



United States Department of the Interior
National Park Service
Investigative Services Branch



Investigative Activity Report

Case Title: Effigy Mounds National Monument (EFMO)	ISB Case Number: OI-HQ-10-0628		
Location: Northeast Iowa	Case Status: Open	Report Date: 04/12/2012	Report Number: 019
Report Subject: Interview of (b) (6), (b) (7)(C) – Superintendent of Effigy Mounds National Monument – 1999 – 2009			

SUMMARY: From 1999-2010 numerous maintenance and building projects were allegedly funded and completed without proper compliance required by the National Historic Preservation Act (NHPA).

The following is an interview with former Effigy Mounds National Monument (EFMO) Superintendent (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was unaware project compliance was not performed properly at EFMO until an evaluation was conducted in 2009. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) delegated compliance responsibility to EFMO's Facility Manager, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never had any reason to doubt Sinclair's compliance procedures. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has taken responsibility for the violations of NHPA in the way (b) (6), (b) (7)(C) has to protect the National Park Service (NPS). (b) (6), (b) (7)(C) stated the NPS system failed to have the oversight mechanisms needed to protect EFMO and sufficient funding was not provided to enable EFMO to operate properly.

Date/Time: 04/12/2012 – 9:00 a.m. - 12:15 p.m.

Location: Office of Grefe & Sydney P.L.C. – 500 East Court Ave., Des Moines IA

Person Interviewed: (b) (6), (b) (7)(C)

Present for Interview: SA David Barland-Liles, AUSA Forde Fairchild, Attorney Guy Cook

DETAILS: On Thursday, April 12, 2012, at approximately 0900 hours, I interviewed (b) (6), (b) (7)(C) in reference to this investigation. Prior to the arrangement of this interview AUSA Forde Fairchild sent a proffer agreement to (b) (6), (b) (7)(C) attorney, Guy Cook. Upon arriving at Mr. Cook's office, AUSA Fairchild and I introduced ourselves to Mr. Cook and (b) (6), (b) (7)(C). AUSA Fairchild confirmed with Cook that (b) (6), (b) (7)(C) discussed the proffer agreement with (b) (6), (b) (7)(C) client. A brief synopsis of the reason for the interview was provided. Mr. Cook acknowledged the reason for the interview and stated they were prepared to voluntarily participate. The interview was recorded using interview notes.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) arrived at Effigy Mounds National Monument (EFMO) in 1999. When (b) (6), (b) (7)(C) arrived the park was implementing a project which involved the installation of a boardwalk and a large foot bridge spanning the Yellow River. This project was completed in 2001. (b) (6), (b) (7)(C) stated the bridge had been a goal of the park for decades and the completion of the project was implemented by the previous superintendent, (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated the installation was a large project by EFMO standards. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) asked EFMO's

Reporting Official/Title David Barland-Liles / Special Agent	Signature	Date 04/16/2012
Approving Official/Title Les Seago / ASAC	Signature	Date

Distribution: Original – Case File Other: Other:

Facility Manager, (b) (6), (b) (7)(C) if the compliance for the project was completed (required by the National Historic Preservation Act (NHPA)). (b) (6), (b) (7)(C) was EFMO's compliance coordinator. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) said it was and (b) (6), (b) (7)(C) added "Tom seemed to know what (b) (6), (b) (7)(C) was doing." (b) (6), (b) (7)(C) felt reassured compliance was being performed properly by (b) (6), (b) (7)(C) because a project of that magnitude should not have been completed otherwise.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was assigned as the compliance coordinator by the superintendents before (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) continued to delegate that responsibility to him throughout (b) (6), (b) (7)(C) tenure. (b) (6), (b) (7)(C) emphasized (b) (6), (b) (7)(C) knew (b) (6), (b) (7)(C) was a "para-archeologist" [had attended NPS paraprofessional archeology training (1995)]. (b) (6), (b) (7)(C) directly supervised (b) (6), (b) (7)(C) and performed (b) (6), (b) (7)(C) evaluations.

(b) (6), (b) (7)(C) stated because (b) (6), (b) (7)(C) was the superintendent of EFMO (b) (6), (b) (7)(C) has a "Trumanesque" perspective on the failures of EFMO to obtain compliance consultations for projects. (b) (6), (b) (7)(C) clarified by stating "The buck stops with me."

