United States Department of the Interior

NATIONAL PARK SERVICE
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Washington, DC 20240

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JUL 18 2016

Memorandum

To: Deputy Director, Operations

From: Associate Director, Cultural Resources, Partnerships, and Science Stephanie Toothman
Regional Director, Midwest Region */s/ **Cameron Sholly***

Subject: Transmittal of Effigy Mounds National Monument Review Team Report

In response to a range of findings related to management actions taken at Effigy Mounds National Monument (EFMO) between 1999 and 2010, a review team was ordered and their report entitled *Strengthening Cultural Resources Stewardship in the National Park Service* (attached) has been received and reviewed by both of us. The team was given wide latitude in determining what needed be included in their review/report.

In summary, a range of illegal and procedural violations occurred at the Monument between 1999 and 2010. The violations included failure to comply with provisions of the National Historic Preservation Act (NHPA) and/or the National Environmental Policy Act (NEPA) on at least 78 projects, including the construction of an extensive boardwalk system on sensitive burial sites. Over $3.3 million in federal funding was expended on these projects. The Superintendent primarily responsible for the violations that occurred was removed from her position in 2010. Subsequently, a criminal investigation was conducted by the Investigative Services Branch (ISB), and forwarded to the U.S. Attorney, who declined criminal prosecution in 2013.

The goals of the review centered on shedding light on the various incidents that occurred and decisions that were made at EFMO between 1999 and 2010, while providing recommendations and positive actions to improve cultural resource stewardship going forward. The review team examined an array of information, including the *Draft Serious Mismanagement Report: Effigy Mounds National Monument 1999-2010* and law enforcement case investigation materials. The Mismanagement Report, authored by the current Superintendent, selected park staff, and the involved ISB agent, and was compiled to highlight the illegal actions taken by the former Superintendent(s). The Draft Report provided some very relevant findings and recommendations, however, was largely focused on the previous Park Superintendent.

The review team's report states (page 12) that the team currently at EFMO is "committed to the mission and purpose of the National Park Service," and that the park "has worked very hard to improve relationships with the State Historic Preservation Office (SHPO) and traditionally associated tribes." It states that all EFMO staff are now required to input "every project in the Planning, Environment, and Public Comment (PEPC) website, which allows for increased transparency and accountability."

The review team report also identifies (page 14) several failures and weaknesses in cultural resources management (both at EFMO and NPS-wide), that fall within three main categories: 1) responsibility and

authority; 2) planning, priority setting, and decision making; and 3) transparency, communication, and accountability.

Overall, there are more than 70 recommendations in the team's report that need evaluation and consideration. The Associate Director for Cultural Resources and I will work together to evaluate the recommendations and take the actions necessary to ensure that the overall performance of our Cultural Resource programs at the park, regional, and national levels is elevated.

Within the Midwest Region (MWR), specifically, multiple actions have occurred and are occurring, as a result of the EFMO incidents. These actions include:

- Since 2010, nearly 200 Midwest superintendents, 106 coordinators, and others have attended formal training on the National Historic Preservation Act (NHPA) – Section 106, and other applicable laws.

- MWR now has a full-time NHPA, Section 106 Coordinator to provide more effective regionwide oversight.

- A compliance information aid was created for Midwest parks that is being routinely used by parks to ensure proper compliance procedures are followed.

- In 2015, MWR established an Office of American Indian Affairs to improve relationships with tribal partners across the region.

- The MWR now has a permanent, full-time Associate Regional Director for Cultural Resources, who also oversees the Midwest Archeological Center and provides direct senior leadership and oversight on all cultural resource activities throughout the region.

- The region is actively developing better methods for ensuring that compliance has been completed prior to project dollars being released.

- The region is actively developing better methods to monitor and compare expended park project dollars outlined in the PEPC system.

We will continue working together to ensure not only that our cultural resources program continues to improve, but also to develop proper safeguards for preventing similar occurrences in the future.

By this memorandum, we are formally transmitting the EFMO review team report to you and requesting your approval and concurrence to proceed with analyzing and implementing the recommendations made wherever possible.

Attachment

Approved:

Peggy O'Dell
Deputy Director, Operations

7.27.16
Date

Strengthening Cultural Resources Stewardship in the National Park Service

Effigy Mounds National Monument After Action Review

April 2016

Marching Bear Mounds (NPS Photo)

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Part 1: Overview

PURPOSE AND OUTCOME

The purpose of the Effigy Mounds after action review is to determine root causes of the incidents that took place at Effigy Mounds National Monument (monument) between 1999 and 2010 that led to impacts to cultural resources and strained relations with American Indians, and to recommend positive actions to improve National Park Service (NPS) practices going forward. The outcome of the after action review is twofold. First, the National Park Service will examine and recommend actions to help ensure that the same or similar incidents do not happen again at this or other park units. Second, is to foster healing among NPS staff at the monument, Midwest Regional Office, and Washington Support Office, and between the National Park Service and traditionally associated tribes. The incidents at the monument inspired this report to serve as a positive lessons learned document to guide the stewardship of all cultural resources in the National Park Service.

INTRODUCTION

In October 2014, Stephanie Toothman, Associate Director for Cultural Resources, Partnerships and Science, and Patty Trap, acting Midwest Regional Director, began the process of assembling a team of experienced specialists to derive cultural resources lessons learned from the incidents that took place at Effigy Mounds National Monument between 1999 and 2010. In addition, the team also considered Archaeological Resources Protection Act (ARPA) and Native American Graves Protection and Repatriation Act (NAGPRA) violations that occurred prior to 1999, but were still under litigation.

The team reviewed an array of information to familiarize themselves with the incidents that took place at the monument, including the "*Draft* Serious Mismanagement Report: Effigy Mounds National Monument 1999-2010" (April 2014) and law enforcement case investigation materials. The report and materials focus on the law enforcement investigation of the incidents at the monument while this report focuses on cultural resources stewardship. In addition, the team reviewed newspaper and other online articles and conducted listening sessions with NPS staff at both the monument and Midwest Regional Office. During the week of May 18, 2015, the team assembled at Effigy Mounds National Monument. The purpose of the trip was to conduct a series of interviews with current staff including the superintendent, cultural resource program manager, chief of visitor services, and the special agent who led the investigation. While at the monument that week the team participated in an all-employee meeting that included long-term and new monument staff. During the week of January 18, 2016, the team assembled at the Midwest Regional Office for the purposes of meeting with regional office staff about the incidents and to brief national and regional leadership on the recommendations in this report.

Also available for the team's reference were the "Towards Excellence" Effigy Mounds National Monument Operations Evaluation (April-May 2009) and various park planning documents. The team's knowledge and experience working with cultural resources laws (National Historic Preservation Act of 1966, Archaeological Resources Protection Act of 1979, and Native American Graves Protection and Repatriation Act of 1990), NPS *Management Policies 2006*, and the National Park Service programmatic agreement (2008) for the purposes of Section 106 compliance (Section 106 programmatic agreement) were integral to conducting the after action review. While these incidents impacted primarily archeological sites and museum collections, this report is concerned with the stewardship of all cultural resources.

