

**Supporting Statement A
for Paperwork Reduction Act Submissions
Archeology Permits and Reports - 43 CFR Parts 3 & 7
OMB Control Number 1024-0037**

Terms of Clearance: None.

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 4 of the Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470cc) and section 3 of the Antiquities Act (AA) of 1906 (16 U.S.C. 432) authorize any individual or institution to apply to Federal land managing agencies to scientifically excavate or remove archeological resources from public or Indian lands. Permits for Archeological Investigations ordinarily are requested either for conducting scientific research; in conjunction with statutorily required environmental clearance activities prior to commencing a Federal undertaking; or issuing a Federal license or permit for third party activities such as energy development on public or Indian lands.

ARPA and AA require that Federal land managers issue permits to qualified applicants and place terms and conditions on the permits, including reporting requirements, as set forth in the implementing regulations for the two statutes (43 CFR Part 7 for ARPA; 43 CFR Part 3 for the AA) to ensure that the resources are scientifically excavated or removed and deposited, along with associated records, in a suitable repository for preservation. If the permit is for work on Indian lands, ARPA requires that the Federal land manager place terms and conditions on the permit as requested by the Indian landowner and the Indian tribe having jurisdiction over the lands. If the permit may have an effect on a resource on public lands that has Indian tribal religious or cultural importance, ARPA requires that the Federal land manager notify the pertinent Indian tribe for the purpose of developing terms and conditions to be placed on the permit.

Section 13 of ARPA (16 U.S.C. 470ll) requires that the Secretary of the Interior report to the Congress on archeological activities conducted pursuant to the Act. To fulfill this requirement, the Secretary must collect information about permitted activities from the various land managing agencies and the Department's land managing bureaus.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Application - Federal land managing agencies use DI Form 1926 (Application for Permit for Archeological Investigations) to collect the following information:

- **Name of Applicant and Contact Information** (mailing address, telephone numbers, and

email addresses).

- **Nature of Archeological Work Involved** (survey and recordation; limited testing and/or collection; or excavation or removal).
- **Location of Proposed Work** (description of Federal lands, including best location data, and identification of archeological or cultural resources involved).
- **Time of Proposed Work** (estimated duration of project and estimated duration of fieldwork).
- **Name and Contact Information for Principal Investigator.**
- **Name and Contact Information for Field Director.**
- **Name and Contact Information for Permit Administrator.**
- **Statement of Work:** A description of the purpose, nature, and extent of the work proposed, including research design, methods, curation, collection strategy, and reporting plan.
- **Statement of Applicant's Capabilities:** Evidence of the ability to carry out the proposed scope of work, including detailed information about logistical support and laboratory facilities, with information about location(s) and description of facilities and equipment; organizational structure and staffing; and equipment and staff to be involved in the proposed work.
- **Statement of Applicant's Past Performance:** Organizational history in completing the kind of work proposed, including similar past projects; government contracts; Federal permits previously held, currently in force with effective dates, and currently pending or planned; reports and/or publications resulting from similar work; and any other pertinent organizational experience.
- **Curriculum vitae for Principal Investigator(s) and Project Director(s):** A curriculum vitae or similar resume or summary of education, training, and experience in the kind of work proposed and in the role proposed.
- **Other Authorization:** Written consent by State or tribal authorities to undertake the activity on State or tribal lands that are managed by the Federal agency, if required by the State or tribe.
- **Curation Authorization:** Written certification, signed by a properly authorized official of the proposed curatorial facility, attesting to the facility's capability and willingness to accept any material remains and associated records generated under the Permit, and capacity and willingness to assume permanent curatorial responsibility for such materials on behalf of the federal government pursuant to regulations for the curation of federally-owned and administered archeological collections ([36 CFR 79](#)).
- **Detailed Schedule of All Project Activities,** including completion of reports.
- **Additional information:** Land managers may also require applicants to participate in consultations with tribal authorities.

Federal land managing agencies use this information to ensure that:

- Applicant is appropriately qualified.
- Proposed work is for the purpose of furthering archeological knowledge in the public interest.
- Proposed work is not inconsistent with any management plan or established policy, objectives or requirements applicable to the management of the public lands concerned.
- Where the work proposed is on Indian lands, written consent has been obtained from the Indian landowner and the Indian tribe having jurisdiction over such lands.
- Where the work proposed is on public lands, it is determined whether it may have an

- effect on resources of Indian tribal religious or cultural importance.
- Museum or other institution proposed as the repository is appropriately qualified to preserve the excavated or recovered resources and the associated records.
- Where the work proposed is on public lands, the applicant has certified that within 90 days after submitting the report to the Federal land manager, the resources and associated records will be delivered to the approved repository.
- Where the work proposed is on Indian lands and the Indian owner declines custody of the resources removed, the applicant has certified that within 90 days after submitting the report to the Federal land manager, the resources and associated records will be delivered to the approved repository.

