

**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.**

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 (54 U.S.C. 320302 and 320303) 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.

Legal Authorities:

- Archaeological Resources Protection Act, 43 CFR Part 7 and 16 U.S.C. 470cc
- Antiquities Act, 43 CFR Part 3, 54 U.S.C. 320302 and 320303

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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

Application – The National Park Service uses Form DI-1926, “Application for Permit for Archeological Investigations” (Permits) 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 parklands, 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 park unit, 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 park unit pursuant to regulations for the curation of federally-owned and administered archeological collections as required under 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.

The National Park Service uses 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 NPS Regional Director, 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 NPS Regional Director, 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.

National Park Service archeologists 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.

The following minor changes were made to the form based on public outreach received from reviewers in question 8 below: clarification of map requirements, limiting the size of the required curriculum vita and allowing data export to spreadsheets.

- 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 and specifically how this collection meets GPEA requirements.**

No centralized national administration of the permitting for this process currently exists currently exists. This is because the authority to issue Permits is delegated to each National Park Service region. The relatively low number of Permits issued 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. Form DI-1926 is available online on the National Park Service 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.

Information requested in Form DI-1926 and in reports is unique to the applicant and no other source is available. 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, 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.

The impact to any small business requesting a permit is considered a part of their regular course of business. 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 park 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 would result in the prohibition scientific research on archeological resources located on park lands. 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 (54 U.S.C. 320301) 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 park superintendent authorizes a third party activity without considering the effects of that activity on the cultural environment, the superintendent 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 (54 U.S.C. 300101 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 (54 U.S.C. 321502-321505), the Secretary of the Interior is required to recover, or direct the superintendent 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 appropriate NPS Regional Director or park superintendent authorizes archeological investigations without reviewing an application and issuing a Permit for Archeological Investigations, the Regional Director or park superintendent is in violation of ARPA and the Antiquities Act, as well.

Failure to collect information in a report prevents the appropriate NPS Regional Director from reviewing the adequacy of the work conducted and prevents the park superintendent 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 park superintendent needs information about the resources for program planning and management purposes, the manager must conduct duplicative archeological survey and excavation work.

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.

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 in response to the PRA statement associated with the collection over the past three years, 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 three 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 September 25, 2020, we published a Federal Register Notice (85 FR 60487) 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 November 24, 2020. We did not receive any comments in response to this notice.

In addition to the Federal Register Notice, we attempted to contact nine individuals randomly chosen from the list of applicants by e-mail and asked for comments on the collection of information. Of those nine individuals, we received information and comments from five individuals: four private, and one federal. Despite multiple attempts via e-mail and phone to contact the remaining unresponsive individuals, we were unable to solicit feedback.

Position	Affiliation
Associate Professor	University of West Florida
Principal Investigator	Hunter Research, Inc.
Archeologist	A.D. Marble
Archeologist	Arkansas DOT
Archeologist	Pan-American Consultants

Specifically, we asked for comments on:

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary.”

Comments:

- I do not find the ARPA permits to be particularly arduous. The information included in the cover form is useful for establishing who is responsible for various components of the project and contains useful information. The narrative includes basic information that can be used in the report, certainly, but also lays out the research design – something that should always be done in advance of fieldwork. Having another person review it also keeps everyone honest and provides for a level accountability. Everyone knows what is expected of them. It’s a useful “contract” of sorts.
- The information requested on the form all seems part of the necessary background material one would need to review before approving any archaeological investigation on federal property.
- I understand why the application is necessary. I don’t feel that any questions are unnecessary. The application is relatively painless and not difficult to fill out. I feel the information requested in the ARPA is adequate and practical. Necessary and standard; all questions are standard.
- Yes. The collection of information for the permit is critical and the current permit captures most of this efficiently. While it is implicit that the applicant will provide maps as part of Section 6 and 11. It may be beneficial to provide clearer instruction of what they should depict and that they are required. I have received permits with terrible mapping that has either taken a lot of time to decipher or required a resubmit on the part of the permit applicant.
- In 11d of the permit app “For each individual named in 8 and 9 above, a curriculum vitae or similar resume or summary of education, training, and experience in the kind of work proposed and in the role proposed;” It would be nice to specify a page limit to CVs. It’s a waste of paper to get a 20-page CV. Perhaps 11d becomes a form itself that is filled out for the PI and associated Field Directors. This would reduce the amount of paper and review time.

NPS response/Action Taken: The NPS will revise application instructions to clarify map requirements, and limit size of the required curriculum vita.

“What is your estimate of the amount of time it takes to complete each form in order to verify the accuracy of our estimate of the burden for this collection of information?”

Comments:

- The longest part of the process is writing the narrative. As this can be used directly in the reports, however, it's not “time lost.” The better written this is at the outset, the less editing there is to do afterward. I estimate that I spent about 3.5 hours preparing the typical ARPA permit narrative.
- It takes roughly 4 hours to put the form together, verify the correct information and send it out. In our case, this is largely because most permits follow a technical proposal prepared by an archaeologist that lays out the information requested in 11.a through d.
- Maybe 6-8 hours. It depends on how complicated the project is, if you have to find the maps and so on.
- It probably takes less than 10 hours of preparation and completion of the permit before submitting.
- I estimate 2 days (16 hours) based on experience for the permit application process. Some of that is ensuring the Technical Proposal that accompanies the application.

NPS response/Action Taken: We have increased our estimated burden for the application process in response to public feedback.

“Do you have any suggestions for us on ways to enhance the quality, utility, and clarity of the information to be collected?”

Comments:

- The Paperwork Reduction Act Statement makes the form three pages instead of two.
- I find the application completely acceptable and don't have any suggestions for improvement. Sometimes, though, I would like the whole process to go a little faster. I've filled out 5-6 applications, and the turn-around time can vary from 2 weeks to almost 2 months.
- It would be great if the form had an export function to export fields to an Excel file for internal tracking.
- Again, providing clear instructions on the mapping component, and reducing the amount of information for the CV.

NPS response/Action Taken: The NPS will reformat the application to facilitate data export to spreadsheets.

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. The information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act. The NPS Privacy Act Officer has determined this collection requires a Privacy Act System of Records Systems of Records Notification (SORN). NPS SORN "Permits for Archeological Investigations - NPS 32" is currently in development. The NPS will provide OMB with the publication date and FR reference for the document via ROCIS upon publication in the Federal Register.

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.**
- * **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.**

We estimate that we will receive 172 responses totaling 1,032 annual burden hours. We estimate the dollar value of the burden hours is \$53,188 (rounded).

Based on information received from NPS archeologists, we estimate that 86 applicants will each submit an application and a report annually totaling 172 (86 x 2) annual responses. We estimate that 75 percent of the applications will be private (cultural resource management companies and scholarly research); 12.5 percent of the applications will be from government entities (tribal, state, and local); and 12.5 percent will be from independent researchers.

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 2019 (released March 2020), table 19-3091 Anthropologists and Archeologists (<https://www.bls.gov/oes/current/oes193091.htm>), to obtain the mean hourly wage for an archeologist, which is listed as \$32.12. To calculate benefits, we multiplied this rate by 1.6 in accordance with Bureau of Labor Statistics news release USDL-20-1736, September 17, 2020, Employer Costs for Employee Compensation—June 2020 (<https://www.bls.gov/news.release/pdf/ecec.pdf>), resulting in an hourly rate of \$51.39.

Table 12.1 Annualized Cost to Respondents

Activity	Total Annual Responses	Completion Time per Response (Hours)	Total Annual Burden Hours	Total Dollar Value of Annual Burden Hours* (\$51.39 per hour)
Application (DI-1926)				
Private	65	8	520	\$26,723
Individual	10	8	80	\$4,111
Local Government	11	8	88	\$4,522
Reports (DI-1926a)				
Private	65	4	260	\$13,361
Individual	10	4	40	\$2,210
Local Government	11	4	44	\$2,261
Totals	172		1,032	\$53,188

(*Rounded)

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

* 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 (including filing fees paid for form processing). 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 collection 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 non-hour costs associated with this information collection.

14. Provide estimates of annualized cost 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.

The annual cost to the National Park Service to administer this information collection is \$19,777.

National Park Service staff review applications for feasibility, compliance, and compatibility with the purpose of the park unit. Reports are reviewed to ensure that the archeological work was conducted in accordance with the Permit's terms and conditions. Review times can vary depending on the complexity of the project. We estimate that 2 hours is the average time to review an application and 2 hours is the average time to review a report.

NPS archeologists spend an estimated 344 annual burden hours reviewing applications and reports (Table 14.1). To determine average hourly rates, we used Office of Personnel Management Salary Table 2020-RUS (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS_h.pdf) as an average nationwide rate for a GS-12/5 as \$35.93. We used the Bureau of Labor Statistics news release USDL-20-1232, June 18, 2020, Employer Costs for Employee Compensation—June 2020 (<https://www.bls.gov/news.release/pdf/ecec.pdf>), to calculate the most current benefits rates for government employees and multiplied the hourly rate by 1.6 to obtain a fully burdened rate of \$57.49.

Table 14.1 Annualized Cost to Federal Government

Activity	Number of Responses	Time Spent on Information Collection	Total Hours	Employee cost GS 12/5	Total Cost Including Benefits
Application Review	86	2 hours	172		\$9,888
Report Review	86	2 hours	172		\$9,888
Totals	86	4 hours	344		\$19,777

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The following minor changes were made to the form based on public outreach received from reviewers in question 8 above: clarification of map requirements, limiting the size of the required curriculum vita and allowing data export to spreadsheets.

With this renewal, we are documenting an annual increase of 856 hours to complete the application process to obtain an Archeological Permit and fill out associated reports. This increase is in response to feedback collected from our public outreach in question 8, indicating the estimated time to engage with the information was disproportionately low. Associated with the increase in burden hours, the annualized cost to respondents increased by \$44,251.

Activity	Previously Approved		Requested		Net change	
	Responses	Burden (hours)	Responses	Burden (Hours)	Response	Burden (Hours)
Applications						
Individuals	43	108	65	520	+22	+412
Private Sector	1	3	10	80	+9	+77
Government	6	15	11	88	+5	+73
Reports						
Individuals	43	43	65	260	+22	+217
Private Sector	1	1	10	40	+9	+39
Government	6	6	11	44	+5	+38
Totals	100	176	172	1,032	+72	+856

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 topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.