> Cultural resources "are categorized as archeological resources, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections."
>
> NPS *Management Policies 2006* (§5.0) "Introduction"

The team, representing a breadth and depth of cultural resources and management experiences, was comprised of NPS employees from outside the Midwest Region.

Effigy Mounds Team

Sande McDermott	Deputy Associate Director for Cultural Resources Stewardship and Science, NPS Federal Preservation Officer, and Team Leader
Stanley Bond	NPS Chief Archeologist and Department of the Interior Consulting Archeologist
Tami DeGrosky	Superintendent, Nez Perce National Historical Park
Theresa Langford	Curator, Fort Vancouver National Historic Site
Joe Watkins	Chief, Tribal Relations and American Cultures; NPS Tribal Liaison
Pam Holtman	Program Analyst (Planner) and Team Editor

All members of the team contributed to this report and are in agreement with the observations and recommendations in this report.

THE INCIDENTS

In 2009, during an Operations Evaluation at Effigy Mounds National Monument, a Midwest Regional Office team of subject matter experts learned of a boardwalk under construction to a mound group that had to be rerouted and extended, and proper National Historic Preservation Act (NHPA) and National Environmental Policy Act (NEPA) compliance had not been done. Many other non-compliant projects were also discovered. Following the Operations Evaluation in April 2009 and a September 2009 review by two Midwest associate regional directors that found evidence of continued non-compliance, the Midwest regional director put in place several administrative actions at the monument that included an order to cease all new construction; to subject all routine activities subject to review under Section 106 of the National Historic Preservation Act to review and clearance by the associated regional director for cultural resources; and to replace the monument's chief of maintenance with a new nominee from the monument staff to serve as the Section 106 coordinator for the monument upon the approval of the Midwest Region Section 106 coordinator. In August 2010, the Department of Interior Office of the Inspector General received a complaint from a concerned citizen that alleged waste, fraud, and abuse by monument employees related to non-compliant projects and an alleged cover up by regional office officials. At the direction of the Office of the Inspector General, a criminal investigation was conducted by the Investigative Services Branch (ISB) of the National Park Service. At the conclusion of the investigation, the ISB investigator requested consideration for prosecution by the US Attorney's Office of the superintendent and the chief of maintenance for ARPA violations. The subsequent declination of the US Attorney's Office to decline to prosecute enabled the National Park Service to perform an internal investigation.

The investigation revealed that during the time period of 1999-2010, monument staff failed to comply with the National Historic Preservation Act and/or the National Environmental Policy Act on at least 78 projects using $3,368,704 in federal funds, in particular an extensive system of boardwalks throughout the more than 200 American Indian sacred mounds. Although the criminal investigation focused on two projects because of the statute of limitations, associated with these projects were major project review deficiencies and in many cases a complete lack of National Historic Preservation Act Section 106 and NEPA compliance.

Posts with mounds in the background (NPS Photo)

In a separate incident, a recent guilty plea brings to a close a multi-year investigation led by an Investigative Services Branch special agent into the theft of ancient American Indian remains from Effigy Mounds National Monument by the monument superintendent. The monument's superintendent served for more than 20 years. During his watch, he "voluntarily, intentionally and knowingly removed prehistoric skeletal remains," according to Iowa's Northern District US Attorney's Office. On or about July 16, 1990, the superintendent carried a box of human remains from the monument's curatorial facility to his car, and directed a subordinate to do the same. He then drove the stolen remains home and hid them for more than two decades. After November of 1990, these remains fell under the protection of NAGPRA. When the boxes were finally recovered, investigators found that several of the human bones were broken or fragmented beyond recognition. "It is a very sad day when a public official betrays the public's trust," said US Attorney Kevin Techau. "This was a serious crime and the betrayal was compounded by a violation of the most sacred trust placed in the Superintendent of Effigy Mounds National Monument." Area tribes found the looting particularly egregious. "These are people," said Iowa's state archeologist John Doershuk, "and there are living peoples who care deeply about these remains, just as most modern Americans would about their ancestors." A federal judge in Cedar Rapids, Iowa will make the final ruling in sentencing. As the case is still in litigation, this report will not discuss details beyond these facts taken from public documents.

The persons under investigation in both incidents no longer work for the National Park Service.

Looking back, everyone is astonished that the incidents at Effigy Mounds National Monument could have happened over the course of so many years. National Historic Preservation Act Section 106 compliance, as well as ARPA and NAGPRA compliance, processes failed, both in the spirit and letter of the law. Inevitably two questions come to mind. Are similar incidents happening in another park unit? How do we make sure these incidents never happen again? These incidents were perpetrated by individuals and their guilt falls under the legal arena. Pertinent to this report is determining how they were able to get away with it for so long.

WHAT IS WORKING WELL

The current staff at Effigy Mounds National Monument is very committed to the mission and purpose of the National Park Service. They work hard to preserve and protect the monument's cultural resources and to provide an enjoyable visitor experience. Monument staff is now required to put every project in the Planning, Environment and Public Comment (PEPC) website which allows for increased transparency and accountability. The park worked very hard to improve relationships with the state historic preservation office (SHPO) and traditionally associated tribes. The monument hired a former tribal historic preservation officer as the Section 106 and consultation coordinator. In addition, the Midwest Regional Office filled the regional Section 106 coordinator position. The monument is in the process of developing a programmatic agreement with the state historic preservation office and traditionally associated tribes for routine and repetitive work. The staff is humiliated about their colleagues' past actions, angry about the adverse effect on park resources, and ready to move forward.

The stewardship of cultural resources in the National Park Service as a whole is generally healthy. Overall the cultural resources workforce is talented and they take pride in their accomplishments. They are also passionate about the resources they protect. Managers at the park, regional, and national levels are generally committed to the mission of the National Park Service – to preserve unimpaired the cultural resources and values of the National Park System for the enjoyment, education, and inspiration of the public. Servicewide documents such as *A Call to Action: Preparing for a Second Century of Stewardship and Engagement* and *National Park Service Cultural Resource Challenge: Preserving America's Shared Heritage in the 21st Century* recognize the value of cultural resources and document a commitment to stewardship.

> The roots of the National Park Service lie in the parks' majestic, often isolated natural wonders and in places that exemplify our cultural heritage, but their reach now extends to places difficult to imagine 100 years ago—into urban centers, across rural landscapes, deep within oceans, and across night skies. In our second century, the National Park Service must recommit to the exemplary stewardship and public enjoyment of these places.
>
> "Second-Century Vision," *A Call to Action: Preparing for a Second Century of Stewardship and Engagement*, National Park Service, 2011

Throughout the National Park Service, the PEPC website works well when used appropriately and routinely, as does the Section 106 programmatic agreement. In particular, the six-member park cultural resources management teams required under the 2008 Section 106 programmatic agreement work well when used; and the bi-yearly state historic preservation office meetings work well when parks hold them.

