



IN REPLY REFER TO:

United States Department of the Interior

National Park Service

Midwest Archeological Center
Federal Building, Room 474
100 Centennial Mall North
Lincoln, Nebraska 68508-3873

December 1, 2009

H2623(MWAC)

Memorandum

To: Regional Director, Midwest Region

From: Manager, Midwest Archeological Center

Subject: Trip Report, Effigy Mounds NM, November 16-18, 2009

Archeologist Anne Vawser, Regional Historian Ron Cockrell and I travelled to Effigy Mounds to participate in a consultation meeting with representatives from Tribal governments affiliated with Effigy Mounds. The meeting was scheduled to begin at 10 am on November 17, but was delayed due to the late arrival of some participants.

After introductions and an invocation, Superintendent Ewing began the meeting by noting that the meeting was requested to conduct consultation on two projects: a boardwalk built to the Lewis Mound Group, and the north unit maintenance area. The brief introduction made no mention about the Service's concern that these projects were implemented without Section 106 compliance or adequate archeological study.

Ron Cockrell then presented background on the Operations Evaluation and findings that the boardwalk and maintenance storage building construction had been implemented without adequate agency review, Section 106 compliance, and tribal consultation. Ron reported that the Operations Evaluation found that the cultural resource management program at Effigy Mounds is broken and has not operated within the 2008 Programmatic Agreement with the Advisory Council on Historic Preservation.

Prior to leading the group on a tour of the boardwalk, Superintendent Ewing provided background on the project and the maintenance storage building. Her comments about the boardwalks emphasized that they were for safety, accessibility and visitor convenience (with reference to the "graying of America"). Members of the SHPO group asked Superintendent Ewing how the concrete footings were built, and she noted that holes were bored 4 ft. deep and then concrete poured for the footings. The Superintendent also answered a question about what artifacts might have been found, noting that Tom Sinclair had monitored the work and had found nothing (Mr. Sinclair did not attend the meeting, and we do not have a report about monitoring the installation of concrete footings). Several tribal representatives questioned why a boardwalk to these mounds was needed and asked whether other routes were considered. Superintendent Ewing pointed out the excellent view of the valley and plans to add viewing platforms to

the boardwalk. One of the tribal representatives said they did not need viewing platforms for their ancient cemeteries.

After lunch, I told the group that NPS policy requires that projects like the boardwalk and the maintenance area must be evaluated to consider their impact on archeological resources, and that the State Historic Preservation Officer and tribal representatives must have an opportunity to comment on these types of plans. I noted that this has not happened at Effigy Mounds, and that the current meeting was an effort by the Service to begin a process of productive consultation. I then presented an outline of our plan to conduct an archeological assessment of the Nazekaw terrace area of the park. Tribal representative did not object to the plan for geophysical surveys, but several expressed concern about soil coring and archeological testing.

Iowa SHPO Jerome Thompson said he felt archeology needed to be a central component of long-range planning for the park and not simply a response to individual developments. SHPO Archeologist Doug Jones observed that by failing to consult on these projects, NPS is responsible for foreclosure of comments and should inform the Advisory Council on Historic Preservation of the situation. SHPO Archeologist Dan Higginbottom said that regardless of the impacts of the boardwalks to archeological resources, the boardwalks are an intrusion on the cultural landscape and represent an adverse affect.

During the tour of the Lewis Mound Group, SHPO staff members informed Ron Cockrell that until Effigy Mounds can demonstrate adherence to the National Historic Preservation Act, it cannot enjoy streamlined review as provided by the 2008 Programmatic Agreement. This means that the Park must consult with the SHPO and affiliated tribes on every undertaking performed within Park boundaries until further notice.

Tribal representatives were fairly angry about the boardwalks and one even asked why ancient cemeteries should be treated as places to walk your dog. A tribal representative who participated in some GMP sessions said they did not like the boardwalks but they had been told that NPS considered them necessary. Several tribal representatives felt that damage has been done and their views would not be considered.

I said that not everyone in the Service feels the boardwalks are necessary or appropriate. I told them that the purpose of the consultation was to get their opinions and I assured them that Regional Director Quintana would take their advice into consideration. I told the group that if they don't want boardwalks, they need to say that, because the Park is considering construction of boardwalks at several other mound groups.

A tribal representative asked the Superintendent how long she had been in her position and she replied nine years. He then expressed anger that in that time the Park had been planning facilities and trails around the mounds and had never bothered to consult with them. The Superintendent then took responsibility for the failure to consult and told the group that she had let them down. She said it was never her intention to be disrespectful to the ancestors buried in the mounds.

A number of tribal representative said they had to leave about this time and an effort was made to establish a time for another consultation meeting. I suggested we meet in late May and we could share some of the results of our geophysical studies. Several tribal representatives asked that we provide them with a more detailed briefing before the next meeting to permit them to better prepare for discussion. The people remaining at the

meeting then took vehicles to the North Unit maintenance area, where the temporary storage super-structure, vehicles, equipment and building materials have all been removed as directed by the Regional Director. As directed, the more permanent base of the storage structure remains.

I recommend that we contact the tribal representative prior to beginning our geophysical survey. We should invite them to observe and even participate in the geophysical study if they choose. I also recommend that if possible the Regional Director should attend the next consultation meeting. Tribal representatives need to be assured that their opinions and ideas will be considered.

"This trip report is intended to provide information to assist with the development of XXX and/or Section 106 compliance documents, and is not a substitute for required Park compliance documents. Please contact Supervisory Archeologist Jeffrey Richner or Center Manager Mark Lynott if you questions about the relationship of this report to Section 106 compliance submissions."

Mark Lynott
Manager

Cc: Superintendent, EFMO
ARD Cultural Resources, MWRO