Reports - Each permittee must complete a report at the end of the project. The report must be consistent with information in field notes, photographs, and other materials and include:

- Description of the study area.
- Relevant historical documentation/background research.
- Research design.
- Field studies as actually implemented, including any deviation from the research design and the reason for the changes.
- Field observations, including the number of new sites that are discovered and identified sites that are revisited.
- Analyses and results, illustrated as appropriate with tables, charts, photographs, and graphs. Evaluation of the investigation in terms of the goals and objectives of the investigation. Recommendations for updating interpretive and management materials.
- Recommendations for ongoing or proposed treatment activities, such as structural documentation, stabilization, etc.
- Name and location of facility curating material remains and associated records.
- Accession numbers.

Federal land managers review reports to ensure that the archeological work was conducted in accordance with the permit's terms and conditions. They use the information in the report for cultural resource management purposes (that is, it is incorporated into existing Federal and State archeological inventories and historic preservation plans for the lands concerned). Reports, or the information in them, generally are available to the public through agency interpretation and programs or through the reports themselves.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Information requested in DI Form 1926 and in reports is unique to the applicant and no other source is available. No centralized national administration of the permitting process exists, and no single office determines whether or how electronic submission will be implemented. This is because the authority to issue permits is delegated to the respective land managing agencies. Many do not have their permit files automated because of the need to maintain very tight control over permits due to the sensitive location information that permits may contain and the high risk of illicit looting of archeological properties. In addition, the relatively low number of permits issued by most agencies in any given year for archeological investigations makes the

development of a high security, highly controlled electronic system less cost effective than a paper system.

Applications and reports may be submitted via email. DI Form 1926 is available online on our website (www.nps.gov/archeology/npsGuide/permits/index.htm).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No duplication occurs. Permit applications and the resulting reports are project-specific and the information is unique to the project. Applicants are encouraged to bundle multiple small projects to be carried out for the same land manager during the same calendar year into one permit application.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

To minimize the burden, we request only the minimum information necessary to assess the qualifications of the investigator and merits of the project. The application form is available online and may be submitted via email.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

An application is completed prior to the commencement of an archeological project taking place on Federal land. It is not possible to collect the data in the application less frequently due to the nature of the statutory requirements under ARPA. Failure to collect information from applicants that are requesting permission to conduct scientific research on archeological resources located on public or Indian lands would result in the prohibition of such research. If individuals and institutions conduct research without a valid permit, they are in violation of ARPA sections 6, 7, and 8 (16 U.S.C. 470ee, ff, gg), AA section 1 (16 U.S.C. 431) and other statutes concerning Federal property. Furthermore, they are subject to criminal and civil penalties as well as forfeiture of personal property and of the resources removed.

Failure to collect information from applicants that are requesting permission to conduct archeological clearances in conjunction with federally-licensed or permitted third party activities (e.g., drill pads, mining, or pipeline right-of-ways), and subsequent failure to issue permits, would result in the prohibition of the third party activities. If a Federal land manager authorizes a third party activity without considering the effects of that activity on the cultural environment, the Federal land manager is in violation of the amended National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327) and Section 106 of the amended National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.). If the authorized activity might destroy or damage important archeological or historic resources pursuant to the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a), the Secretary of the Interior is required to recover, or direct the Federal land manager to recover the important information about these resources. Ordinarily, the third party activity is temporarily delayed or halted, if it already has begun, until the archeological work is completed. If the Federal land manager authorizes archeological investigations without

reviewing an application and issuing a Permit for Archeological Investigations, the Federal land manager is in violation of ARPA and the Antiquities Act, as well.

Failure to collect information in a report prevents the Federal land manager from reviewing the adequacy of the work conducted and prevents the Federal land manager and the State Historic Preservation Officer from incorporating information about the resources into existing archeological inventories and historic preservation plans for the lands concerned, affecting stewardship capabilities. It also means that, when the Federal land manager needs information about the resources for program planning and management purposes, the manager must conduct duplicative archeological survey and excavation work. Finally, failure to collect information in a report prevents the Secretary of the Interior from fulfilling his statutory requirement to report to Congress on permitted archeological activities conducted on public or Indian lands.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no circumstances that would cause this information to be collected in ways inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior

periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On January 21, 2014, we published a Federal Register notice (79 FR 3402) informing the public of our intent to ask OMB to renew approval for this information collection. We solicited comments for a period of 60 days, ending on March 24, 2014. We did not receive any comments in response to this notice.