> Planning, Environment and Public Comment (PEPC) is a web-based system that has been created for and adopted by the National Park Service to be used nationwide. This system will allow people to gain access to current plans and related documents that are available for review and open for comment. Public comments can be submitted through the PEPC system. The public will also be able to access schedules for particular projects as well as specific information about public meetings.
>
> *NPS Guide to Using PEPC*

GENERAL OBSERVATIONS

The National Park Service is the management entity Congress created to manage the system unimpaired, or to ensure there is no degradation of values for which a park unit was created. The National Park Service and the National Park System are two separate entities. The National Park System (system) is the combined parks and protected places, “the natural and historic objects and the wild life therein.” Even according to NPS *Management Policies 2006*, the National Park System is “The sum total of the land and water now or hereafter administrated by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.” It is essential to the health of the system that the service understand that while the service does great good for the system it can also do wrong to the system. The strength of the service increases with assessment and the correction of its course when necessary. To be successful, the service must address stewardship in a preventative way, not as a reaction or response to problems or issues once they arise. The incidents at Effigy Mounds National Monument are a case study in stewardship weaknesses that are likely not unique to the monument; stewardship weaknesses occur across the National Park Service on a continuum of severity. In the case of Effigy Mounds National Monument, self-evaluation revealed breaks in the system of checks and balances and the line of authority, which allowed those who were culpable to prevail for so long.

The team determined that failures and weaknesses fall under three main categories in both the case study and Servicewide: 1) responsibility and authority, 2) planning, priority setting, and decision-making, and 3) transparency, communication, and accountability.

INDICATIONS OF CULTURAL RESOURCES STEWARDSHIP WEAKNESSES

Warning Signs in the Effigy Mounds Case Study

- *Inadequate use of compliance process and tools, including PEPC:*
    - The monument spent more than $3 million of federal funds on projects with little or no compliance.
- *Park staffing unrelated to park purpose*:
    - Preserving nationally significant archeological resources is the reason the monument was created, yet the appropriate cultural resources staff were not hired or maintained by the monument to support the monument's purpose. In addition, cultural resources staff and staff with cultural resources expertise were not part of the decision-making process.
    - Cultural resources staff and staff with cultural resources expertise were systematically reduced in importance regarding the operation of the monument.
- *NPS staff unsure of their role, authority, and responsibility*: As a result, NPS staff familiar with Effigy Mounds National Monument staff and operations appeared to be
    - Not alarmed by inadequate cultural resources staffing at the monument.
    - Not concerned that the Section 106 coordinator at the monument had no experience with Section 106 and was the chief of maintenance who created the projects to be reviewed.
    - Not alarmed by ten years of little to no consultation with the Iowa State Historic Preservation Office or the numerous traditionally associated tribes and tribal historic preservation officers. This applies for both Section 106 and NAGPRA consultation.
    - Not concerned that the para-archeologists were not monitored by a professional archeologist and there was no professional review of their work.

Warning Signs in the Effigy Mounds Case Study (continued)

- *Training does not guarantee that a person will be successful in their position*:
    - In the Effigy Mounds case study, the monument superintendent's actions demonstrated either a lack of understanding or a lack of interest in applying what she learned at the Midwest Region's Superintendent Development Program, cultural resources training, and National Historic Preservation Act Section 106 training.
- *Span of control*:
    - Accountability had little or no effect because the Midwest deputy regional director had 60 superintendents as direct reports, which included the monument's superintendent. No matter how well intentioned, this number of direct reports is an impossible responsibility.

Indicators of Stewardship Weaknesses in the Effigy Mounds Case Study

- *Line of authority unclear or broken*:
  - Midwest Regional Office (other than the monument superintendent's direct supervisor) and Midwest Archeological Center (MWAC) staff believed they had little oversight authority other than correspondence with the monument superintendent suggesting corrective actions.
- *Transparency unclear or broken*:
  - Frustrated monument staff wanted transparency, but did not get it. Monument staff did not know if decision-makers were being held accountable for their decisions and actions. Monument staff followed the chain of command at the monument and it failed them. There was no clear path for whistleblowing beyond the chain of command.
- *Mentor superintendent's responsibility and authority unclear or broken*:
  - The monument superintendent had a mentor superintendent before becoming the superintendent at Effigy Mounds National Monument. The mentor superintendent reported "no critical thinking skills" yet the mentee was later assigned as superintendent of the monument.
- *Decision-making on how parks spend staff time and money unclear or broken*:
  - There was a small inner circle of staff at the monument who decided how time and money would be spent; they chose not to include other monument staff in this decision-making process which led to a deliberate lack of transparency.

Indicators of Weakness in Responsibility and Authority Servicewide

- *NPS staff aware of potential impacts to cultural resources do not take action because of*:
    - complacency
    - not wanting to hurt people's feelings
    - not wanting to damage their career or someone else's career
    - not wanting to give poor performance appraisals
    - not wanting to make anyone mad
    - a fear of retribution
    - general staff belief that technical experts alone have responsibility and the technical experts believe they have no authority

Hanging Rock bridge under construction (NPS Photo)

SUMMARY OF RECOMMENDATIONS

The team has three overarching recommendations that will strengthen cultural resources stewardship in the National Park Service. There are more specific recommendations that relate to these larger recommendations. The first is to educate and empower all employees as stewards through courses offered through the Cultural Resources Career Academy; the second is to increase the understanding and awareness of the civil, criminal, and administrative penalties and implications in cultural resources laws, regulations, and policies; and the third is to resolve the confusion of what work cultural resources professionals should be doing and where it should take place along with associated responsibilities, accountabilities, and authorities. The following chapters fully explore each of these strategies in a format that summarizes the team observations and makes recommendations for best practices to strengthen cultural resources stewardship. As the National Park Service, we are entrusted with the careful and responsible management of the authenticity of the National Park System.

Effigy Mounds National Monument (NPS Photo)

Part 2: Best Practices

TEAM OBSERVATIONS AND RECOMMENDATIONS

Transparency allows you to see when accountability is succeeding or failing. The team focused on elements of the incidents that could be indicators of strengths and weaknesses of cultural resources stewardship within the National Park Service. The team used the incidents at Effigy Mounds National Monument to inspire thoughtful analysis of the workings of cultural resources stewardship for all cultural resources at all levels of the agency. The team devised the following observations and recommendations, taken from the monument as a case study, to strengthen cultural resources stewardship throughout the National Park Service.

