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EDITOR'S PICK

New bill would allow excavation of Native American burial mounds

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A new bill being circulated in the state Legislature could settle a years-long legal fight over the protected status of Native American effigy mounds located in a limestone quarry in the town of Blooming Grove.

The bill from Sen. Chris Kapenga, R-Delafield, would force the Wisconsin Historical Society to allow property owners to excavate in order to prove whether human remains exist in effigy mounds on their land, but opponents of the legislation contend that allowing excavation defeats the purpose of mound preservation entirely.

The proposed legislation has implications in Dane County, where Wingra Stone and Redi-Mix, a producer of stone and concrete, has for more than two decades mined around a 3-acre plot containing effigy mounds inside its Kampmeier Quarry, just north of McFarland.

Today, the mounds sit atop a peninsula that stretches about 50 feet above the quarry floor. But as mining has exhausted other parts of the 57-acre quarry, the company has challenged the existence of human remains at the site in an effort to prove it should be removed from the state's registry of protected burial sites.

Removal from the state's burial site catalog would allow the company to extract between \$10 million and \$15 million in limestone aggregate that lies beneath the mounds, said Wingra president Bob Shea.

"The fact of the matter is there is no proof that there's any burial materials there," Shea said. "We certainly wouldn't disturb a known burial site. But there needs to be some definitive means to be mostly certain – if not completely certain – that there are remains at the site."

The mounds at Kampmeier Quarry are part of the once-larger Ward Mound Group, which has mostly been destroyed.

Wingra began operating the quarry in 1962, but the Ward mounds remained unprotected until a 1986 law gave the Historical Society the power to identify and catalog potential burial sites and their surrounding lands for preservation. Destruction of the remaining mounds was stopped when the Ward mounds were officially catalogued as a burial site in 1990.

But in recent years, Wingra and the Ho-Chunk Nation have disputed the findings of multiple surveys that have used ground-penetrating radar and magnetometry to glean information about what lies below the surface.

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“Those anomalies are what’s up for debate — whether they are or aren’t remains,” said Collin Price, a spokesman for the Ho-Chunk Nation. “For us, our oral traditions and history tell us those are human remains.”

Those disputes have played out in state administrative offices and court rooms since 2010, when Wingra asked that the site be removed from state burial site catalog. In 2012, the Historical Society ruled there was insufficient evidence to determine the mounds do not contain human remains.

Both sides agree that a partial excavation of the site is the only way to make an absolute determination, but the Historical Society sided with the Ho-Chunk in its belief that excavating to make that determination runs contrary to the purpose of the burial preservation law.

“These mounds, to our people, represent so many things. They are a huge part of our culture and what would essentially happen is they’d be destroyed,” Price said. “To excavate their remains is grotesque to even consider.”

Wingra is also pursuing a permit to excavate the site under the existing law. The state’s Division of Hearings and Appeals (DHA) denied the permit in July 2014, but Wingra appealed and in May, a circuit court overturned DHA’s decision.

That ruling prompted an appeal from the Historical Society and the Ho-Chunk Nation. All three appeals are now being consolidated as cross-appeals.

The delays are why Shea said he’s pursued a legislative solution.

Kapenga’s office declined to comment Friday on the bill.



State Journal

Wingra Stone and Redi-Mix wants to excavate a portion of its quarry to determine whether human remains are present in effigy mounds, but opponents say that defeats the purpose of burial preservation laws entirely.