Although projects were being completed in EFMO during (b) (6), (b) (7)(C) tenure, (b) (6), (b) (7)(C) stated the majority of (b) (6), (b) (7)(C) time was consumed with the repatriation of Native American remains and the Native American Graves Protection and Repatriation Act (NAGPRA). Repatriations had not been performed at EFMO prior to (b) (6), (b) (7)(C) tenure and they fell on (b) (6), (b) (7)(C) lap. (b) (6), (b) (7)(C) stated no one knew how to help EFMO when it came to NAGPRA. During (b) (6), (b) (7)(C) tenure three repatriations were performed which resulted in the reburial of numerous individuals. The time and effort dedicated to perform these repatriations was where (b) (6), (b) (7)(C) focused most of (b) (6), (b) (7)(C) attention related to managing EFMO. These repatriations combined with the day to day operations of EFMO overwhelmed the staff and there was no sign of relief. (b) (6), (b) (7)(C) stated EFMO was underfunded by the NPS which resulted in a lack of staff.

(b) (6), (b) (7)(C) stated additional stress on the staff was added by an acquisition of land purchased by the National Park Service (NPS) called the Heritage Addition. Although the addition dramatically increased the size of EFMO (b) (6), (b) (7)(C) stated the NPS regional office was not providing an adequate increase of funding to properly manage it.

(b) (6), (b) (7)(C) stated although the regional office did not have funds available for providing the staff EFMO needed to be properly managed; there was money available for projects. The regional office provided no corresponding checks or oversight related to the compliance of these projects nor did they provide funding for employee training or travel.

(b) (6), (b) (7)(C) stated the regional office providing funding to EFMO for Wildland Urban Interface projects related to hazardous fuels reduction. The first year EFMO performed the projects they hired seasonal employees.

(b) (6), (b) (7)(C) stated the second year (b) (6), (b) (7)(C) was directed by (b) (6), (b) (7)(C) (Regional Fire Management Officer) the fuels reduction funds needed to be used to hire a contractor rather than seasonal employees. (b) (6), (b) (7)(C) expressed (b) (6), (b) (7)(C) did not understand why a contractor needed to be hired and would have preferred rehiring the previous year's crew.

As an example (b) (6), (b) (7)(C) discussed an EFMO employee named Jacquelyn (b) (6), (b) (7)(C) who arrived at approximately the same time as (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was a Cultural Resources Specialist but was funded by reducing the budget of EFMO's other divisions. (b) (6), (b) (7)(C) stated when (b) (6), (b) (7)(C) found (b) (6), (b) (7)(C) dream job in Grand Teton National Park and left EFMO, (b) (6), (b) (7)(C) felt relieved because (b) (6), (b) (7)(C) could better fund the other divisions. EFMO became a cultural resources park without a cultural resources specialist.

FOR OFFICIAL USE ONLY

(b) (6), (b) (7)(C) stated the first time (b) (6), (b) (7)(C) became aware EFMO had completed projects without properly completing the compliance process required by the NHPA was during an evaluation of EFMO's operation. This evaluation was conducted by a NPS team led by Associate Regional Director (b) (6), (b) (7)(C) in 2009. Prior to the evaluation (b) (6), (b) (7)(C) had no reason to think compliance was not being done properly.

(b) (6), (b) (7)(C) was asked to describe how the compliance process was conducted. (b) (6), (b) (7)(C) stated since it was performed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was unaware what the steps were and was unable to accurately describe them. (b) (6), (b) (7)(C) had no reason to know about the compliance process or the steps needed to properly obtain compliance. (b) (6), (b) (7)(C) stated to the best of (b) (6), (b) (7)(C) knowledge (b) (6), (b) (7)(C) filled out the forms, made a determination, and put them in a file.