Responsibility and Authority

The 1995 “Programmatic Agreement among the National Park Service (US Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act” delegated Section 106 responsibilities to park superintendents. This was reaffirmed in the 2008 programmatic agreement. Section I.A of the programmatic agreement defines responsibilities for meeting the requirements of the agreement at each level of the National Park Service including the director, associate director for cultural resources, regional directors, regional Section 106 coordinators, superintendents, park Section 106 coordinators, and the cultural resources management team. From this list, we could infer that the responsibility and authority for the stewardship of cultural resources lies solely within this group. However, the programmatic agreement is exclusive to compliance with the Section 106 process. Stewardship of cultural resources is more than compliance with the programmatic agreement.

There are numerous cultural resources laws, policies, and standards that guide operations. Two commanding laws specific to stewardship that carry civil and criminal penalties are the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act. Federal land managers are responsible for protecting archeological resources on federal land through the Archaeological Resources Protection Act. The roles and responsibilities of the land manager, for the National Park Service that means the park superintendent, are spelled out in the law and accompanying Code of Regulations (CFR), 43 CFR 7 “Protection of Archaeological Resources.” ARPA sets out standards for any archeological project in a park, whether it is carried out in-house, by a contractor or cooperator, or by a third party.

Superintendents need to be aware of these requirements, and all park archeological projects should be reviewed by a professional NPS archeologist who has a complete understanding of the regulations. Permits are required of any third party researcher. While not required for cooperators and contractors, a superintendent would be protected from liability by having them complete a permit application. ARPA has substantial civil and criminal penalties and a land manager who does not follow ARPA regulations may be open to criminal and civil prosecution. In the case of the incidents at Effigy Mounds National Monument, the US Attorney's Office found that there was a nexus between the lack of Section 106 compliance under the National Historic Preservation Act and the damage to archeological sites under the Archaeological Resources Protection Act. The US Attorney's Office believed that there was the potential for a criminal case but prior NPS administrative decisions made conviction less likely; therefore, a decision was made not to prosecute. Superintendents should be aware, however, that damage to archeological sites from projects that they have approved may have consequences. Similar to the National Historic Preservation Act, 43 CFR 7.7 requires the notification of American Indian tribes if any activities may harm or destroy cultural or sacred sites on public land.

Another commanding law specific to stewardship is the Native American Graves Protection and Repatriation Act. NAGPRA requires that federal agencies return certain cultural items to lineal descendants, Indian tribes, or Native Hawaiian organizations. In addition, inadvertent discoveries of such items on federal land and intentional excavation of such items from federal land are covered by NAGPRA. As a federal agency that manages public land and cares for public collections that contain cultural items that are subject to NAGPRA (Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony), the National Park Service must comply with this law. Noncompliance with NAGPRA carries risks similar to ARPA. Civil penalties associated with this law apply to the National Park Service as well as museums. See appendix A for a comprehensive list of responsible Federal agency official requirements under NAGPRA.

> Section 9 of NAGPRA (25 USC 3007) authorizes the Secretary of the Interior to assess a civil penalty against any museum that fails to comply with the requirements of the act. Civil penalty procedures are codified at 43 CFR 10.12

Responsibility and Authority Observation #1

Stewardship is the careful and responsible management of something entrusted to one's care. National parks are all about authenticity, or preserving and protecting the real things in their original context. Parks are the real deal. It is through stewardship that the National Park Service guarantees the integrity and preservation of park resources. Stewardship of park resources is the responsibility of all NPS employees and goes well beyond the minimum required of the National Park Service in cultural resources laws and policies.

There are risks realized to cultural resources stewardship when the National Park Service does not follow the NPS mission and numerous cultural resources laws, policies, and standards that guide operations, and does not use the Section 106 programmatic agreement appropriately. These risks include, but are not limited to:

- Destroying the integrity of park resources and degrading the visitor experience
- Impairing cultural resources as described in the Organic Act
- Criminal and civil liability; the National Park Service is accountable under the National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act, among other laws
- Breaking our compact with American Indian, Alaska Native, and Native Hawaiian and Pacific Islander people as part of our government-to-government relationship
- Foreclosing on the Section 106 programmatic agreement (i.e., proceeding without completing the Section 106 process)
- Failing our NPS management policies
- Failing our own employees and park stakeholders
- Failing to meet the mission of the National Park Service which is the responsibility of all employees

The tools available to parks to preserve the real things in their original context fall under two general headings: laws and leadership. Both failed in this case study. Effigy Mounds National Monument leadership did not provide direction, protection, and order. Leadership rested solely with persons in positions of authority and those outside this inner circle had no opportunity to exercise leadership. The current reality throughout the National Park Service tends to reflect this model. As indicated earlier in the report, overall, there is a general feeling of disenfranchisement among staff at all levels of the National Park Service.

The question to be answered is, “Why do we not exercise leadership more often than we do?” We all have the authority to speak and act for the stewardship of cultural resources, yet there is a gap between the current reality and the aspiration. There are problems that require a technical solution. We access technical experts and they give us a solution. However, often the consideration of what to do and how to do it is far more complicated than a simple “yes” or “no” answer. Decision-making must be goal driven, focused on the solution to the problem rather than defending a single solution. Uncertainty about impacts is often expressed as disagreement among staff and stakeholders who have differing views about the direction and magnitude of resource change in response to management.

Strengthening the stewardship of resources and maintaining park integrity requires a commitment to the use of Section 106 compliance and NEPA as planning and communication tools at all levels of the agency. We all share in the preservation of the integrity of the National Park System. Good resource stewardship ensures the health and integrity of our parks. There needs to be a firm commitment from NPS leadership to support resource stewardship. The end result should be that everyone is responsible for resource stewardship; know enough to speak up; and those who speak up will not be punished. The team recommends the support of training and measuring success as well as risk.

Recommendations:

- The National Park Service should fully support the development and implementation of training and support services within the Stephen T. Mather Training Center Cultural Resources Career Academy.
- All superintendents and other managers should complete by 2022 the course “Cultural Resources for Innovative Leaders” offered by the Cultural Resources Career Academy.
- All NPS employees should complete by 2022 basic cultural resources courses, many offered online through the Cultural Resources Career Academy.
- All employees who have direct or collateral cultural resources duties should complete by 2022 a cultural resources laws and policies course.
- We need to invest in resource stewardship the same way we do safety.
- The associate director for cultural resources, partnerships and science should lead a team to create a process that empowers all employees to speak up regarding cultural resources at risk.
- Conduct a “lessons learned” review, debrief, and staff after incident counseling following serious cultural resources mismanagement incidents.
- Celebrate all NPS staff whose actions strengthen cultural resources stewardship.

Responsibility and Authority Observation #2

As the National Park Service is responsible for resources stewardship, we are also responsible for the damage and destruction of the resources entrusted to us. Sometimes it seems as if we hold visitors, concessioners, and contractors to a higher standard than we do ourselves when it comes to resources stewardship. There are clear consequences and rewards for superintendent responsibilities in managing risk based on passing credit card audits and meeting contracting deadlines, but there are no apparent consequences and rewards for managing risk specific to cultural resources management. The lack of staff knowledgeable and skilled in cultural resources management results in inappropriate collateral duties assigned to staff not qualified to complete the task. The travel ceiling and budget cuts results in the inability to share experienced resource management staff from other parks, NPS centers, or regional offices.

