

ROB BISHOP, UT
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
JOHN FLEMING, IA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
DOUG LaMALFA, CA
JEFF DENHAM, CA
PAUL COOK, CA
BRUCE WESTERMAN, AR
GARRET GRAVES, LA
DAN NEWHOUSE, WA
RYAN ZINKE, MT
JODY HICE, GA
ALUMUA AMATA COLEMAN RADEWAGEN, AS
TOM MacARTHUR, NJ
ALEX MOONEY, WV
CRESENT HARDY, NV
DARIN LaHOOD, IL

JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA, AZ
RANKING MEMBER
GRACE F. NAPOLITANO, CA
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JARED HUFFMAN, CA
RAUL RUIZ, CA
ALAN LOWENTHAL, CA
MATTHEW CARTWRIGHT, PA
DON BEYER, VA
NORMA J. TORRES, CA
DEBBIE DINGELL, MI
RUBEN GALLEGO, AZ
LOIS CAPPS, CA
JARED POLIS, CO
Wm. LACY CLAY, MO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

August 30, 2016

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Jewell:

In April 2016, the National Park Service (NPS) drafted an after action review titled, "Strengthening Cultural Resources Stewardship in the National Park Service."¹ The review was initiated as a response to findings of serious mismanagement at the Effigy Mounds National Monument (EFMO) that continued for over a decade between 1999 and 2010.² Released to the public on August 11, 2016, the report highlighted findings that EFMO 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," which included the construction of an extensive boardwalk on sensitive American Indian burial sites.³

These burial sites, of which at least 206 visible mounds are within the monument, were built as early as 500 B.C. and are sacred to the descendants of the mound builders.⁴ NPS reports that "there are nearly twenty tribes who have either a cultural or treaty association with EFMO."⁵ Notwithstanding these sensitive and historical conditions, the then-Superintendent at EFMO "failed to learn or become aware of the laws designed to protect places like EFMO, and approved projects that damaged and/or destroyed cultural resources without taking those resources into consideration."⁶

¹ NATIONAL PARK SERVICE, STRENGTHENING CULTURAL RESOURCES STEWARDSHIP IN THE NATIONAL PARK SERVICE, EFFIGY MOUNDS MONUMENT AFTER ACTION REVIEW (Apr. 2016), available at https://www.nps.gov/aboutus/foia/upload/EFMOAfterActionReview_AsReleased_August2016.pdf [hereinafter EFFIGY MOUNDS MONUMENT AFTER ACTION REVIEW].

² NATIONAL PARK SERVICE, SERIOUS MISMANAGEMENT REPORT, EFFIGY MOUNDS NATIONAL MONUMENT 1999-2010 (Apr. 2014), available at <https://www.nps.gov/aboutus/foia/upload/EFMO-SMR-April-2014.pdf> [hereinafter SERIOUS MISMANAGEMENT REPORT].

³ EFFIGY MOUNDS MONUMENT AFTER ACTION REVIEW, *supra* note 1, at 10.

⁴ SERIOUS MISMANAGEMENT REPORT, *supra* note 2, at 3.

⁵ *Id.*

⁶ *Id.* at 9.

An April 2014 “Serious Mismanagement Report” for EFMO found several instances of a lack of oversight. For example, investigators concluded that:

There was no meaningful mechanism to detect violations of policy or law. In this instance Regional program managers were routinely misinformed by EFMO with cavalier confidence. Sometimes the regional office was even *informed* of non-compliance, as occurred when the Principal wrote in a 2005 Operations Formulation System (OFS) request that the park needed a base increase for cultural resource management purposes because Section 106 compliance “. . . has been ignored at EFMO due to lack of staff.” When oversight was finally provided, a decade of dysfunction was uncovered.⁷

Some of the findings in the April 2014 “Serious Mismanagement Report” serve as a foundation to the April 2016 after action review. In observing the transparency, communication, and accountability deficiencies at EFMO, NPS concluded that “[t]here is confusion at every level, uncertainty as to span of responsibility, authority, and accountability.”⁸ Another observation related to responsibility and authority indicated that “[s]ometimes it seems as if [NPS] hold[s] visitors, concessioners, and contractors to a higher standard than [itself] when it comes to resources stewardship.”⁹

The problems at EFMO, unfortunately, are not isolated to the events surrounding the 1999 to 2010 violations of cultural resources laws. In 1990, the then-Superintendent at EFMO “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.”¹⁰ In its review of the facts and circumstances surrounding the incidents at EFMO, the Committee concurs with the after action review team’s sentiments that “everyone is astonished that the incidents at Effigy Mounds National Monument could have happened over the course of so many years.”¹¹

The fact that such mismanagement cases could continue for decades with little to no oversight at NPS is particularly troubling given the agency’s stated mission to preserve “natural and cultural resources.”¹² To help the Committee understand the scope of mismanagement and conservation of natural and cultural resources at NPS, we request that you arrange a brief for Committee staff by no later than 5:00 p.m. on September 9, 2016.

⁷ *Id.* at 10.

⁸ EFFIGY MOUNDS MONUMENT AFTER ACTION REVIEW, *supra* note 3, at 36.

⁹ *Id.* at 26.

¹⁰ *Id.* at 11.

¹¹ *Id.*

¹² NATIONAL PARK SERVICE, OUR MISSION, <https://www.nps.gov/aboutus/index.htm>.

The Honorable Sally Jewell
August 30, 2016
Page 3

Please contact Sang Yi or Casey Hammond of the Oversight and Investigations Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Bishop", with a long horizontal flourish extending to the right.

Rob Bishop
Chairman
Committee on Natural Resources

cc: The Honorable Raúl Grijalva, Ranking Member, Committee on Natural Resources