

14 September 2007

John Therriault, Deputy Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph  
Suite 11-500  
Chicago, IL 60601

RECEIVED  
CLERK'S OFFICE

SEP 17 2007

STATE OF ILLINOIS  
Pollution Control Board

PC#24

Re: PCB 2007-084 North Milam

Dear Mr. Therriault:

I am John E. Kelly and am archaeologist with a PhD. I teach at Washington University and conduct research at Cahokia Mounds and the surrounding region. I have been active in the area since 1969.

Attached please find a copy of notes I sent to Ms. Kathy Andria of the American Bottom Conservancy suggesting questions she should ask at the North Milam landfill Siting hearing in 2006 regarding the Cultural Resources Survey. American Bottom Conservancy was unable to enter the notes into the record at the hearing appeal without my authentication.

In examining the letter of January 16, 2007, from Mr. Dan Shinn, project archaeologist, of Burns and McDonnell I still see a number of discrepancies between the actual records and the history of investigations. I also find problematic his conclusion that there are no burial sites within the project area and that the features excavated or identified from 11MS1375 were characterized as "only truncatedheavily(sic) damaged features remain." The problem exists with the fact that burial sites generally do not readily appear in typical Phase 1 or Phase 2 surveys. A second problem rests with the degree of damage alluded to at these sites. While plowing disturbs the upper foot of ground, generally most sites in this region are intact. There is no indication that any form of consultation process has been carried out with American Indian Tribes. I would ask that the board grant this appeal so that the archaeological work conducted by the consultant can be

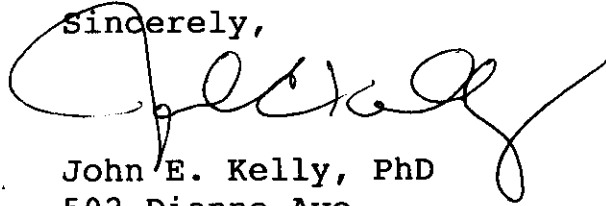
Re: PCB 2007-084 North Milan

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evaluated and the tribes been included as part of this process.

I am enclosing a map showing the boundaries of the Cahokia Mounds World Heritage and National Historic Landmark boundaries. I also direct you to the public comment our organization, The Powell Archaeological Research Center, sent during the siting public comment period to the City of Madison.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kelly". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

John E. Kelly, PhD  
502 Dianne Ave.  
Columbia, Il 62236  
618-281-5369

## Milam North Archaeology

### 1. History of Investigations

- Phase I-survey. The purpose is to identify any cultural resources located within the proposed project area. This is done by examining records at IHPA and other institutions in Illinois. Also need to evaluate the presence of post-contact historic sites by consulting plats and atlases. The final part of this process is to systematically walk the area in question. Conditions need to be such that the ground surface is exposed and there has been sufficient precipitation to expose any cultural materials. Ideally the best time for survey from late fall (November) until early Spring (May). In floodplain surveys it is important that the potential for any buried cultural deposits be evaluated through coring and the involvement of a geomorphologist.

First survey conducted in 1997 by personnel from SIUE at the request of IHPA per state law. A total of sites were located some of the sites had been previously located as a result of a pipeline survey (KATHY ARE THEY GOING TO HAVE THE PIPELINE MOVED. THIS IS AN IMPACT THAT NEEDS TO BE ADDRESSED.

A second survey of 108 acres was conducted in 2002 by Burns and MacDonnell (BM) (Shinn). It is unclear or confusing when the survey was conducted.