> Over the past two decades, the responsibilities of park cultural resource programs have grown substantially, including the addition of 30 new parks, which are predominantly cultural and historical in value. In contrast, inflation-adjusted funding for park cultural resource programs decreased by 0.2 percent per year from FY1995-2008 while over the same period inflation adjusted funding for natural resource programs increased by an annual average of 4.2 percent. … staffing levels for cultural resources declined by 294 FTE (27.4 percent).
>
> *Saving Our History: A Review of National Park Cultural Resource Programs*, National Academy of Public Administration, 2008, xi, x

Recommendations:

- **Holding ourselves accountable**
  - Oversight: supervisor should assign responsibilities to employees based on the employee's expertise, training, and experience. Once employee is in the position, mentor them.
  - Oversight: regularly consult outside sources such as the state historic preservation office (SHPO), tribal historic preservation office (THPO), traditionally associated tribes, and others.
  - Conduct the required peer review of scientific documents, such as archeological surveys and excavations and damage assessment documentation, in accordance with NPS *Management Policies 2006* (section 5.1.1).
  - Every NPS superintendent should have access to the expertise needed to make informed decisions.
  - Reaffirm the need for parks to have an appropriate plan in place regarding inadvertent discoveries under the Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, and other cultural resources laws.
- **Consequences and rewards**
  - Establish a process by which superintendents' performance is rewarded, or there are consequences, for cultural resources stewardship that includes input from subject matter experts through the chain of command.
- **Inappropriate collateral duties assigned to staff not qualified to complete the task**
  - Use the park's enabling legislation, general management plan (or similar planning document), and foundation document to determine staffing needs.
  - Avoid appointing staff as the Section 106 coordinator who have conflicts of interest with the preservation of cultural resources as a first priority (e.g., maintenance employee responsible for digging sign post holes or budget officers concerned about obligation targets).

Recommendations (continued):

- **Travel ceiling, budget, and inability to share experienced staff and information**
  - Develop guidance for superintendents and resource managers on the relationship between Section 106 of the National Historic Preservation Act and the Archaeological Resources Protection Act including guidance on the issuance of a Permit for Archeological Investigation (PAI, also referred to as an ARPA permit).
  - Have cultural resources data fully entered into the appropriate databases with a seamless link to GIS so park managers can easily see the extent and location of known resources during a decision-making process.
  - Exclude in-park and inter-park travel from the travel ceiling so parks may capitalize on and share experienced staff.

Responsibility and Authority Observation #3

Employees believe that they are not empowered as leaders in resources stewardship, and do not have the authority to question real and potential risks to cultural resources. Employees may report concerns to their supervisor but beyond that there is no formal process. Employees, whether cultural resource professionals or others, consistently reported that they had no authority to report concerns or to follow up on concerns reported in their chain of command. The role, responsibility, and authority of park staff, regional office staff, Washington Support Office staff, and advisory groups are unclear. See *Transparency, Communication, and Accountability Observation #2*.

> The Servicewide Cultural Resource Advisory Group will provide recommendations for improving cultural resource management within the National Park Service. Through its structure, function, and contacts, the committee will facilitate resolution of issues that affect resource management Servicewide. The Advisory Group will reflect regional and park perspectives in identifying cultural resource issues and developing recommendations. The Advisory Group will assist in, but not be relied on exclusively for, communication among the Washington Office and regional leadership councils and advisory groups, central offices, and regions.
>
> Role and Function of the Cultural Resources Advisory Group, 2013

Recommendations:

- Charge the Cultural Resources Advisory Group (CRAG) to form a multidisciplinary committee on empowerment to make recommendations on the role, responsibility, and authority of all levels of the organization including regional and national advisory groups.
- All employees are informed and empowered with regards to cultural resources laws, policies, standards, and processes.
- All employees have a safe and effective route to cultural resources specialists and managers at all levels of the agency to advise and to consult on potential harm to resources.
- Allegations of harm are taken seriously, investigated, and actively addressed.

Responsibility and Authority Observation #4

Law enforcement rangers and solicitors are not well enough versed in cultural resources laws and policies. There is a general lack of knowledge of the civil and criminal, as well as administrative, penalties associated with some cultural resources laws. The relationship between cultural resources laws and other laws, such as federal property laws, are not generally taught or understood.

Recommendations:

- A resources law and policy course should be a standard module in existing training.
- Develop training or tap into existing training focused on the interaction among the National Historic Preservation Act, Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act.

Planning, Priority Setting, and Decision-making

Planning, Priority Setting, and Decision-making Observation #1

Planning in the National Park Service guides informed and insightful decisions that provide relevant and timely direction to park management, and informs future decision-making for each National Park System unit in accord with its stated mission. Planning also provides methods and tools for resolving issues in ways that minimize conflicts and promotes mutually beneficial solutions—solutions that articulate how public enjoyment of the parks can be part of a strategy for ensuring that resources are protected unimpaired for future generations. Section 106 of the National Historic Preservation Act is most effective as a planning process; when properly used as a planning process it is not a barrier. Because we function under a compressed funding cycle and a single-year allocation of funding, along with other constraints, the culture of the National Park Service is "Get'er done!" This culture is not always conducive to going through a planning process. Many of the recommendations below are already in place and are being ignored as a convenient shortcut.

Recommendations:

- Alleviate time constraints by providing funding for Section 106 compliance as part of the planning process.
- Make sure everyone at a park knows who is on the park's interdisciplinary team (IDT) as outlined in PEPC and the cultural resources management (CRM) team as required by the Section 106 programmatic agreement (see section I.A in the agreement). (See recommendations under *Planning, Priority Setting, and Decision-making Observation #3.*)
- The decision-making process in parks should be formalized and how parks spend their time and money should be measured against park plans.
- Cultural resources projects will include consultation with cultural resources professionals and scholars having relevant expertise, traditionally associated peoples, and other groups and individuals.
- By policy all third-party archeological projects require a Permit for Archeological Investigation (also referred to as an ARPA permit). It is recommended that all projects not carried out by an NPS archeologist require an ARPA permit, including projects conducted under cooperative agreements and contracts.
- Parks have up-to-date baseline documentation.
- Superintendent will ensure full consideration of the park's cultural resources and values in all proposals for operations and development.

Planning, Priority Setting, and Decision-making Observation #2

Project creation is often reactive and based on personal preference and experience or it relies too heavily on current initiatives. The conceptual stage often focuses on the project, which is the solution to a problem, rather than on a definition of what the problem is and how best to resolve that problem.