(b) (6), (b) (7)(C) was asked to describe why (b) (6), (b) (7)(C) did not understand the compliance process. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) began working for the NPS as a seasonal interpreter in 1987 when (b) (6), (b) (7)(C) was a junior in college. (b) (6), (b) (7)(C) worked at Valley Forge National Military Park in Pennsylvania. (b) (6), (b) (7)(C) was hired permanently in May of 1989 and was promoted to a museum technician in October of 1990. In July of 1993 (b) (6), (b) (7)(C) was promoted to a curator position at Martin Van Buren National Historic Site in Kinderhook New York. In February of 1994 (b) (6), (b) (7)(C) became the acting superintendent of that park and one year later became the superintendent. In 1997 (b) (6), (b) (7)(C) became the Superintendent of Perry's Victory and International Peace Memorial in Put-in-Bay Ohio. While there (b) (6), (b) (7)(C) told NPS Deputy Regional Director (b) (6), (b) (7)(C) if the superintendent position became available at EFMO, (b) (6), (b) (7)(C) would appreciate (b) (6), (b) (7)(C) consideration since (b) (6), (b) (7)(C) had an ailing mother that lived nearby. In 1999 (b) (6), (b) (7)(C) was transferred to EFMO.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was put on a fast track to a NPS superintendent position but (b) (6), (b) (7)(C) really just wanted to be a curator. The NPS was interested in (b) (6), (b) (7)(C) as a superintendent due to (b) (6), (b) (7)(C) "life skills." Because of the nature and speed of (b) (6), (b) (7)(C) NPS career advancement (b) (6), (b) (7)(C) did not have a traditional opportunity to understand or learn all of the responsibilities of the position. (b) (6), (b) (7)(C) stated "I really didn't know all of these rules."

(b) (6), (b) (7)(C) stated both of (b) (6), (b) (7)(C) previous superintendent assignments prior to EFMO did not have similar compliance concerns. (b) (6), (b) (7)(C) stated the biggest concerns at (b) (6), (b) (7)(C) previous assignments were keeping the grass mowed. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was aware the historian at Valley Forge National Military Park managed their compliance issues.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) was aware of any EFMO projects that may have provided clues or warnings that EFMO was not properly performing compliance. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not. (b) (6), (b) (7)(C) was asked what (b) (6), (b) (7)(C) remembered about a boardwalk reconstruction in the Three Mounds area near the Visitor Center in 2001. (b) (6), (b) (7)(C) stated there was a potential erosion issue related to the previous boardwalk that (b) (6), (b) (7)(C) wanted to mitigate. (b) (6), (b) (7)(C) stated, "(b) (6), (b) (7)(C) is trying to protect the mounds," and added, "(b) (6), (b) (7)(C) mind was in the right place." (b) (6), (b) (7)(C) stated compliance concerns were raised by other EFMO staff at a meeting but (b) (6), (b) (7)(C) was confident (b) (6), (b) (7)(C) completed the process. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) assumed (b) (6), (b) (7)(C) had enough knowledge to properly complete the compliance process. (b) (6), (b) (7)(C) added "I just never questioned (b) (6), (b) (7)(C) ability." In relation to (b) (6), (b) (7)(C) knowledge of the compliance process (b) (6), (b) (7)(C) stated, "Things you didn't know was the easiest to let go."

(b) (6), (b) (7)(C) was asked what (b) (6), (b) (7)(C) remembered about landscaping trees planted near the Visitor Center in 2003. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) EFMO's Law Enforcement Ranger, brought the situation (unsupervised auguring by a landscaping contractor to plant the trees) to (b) (6), (b) (7)(C) attention. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) concern with the incident was

FOR OFFICIAL USE ONLY

not related to compliance but to the possibility of disturbing artifacts. (b) (6), (b) (7)(C) stated that was unlikely due to the construction disturbances associated with the Visitor Center facility. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) later had NPS Archeologist (b) (6), (b) (7)(C) perform a test pit at the site to assure (b) (6), (b) (7)(C) and EFMO staff there was nothing disturbed. In relation to Palmer's compliance concerns (b) (6), (b) (7)(C) stated "If you don't know the rules of compliance I would not have thought that way." (b) (6), (b) (7)(C) stated there was no intent to do anything wrong. (b) (6), (b) (7)(C) added (b) (6), (b) (7)(C) was unsure how (b) (6), (b) (7)(C) would know if compliance was completed or not.

(b) (6), (b) (7)(C) was asked what (b) (6), (b) (7)(C) remembers about a 2001 e-mail from (b) (6), (b) (7)(C) to NPS Archeologist (b) (6), (b) (7)(C) asking for and receiving guidance and advice on how to properly complete project compliance. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) does not remember writing the e-mail or remember what prompted the e-mail.