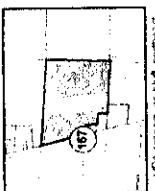
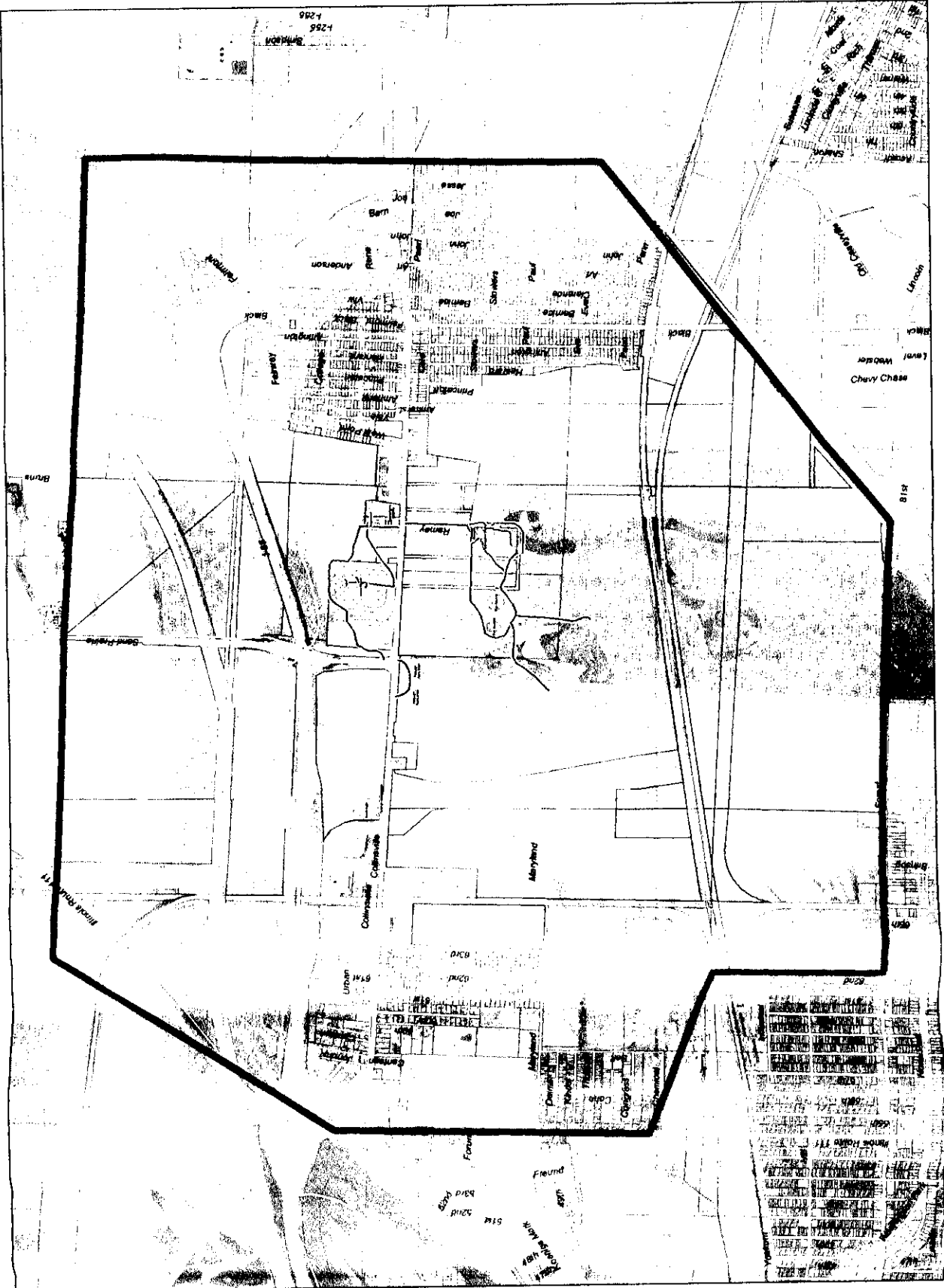
The ASSR survey report says June 18 and 20 and involved one person covering 108 acres in 60 hours? In a verbal summary, Attachment A, to this report there is an indication that the survey was conducted on September 17, 18, and 19?? In a letter dated 28 Oct 2002 Shinn indicates that 4 new sites were located and 2 previously recorded sites. One site 11MS1375 was considered eligible for the National Register of Historic Places (NRHP). There is no mention of this site having a mound.

**A third survey of the 120 acres was conducted by BM personnel (Latham) on July 9 and 11 by three personnel. This included some shovel testing. At the time of the survey the area was in soybeans and corn. Undoubtedly the corn was quite high and it is not clear whether the beans were sown in wheat stubble. Quite frankly this is the worst time of the year to be conducting a survey. There is mention of seven sites.**

In reading through the report it is not clear what sites are actually within the project area and what will be impacted. The Sept 12, 2005, letter from BM (Shinn) lists nine sites. Two (1375 and 1385)

have mounds and one other site (1316) is NHRP eligible. I would not trust their evaluation of the other sites. They (Waste Management) should pay for someone, an archaeologist, to go through and evaluate the work that has been done. There is mention of a MOA (Memorandum of Agreement) but none is present in the documents. Has one been executed? Have they consulted with Indian Tribes per federal law?

- Phase 2 investigations have been restricted to 1316 which has been determined eligible for the NRHP.



HEPA Project of I-55/I-240  
at State Historic Site

### Cahokia Mounds Vicinity

#### Legend

- Stearns
- Capitol Trails
- Capitol Facilities
- State Historic Site
- Existing Property (HPA)
- National Historic Landmark
- Landmark Sound Pr.

National Antiquities Inventory  
 Floodzone  
 Open Water



Map produced by  
 Southwestern Bell  
 Environmental Services  
 1997  
 Map data provided by  
 Madison & St. Charles, 2005

## **UNESCO World Heritage Sites**

### **World Heritage**

**Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspiration.** Places as unique and diverse as the wilds of East Africa's Serengeti, the Pyramids of Egypt, the Great Barrier Reef in Australia and the Baroque cathedrals of Latin America make up our world's heritage.

What makes the concept of World Heritage exceptional is its universal application. **World Heritage sites belong to all the peoples of the world**, irrespective of the territory on which they are located.

**The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972.**

**UNESCO's World Heritage mission is to:**

- \* encourage countries to sign the World Heritage Convention and to ensure the protection of their natural and cultural heritage;**
- \* encourage States Parties to the Convention to nominate sites within their national territory for inclusion on the World Heritage List;
- \* encourage States Parties to establish management plans and set up reporting systems on the state of conservation of their World Heritage sites;
- \* help States Parties safeguard World Heritage properties by providing technical assistance and professional training;
- \* provide emergency assistance for World Heritage sites in immediate danger;
- \* support States Parties' public awareness-building activities for World Heritage conservation;
- \* encourage participation of the local population in the preservation of their cultural and natural heritage;**
- \* encourage international cooperation in the conservation of our world's cultural and natural heritage.