

November 14, 2016

Mr. Dave Navecky
Surface Transportation Board
395 E. Street SW
Washington, DC 20423-0001

**Re: Great Lakes Basin Transportation Railway Path – September 2016
Docket No. FD35942**

Dear Mr. Navecky:

Please be advised that my firm represents the Seaton Estate ("the Estate") which owns about 672 acres of land, on and near, the Great Lakes Basin Transportation's ("GLBT's") recently published New Preferred Route. (See Exhibits A & B). My client hereby asks that these scoping comments be considered by the Surface Transportation Board ("STB"). We understand that the STB closed its acceptance of comments on the draft scope of study for the preparation of the Environmental Impact Statement for the GLBT's proposed rail line on July 15, 2016. However, on September 20, 2016, the GLBT filed a response to a request of the STB wherein a new preferred route was selected which would transect a 200 acre wooded portion of the Estate (7484 Shirland Road, Rockton, IL 61072) which contains multiple Native American burial mounds, expensive timber, and a wetland area. (Exhibit A). Further, the route as proposed would bisect a quarry which is adjacent to the Estate and the traversing of that quarry would likely be cost prohibitive. Finally, the proximity of the railroad to the remaining 472 acres of the Estate would destroy this beautiful and environmentally sensitive area. Undoubtedly, the STB will want to continue its efforts toward environmental stewardship and protect the history and artifacts of the area and respect the Native Americans that rest on the Estate. We are providing you early notice of this situation to not only protect this site but allow the STB to avoid the cost, expense and loss of time from litigation that would occur if excavations were attempted in this sensitive area. Clearly, the impact to the Estate must be considered.

The Native American burial mounds on the Estate are the well-documented Shirland Mound Group, which are located approximately one-half mile east of the Village of Shirland in Northern Illinois. The Shirland Mound Group was mapped by a Beloit College engineering class and members of the University of Chicago in the fall of 1936 and was the subject of subsequent articles on Illinois antiquities. The 1936 engineering group observed 18 mounds, seven conical, eight linear or oval, and three with projections. The group excavated one of the 18 mounds and proved that the area was a burial site by encountering a skeleton, in addition to several other artifacts. These findings are documented in enclosures to this letter, including the article "Early Excavations at the Shirland Mound Group, Winnebago County, Illinois," (Exhibit C) and

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"Report on the Logan Museum-Chicago University Expedition to Shirland Illinois." (Exhibit D).
A map of the site is included in an Illinois Archaeological Survey from 1976. (Exhibit E).

As you are aware, the National Environmental Policy Act ("NEPA") requires a "hard-look" at all environmental impacts from a federal action including the adverse effects on historical and Native American sites. The Council on Environmental Quality (CEQ) regulations require that federal agencies invite Native Americans to participate in NEPA's scoping process and invite local tribes to comment on actions. Because this site was not originally contemplated, the Estate was not provided the opportunity to participate in the scoping comments or hearings in violation of their due process rights. Further, the Native American tribes have yet to be informed that a large burial site of their ancestors would be disturbed by your project and they have not been provided the chance to comment on the scope of the study to be performed as to this site. In addition to NEPA, Native American burial grounds are regulated under the National Historic Preservation Act, the "Policy Statement regarding the Treatment of Burial Sites, Human Remains and Funerary Objects" of the Advisory Council on Historic Preservation (ACHP), Executive Order 13175 mandating the U.S. Government work with Native American tribes, the Archeological and Historic Preservation Act of 1974, the Archaeological Resources Protection Act of 1979 (ARPA), the American Indian Religious Freedom Act (AIRFA) and Section 4(f) of the Department of Transportation Act, among other laws, statutes and executive orders. Clearly, it is in the best interest of all involved to assure compliance with these many laws and regulations protecting such sites by avoiding the Estate.

Additionally, the route as proposed would traverse a Freshwater Forested/Shrub Wetland on the Estate, as demonstrated by the U.S. Fish and Wildlife Service's National Wetlands Inventory. (Exhibit F). The woods which GLBT is proposing to destroy are comprised of expensive walnut timber. Finally, the property adjacent to the burial grounds is a quarry, which the proposed route would have to bridge to traverse and thus avoiding this area would not only protect the burial grounds and the environment, but also save financial resources.

Completion of the New Preferred Route would cause extreme environmental damage to the sensitive and historically significant Estate and destroy the final resting place of the Native Americans on site. We urge the STB to study the impacts on the Estate and reject any route which traverses or is within the viewshed of the Estate.

We look forward to hearing from you.