(b) (6), (b) (7)(C) was asked about a boardwalk to a group of mounds on the Nazekaw Terrace. (b) (6), (b) (7)(C) stated the boardwalk was designed to provide disabled visitor access to a group of mounds. Only one group of mounds in EFMO had disability access and that was Three Mounds adjacent to the Visitor Center. The boardwalks that provided disability access were important to (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) mother had polio as a child and was not able to enjoy the outdoors due to the lack of accessibility infrastructure during most of (b) (6), (b) (7)(C) life. The route of the Nazekaw Terrace boardwalk was chosen prior to (b) (6), (b) (7)(C) tenure and had been cleared by archeologists in 1999. (b) (6), (b) (7)(C) EFMO Natural Resources Specialist, recommended to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) the boardwalk be rerouted to the opposite side of a ravine due to potential erosion issues. (b) (6), (b) (7)(C) stated this deviation from the original route moved the boardwalk "a few feet." (b) (6), (b) (7)(C) stated the end of the boardwalk was extended by (b) (6), (b) (7)(C) "a few feet" as well. (b) (6), (b) (7)(C) understood (b) (6), (b) (7)(C) concerns and approved of the reroute.

(b) (6), (b) (7)(C) reiterated (b) (6), (b) (7)(C) was unaware of compliance issues associated with the boardwalk reroute until the 2009 evaluation which occurred while the boardwalk was under construction. (b) (6), (b) (7)(C) stated the NPS reaction to the boardwalk during the evaluation demonstrated to (b) (6), (b) (7)(C) the rules had suddenly changed. (b) (6), (b) (7)(C) stated NPS officials started using the term "viewscape" to describe the impact of the boardwalk on the landscape. (b) (6), (b) (7)(C) stated this term was a sign to (b) (6), (b) (7)(C) the NPS mission had changed and added the game got changed in the middle.

(b) (6), (b) (7)(C) stated after (b) (6), (b) (7)(C) learned about the lack of compliance for the boardwalk reroute (b) (6), (b) (7)(C) became concerned because (b) (6), (b) (7)(C) knew the side of the ravine where the boardwalk ended up was un-cleared territory. (b) (6), (b) (7)(C) expressed (b) (6), (b) (7)(C) concern for the ravine when NPS archeologists arrived to evaluate potential archeological damage to EFMO locales that had projects completed without compliance. (b) (6), (b) (7)(C) stated one of the archeologists (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was not concerned due to the steep slope of the ravine which reduced the likelihood of archeological impacts. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was relieved and added, "Obviously I don't know anything about archeology."

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever read the NPS reference manual related to the American with Disabilities Act. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had never read it.

(b) (6), (b) (7)(C) was asked to discuss (b) (6), (b) (7)(C) knowledge of an Archeological Resources Protection Act (ARPA) violation by a railroad company [Chicago and Eastern Railroad] in 2007. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) of the violation. (b) (6), (b) (7)(C) stated the railroad company dumped debris on both state and federal land over an archeological site [without a permit]. (b) (6), (b) (7)(C) reaction when (b) (6), (b) (7)(C) heard the news was, "You got to be kidding me," and (b) (6), (b) (7)(C) was puzzled why the company would do that. (b) (6), (b) (7)(C) also stated (b) (6), (b) (7)(C) felt the pressure to (b) (6), (b) (7)(C) already high workload and stated, "What is on my plate now?" (b) (6), (b) (7)(C) was pleased the railroad company cooperated fully with the investigation and mitigation of the violation.

FOR OFFICIAL USE ONLY

(b) (6), (b) (7)(C) was asked to discuss the construction of a maintenance equipment storage shed at EFMO in 2007. (b) (6), (b) (7)(C) stated the shed was Sinclair's idea and the construction was funded with excess funds within EFMO's budget which (b) (6), (b) (7)(C) described as year-end money. EFMO had numerous pieces of expensive equipment, like a \$100,000 tractor, that were unsheltered and exposed to the elements. EFMO also had a locale that was used to park the equipment. This locale was accessible by using a steep and curvy state highway full of speeding traffic. The highway threatened the safety of EFMO's employees who had to use it with slow moving vehicles, the visiting public may not appreciate expensive government equipment that was not properly cared for, and the area for the shed was previously disturbed and had been used by the NPS to store equipment for decades. The area where the equipment was stored was also ugly and visible from a nearby hiking trail and mound group. Because of these reasons (b) (6), (b) (7)(C) said the shed, "seemed like a good idea." During this discussion the equipment storage area was referred to as a "bone yard." (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) employees, "Please don't call it a bone yard. We work in an archeology park."