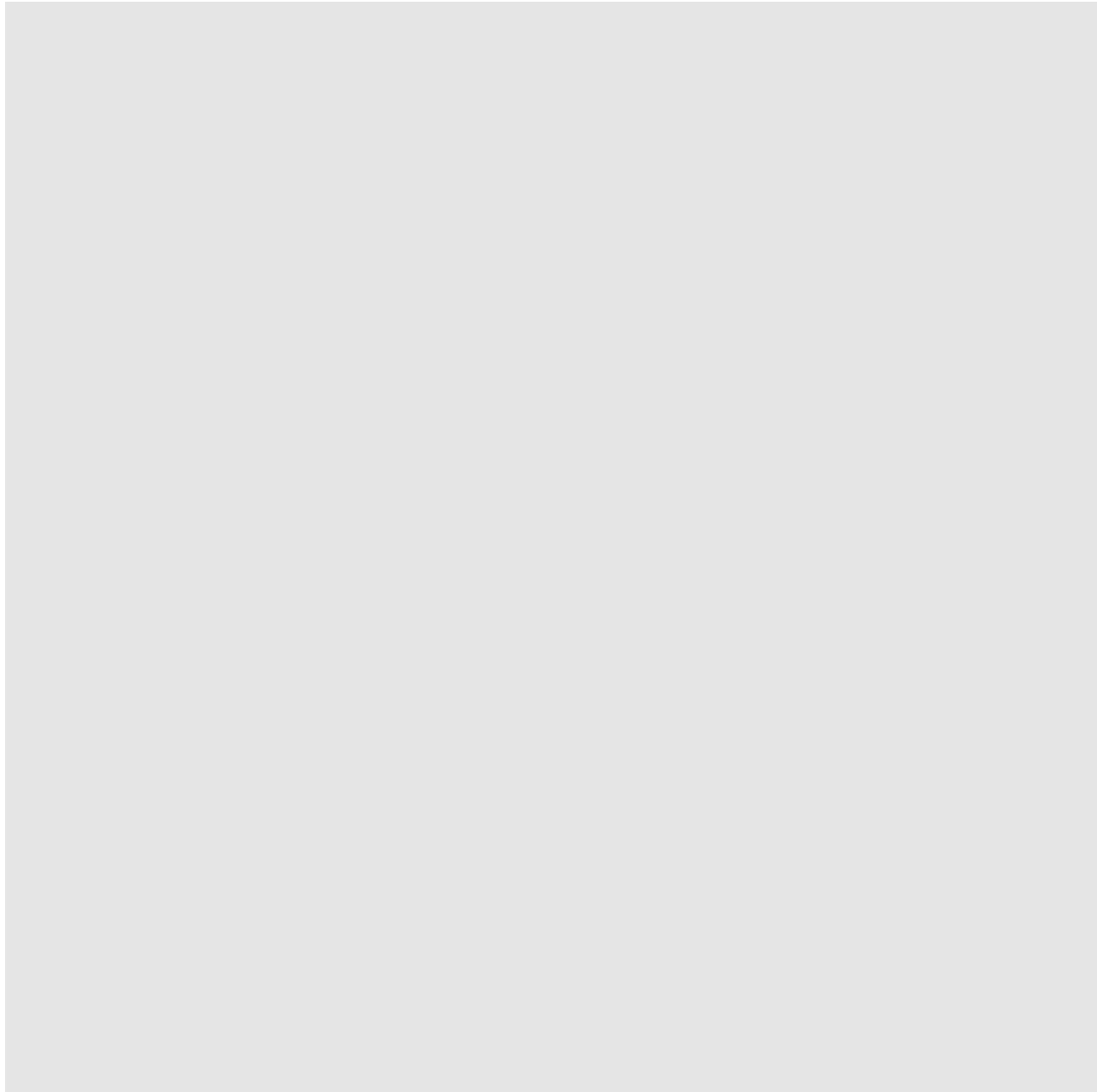




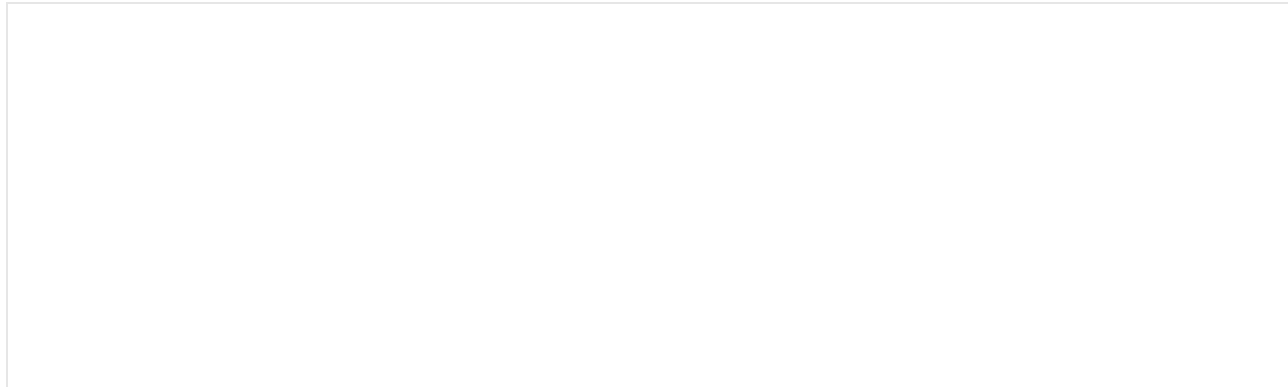
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