Sincerely,

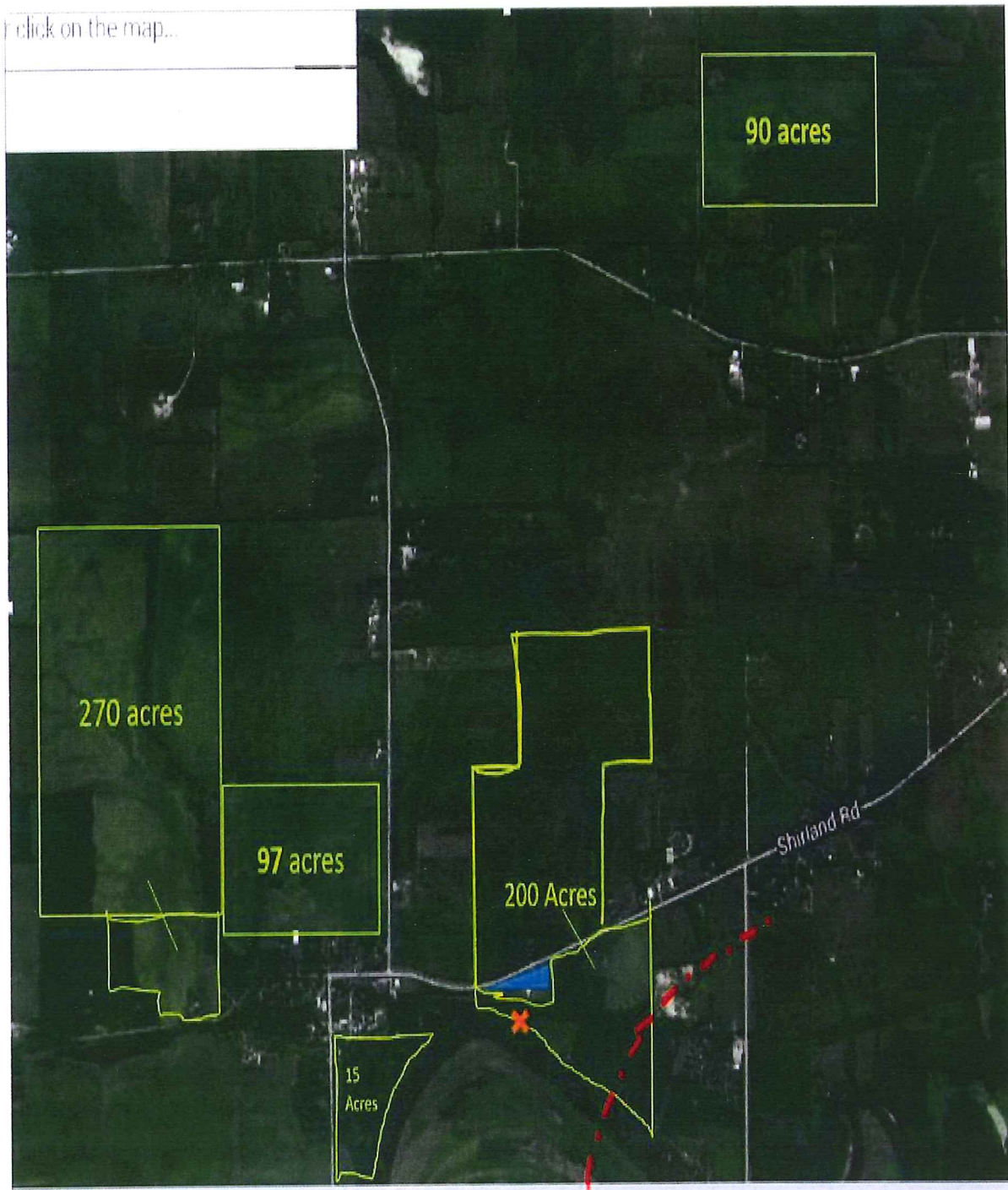
HINSHAW & CULBERTSON LLP

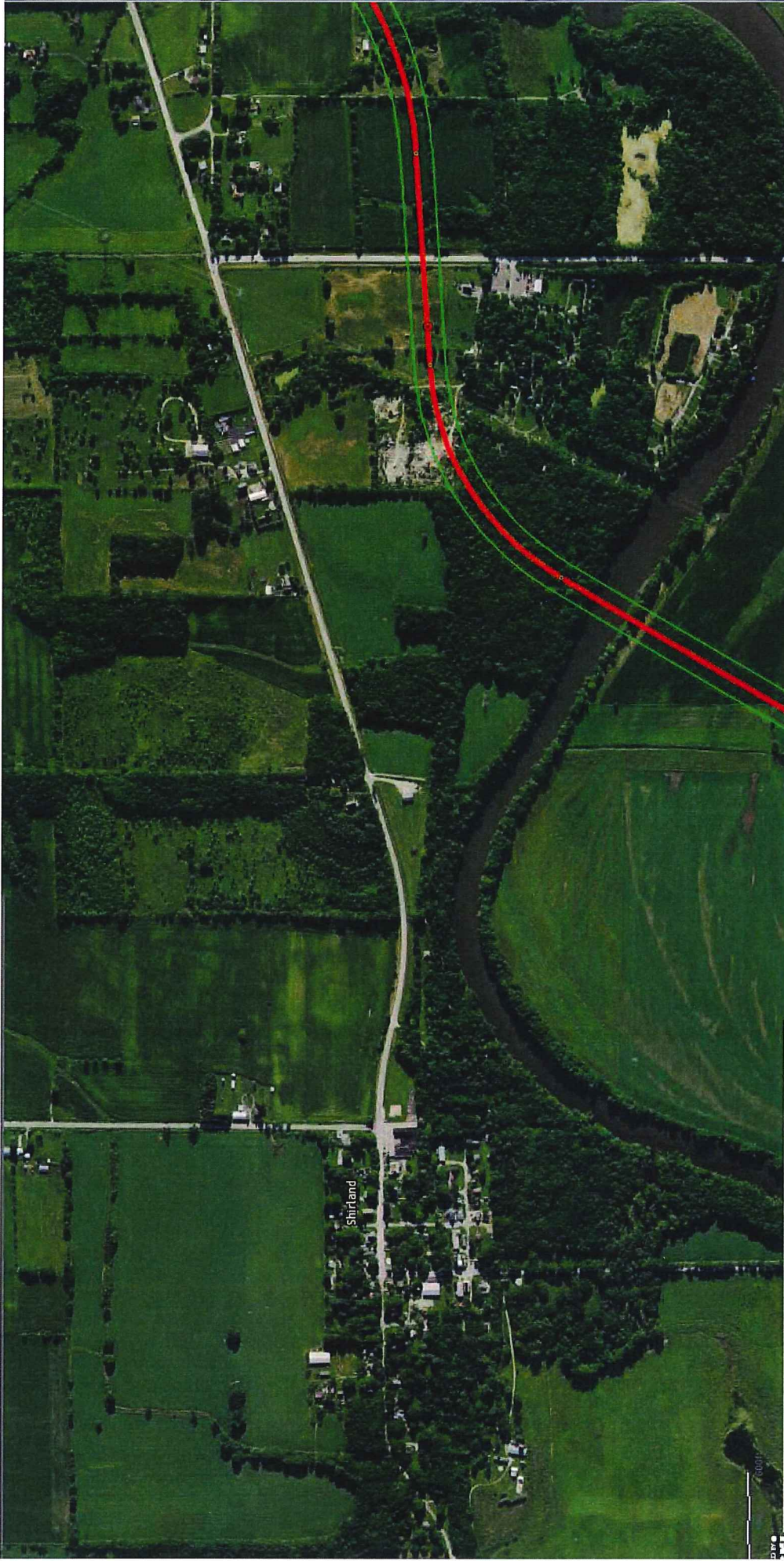


Richard S. Porter
RSP:NEJ:lsl(dmh)
Enclosures

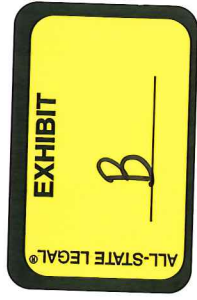
cc: Ms. Merry Beth Seaton
Mr. Frank Patton, GLBT

click on the map...





Dark black circles denote farm land on both sides of Road owned by the Estate and RED arrow points to my cabin on the river.



EARLY EXCAVATIONS AT THE SHIRLAND MOUND GROUP, WINNEBAGO COUNTY, ILLINOIS

By Sara L. Pfannkuche

Recent research at the Logan Museum of Anthropology at Beloit College has uncovered excavation notes and maps relating to an excavation by the University of Chicago and Beloit College at the Shirland Mound Group (11WO250) in May, 1937. Included with the notes are profiles of the excavated mound, a plan view of the burial encountered, a description of excavation techniques, and a record of artifacts encountered. This brief article describes what has been discovered so far about the 1937 excavation.