Recommendations:

- Prevention: plan to prevent an incident and not what to do after.
- Projects should be based on strategic planning and a shared vision.
- Project planning should be done collaboratively among park staff and with external partners and tribes (where appropriate) to create checks and balances.
- Section 106 is a planning process and should be used as such rather than as a reaction to moving forward with defined and funded projects. Used properly, Section 106 is a tool to guide the nature and substance of park projects, not a hurdle to overcome in order to proceed with projects exactly as envisioned prior to consultation.
- Park staff should develop an overall plan for inadvertent discovery of cultural resources (e.g., archeological resources) and human remains.
- Park staff should plan for routine and repetitive projects.
    - A park should be prepared to discuss proposed routine and repetitive projects with the state historic preservation office at biennial meetings.
    - A park should also consult with the appropriate tribal historic preservation office and traditionally associated tribes about the proposed projects.
    - A park could create a park-specific programmatic agreement with the state historic preservation office and tribal historic preservation office for routine and repetitive projects.
- Cultural resources staff needs to notify appropriate park staff when field work is going to start, how long the project is to last, and who will be doing the work (i.e., permanent or seasonal staff, contractor, permittees, or volunteers).

Planning, Priority Setting, and Decision-making Observation #3

There is a general misuse or lack of use of the nationwide Section 106 programmatic agreement. The Section 106 programmatic agreement allows the National Park Service to use a streamlined review process under specific circumstances. The Section 106 programmatic agreement also provides guidance for other activities related to the Section 106 process including identification of resources, consultation, and planning.

Recommendations:

- Ensure regional directors have all necessary tools to meet their responsibilities under the Section 106 programmatic agreement.
- Ensure regional and park Section 106 coordinators meet qualifications and responsibilities of the Section 106 programmatic agreement.
- Ensure access to Section 106 training identified in Section 106 programmatic agreement.
- Meet all consultation provisions of the Section 106 programmatic agreement.
- Ensure appropriate use of the streamlined process.
- Ensure all reporting is accurate and timely as required in the Section 106 programmatic agreement.
- All Section 106 activity must be documented in PEPC. Ensure the record is complete including uploading technical documents and consultation documentation.

Planning, Priority Setting, and Decision-making Observation #4

There is a general misuse or lack of use of PEPC by parks. PEPC, which is the National Park Service's permanent record of the compliance process, provides transparency and ease of tracking and reporting.

Recommendations:

- Use PEPC correctly and routinely for all projects.
- Use PEPC to report to the state historic preservation office all projects conducted under the Section 106 programmatic agreement.
- Have regional office staff spot check PEPC entries against project funding annually.
- All employees have an understanding of the purpose and use of PEPC.
- All employees who have a PEPC responsibility should take an annual refresher.
- IDT/CRM team needs to be involved in the development of the project, not consulted after the project is conceived.
- IDT/CRM team is responsible for timely review and approval of appropriate projects in PEPC.
- Include PEPC training on the Cultural Resources Career Academy website.

Transparency, Communication, and Accountability

Transparency, Communication, and Accountability Observation #1

New superintendents' training in roles and responsibilities should have more emphasis and be better defined for cultural resources stewardship and risk management. The low-graded positions for first-time superintendents are often small cultural resources parks. The superintendent who supervises or advises the new superintendent seems to have little to no training as a mentor superintendent. The role and function of mentor superintendent is not clear or consistent.

Recommendations:

- In identifying parks suitable for "training" parks or for first-time superintendents, consider park complexity in addition to size and budget. Just because it is small does not mean it should be considered a "learning" park.
- Superintendents that supervise other superintendents need to have formal mentoring responsibilities and training.
- Formalize superintendent refresher training to include cultural resources laws, policies, and guidance.
- To increase transparency, communication, and accountability, protection of cultural resources should be a part of every superintendent's yearly Employee Performance Appraisal Plan. Demonstrating success in this area could include supplying the park's list of cultural resources review committee members; supplying the park's Section 106 project list given to the state historic preservation office; a list of other cultural resources projects in the park; and a copy of cultural resources database certifications (e.g., Archeological Sites Management Information System [ASMIS] certificate).

Transparency, Communication, and Accountability Observation #2

The internal role of the park, regional office, and Washington Support Office in cultural resources management is neither well defined nor consistent. What work we should be doing and where it should take place to be most effective is not clear. We see ourselves as distinct offices and not as a national cultural resources preservation program. There is confusion at every level, uncertainty as to span of responsibility, authority, and accountability. While this confusion has to do with who does what at each level of the agency, there is no understanding as to roles, responsibilities, and authorities regarding risk, mismanagement of or impacts to cultural resources.

Recommendations:

- Have the Cultural Resources Advisory Group and regional cultural resources advisory groups focus on defining roles, responsibilities, and authorities for the work that we should be doing and where it should take place to be most effective.
- Recognize that in accordance with the NPS 1995 reorganization the “land manager” is the responsible party under the Section 106 programmatic agreement, Archaeological Resources Protection Act, and other federal preservation laws.

Transparency, Communication, and Accountability Observation #3

The National Park Service is a land management agency, and the knowledge cultural resource experts have and the work they do should inform management at all levels of the agency. NPS *Management Policies 2006* (section 5.1.1) directs cultural resources research to inform decision-making.

> The cultural resources programs and responsibilities of the NPS reach into every park and virtually every community in the nation, yet staffing and funding have not kept pace with their growth, let alone to meet the new and significant challenges we now face.
>
> *National Park Service Cultural Resource Challenge: Preserving America's Shared Heritage in the 21st Century*, National Park Service, October 2013

Recommendations:

- Align our expectation of what we want and need from cultural resources staff.
- Park staffing should be based on the park purpose and the fundamental and other important resources it has; cultural resources parks should have the appropriate cultural resources staff (e.g., if the park has a museum collection, there should be a "curator of record" on staff or available through a formal agreement). Just as the general management plan, foundation document, and other plans rest on enabling legislation, it should be a factor in a park's target organization to ensure there are appropriate people in appropriate positions.
- Enforcement of cultural resources laws should be a high priority for law enforcement rangers. Law enforcement rangers should be trained in the enforcement of cultural resources laws. Parks that use local law enforcement because they do not have an NPS law enforcement ranger on staff should include appropriate processes so that cultural resources laws and training is addressed in any agreement.
- Cultural resources research should not be purely academic and untethered from park priorities.

Transparency, Communication, and Accountability Observation #4

The transparency, communication, and accountability of the National Park Service beyond park boundaries with governments, stakeholders, and partners are inconsistent. Increasingly partnerships are essential and effective means for the National Park Service to fulfill parts of the NPS mission and foster a shared sense of stewardship that is so crucial for the future of the stewardship of resources that are not confined to park boundaries. Our partners have a deep appreciation for and a sense of commitment to the NPS mission, values, resources, and people. Working through partnerships is a sound investment for both the near and long term. We need to invest wisely. A look across the nation shows that good relations and consultation strengthens stewardship.

