

**MEMORANDUM OF AGREEMENT AMONG
ADVANCEPIERRE FOODS, INC.,
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, AND
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICE
REGARDING THE EXPANSION OF AN EXISTING
FACILITY IN CASEYVILLE, ST. CLAIR COUNTY, ILLINOIS
(SHPO LOG #006121721)**

WHEREAS, AdvancePierre Foods, Inc. (APFI) has proposed to expand its existing facility (the Project) within the Village of Caseyville, St. Clair County, IL; and

WHEREAS, the Project will require permits for construction from the Illinois Environmental Protection Agency (IEPA), thereby making the Project an Undertaking subject to review under the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420) and its implementing rules (17 IAC 4180) (Act); and

WHEREAS, APFI has consulted with the Illinois State Historic Preservation Office (Office), a Division of the Illinois Department of Natural Resources (IDNR), pursuant to the Act; and

WHEREAS, the Office currently resides within IDNR, and the Director of IDNR is the duly designated State Historic Preservation Officer (SHPO); and

WHEREAS, on February 28, 2022 the SHPO determined the Walrus (11S318) archaeological site is eligible for inclusion in the National Register of Historic Places; and

WHEREAS, the SHPO determined that the Undertaking will have an adverse effect on the Site; and

NOW, THEREFORE, APFI, IEPA, and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in this Memorandum of Agreement (Agreement) in order to mitigate the adverse effects of this Undertaking to the Site as a result of this Project.

STIPULATIONS

I. MITIGATION

- A. APFI has retained the Archaeological Research Center of St. Louis, who meets the Secretary of the Interior's Qualifications (36 CFR 61) to complete the mitigation measures described below. The Contractor must consult with the SHPO prior to the initiation of the work to ensure that expectations are understood.

- B. The Contractor will conduct Phase III archaeological data recovery excavations (the Mitigation) in the portion of the Site shown in Figure 1 of Appendix A, as required by the Illinois State Historic Preservation Office Guidelines for Archaeological Reconnaissance Surveys/Reports, as revised.
- C. The Mitigation shall be guided by the research questions and data recovery plan that are included in Appendix A.
- D. Upon completion of the fieldwork portion of the Mitigation, the Contractor must submit in writing to the SHPO a Letter Report of Findings. The SHPO must respond to the Letter Report of Findings within five business days. Once the SHPO accepts in writing the Letter Report, construction within the Mitigation area of the Undertaking may commence.
- E. The Contractor must consult with the Illinois State Museum (ISM) to identify and resolve curation procedures for the accession of the materials recovered during excavations. If the ISM declines accession, the Contractor must consult with the SHPO.
- F. The Contractor shall submit 95% draft report of investigations in writing to the SHPO for review and comment.
- G. When the SHPO accepts in writing the 95% report, APFI and the Contractor will complete the final report of investigations.
- H. The final report of investigation must be submitted to the SHPO within one (1) year after completion of the fieldwork portion of the Mitigation.
- I. Concurrent with the submission of the final report of investigations to the SHPO, the Contractor must submit all archaeological materials recovered during excavations, as well as field notes and other documentary records, to the ISM.

II. DURATION

This Agreement shall be effective until such time as all of its terms are satisfied or it is amended or terminated and replaced. Prior to such time, the signatories may consult to reconsider the terms of the agreement and amend it in accordance with Stipulation V AMENDMENTS below.

III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, APFI shall consult with the SHPO immediately and make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties. In the event of an unanticipated discovery of human remains or burials, APFI understands and agrees that it must immediately stop work within the area of discovery, consult with the SHPO,

and comply with the Human Skeletal Remains Protection Act (20 ILCS 3440) as administered by IDNR, which provides that no human skeletal remains shall be disturbed without a permit issued by IDNR.

IV. MONITORING AND REPORTING

Each year following the execution of this Agreement and until the field work is completed, the Agreement expires or is terminated, APFI shall provide all parties to this Agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes or objections received in APFI's efforts to carry out the terms of this agreement.

V. DISPUTE RESOLUTION

Should any signatory to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, APFI shall consult with the signatories to resolve the objection. If the signatories cannot agree regarding a resolution to the dispute, procedures provided in 20 ILCS 3420/4e shall be utilized to attempt to resolve the impasse.

VI. AMENDMENTS

This agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy is signed by all of the signatories.

VII. TERMINATION

If any signatory to this agreement determines that its terms become impossible to carry out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulations V and VI above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

VIII. FACSIMILE OR .PDF SIGNATURES

This Agreement may be executed in counterparts, each of which shall be considered an original and together shall be one and the same Agreement. A facsimile or .pdf copy of this Agreement and any signatures thereon will be considered for all purposes as an original.

EXECUTION of this Agreement and implementation of its terms evidences that APFI and IEPA have afforded the SHPO an opportunity to comment on the effects of the Undertaking in compliance with the Act.

[Signature Pages to follow]

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FACILITY IN CASEYVILLE, ST. CLAIR COUNTY, ILLINOIS
(SHPO LOG #006121721)

SIGNATORY

ADVANCEPIERRE FOODS, INC.

Signature: William K Lambert Date: MARCH 18, 2022

Name: WILLIAM K LAMBERT

Title: VP ENGINEERING

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SIGNATORY

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Signature: _____ Date: _____

Name: _____

Title: _____

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SIGNATORY

ILLINOIS DEPUTY STATE HISTORIC PRESERVATION OFFICER (SHPO)

Signature: Carey L. Mayer Date: 03/24/2022
Carey L. Mayer, AIA
Deputy State Historic Preservation Officer
Illinois Department of Natural Resources

**APPENDIX A:
DATA RECOVERY PLAN
FOR SITE 11S318A,
ASSOCIATED WITH THE PROPOSED
ADVANCEPIERRE FOODS, INC. FACILITY EXPANSION,
CASEYVILLE, ST. CLAIR COUNTY, ILLINOIS
(SHPO LOG # 006121721)**

Prepared for:
Excel Engineering;
Tyson Foods;
and the Illinois Department of Natural Resources,
State Historic Preservation Office

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Introduction

Site 11S318 consists of various Precontact habitations scattered across 376,357.6 square meters (93 acres) within the American Bottoms of St. Clair County, Illinois. A 136,257.7 square meters (33.67 acres) portion of this site is proposed to be impacted by the expansion of the Tyson Foods Production in the Village of Caseyville, Illinois. Phase II testing of the tract revealed intact remains about 45 cm (1 ½ feet) below the surface. Three Precontact features were uncovered: the remains of a small building, a conical roasting pit, and a fire hearth. A projectile point suggests that this occupation could date between the Middle to Late Archaic periods (6500-700 B.C.E.). Also recovered were historical remains associated with the Mozer farmstead occupied between 1841 and 1844 to sometime before 1910. These include two cellars, a wood-lined well, the lower portion of an outbuilding, a burn pit, and 12 post molds. Many artifacts dating to the late 1800s were recovered from the features. These remains appear limited to a slightly higher terrace across 7 acres of the west-central portion of the development tract. Keith Brandt from Southern Illinois University in Edwardsville recommended that site 11S318 needed to be resurveyed and the various occupations given letter designation. Following these recommendations, this portion of site 11S318 was recorded with the Illinois Archaeological Survey as 11S318A. Since intact remains still existed that could provide new information on the Precontact and Historic occupants of the American Bottoms, the site was recommended as eligible for the National Register of Historic Places under Criterion D. Data recovery investigations were recommended.

Research Questions

Precontact Occupation

There have been many cultural resource investigations on Precontact sites within the American Bottoms. However, little is still known about the earlier occupants, especially during the Middle and Late Archaic periods. The purpose of further archaeological investigations is not to recover more Precontact artifacts but to understand these people better and their importance to the local cultural heritage. Further, this information can be used to improve our lives today with the reintroduction of past foods, medicines, and ideas. For example, quinoa was one of the primary foods raised by Precontact people, starting as early as 4000 years ago. It has recently been reintroduced and found to be a “superfood” containing all the amino acids required by humans. The excavations at site 11S318A can address some initial research questions; however, these could change as a better understanding as to the type of occupation is determined:

1. Exactly when during the Precontact Era was this site utilized?
2. Do larger buildings exist at this location that could have served as residences?
3. Are there more pit features associated with this occupation?
4. Was the site occupied year-round, a few months as part of a seasonal round, or was it a temporary hunting camp, chert processing site, or used to gather plants?
5. What types of activities were conducted here? Were these limited to certain portions of the site?
6. Is there any evidence of domesticated plants being grown at this site? What types of wild plants were collected?

7. Fish and waterfowl are the most common fauna found at most Precontact sites. Are these more common than deer, elk, or buffalo?
8. Human remains have been found at even small Precontact sites. Finding a burial during later construction could cause expensive downtime. Is there any evidence of human remains protected by the Illinois Administration Code 17, § 4170.100-500 and the Native American Graves Protection and Repatriation Act of 1990?

Historical Occupation

The archival review indicated that the Mozer family had established a farmstead within the northwestern portion of the project area. They arrived from France between 1841 and 1844. They lived on this 20-acre tract and farmed it until sometime before 1910 when they moved to East St. Louis. These remains could provide insights into the lives of farmers living within the American Bottoms during the late 1800s. Some general research questions that can be addressed include:

1. During the late 1800s and early 1900s, dinner parties were important social events.
 - a. The test excavations suggest that the Mozer family utilized older undecorated or broadly molded ironstone dinner settings. Do these represent settings used when they first came to this location? Did they continue to use these after 1880? At that time, ironstone dinner settings were decorated with finer molded geometric and floral designs, floral transfer prints, and cheaper floral decal decorations. Even a cheaper way of applying a gilded decoration was developed. These pieces, especially gilded dinner settings, were popular with the working-class families living in the nearby cities. However, rural families appeared to have continued to use the older styles of ironstones. Did the Mozer family continue to use the older ironstones, rejecting the newer more expensive-looking pieces?
 - b. Expensive porcelain pieces are present at the homes of more influential families. However, porcelains served as social prestige items, even among the poor working class and rural families. They were willing to spend their limited expendable income on these pieces. One porcelain plate from Germany was uncovered at the Mozer farmstead. Do they acquire additional pieces of porcelain vessels?
 - c. Certainly, the Mozer family relied on hogs, but what other types of meat were consumed? Did most of the meat come from hogs or other animals?
 - d. What types of floral remains exist at this site, and what do they indicate about diet?
 - e. Wine drinking was considered an important aspect of dining, with certain types of wines, sherries, and ports served with different dishes. Two wine bottles were recovered during the testing. Are there additional wine bottles of different types? Do they have different types of wine glasses used for serving various types of wines, sherries, ports, and champagne?
 - f. Bottles associated with recreational drinking were common during the late 19th century and early 20th century. The Mozers had several non-alcoholic carbonated sodas; were other non-alcoholic beverages acquired? Other than wine, did the Mozers consume other alcoholic beverages? Did they consume more non-alcoholic or alcoholic beverages?

- g. Due to early British influence on American culture, tea drinking was considered an important aspect of social entertainment, even among rural residents. Having a proper or expensive porcelain tea set was considered essential. Did the Mozers have expensive tea sets, or did they consume coffee?
 - h. By the late 1800s, many nationally produced foods and condiments were prepared. Did the Mozer family, living on a farm where they could produce these foods, purchase commercially produced foods and condiments, or make their own. What types of commercially produced foods did they acquire?
2. Objects associated with health care are common at sites dating to the late 1800s to early 1900s. There was still a general mistrust of doctors and hospitals, where patients were more likely to contract another disease than cure their ailment. As a result, people were more willing to use alternative ways to cure themselves. Many patent medicines were commercially produced by the turn of the 20th century that promised cures. However, many of these medicines contained mostly illicit drugs and alcohol, which tended to provide temporary relief from the symptoms rather than cure the disease. What types of medicines were used at this site?
 3. By the start of the 20th century, dental care and personal hygiene products became more popular. Beauty products claimed to fix what exercise and diet could not. Is there any evidence of personal care products at this site?
 4. Personal objects have been found in small percentages at sites dating to this time. What types of personal objects were acquired? Children's objects are especially common. What types of children items did the Mozer family acquire?
 5. Industrialization resulted in numerous commodities being produced, allowing women to conduct household chores more efficiently and in a shorter amount of time. Inventions such as sewing machines, household cleaning products, and vacuum cleaners reduced the need for household servants and allowed women to take on positions outside the household. What kinds of household products were used at this site?
 6. At the end of the 19th century, there was a growing sense of American pride. Buy American products first was popular, especially among working-class families. Between 1880 and 1900, American ceramic manufacturers took over the home market that England had dominated since the mid-1700s. Tariffs were put on foreign goods to bolster the sale of American products. Does the artifact assemblage reflect this change in consumer purchasing, with most being American-made goods?
 7. The Mozer family had moved to Illinois from France. Some of the laborers living with them also had been born in France. Most of the people living in the area were from France. Is there any evidence of their French heritage, or did the family quickly adapt to American society?

Proposed Field Work:

1. The data recovery investigations will be limited to the slightly higher portion of the property, which has the best chance of having Precontact remains and where the historic farm once existed (Figure 1). The excavations will start on the western edge of the project area in an attempt to clear this area for construction.
2. Since the remains appear to be buried about 45 cm (1 ½ feet) below the surface, a backend loading scraper will remove the overburden.

3. When the excavations become close to the depth of the cultural remains, approximately 30-35 cm (1 foot), a crew from the Archaeological Research Center of St. Louis (ARC) will watch the excavations. At that time, it will be decided if the excavations should continue using a backend loading scraper or if a trackhoe with a smooth bucket should be used to expose features. Both can remove thin cuts of about 5 cm (2 inches) and leave a clean floor that can be observed for features.
4. The field crew will watch the excavations for artifacts or features exposed during the excavations. Locations of artifacts also will be noted using a GPS. These will be collected and placed in a bag marked with appropriate provenience information.
5. Most features will be indicated by a darker soil containing artifacts. Once a feature is exposed, its top will be scaped with shovels and trowels to define the edges better. The feature will be assigned a number recorded in a Feature Log. A pin flag will be placed next to the feature with the feature number marked on it. The feature will be covered by at least a 2-mil black polyethylene tarp to prevent the soils from drying until a field crew is available to dig the feature.
6. The location of the features across the site will be mapped using a South total station.
7. Feature excavations will first consist of the field crew mapping and photographing its top. Dimensions of the feature in planview will be recorded on the Feature Log and a Feature Form. Most features will be hand excavated using shovels and trowels. They will be bisected and one-half of the fill removed. The removed fill will be processed through 1/4 inch wire mesh screens, and all recovered artifacts placed into bags labeled with provenience information. If different fill zones are noted within the features, the artifacts from each zone will be bagged separately. Once the first half is completed, the resulting profile will be drawn and photographed, showing the artifacts and various zones. Information concerning the feature's shape in profile and depth will be recorded in the Feature Log and Feature Form. The second half of the feature will be excavated, but a 10-liter flotation sample will be taken from each zone or within organically rich deposits. Flotation samples will be used to recover small plant and animal remains usually missed during normal excavations. Taking flotation samples from the second half of the feature makes it possible to control the sample's provenience and prevent the accidental mixing of different zones. Floral remains obtained in the flotation samples will be used for radiocarbon dating. However, carbon-rich deposits within the features also will be collected for radiocarbon dating. Once the fill has been removed, a final planview drawing and photograph will be taken of the feature. The Feature Form will be completed.
8. Historical features such as cisterns and wells would be impractical and potentially dangerous to hand excavate. A trackhoe will be used to remove the fill of these features. It will remove half of the feature's fill. The resulting profile of the fill will be drawn and mapped. Fill will be spread in thin layers across the ground so that the field crew can recover artifacts. The second half will be removed with the trackhoe and the fill spread out to recover artifacts. At least one ten-liter flotation sample will be taken from the lower portion of these features.
9. Any unmarked human remains are protected by Illinois Administration Code 17, § 4170.100-500 and the Native American Graves Protection and Repatriation Act of 1990. In accordance with this provision, the police will be immediately contacted once remains are exposed, and no excavations will be conducted within 50 feet. The construction project supervisor will be immediately notified. Once the police and medical examiner