The Shirland Mound Group is located in Section 12 of Shirland Township in Winnebago County, Illinois. The group lies on the bluff crest overlooking the north bank of the Pecatonica River approximately 0.5 mi. (0.8 km) east of the Village of Shirland, on what was the property of H. Grunke in 1937. A now-abandoned railroad line runs west-east, north of the mound group. The site sits above a large bend on the Pecatonica River where the river begins to flow eastward.

A Beloit College engineering class mapped the group in the fall of 1936 (Figure 1). At that time eighteen mounds

were mapped: 7 conical, 8 linear or oval, and 3 mounds with projections (no clear effigy forms were present). Although a plowzone was encountered during the excavation, it is not known if the field was actively cultivated or had gone fallow.

The leaders of the investigation were Fay-Cooper Cole and Thorne Deuel from the University of Chicago and Paul Nesbitt and Madeline Kneberg of Beloit College. Students from both schools took part, with excavations centered on a conical mound not identified by number in any of the field notes.

Mound 8 is most likely the mound excavated because it appears to be the largest conical mound on the 1936 map, and a student report referred to the

perhaps five feet in height" (Brook and Clark 1937).

Stakes were placed in the mound and surrounding area at 5-ft. (1.5 m) intervals to aid in mapping the recovered artifacts. Test Pit #1 was excavated first, located approximately 5 ft. (1.5 m) south of the mound and slightly west of center (see Figure 2). This pit was dug in order to identify the natural soil horizons at the site. Sterile soil was identified 18 in. (46 cm) below the ground surface where broken dolomite was encountered. Two trenches were then dug into the mound, one running north-south between the 1R and 2R stakes and one running west-east between the 15-ft. and 10-ft. stakes (Figure 3). The two trenches intersected at the 15-ft. and 1R stake. A profile of every 5-ft. (1.5 m) length was photographed, but these photos have not been found. Records indicate that depths were taken on the artifacts collected,

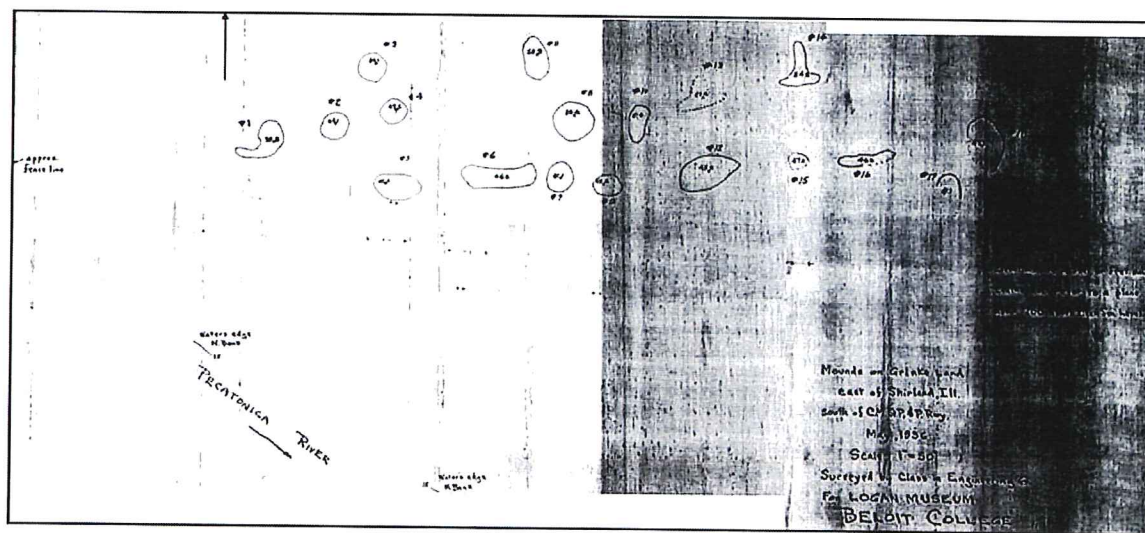


Figure 1. Map of the Shirland Mound Group.

excavation taking place at the largest of the group (Brook and Clark 1937). The mound was described as "the conical type about thirty feet in diameter and

from below datum as well as below surface. Soil removed during the excavation was not screened.

Field notes record



facts including a hammerstone, mussel shells, and a metal fragment, were recovered from the north trench. A possible limestone floor described as "two or three slabs of stone lying horizontally

planted to hay. A number of the stakes were left in the mound, driven level to ground surface. It is not known if the artifacts encountered during the dig were curated; none have been found at Beloit

Beloit College during the Illinois Historic Sites Survey of the Pecatonica River. The site was within woods but no mention is made of how many mounds survive (Illinois site file).

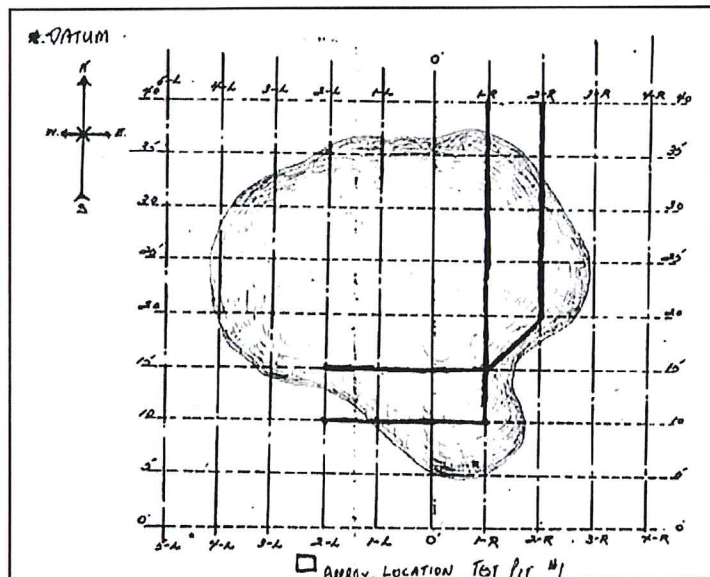


Figure 2. Plan map of the excavated mound.

a few inches above the bed rock" was also identified within the north trench (Brook and Clark 1937). The mussel shells were associated with the limestone slabs and with an intact clay pot, which was described as being in a poor state of preservation. The pot was removed along with the interior and surrounding soil attached. Areas of burned clay containing charcoal were also identified within the north trench.

Limestone slabs, occasionally overlying mussel shells, also were found in the west trench; chert debitage and shell deposits also were recovered there. Burial 1 was encountered at the western edge of the west trench, probably within its north wall. The burial was flexed and was associated with a ceramic sherd, a triangular point, and a worked beaver tooth. No pit was associated with the burial and it was in a poor state of preservation. Field notes indicate that the left leg and both feet were missing. The bones were mapped and probably removed.

Excavation of the Shirland Mound Group ended after the burial was removed; the trenches were backfilled and

Mississippian period. Previous research on the Late Woodland period in North-Central Illinois has centered on effigy mounds (e.g., Boris 1984; Lange 1968). Most of the mound groups within Winnebago County contain only linear and conical mounds. Although Samuel Lathrop recorded many of these groups in the 1850's (Lapham papers, WHS) and Charles E. Brown in the first half of the twentieth century (Brown papers, WHS), they have not been recorded in the Illinois site files.

The present condition of the mound is not known, although cultivation of the site continued after the excavation. The original Illinois site form for the Shirland Mound Group was filled out in 1974 by

College, the University of Chicago, or the Illinois State Museum. It is believed that all the artifacts were kept since field notes contain catalog numbers for all the artifacts mentioned.

The recovery of a triangular point with the burial suggests that the mounds may date to the Late Woodland /

REFERENCES

1984 Effigy Mounds in Northern Illinois: An Analysis of an Endangered Cultural Resource. M. A. Thesis, Department of Anthropology, Northern Illinois University.

Brook, Bill and Bob Clark

1937 "Report on the Logan Museum-Chicago University Expedition to Shirland Illinois." Unpublished report on file, Logan Museum of Anthropology, Beloit College.

Brown, Charles E.

n.d. Papers, 1889-1945. On file, Wisconsin Historical Society.

Lange, Fredrick W.

1968 "The Excavation of the State-Line Mound Group (Ro-39), Beloit, Wisconsin," in *The Wisconsin Archeologist*, 49(3):109-125.

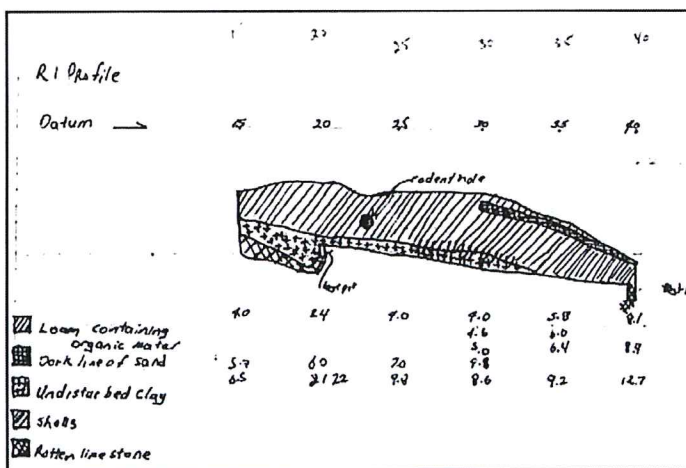


Figure 3. Profile map of the excavated mound.

Lapham, Increase Allen

n.d. Papers, 1825-1930. On file, Wisconsin Historical Society.

Sara L. Pfannkuche is a Ph.D. student at University of Illinois at Chicago and IAAA Treasurer.

REPORT ON THE LOGAN MUSEUM-CHICAGO UNIVERSITY EXPEDITION TO SHIRLAND
ILLINOIS.

Bill Brook

Bob Clark

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EXHIBIT

D

Report on the Logan Museum Expedition to Shireland (May 20,21)

This expedition was formed in conjunction with the University of Chicago, to excavate a mound located approximately one mile east of Shireland, Illinois, on the farm of H. C. Runke. The site was determined last year by the anthropology 31 class under the direction of Professor Nesbitt. The mound, in particular, was the largest of a group of sixteen ~~which~~ included several of the effigy type.

The excavating group left the Logan Museum, Beloit, on the morning of May 20th, 1937, and proceeded to Rockton, Illinois where they contacted the main body of the U of C department under the direction of Thorne, Duell, Dr. Fay Cooper Cole, and several graduate students. Our personal representative on the directorial staff was our instructor Miss Madeline Kneberg who was in a large degree responsible for the excellent cooperation given the Logan Museum by the U. of C. on this "dig". From Rockton the whole group proceeded to the site and began preparation for work. All tools and instruments were carefully checked and from the U. of C. truck in order that nothing should be lacking. Shovels, mattocks, trowels, brushes, probes, orange-wood sticks, knives, stakes, hammers, ropes, cameras, and surveying instruments were all included in the assemblage. The smaller tools were packed in complete and easily handled canvas kits.

The mound was of the conical type about thirty feet in diameter and perhaps five feet in height. A telescopic alidade was set up on a plane table on the top of the mound on a north and south axis determined by a compass. Then stakes

were set out on this axis at five foot intervals on the horizontal. The alidade read the ground height of each post, thus giving the contour of the mound. Using this row of stakes to work from the entire mound was laid out in exact five foot squares well outside the actual structure. These squares are used in the location upon a map of the article s found within the mound as can be shown in the accompanying drawing.*

The article marked by the cross would be in square 5-lr.
The squares being numbered from the lower right hand corner.

To accompany
drawing

While the mound was being staked out a test pit was dug within a few feet of the structure in order to determine how far the excavation proper must be carried into the ground before an undisturbed soil layer would be found. This layer was located about eighteen inches below the general surface when a strata of broken dolomite of the Upper Buff was encountered just above bed-rock proper.

Excavation was begun on the north and west sides of the mound by sinking a trench to the undisturbed soil layer and then cutting into the structure very carefully with the mattock, attempting to maintain as nearly as possible a verticle face. A hammer stone was located very early in the digging in the north trench. When the limit of the first five foot square was reached into the mound in both trenches a profile was taken, that is, the verticle face was carefully line d up and gone over and a photograph taken. These profiles were taken at every five foot interval in order that a general elevation record of the mound could be presented pictorially. This method also helps to show any intrusions from the top of the mound or excavations which scattered the earth over the old humus layer, which was the case in this particular instance. The taking of this profile ter-

minated the first days work.

On Friday, the 21st, the expedition again left the Logaan Museum at about 8:30 A.M. and proceeded immediately to the site where work was begun as quickly as possible. While the excavation proper was being carried on a graduate student from the U. of C. mapped the whole area with the use of a plane-table. Instruction in this procedure was given to any student desiring this particular knowledge. Sixteen mounds were surveyed, in all, including some of the effigy type. At the actual excavation a farmers level was set up, which was used in determining the location of any object within the mound on a verticle scale.

In the north trench a rock floor was discovered consisting of two or three slabs of stone lying horizontally a few inches above the bed rock. It could not be determined whether this was a natural or artificial occurrence. Several clam shells were also found in this pit but were in a very much decomposed state. In the west pit about fifteen feet in a distinctly wood-land pot was discovered, but this, because of its poor state of preservation, was not removed until the next day. As mentioned before profiles were taken at each five foot interval and this terminated the work for the second day. As on the day before all tools were checked in and thoroughly cleaned.

On the third day, Saturday, May 22nd, the expedition left the Logan Museum at 5:30 A.M.. The verticle cuts were continued in each pit and a line of clam shells appeared in the west pit about two and one-half feet above the rock floor. In the north pit at about eleven A.M. a burial was discovered in the east end of the face. It was in a flexed position and located a few inches above the rock floor. In conjunction with it was found a beaver

tooth, and a fine flint spear point. The remainder of the day was spent in the removal of the skeleton which was rather poorly preserved. Triangulations were taken from several points, upon the skeleton, to several stakes in order that the exact location within the mound could be easily charted. The pot previously mentioned was removed intact with the clump of earth filling and surrounding it being thoroughly ambroided.² After the complete removal of the burial, the trenches were refilled and sown with hay seed. The expedition was pronounced highly successful by the leaders and the site may be reopened next year in anticipation of the fact that there may be more burials remaining in the mound.

That the mound is the site of the Effigy mound aspect of the Lake Michigan phase of the Woodland pattern is practically an unquestionable fact. The people possessing this particular culture were in a region the center of which is now southern Wisconsin with peripheral areas in southeastern Minnesota, northeastern Iowa, and northern Illinois. They constructed numerous conical and linear mounds as well as the true effigy type. The latter represents animals, birds, or humans either in profile or as viewed from above, with the limbs extended laterally on either side. Conical mounds of the type excavated vary in height from one to twenty-five feet and in diameter from ten to one-hundred feet.

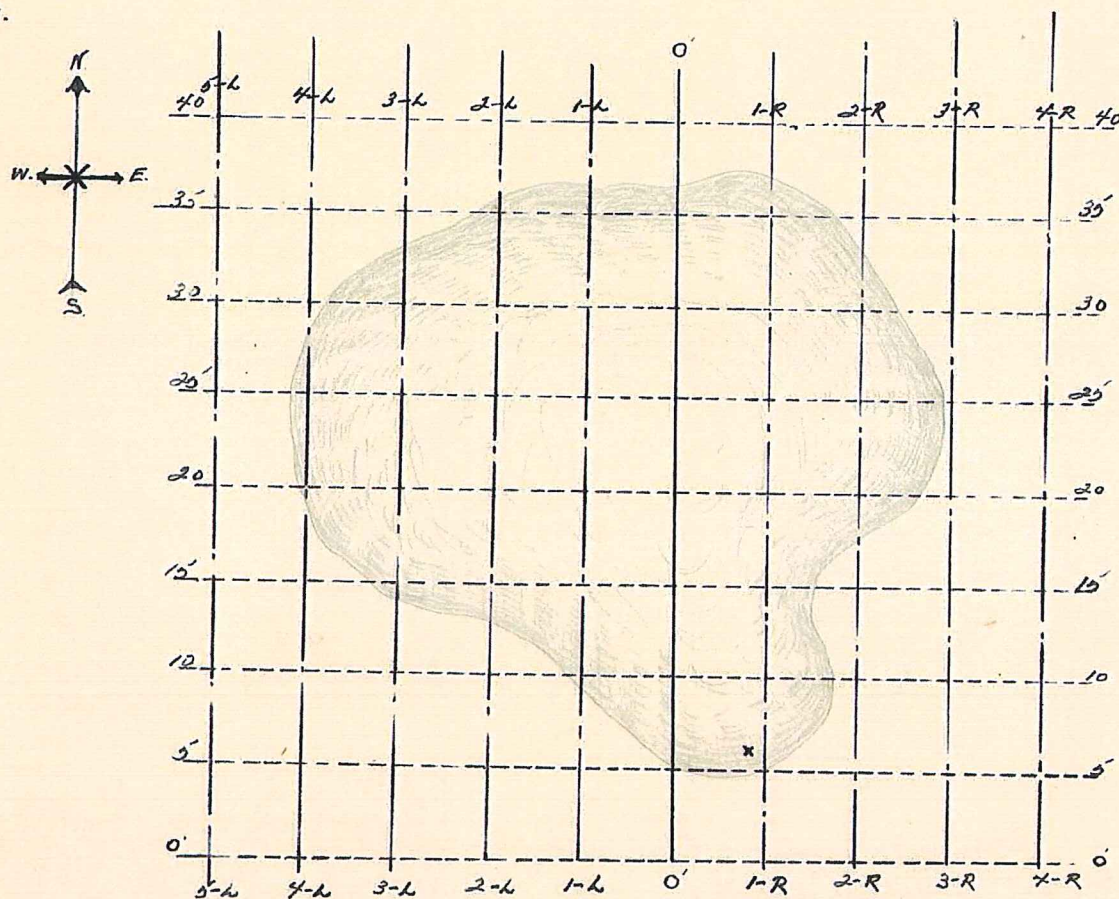
Most of the mounds contain at least one burial, usually of flexed or bundle type with occasional evidences of cremation. The placing of artifacts with the burials were not a true trait of these peoples, but the interment of dogs heads was. Altar-like structures are found in the mounds.

Although grave goods are rare, enough have been found to

(b)

fairly well determine the material culture of these peoples. Stone work~~s~~ is very elaborate and consists mainly of notched or stemmed projectile points medium to large in size (made from a core or thick flake), grooved axes, and problematical pieces. Discoidals and whetstones were rare. Bonework is largely confined to awls of split bone, and fishhooks are extremely lacking. Textiles are scarce except for some cording. Pipes vary a great deal but are usually of a curve pottery type and unlike those of the Mississippi pattern. Pottery is similar to the Algonquin type. The paste, on the pottery, is uneven in color and of a granular texture tempered with grit. Most vessels are of elongated globular shape with verticle necks and conoidal bases and have medium to thick walls. Decorations usually appear on the neck and are of a different type when on the body. There are no effigy vessels or handles.

✱.



Students who participated in Shirland 'Dig'
Spring 1937.

Austin, Lewis

Bennett, John

Bradley, Benjamin

Brook, William

Byers, Willard

Clark, Robert

Davidson, Jean C.

De Young, John

Drew, Virginia

Fischer, William

Dwinnell, Lowell

Lichtenberg, Claire

McKnight, Wm.

Smalley, Beth

Smith, Hale

Eldredge, Don

Whiteford, A.H.

Kneberg, Miss Madeline : in charge

Recorded

ILLINOIS ARCHAEOLOGICAL SURVEY

Survey No. **W-250****SL 1/18/76****SHIRLAND MOUND GROUP****HP 2/A****ISM W-0345**

County

Winnebago

Twp.

Shirland

Quadrangle

Shirland 7 1/2

Location

using NE section lines:**NW 1/4 NE 1/4 NW 1/4 SE 1/4 & NE 1/4 NW 1/4 SE 1/4**

Site address

Vernon Seaton

Previous owner

Shirland Rd, Shirland, Ill.

Present tenant

Directed to site by

Mr. Vernon Seaton

Mapped by

Hennings and Geddes

Extent of site (area and depth)

Previous excavation

approx. 3 acres.

Pitting

none**Yes, all of the mounds have pitting depressions in the center, and ENVIRONMENT of the linear mounds has had a trench dug the length of it.**

Topography

on the top edge of the bluffs overlooking a gully, a ridge and then the Pecatonica River. North of the Pecatonica.

Water supply

Pecatonica River

Drainage

Pecatonica

Nearby sites

W-21 directly to the west**woods**

Type of soil

sandy loam

Ground cover

trees, brush, many brambles, Thick cover and poor visibility**MATERIAL FROM SITE****no material found on surface and no testing done.**

Surface coll.

H & G

Date

10/15/74

Owners

Logan Museum, Beloit College

Tested

Date

By whom

Excavated

Date

By whom

Nature and extent of collections

Study permission —

Study facilities

MATERIAL REPORTED AS BELONGING TO SITE

Owner of material

Certainty of origin

Photos

Site reported by

Hennings and Geddes

Survey report by

Hennings and Geddes

Date

Date

10/18/74**10/18/74**

Visited

10/15/74

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EXHIBIT

E

Publications:

Study status:

Remarks:

More mounds may be present directly E of this location on the bluffs of the R. Faulkner property. This has not been checked out at this time. Mr. Seaton said that the U. of Chicago had looked at these mounds before he owned the property.

North
↑

Sketch map

Shirland Rd.

to Shirland

RR

fence

woods

24145

fully

ridge

Faulkner Land

Pecatonica River

pile of brush & junk

section line

approx. 50' x 6' x 2'

largest conical mound.
approx. 20' in diameter
6' high

smaller conical mounds
approx. 10' in diameter
2' high

10 conical mounds
2 oval mounds
2 linear mounds

pasture
40-21

fishing
hole



U.S. Fish and Wildlife Service
National Wetlands Inventory

Seaton Estate Wetland



November 11, 2016

- | | | | | | |
|--|--------------------------------|--|-----------------------------------|--|----------|
| | Estuarine and Marine Deepwater | | Freshwater Forested/Shrub Wetland | | Other |
| | Estuarine and Marine Wetland | | Freshwater Pond | | Riverine |
| | Freshwater Emergent Wetland | | Lake | | |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

EXHIBIT

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