The National Park Service has a government-to-government relationship with federally recognized tribes. Because of the federal government trust responsibilities to tribal nations, Executive Order 13175 “Consultation and Coordination With Indian Tribal Governments” directs the National Park Service to interact with tribal officials on a government-to-government basis. Additionally, the National Park Service has obligations under the Section 106 programmatic agreement, the National Environmental Policy Act, 43 CFR 7 “Protection of Archeological Resources” (especially at 43 CFR 7.7 “Notification to Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance”), Director’s Order 75: *Civic Engagement and Public Involvement*, and NPS *Management Policies 2006*, all of which require consultation. In many cases we are using these as a box to check rather than using the consultation to inform park planning, decision-making, or values.

Even with all this law, policy, and guidance, there can be confusion and inconsistencies that impact relationships. In the Effigy Mounds case study, the monument’s website lists 19 “culturally associated American Indian tribes” while the Midwest regional cultural anthropologist uses a list of 12 tribes derived from a 2001 cultural affiliation report created by non-NPS anthropologists. While these two lists might serve different purposes or have different utility for different programs, such inconsistency might lead to incomplete or improper consultation; consultation which originates at the monument might involve 19 tribes, while consultation initiated at the Midwest Regional Office might only involve 12 tribes.

Recommendations:

- Hold required biennial review and monitoring meetings with the state historic preservation office.
- Hold annual meetings with the tribal historic preservation office and traditionally associated tribes.
- Meet all requirements of Executive Order 13175 “Consultation and Coordination With Indian Tribal Governments” to maintain the government-to-government relationship with tribal governments.
- Consult at the conceptual phase of all projects so that input is meaningful.
- Consult park partners and value their input.
- View consultation as a foundation upon which to build, not the end product.

Transparency, Communication, and Accountability Observation #5

Park level accountability for cultural resources stewardship is not being met consistently. Internal controls are a valuable tool, but they are not infallible. It is unclear where the park/superintendent autonomy ends and the regional responsibility begins if internal controls are not being used or reveal a problem.

Recommendations:

- On behalf of the regional and deputy regional directors, regional office cultural resources staff and relevant specialists should increase involvement and support of park superintendents as the accountable officers under the Section 106 programmatic agreement for work affecting cultural resources.
- Any support or oversight by a subject matter expert from the regional office or another park (e.g., the “curator-of-record” system) should be accomplished under formalized roles and responsibilities and funded accordingly.
- The Midwest Region Museum Collection and Records Management Division has led a successful review of the region’s NAGPRA Inventories and related deaccessions to confirm that the NAGPRA incident at Effigy Mounds National Monument was not repeated in other Midwest Region parks. This review should serve as a model and be expanded Servicewide.
- Mismanagement of or discrepancies in a park’s stewardship of resources should automatically result in a higher level review, and the form and product of that review should be standardized by regional offices.

Conclusion

The Effigy Mounds National Monument after action review report is the direct result of the deep concern by the NPS national and regional leadership. Stephanie Toothman, Associate Director for Cultural Resources, Partnerships and Science, Cam Sholly, Midwest Regional Director, and Patty Trap, Midwest Deputy Regional Director (Patty was acting Midwest Regional Director at the time this effort started), charged the team to make recommendations to help ensure "this never happens again." The "*Draft* Serious Mismanagement Report: Effigy Mounds National Monument 1999-2010" (April 2014), a law enforcement review document, calls for a critical evaluation by all NPS employees at all levels involved with the cultural resources compliance review process, "Traditionally viewed as an obstacle or bottleneck, Section 106 offers the opportunity (legal requirement notwithstanding) to take stock of the potential impacts of a proposed project, and to carefully consider whether or not it meets the needs of the park, the stakeholders, and the public in a manner most suited to the agency mission and principles."

The team found that the NPS Organic Act, NPS *Management Policies 2006*, and Directors Orders, in addition to federal cultural resources laws and the National Park Service programmatic agreement (2008) for the purposes of Section 106 compliance along with PEPC, provide adequate tools and processes to ensure the stewardship of cultural resources. The team found that the primary weakness in cultural resources stewardship lies in the fact that no formal process exists within the National Park Service to report and manage potential risk to and mismanagement of cultural resources. Perhaps most revealing was a discussion at the Cultural Resources Advisory Group annual meeting in 2015 that focused on the question: Who has the responsibility and authority to report cultural resources at risk outside of the chain of command? Cultural resources leaders from the Washington Support Office, regions, and parks, determined that NPS staff at all levels of the organization believe they do not have the authority to report risk or abuse outside of their chain of command.

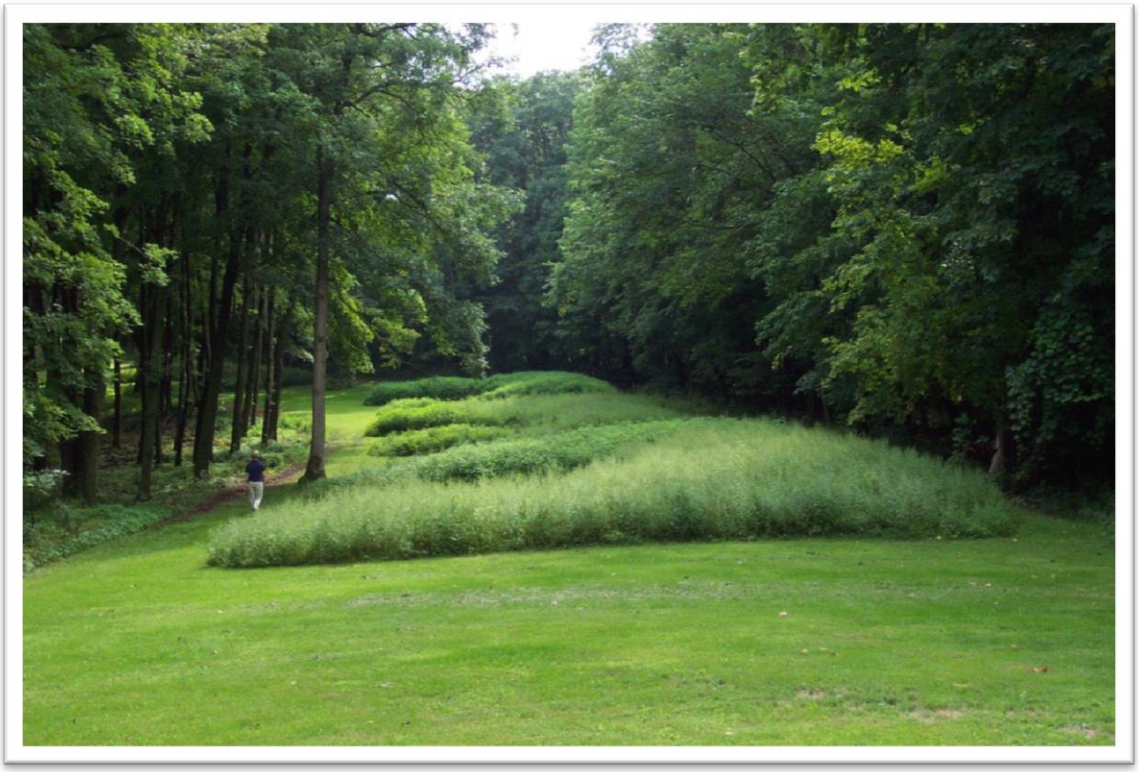
The team has three overarching recommendations that will strengthen cultural resources stewardship in the National Park Service. There are more specific recommendations that relate to these larger recommendations. The first is to educate and empower all employees as stewards; the second is to increase the understanding and awareness of the civil, criminal, and administrative penalties and implications in cultural resources laws, regulations, and policies; and the third is to resolve the confusion of what work cultural resources should be doing and where it should take place along with responsibilities, accountabilities, and authorities.