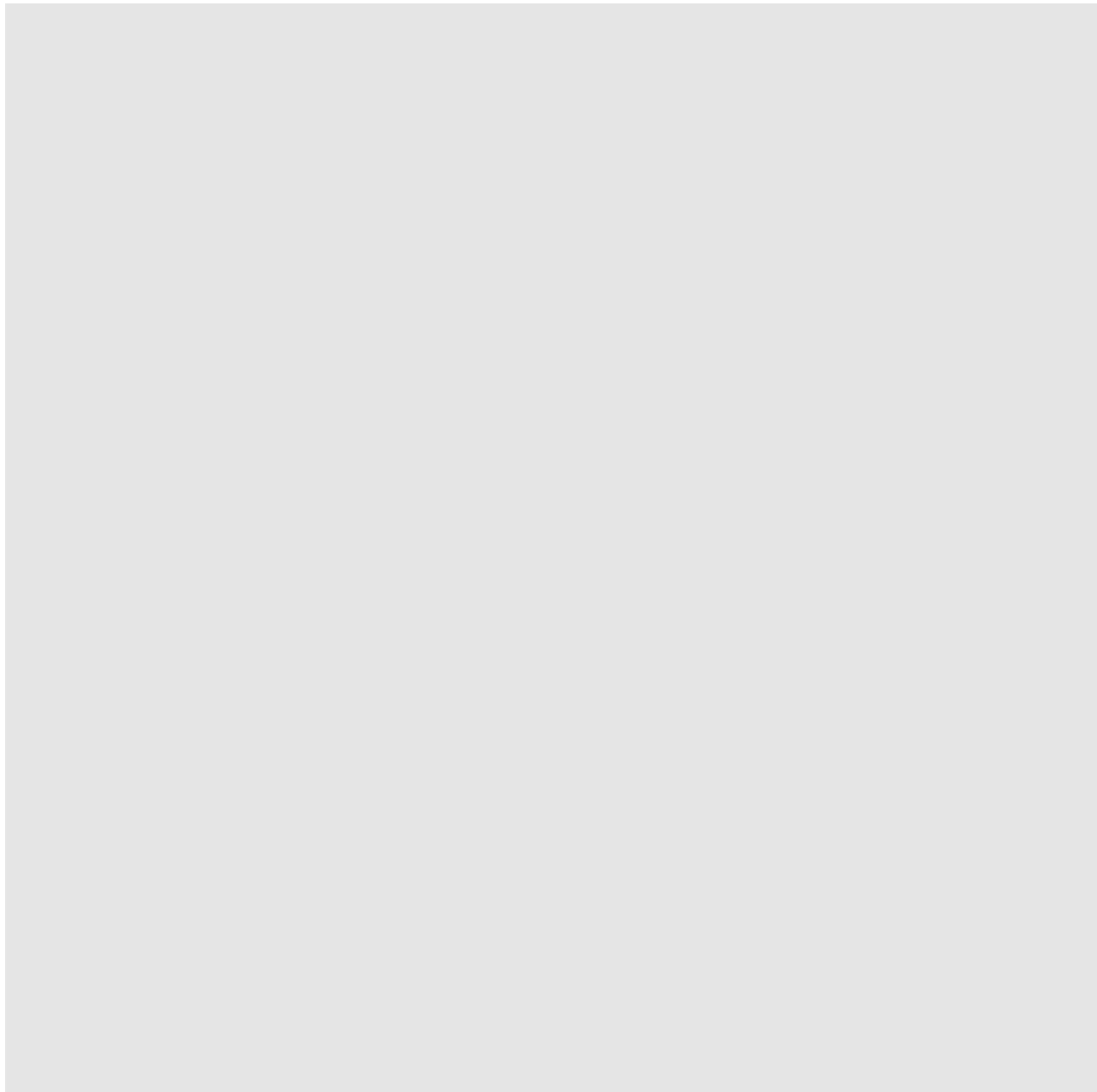


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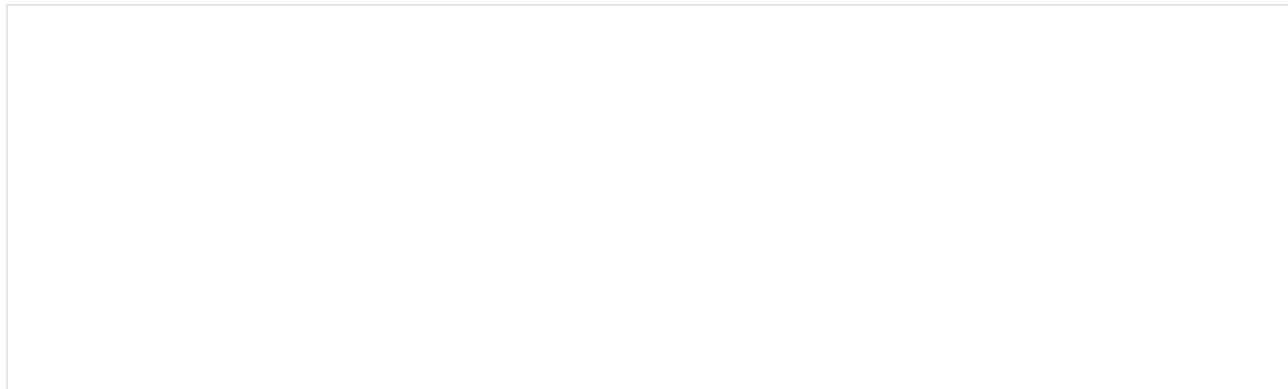