In addition to publishing the notice in the Federal Register, we contacted the following individuals to obtain feedback about the availability of the application form, clarity of instructions, and time required to submit an application.

Robert Watson Archeologists 8669 N Deerwood Drive Brown Deer, WI 53209 414-446-4121	Lance Rom 3459 Jet Drive Rapid City, South Dakota 57703-4760 605-388-5309
Paul Kresia Stantec 6110 Frost Pl Laurel, MD 20707 301-982-2866	Patricia Crown Distinguished Professor of Anthropology Department of Anthropology University of New Mexico Albuquerque, NM 87131 505-277-6689
Meeks Etchieson Ouchita National Forest P.O. Box 1270 Hot Springs, AR 71902 501-337-2574	

Time estimates for filling out the application ranged from 20 minutes to 4 hours. One respondent commented that the form is not difficult and not onerous to fill out and send to the park electronically. Another respondent commented that a time estimate of 2.5 hours was generous, as the park assisted in providing the information needed to fill out the form. While completion times vary depending on the project, we believe 2.5 hours represents the average time to complete the application.

Respondents agreed with our time estimates for completing the report. Reports are often prepared for other purposes and providing a copy to the National Park Service takes little time.

No suggestions for improvement were offered.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We do not provide any assurance of confidentiality.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

Based on information received from Federal land managing agencies, we estimate that 773 respondents will each submit an application and a report annually. In accordance with the Secretary of the Interior’s Guideline for Archeological Documentation, the principal investigator is an archeologist who customarily has attained a Master’s Degree or higher. We used the Bureau of Labor Statistics, Occupational Employment and Wages, May 2013, to determine hourly wages. Table 19-3091 Anthropologists and Archeologists (www.bls.gov/oes/current/oes193091.htm) lists the mean hourly wage for an archeologist as \$29.53. To calculate benefits, we multiplied this rate by 1.4 in accordance with Bureau of Labor Statistics Bulletin USDL-14-1075 entitled “Employer Costs for Employee Compensation—March 2014” (<http://www.bls.gov/news.release/pdf/ecec.pdf>) released on June 11, 2014, resulting in a cost factor of \$41.34. We used this rate for all respondents.

REQUIREMENT	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS (rounded) (\$41.34 per hour)
Applications	773	2.5 hours	1,933	\$79,910

REQUIREMENT	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE (HOURS)	TOTAL ANNUAL BURDEN HOURS	TOTAL DOLLAR VALUE OF ANNUAL BURDEN HOURS (rounded) (\$41.34 per hour)
Reports	773	.5 hour	387	15,999
Totals	1,546		2,320	\$95,909

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no nonhour costs.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The total annual cost to the Federal Government to administer this information collection is

\$175,038. Federal staff review applications for feasibility, compliance, and compatibility with the purpose of the Federal land unit. Reports are reviewed to ensure that the archeological work was conducted in accordance with the permit's terms and conditions. Review times vary greatly depending on the project. We estimate that 2 hours is the average time to review an application or report. Grades of most archeologists range from GS-11 to GS-14. We used GS-12/step 5 as the average rate for employees Nationwide administering this collection. The Office of Personnel Management Salary Table 2014-RUS lists the hourly rate for a GS-12/5 as \$37.74. To determine benefits, we multiplied the hourly rate by 1.5 in accordance with BLS News Release USDL 14-1075, resulting in a cost factor of \$56.61.

ACTIVITY	NUMBER OF RESPONSES	TIME SPENT ON INFORMATION COLLECTION	TOTAL HOURS	TOTAL COST (\$56.61/hr) (rounded)
Application Review	773	2 hours	1,546	\$87,519
Report Review	773	2 hours	1,546	87,519
Total				\$175,038

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

We are reporting 1,546 responses a year totaling 2,320 burden hours annually for this information collection, which is a decrease of 74 responses and 112 burden hours from our previous submission. This adjustment is based on our experience in administering this collection over the past 3 years.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no regular venues for publication of data resulting from investigations carried out under Permits for Archeological investigations.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the OMB Control Number and expiration date on the form.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement.