoma, a federally recognized, sovereign tribal government. Pursuant to the Native American Graves Protection and Repatriation Act of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58 (NAGPRA) and the NAGPRA implementing regulations, specifically 43 C.F.R. Part 10.12, I am submit the following as a formal notice of failure to comply. Specifically the following notice provided on behalf of the Miami Tribe of Oklahoma alleges at least 24 instances in which Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park, 15513 S. Union Street, Carmel, Indiana, 317-770-4400 has failed to comply with the requirements of the NAGPRA The Miami Tribe of Oklahoma requests that you make a determination both with respect to the failure to comply and whether a civil penalty action is appropriate in light of the circumstances alleged in the.

Preliminary Matters

Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park "receives Federal funds" within the meaning of 43 C.F.R. 10.2(a)(3)(iii) based on the fact disclosed on the Hamilton County website(www.hamiltoncounty.in.gov), to wit American Recovery and Reinvestment Act funds allocated to Hamilton County for \$6,657,616 through 2012 and Community Development Blocks Grants for Neighborhood Stabilization Program of \$2,343,868 (*see attached documents*). On information and belief, the Hamilton County, Indiana has received additional Federal funds that are not disclosed on its website.

Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park has "possession" and "control" within the meaning of 43 C.F.R. 10.2(d)(1) - (4) of Native American cultural items covered by the NAGPRA, including human remains and associated funerary objects recovered from archeological investigations carried out from 2001 to 2011 at Strawtown Koteewi Park/Hamilton County Parks and Recreation Department, Hamilton County, Indiana. Attached hereto as Appendix __ in support of this contention is the human remains inventory reports titled "*Isolated Human Skeletal Elements Recovered from Archaeological Investigations at Strawtown Koteewi Park by the Year and Site.*" Report numbers ROI 216, ROI 301, ROI 401, ROI 502, ROI 514, ROI 604, ROI 701, ROI 803, ROI 902, ROI 1001, ROI 1101 reflect research completed by Indiana University Purdue University Fort Wayne (IPFW) - Archaeology Survey for compliance with grants from the National Park Service Historic Preservation Fund administered by the Indiana Department of Historic Preservation and Archaeology and the National Science Foundation.

Failure to Comply Allegations

Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Parks has failed to comply with specific provisions of NAGPRA within the meaning of 43 C.F.R. 10.12(b)(1)(i) - (viii) as follows:

- (1) - 43 C.F.R. 10.12 (ii) After November 16, 1993 has not completed a summary as required by the Act for a burial vessel intentionally excavated from the Strawtown Enclosure site at Strawtown Koteewi Park in 2007 (*See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey*).
- (2) - 43 C.F. R. 10.12 (vi) Repatriated human remains, funerary object, sacred object, or object of cultural patrimony before publishing the required notice in the Federal Register; to wit Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park repatriated/reburied the burial vessel disinterred from the Strawtown

Enclosure site at Strawtown Koteewi Park (***See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey.***)

- (3) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred Strawtown Koteewi Park in 2001 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (4) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2002 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (5) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2003 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (6) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2004 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (7) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton county-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2005 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (8) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2006 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.

- (9) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2007 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (10) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2008 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (11) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2009 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (12) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains disinterred from Strawtown Koteewi Park in 2010 as required by the Act.
- (13) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with the Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the repatriation/reburial of a burial vessel intentionally excavated in 2007 and reburied in 2008.
- (14) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2001.
- (15) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe

of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2002.

(16) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2003.

(17) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2004.

(18) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2005.

(19) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2006.

(20) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2007.

(21) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders;

to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2008.

(22) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2009.

(23) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2010.

(24) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Miami Tribe of Oklahoma, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2011.

Attached hereto in support of this Notice of Failure to Comply are: 1) Copies of the Isolated Human Skeletal Elements Recovered from Archaeological Investigations at Strawtown Koteewi Park by the Year and Site, copies of all National Park Service Historic Preservation Fund Grant Reports from 2001 to 2011 including all human remains appendices and pictures from the reburial of the burial vessel from 2008. (Appendix A); 2) written materials pertaining to the museum's receipt of Federal funds. (Appendix B); 3) written materials exist pertaining to the museum's possession or control of Native American cultural items. (Appendix C); and 4) photographs of the reburial of the disinterred urn, (Appendix D). If additional materials are discovered that are relevant to this Notice of Failure to Comply, they will be promptly submitted.

Request for Relief

Based on the foregoing, the Miami Tribe of Oklahoma requests that the Secretary conduct an appropriate inquiry and reach a determination whether Hamilton County, Indiana Hamilton County Parks and Recreation Department/Strawtown

Koteewi Park have failed to comply with NAGPRA and a determination regarding whether a civil penalty action is appropriate.

Please forward this Notice to the Enforcement Coordinator in the National NAGPRA Program for consideration and to affected and interested parties consistent with federal regulation. If you have any questions regarding this Notice or require any additional information relative to it, please contact George Strack, Tribal Historic Preservation Officer for the Miami Tribe of Oklahoma, at (317)625-1288 and/or by email at gstack@miamination.com. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas E. Gamble".

Thomas E. Gamble, Chief
Miami Tribe of Oklahoma



SHAWNEE TRIBE

P.O. Box 189 ♦ MIAMI, OK 74355
918-542-2441 ♦ FAX: 918-542-2922



VIA FEDERAL EXPRESS

August 31, 2012

Mr. Jonathan B. Jarvis, Director
National Park Service
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240

Re: *Notice of Failure to Comply with Native American Graves Protection and Repatriation Act, of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58*

Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park

Dear Mr. Jarvis:

The Shawnee Tribe is a federally recognized Tribe in the State of Oklahoma. Pursuant to the Native American Graves Protection and Repatriation Act of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58 (NAGPRA) and the NAGPRA implementing regulations, specifically 43 C.F.R. Part 10.12, I am submitting the following as a formal notice of failure to comply. Specifically the following notice provided on behalf of the Shawnee Tribe alleges at least 24 instances in which Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park, 15513 S. Union Street, Carmel, Indiana, 317-770-4400 has failed to comply with the requirements of the NAGPRA. The Shawnee Tribe requests that you make a determination both with respect to the failure to comply and whether a civil penalty action is appropriate in light of the circumstances alleged as detailed in the summary that follows.



Preliminary Matters

Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park "receives Federal funds" within the meaning of 43 C.F.R. 10.2(a)(3)(iii) based on the fact disclosed on the Hamilton County website(www.hamiltoncounty.in.gov), to wit American Recovery and Reinvestment Act funds allocated to Hamilton County for \$6,657,616 through 2012 and Community Development Blocks Grants for Neighborhood Stabilization Program of \$2,343,868 (*see attached documents*). On information and belief, the Hamilton County, Indiana has received additional Federal funds that are not disclosed on its website.

Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park has "possession" and "control" within the meaning of 43 C.F.R. 10.2(d)(1) - (4) of Native American cultural items covered by the NAGPRA, including human remains and associated funerary objects recovered from archeological investigations carried out from 2001 to 2011 at Strawtown Koteewi Park/Hamilton County Parks and Recreation Department, Hamilton County, Indiana. Attached hereto as Appendix __ in support of this contention is the human remains inventory reports titled "*Isolated Human Skeletal Elements Recovered from Archaeological Investigations at Strawtown Koteewi Park by the Year and Site.*" Report numbers ROI 216, ROI 301, ROI 401, ROI 502, ROI 514, ROI 604, ROI 701, ROI 803, ROI 902, ROI 1001, ROI 1101 reflect research completed by Indiana University Purdue University Fort Wayne (IPFW) - Archaeology Survey for compliance with grants from the National Park Service Historic Preservation Fund administered by the Indiana Department of Historic Preservation and Archaeology and the National Science Foundation.

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- (1) - 43 C.F.R. 10.12 (ii) After November 16, 1993 has not completed a summary as required by the Act for a burial vessel intentionally excavated from the Strawtown Enclosure site at Strawtown Koteewi Park in 2007 (*See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey*).
- (2) - 43 C.F. R. 10.12 (vi) Repatriated human remains, funerary object, sacred object, or object of cultural patrimony before publishing the required notice in the Federal Register; to wit Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park repatriated/reburied the burial vessel disinterred from the Strawtown Enclosure site at Strawtown Koteewi Park (*See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey*).

- (3) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered Strawtown Koteewi Park in 2001 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
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Koteewi Park in 2008 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.

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- (13) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with the Shawnee Tribe , a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the repatriation/reburial of a burial vessel intentionally excavated in 2007 and reburied in 2008.
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- (19) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Shawnee Tribe , a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2006.
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- (22) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Shawnee Tribe , a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park,

regarding the human remains disinterred from Strawtown Koteewi Park in 2009.

(23) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Shawnee Tribe, a treaty and aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2010.

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Request for Relief

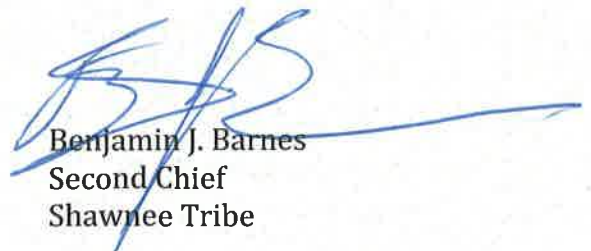
Based on the foregoing, the Shawnee Tribe requests that the Secretary conduct an appropriate inquiry and reach a determination whether Hamilton County, Indiana Hamilton County Parks and Recreation Department/Strawtown Koteewi Park have failed to comply with NAGPRA and a determination regarding whether a civil penalty action is appropriate.

Please forward this Notice to the Enforcement Coordinator in the National NAGPRA Program for consideration and to affected and interested parties consistent with federal regulation. If you have any questions regarding this Notice or require any additional information relative to it, please contact Second Chief Ben Barnes of the Shawnee Tribe, at (918)542-2441 and/or by email at ben.barnes@gmail.com. Thank you.

Sincerely,



Ron Sparkman
Chief
Shawnee Tribe



Benjamin J. Barnes
Second Chief
Shawnee Tribe



EASTERN SHAWNEE TRIBE OF OKLAHOMA

12755 S. 705 Road, Wyandotte, OK 74370
Bluejacket Building (918) 666-2435, Fax: (918) 666-2186

VIA FEDERAL EXPRESS

November 2, 2012

Mr. Jonathan B. Jarvis, Director
National Park Service
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240



Re: Notice of Failure to Comply with Native American Graves Protection and Repatriation Act, of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58

***Hamilton County, Indiana-Hamilton County Parks and Recreation
Department/Strawtown Koteewi Park***

Dear Mr. Jarvis:

Please allow me to introduce myself to you through this correspondence. My name is Glenna J. Wallace and I serve as Chief of the Eastern Shawnee Tribe of Oklahoma, a federally recognized, sovereign tribal government. Pursuant to the Native American Graves Protection and Repatriation Act of 1990, Pub.L. 101-601; 25 U.S.C. 3001-3013; 104 Stat. 3048-58 (NAGPRA) and the NAGPRA implementing regulations, specifically 43 C.F.R. Part 10.12, I am submitting the following as a formal notice of failure to comply. Specifically the following notice provided on behalf of the Eastern Shawnee Tribe of Oklahoma alleges at least 24 instances in which Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park, 15513 S. Union Street, Carmel, Indiana, 317-770-4400 has failed to comply with the requirements of the NAGPRA. The Eastern Shawnee Tribe of Oklahoma requests that you make a determination both with respect to the failure to comply and whether a civil penalty action is appropriate in light of the alleged circumstances.

Preliminary Matters

Hamilton County, Indiana-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park "receives Federal funds" within the meaning of 43 C.F.R. 10.2(a)(3)(iii) based on the fact disclosed on the Hamilton County website (www.hamiltoncounty.in.gov), to wit American Recovery and Reinvestment Act funds allocated to Hamilton County for \$6,657,616 through 2012 and Community Development Blocks Grants for Neighborhood Stabilization Program of \$2,343,868 (*see attached documents*). On information and belief, Hamilton County, Indiana has received additional Federal funds that are not disclosed on its website.

Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park has "possession" and "control" within the meaning of 43 C.F.R. 10.2(d)(1) - (4) of Native American cultural items covered by the NAGPRA, including human remains and associated funerary objects recovered from archeological investigations carried out from 2001 to 2011 at Strawtown Koteewi Park/Hamilton County Parks and Recreation Department, Hamilton County, Indiana. Attached hereto as Appendix A in support of this contention is the human remains inventory reports titled "*Isolated Human Skeletal Elements Recovered from Archaeological Investigations at Strawtown Koteewi Park by the Year and Site.*" Report numbers ROI 216, ROI 301, ROI 401, ROI 502, ROI 514, ROI 604, ROI 701, ROI 803, ROI 902, ROI 1001, ROI 1101 reflect research completed by Indiana University Purdue University Fort Wayne (IPFW) - Archaeology Survey for compliance with grants from the National Park Service Historic Preservation Fund administered by the Indiana Department of Historic Preservation and Archaeology and the National Science Foundation.

Failure to Comply Allegations

Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Parks has failed to comply with specific provisions of NAGPRA within the meaning of 43 C.F.R. 10.12(b)(1)(i) - (viii) as follows:

- (1) - 43 C.F.R. 10.12 (ii) After November 16, 1993 has not completed a summary as required by the Act for a burial vessel intentionally excavated from the Strawtown Enclosure site at Strawtown Koteewi Park in 2007 (*See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey*).
- (2) - 43 C.F. R. 10.12 (vi) Repatriated human remains, funerary object, sacred object, or object of cultural patrimony before publishing the required notice in the Federal Register; to wit Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park repatriated/reburied the burial vessel disinterred from the Strawtown

Enclosure site at Strawtown Koteewi Park (*See attached List of Artifacts from Strawtown Koteewi Park burials, Page 5. Provided by Indiana University Purdue University Fort Wayne - Archaeology Survey*).

- (3) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered Strawtown Koteewi Park in 2001 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (4) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered Strawtown Koteewi Park in 2002 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (5) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered Strawtown Koteewi Park in 2003 in as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (6) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2004 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (7) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton county-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2005 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (8) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2006 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.

- (9) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2007 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (10) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2008 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (11) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2009 as required by the Act in possession and/or control of Hamilton County Parks and Recreation Department/Strawtown Koteewi Park.
- (12) - 43 C.F.R. 10.12(b)(1)(iii) After November 16, 1995 Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not complete an inventory for human remains recovered from Strawtown Koteewi Park in 2010 as required by the Act.
- (13) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with the Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the repatriation/reburial of a burial vessel intentionally excavated in 2007 and reburied in 2008.
- (14) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2001.
- (15) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern

Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2002.

- (16) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2003.
- (17) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2004.
- (18) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2005.
- (19) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2006.
- (20) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with the Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2007.
- (21) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders;

to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2008.

(22) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2009.

(23) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2010.

(24) - 43 C.F.R. 10.12(b)(1)(vii) It has failed or refused to consult with lineal descendants, Indian tribe officials, and traditional religious leaders; to wit, Hamilton County-Hamilton County Parks and Recreation Department/Strawtown Koteewi Park did not consult with the Eastern Shawnee Tribe of Oklahoma, an aboriginal tribe directly tied to the land at Strawtown Koteewi Park, regarding the human remains disinterred from Strawtown Koteewi Park in 2011.

Attached hereto in support of this Notice of Failure to Comply are: (Appendix A) 1) Copies of the Isolated Human Skeletal Elements Recovered from Archaeological Investigations at Strawtown Koteewi Park by the Year and Site, copies of all National Park Service Historic Preservation Fund Grant Reports from 2001 to 2011 including all human remains appendices and pictures from the reburial of the burial vessel from 2008. (Appendix B); 2) written materials pertaining to the museum's receipt of Federal funds. (Appendix C); 3) written materials exist pertaining to the museum's possession or control of Native American cultural items. (Appendix D); and 4) photographs of the reburial of the disinterred urn. If additional materials are discovered that are relevant to this Notice of Failure to Comply, they will be promptly submitted.

Request for Relief

Based on the foregoing, the Eastern Shawnee Tribe of Oklahoma requests that the Secretary conduct an appropriate inquiry and reach a determination whether Hamilton County, Indiana Hamilton County Parks and Recreation Department/Strawtown Koteewi Park have failed to comply with NAGPRA and a determination regarding whether a civil penalty action is appropriate.

Please forward this Notice to the Enforcement Coordinator in the National NAGPRA Program for consideration and to affected and interested parties consistent with federal regulation. If you have any questions regarding this Notice or require any additional information relative to it, please contact Robin Dushane, Tribal Historic Preservation Officer for the Eastern Shawnee Tribe of Oklahoma, at (918) 666 2435 ext 1845 and/or by email at rdushane@estoo.net. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Glenna J. Wallace".

Glenna J. Wallace, Chief
Eastern Shawnee Tribe of Oklahoma