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) approved the building of the shed (occurred in the fall of 2007) and emphasized the shed was temporary, moveable, and removable. It was essentially a canvas Quonset hut and was much more appealing from the nearby hiking trail than the exposed equipment. The permanent nature of any hole augured into the ground of a cultural landscape was being discussed when (b) (6), (b) (7)(C) asked "Where they cemented in?" referring to the support posts for the rock fill foundation built to support the shed.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) ever read the 1995 Programmatic Agreement (a NPS directive describing the role of NPS park unit managers in relation to compliance with the NHPA). (b) (6), (b) (7)(C) stated, "No." (b) (6), (b) (7)(C) added the agreement was on the pile of documentation that (b) (6), (b) (7)(C) never had time to get to due to the workload at EFMO.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) learned from Hebert Hoover National Historic Site's (West Branch Iowa) Superintendent, (b) (6), (b) (7)(C) they were having collaborative on-site meetings with the Iowa State Historic Preservation Office in order to proactively discuss the compliance issues of upcoming projects. (b) (6), (b) (7)(C) stated, "Talk about ignorance" and stated similar compliance discussions could have occurred at EFMO but (b) (6), (b) (7)(C) had not thought about it.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) had a good working relationship with the SHPO and spoke with them fairly often. Most of the phone conversations (b) (6), (b) (7)(C) had with them were not related to compliance.

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) never saw compliance training offered by the NPS. (b) (6), (b) (7)(C) added (b) (6), (b) (7)(C) did attend compliance training after the 2009 EFMO evaluation [Section 106 Midwest Region Workshop, April 27-28, 2010, Omaha Nebraska].

(b) (6), (b) (7)(C) discussed the passion EFMO employees had for the park. (b) (6), (b) (7)(C) was asked why that passion did not translate into following the law or NPS procedures. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) did not know if the responsibility for following the NHPA was the responsibility of the NPS or hers. (b) (6), (b) (7)(C) stated "It is not my place to lay blame."

In reference to the passion of EFMO employees protecting the cultural resource (b) (6), (b) (7)(C) related a story of one day being approached in (b) (6), (b) (7)(C) office by an employee who told (b) (6), (b) (7)(C) a seasonal employee was walking up the hill with a shovel. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) walked after the employee and found him preparing to move or pry out a rock. (b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) told the employee we don't do that here.

FOR OFFICIAL USE ONLY

(b) (6), (b) (7)(C) described walking EFMO trails with numerous affiliated tribal members such as (b) (6), (b) (7)(C) (Ioway Tribe of Kansas and Nebraska) and (b) (6), (b) (7)(C) (Ho-Chunk Nation of Wisconsin). Tribal members never had anything but compliments about the park and would have approved of the Nazekaw Terrace boardwalk.

(b) (6), (b) (7)(C) was asked who had the responsibility to ensure project compliance was performed properly. (b) (6), (b) (7)(C) replied "Regions?" and added, "I don't know." (b) (6), (b) (7)(C) stated, "The park service will be better because I failed here," and added (b) (6), (b) (7)(C) has heard changes have been made at the regional level to ensure parks complete the compliance process prior to project funding. (b) (6), (b) (7)(C) stated there is obviously something wrong with the NPS or these incidents would not have happened at EFMO. (b) (6), (b) (7)(C) stated the system failed EFMO.

(b) (6), (b) (7)(C) asked who (b) (6), (b) (7)(C) should have delegated compliance responsibility to if not (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) stated every EFMO employee's plate was already so full.

(b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) is protecting any of EFMO's employees. (b) (6), (b) (7)(C) replied, "Not that I would lie for them."

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) has accepted responsibility for what occurred at EFMO in the way (b) (6), (b) (7)(C) did to protect the NPS. (b) (6), (b) (7)(C) questioned whether blame could be placed on one person for what happened at EFMO. (b) (6), (b) (7)(C) added, "I thought about it a long time but I just don't know."

(b) (6), (b) (7)(C) pointed out (b) (6), (b) (7)(C) received awards for (b) (6), (b) (7)(C) performance every year.

ATTACHMENTS: None.

FOR OFFICIAL USE ONLY