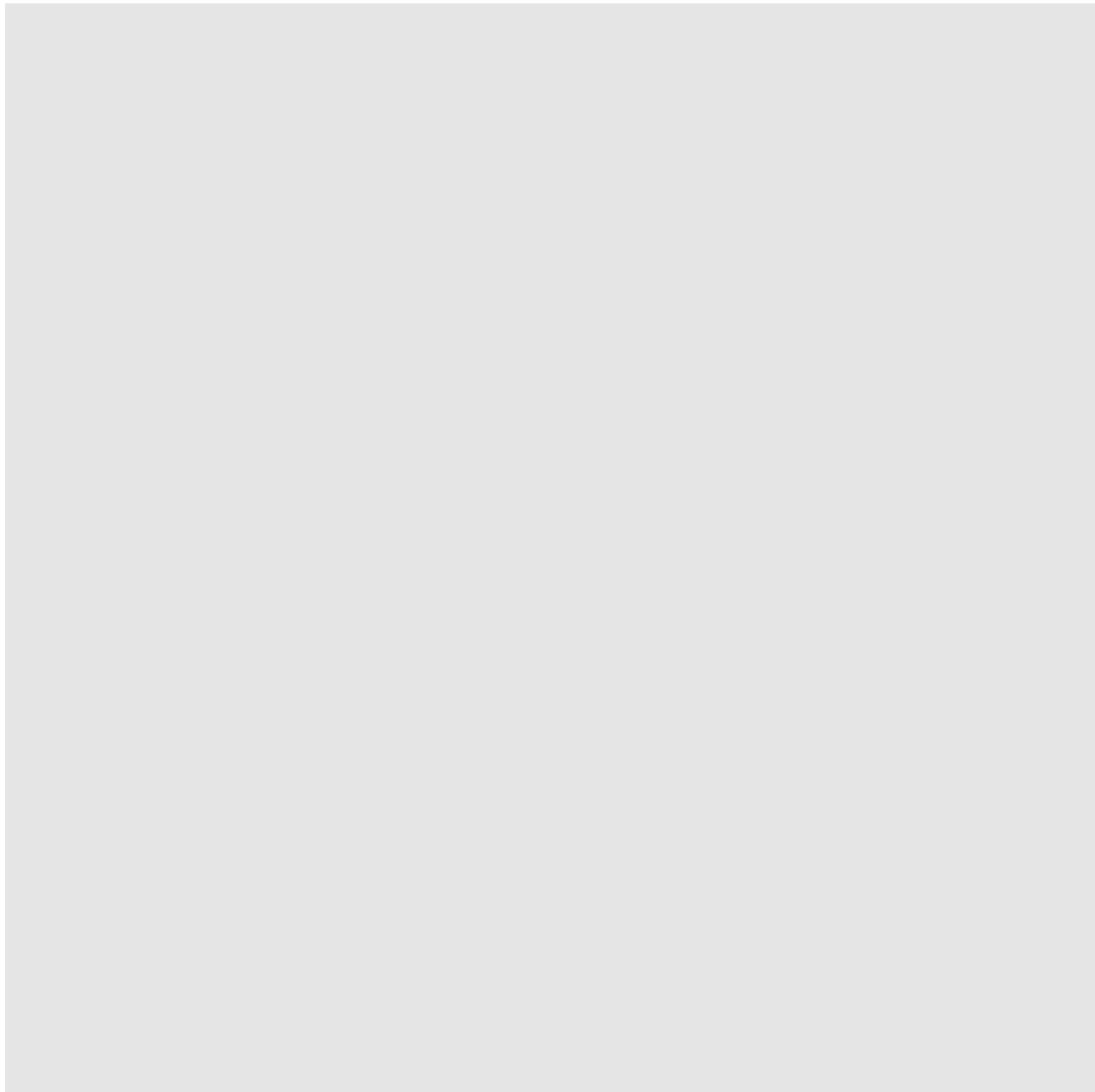
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