The team recommends that the National Park Service fully support the Stephen T. Mather Cultural Resources Career Academy. All employees with direct or collateral cultural resources responsibilities should participate in leadership and cultural resources laws and policies courses by 2022. Employees should feel confident and free to speak openly without retaliation when they see actions that do not follow cultural resources laws, regulations, and policies that place cultural resources at risk. It should be understood that if an allegation is investigated and found to be without merit, that is a good thing. It means that we are properly engaged in stewardship but are also vigilant. Employees need to make the connection that good stewardship is what preserves the authenticity of the National Park System and the integrity of resources. Employees should also understand that cultural resources management is far more than a technical problem to be solved only by technical experts. Cultural resources management is complex and involves exploring alternative ways to meet management objectives, predicting the outcomes of alternatives based on the current state of knowledge, implementing one or more of these alternatives, monitoring to learn about the impacts of management actions, and then using the results to update knowledge and adjust management actions. Good stewardship focuses on learning and adapting, through partnerships of managers, scientists, and other stakeholders who learn together how to create and maintain sustainable resource systems.

The team recommends increased understanding and awareness of the civil, criminal, and administrative penalties and implications in cultural resources laws, regulations, and policies. In the case of the incidents at Effigy Mounds National Monument, the US Attorney's Office found that there was a nexus between the lack of Section 106 compliance and the damage to archeological sites under ARPA. NPS staff needs to be aware that the NPS Investigative Services Branch has an anonymous tip line that should be used in incidents that raise criminal red flags.

The team recommends that NPS leadership charge the Servicewide Cultural Resources Advisory Group to complete by January of 2017 an analysis of the work that cultural resources should be doing and where it should take place at each level of the organization including responsibilities, accountabilities, and authorities. The Cultural Resources Advisory Group represents the cultural resources leadership in each region as well as a superintendent appointed by each regional director. For this analysis, Associate Director for Cultural Resources, Partnerships and Science should augment this team with select members of her staff. The combined expertise and experience of this group will provide necessary reason and balance to create recommendations that have the best chance to strengthen stewardship.

The team found NPS leadership and staff care deeply for the mission of the National Park Service and for the cultural resources entrusted to them. Laws, regulations, and policies foster good cultural resources stewardship. Cultural resources laws, regulations, and policies work well when regularly applied as they were intended. Transparency allows you to see when accountability is succeeding or failing. To strengthen stewardship, the National Park Service needs to create the tools for managing the intentional or unintentional failures of accountability.



Marching Bear Mounds (NPS Photo)

Appendices

Appendix A: Responsible Federal Agency Official Requirements Under NAGPRA

In circumstances where human remains or other cultural items are inadvertently discovered on park lands, the law requires that the "responsible Federal agency official"

- stop the ongoing activity associated with the discovery, such as construction, for at least 30 days,
- protect the remains and items,
- notify lineal descendants, Indian tribes, or Native Hawaiian organizations within three working days,
- initiate consultation with lineal descendants, potentially affiliated Indian tribes or Native Hawaiian organizations regarding the proposed treatment and disposition of the human remains and cultural items,
- prepare, approve, and sign a written Plan of Action after consultation with lineal descendants, Indian tribes or Native Hawaiian organizations,
- determine who is entitled to custody of the remains and cultural items pursuant to NAGPRA's regulations (43 CFR 10.6),
- excavate remains and cultural items, where necessary and appropriate, in compliance with the Archaeological Resources Protection Act, and
- publish a Notice of Intended Disposition (NID) in local newspapers, before custody of the remains and cultural items is transferred to the appropriate lineal descendant(s), Indian tribe(s), or Native Hawaiian organization(s).

In circumstances where it is likely that a planned activity, such as a construction project, will result in the excavation of remains and/or other cultural items from park lands, the "responsible Federal agency official" must notify lineal descendants, Indian tribes, or Native Hawaiian organizations and consult about the planned activity and the proposed treatment and disposition of remains and items before the project is implemented. In addition, as described above, a written Plan of Action must be prepared, approved, and signed; appropriate custody must be determined; excavation must be in accordance with the Archaeological Resources Protection Act; and a Notice of Intended Disposition must be published before custody is transferred.

Appendix B: Bibliography of Documents Quoted

Adaptive Management: The U.S. Department of the Interior Technical Guide, US Department of the Interior, 2009 version—updated.

A Call to Action: Preparing for a Second Century of Stewardship and Engagement, National Park Service, 2011.

National Park Service Cultural Resource Challenge: Preserving America's Shared Heritage in the 21st Century, National Park Service, October 2013.

"Programmatic Agreement among the National Park Service (US Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act" (2008).

Saving Our History: A Review of National Park Cultural Resource Programs, National Academy of Public Administration, 2008.

"*Draft* Serious Mismanagement Report: Effigy Mounds National Monument 1999-2010," National Park Service, April 2014.

"Towards Excellence," Effigy Mounds National Monument, Operations Evaluation, April 27-May 1, 2009.

Appendix C: Laws, Executive Orders, Regulations, and NPS Policy-level Guidance Referenced in this Report

- Archaeological Resources Protection Act of 1979; 54 U.S.C. §302902
- National Environmental Policy Act of 1970; 42 U.S.C. §4321
- National Historic Preservation Act of 1966, as amended; 54 U.S.C. §300101 et seq.
- National Park Service Organic Act; 54 U.S.C. §100101 et seq.
- Native American Graves Protection and Repatriation Act of 1990; 25 U.S.C. §3001-3013
- Executive Order 13175 “Consultation and Coordination With Indian Tribal Governments”
- 43 CFR §7 “Protection of Archaeological Resources”
- 43 CFR §7.7 “Notification to Indian tribes of possible harm to, or destruction of, sites on public lands having religious or cultural importance”
- 43 CFR §10 “Native American Graves Protection and Repatriation Act”
- 43 CFR §10.6 “Custody”
- NPS *Management Policies 2006*
- Director’s Order 75: *Civic Engagement and Public Involvement*