release the site, Excel Engineering will arrange a conference call with Illinois SHPO, interested tribes, and any other relevant parties. The conference call will discuss options for either removing or preserving the burial.

10. Excavations will continue until no features are exposed across a 10-meter area.

Laboratory Procedures

1. Artifact collections will be packaged and returned to ARC for analysis.
2. The artifacts will be cleaned.
3. Once dry, the materials will be cataloged according to provenience and artifact type. The catalog will include accession number, provenience information, artifact's material, function, modifications, segment, count, weight, and general comments. Additional information also will be recorded as needed on diagnostic pieces.
4. Diagnostic artifacts will be scanned or photographed with a scale for presentation in the report.
5. Artifacts will be packaged for curation according to current federal guidelines outlined in 36 Part CFR 79. They will be placed in 4-mil zip lock polyethylene bags labeled with provenience information, the artifacts within the bag, and quantity. The same information will be marked on poly tags placed inside these bags. The bags will be placed in temporary boxes, with each box containing less than 25 pounds of artifacts. Each box will have an exterior label indicating the range of the cataloged artifacts inside of them and provenience information. Also, each box will contain a catalog of all artifacts present.
6. All flotation samples will be processed through a Flote-Tech device to remove the sediments. The remaining sample will be packaged according to light and heavy fractions. The heavy fraction will be sorted through various geological screens, yielding three fractions of greater than 2.0 mm, between 2.0 and 0.5 mm, and less than 0.5 mm.
7. The floral remains will be sent to Katherine Parker and faunal remains to Lucretia Kelly for analysis. It will be discussed with these specialists: the feature's location, shapes, potential dates, utilization, and quantity of floral and faunal remains. An agreement will be reached as to which samples should be analyzed. These remains will be used to address various research questions. The remaining processed samples will be saved for future research.
8. For Precontact features, after floral analysis, a sample of carbonized floral remains will be sent to obtain radiocarbon dates. At least eight samples will be sent for radiocarbon dating. This date will more accurately determine when the site was utilized.
9. Upon completing the project, the collections will be sent to a curation facility, selected and paid for by Tyson Foods. In addition to the artifact boxes, all field notes, forms, drawings, photographs, a list of all the artifacts, and a bound and unbound version of the final report will be sent in a separate box for permanent curation. Most materials in Illinois are sent to the Illinois State Museum, which will charge a one-time fee of \$250 per box.

Report Preparation

Within five days after the fieldwork has been completed, a summary report will be sent to Excel Engineering describing the results of the data recovery investigations. This summary report will be forwarded to the Illinois SHPO for review. Assuming that SHPO agrees that an adequate data recovery investigation has been completed, they will send a letter allowing construction to begin. The only stipulation is that Excel Engineering is responsible for having a formal report sent to SHPO within one year after the data recovery excavations.

Within one year, the formal data recovery report will be completed. This report will describe the methodology and results of the data recovery investigations. Insights provided from the cultural remains will be discussed, and answers to the various research questions. This report will be sent to Excel Engineering for review. They will send review copies to the Illinois SHPO and other interested parties. Any review comments will be incorporated into a final report. An updated site form also will be prepared for the Illinois Archaeological Survey.

Scheduling

1. Fieldwork should take about 4-6 weeks to complete assuming a maximum of 40 features are identified.
2. Laboratory analysis 3-5 weeks.
3. Summary report of data recovery investigations 5 days after the end of excavations.
4. Draft of the formal report within one year after the end of excavations.

Figure 1: Proposed Limits of Data Recovery Investigations Outlined in Blue

