

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNIVERSITY OF WISCONSIN-MADISON  
AND  
THE WISCONSIN HISTORICAL SOCIETY  
REGARDING DAMAGE TO 47DA571 / BDA-0415

WHEREAS, on Thursday, 8 July 2021, grounds staff from the Facilities Planning and Management (FP&M) of the University of Wisconsin-Madison (UW) discovered that two holes, each approximately 10 inches in diameter by 2 inches deep, had been dug into the Double-Tailed Water Spirit effigy mound located on Observatory Hill; and

WHEREAS, the Double-Tailed Water Spirit mound (mound), also known under the Smithsonian Trinomial as 47DA571, is a catalogued burial site under Wisconsin identification BDA-0415; and

WHEREAS, the mound is protected by Wisconsin Statute (Wis. Stats.) 157.70; and

WHEREAS, UW staff notified the staff of the Wisconsin State Historic Preservation Office (SHPO) of the mound damage in writing on 9 July 2021; and

WHEREAS, on 12 July 2021 SHPO notified interested parties of the disturbance and took possession of the removed soil which was returned to the mound on 13 July 2021 by the Ho-Chunk Tribal Historic Preservation Officer; and

WHEREAS, on 15 July 2021 UW Chancellor Rebecca Blank sent a personal message to Wisconsin Tribal Leaders and tribal advisory council members expressing her condolences and apologies related to the mound disturbance; and

WHEREAS, on 21 July 2021 the faculty, staff and student involved met with Ho-Chunk Nation leaders to offer their apologies, including gifts, and their remorse for the damage done to the mound and further information was shared by the Ho-Chunk leaders on the historic importance of the site; and

WHEREAS, on 22 July 2021 SHPO and the UW consulted regarding the mound damage, and notified the Director of the Wisconsin Historical Society (WHS) to commence a Director's investigation and commence mound mitigation measures per Wis. Stats. 157.70; and

WHEREAS, UW and SHPO staff notified the Wisconsin Burial Board that the WHS Director's investigation will lead to this Memorandum of Agreement; and

NOW THEREFORE, the UW and the WHS agree that the soil coring project located on the mound resulted in a disturbance to a Catalogued Human Burial site, and also agree the following stipulations to offset the adverse effect to the mound.

## STIPULATIONS

The UW shall ensure that the following stipulations are carried out:

- I. The UW-Madison will revise their permit application process for all lands on the UW-Madison campus and will require all applicants to review a map of campus historic and cultural sites and attest that they will not impact these sites or doing any soil disturbing activities unless a permit has been obtained from the WHS through FP&M Campus Planning & Landscape Architecture. Soil disturbing activities are strongly discouraged throughout the UW-Madison campus. (We only mean UW Madison. Our concern is the project happened off the preserve because we were not looking at other locations outside of the preserve)
- II. Historic Preservation and Cultural Resource awareness training has been developed by FP&M/CPLA for use in onboarding new project managers, facility specialists, staff architects, engineers, and landscape architects. Leadership in FP&M and in Physical Plant will also be required to take this training to increase awareness of these important cultural resources. The training will be recorded for future use on-line and as part of required on-boarding training. The training includes cultural awareness of archaeological sites and the importance of all of our historic resources. Any work impacting, or potentially impacting, historic or cultural resources must be reviewed through FP&M/CPLA and potentially the WHS if potential effects to the resource(s) are identified by the CPLA director.
- III. The UW will work with the existing ad hoc groups on campus to review options for Native Nation signage, add educational signage on, or near, Observatory Hill informing the campus community and its visitors about the sacred mound history and the importance of the First Nation communities on the land that is now campus.
- IV. The UW will enhance protection of the mound group on Observatory Hill by removing, redirecting and reconstructing the sidewalks that currently impinge on the mounds. Removal and/or re-alignment of the walks will address the issues of walks crossing or impinging on the mounds and will significantly improve mound site protection.
- V. The UW will develop an "Archaeological Sites Preservation & Outreach Plan" that identifies opportunities for educational signage, strategies for developing appropriate educational materials in collaboration with representatives from Native Nations and will pursue funding to implement the Plan. The UW has the following management documents currently available for university and community use: "UW-Madison Burial Sites Policy," 2011; "Land Management Guidelines for UW-Madison Archaeological Sites," 2013; and "Lawn Care on UW-Madison Burial Sites," 2016.
- VI. The UW will provide MOA stipulation progress reports to the SHPO at each quarterly held UW / SHPO meetings.

## MONITORING and REPORTING

Following the execution of this MOA the UW will provide the SHPO with evidence of work undertaken pursuant to its terms. The UW will make all efforts to verify compliance with, and completion of, the terms herein within a period of three years, and provide periodic updates detailing the work undertaken to satisfy the stipulations. The SHPO agrees to consult with the UW should the UW request an extension for completion of stipulation requirements.

## AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. This amendment will be effective on the date a signed copy by all signatories is filed with the SHPO.

## TERMINATION

If any signatory to this MOA determines that its terms will not, or cannot, be carried out, that party shall immediately consult with the other party to attempt to develop an amendment per AMENDMENT above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatory.

Execution of this MOA by the UW and the WHS, and implementation of its terms, evidence that the UW seeks remedies to address the effects of this undertaking on a Human Burial Site.

## SIGNATORIES



Dr. Rebecca Blank, UW Chancellor



Date



Christian W. Overland  
The Ruth and Hartley Barker Director & CEO  
Wisconsin Historical Society



Date

