

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
MARCH 25, 1977

The meeting was called to order at 8 a.m.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice Chairman
Senator Eugene V. Echols
Senator Norman D. Glaser
Senator Norman Ty Hilbrecht
Senator Thomas R. C. Wilson

EXCUSED ABSENCE: Senator C. Clifton Young

OTHERS: Ronald W. Sparks, Chief Deputy, Fiscal Analysis
Howard Barrett, Budget Director
Cy Ryan, UPI
Robert Elston, Director, Northern Division Archaeology Survey
Dr. Don Fowler, Archaeology Survey
Jack Porter, Director, State Museum
Dr. Richard Brooks, Director, Museum of Natural History, UNLV
William V. Wright, Vice Chairman, Board of Trustees,
Nevada State Museum
Philip P. Hannifin, Chairman, Gaming Control Board
Dennis Gomes, Chief, Audit Division

Senator Lamb asked the Committee to consider S. B. 359: establishes Nevada Archaeologic Survey under University of Nevada and makes appropriation.

He asked Mr. Elston to speak on the bill. Mr. Elston referred to a document that had been given to each of the Senators, copy attached. Also two tables: one a summary of services that had been provided to other state agencies and the other a breakdown of the way the state appropriation for the present fiscal year was spent.

He said they appreciated the opportunity to appear before the Senate Finance Committee to urge support of S. B. 359; the transfer of administrative responsibility for the Archaeology Survey from the State Museum to the University of Nevada System.

When the survey was established, administrative responsibility was given to the Nevada State Museum. Experience showed that this administration placed a burden on the museum. The large volume of contract work which the Survey was obligated to undertake made severe difficulties for the museum administration and business office, diverting both time and energy from more basic museum functions. Consequently, the museum trustees recommended to the Survey Council that the Survey would best be handled by the UNS which has greater expertise in grant and contract work and a better structure for dealing with it.

As a result of consultations with those involved, it was agreed that the bill under discussion would be introduced. The University Regents at the February meeting approved a motion supporting the bill, contingent upon the continuation of state support. Because there had been questions in the Committee concerning the effective use of the support already invested in the survey program, he asked to summarize their record over the past two years. This is generally covered in Appendix 1 and Appendix 2, copies attached.

Senator Lamb asked him to explain how one of the departments would enter into a working arrangement with the Survey.

Mr. Elston gave an example of a contract with the Tahoe Truckee Sanitation Agency, the Squaw Valley Interceptor Project. They would have to do a project that would involve breaking the ground and disturbing the surface of the ground. In the case he listed, it was a sewer line. They were asked to do an initial on-the-ground survey of eleven miles of sewer line.

A proposal was prepared that would do that for them. This involved the project director, a field supervisor, and two field crew. It took 4 field days and a day to write the report. The field crew went out to the sewer line and essentially walked it, looking for physical evidence of archaeological or historical sites.

They look for physical evidence of human activity. The evidence is usually some artifact, projector points, arrowheads or other tools that are laying on the ground. In the case of a historical site, old bottle fragments or a house foundation. Sometimes the physical evidence has no value, but this is what the Survey has to assess.

He said that before they go out into the field, they make an archives search of the area and try to determine if there are any records of particularly significant historical sites.

On the Squaw Valley Survey, they found seven archaeological sites. In order to assess them, they had to dig holes in the ground to see if there was any buried stratified material. Oftentimes the sites are just confined to the surface. In this case six were confined to the surface and only one had any depth to it.

By the regulations in California, both in the state and the ones enforced by the Forest Service, they had to mitigate the impacts of putting the trench for the sewer line through this one site. They then went back and did an excavation and the site turned out to be highly significant. They got a radio carbon data of 8,150 years in Squaw Valley. This was associated with artifacts behind the glacial moraine and it is one of the earliest dates in the Truckee Basin for human occupation. The site did turn out to be important and did yield information that was significant. They are now completing writing the report of the excavation. This report will be turned over to involved agencies to demonstrate that they adequately dealt with the site. They will then get the clearance for matching funds to do the things that they will want to do.

He said that they did not excavate 100 percent; 10 percent is about as much as they can justify. He said they are not getting everything, and they are not insisting that they get everything and the federal regulations do not require this.

Senator Glaser asked about how much lead time they generally had and did they have a problem with holding up a job which would make the costs of projects rise or result in a delay in the completion of the work.

Mr. Elston said that sometimes they do not have very much lead time. He said the Reno Airport Authorities were not aware that this work had to be done; when they discovered it there was only a week in which to do the work without losing any federal funds. They were able to get the work done and not hold up the project. No survey investigation has ever delayed a project.

Dr. Fowler said that in many cases with power line corridors or pipe line corridors, the survey crew is able to work with the engineering people well in advance of construction and if there are any archaeological sites, which under federal regulations have to be dealt with, in many cases they are able to recommend that they move the line slightly at no cost, because it is very early in the design stage. They are able to avoid those sites at no additional cost; the sites are preserved and the construction pipe is allowed to proceed.

When they are able to get in with the design people early enough, they can work out this problem.

Senator Lamb asked if there is additional cost incurred if they have to move the line for a highway. There are a multitude of hours in the design, and if they have to move the line there are a lot of costs.

Dr. Fowler said he was talking specifically about pipe lines. Mr. Elston said the agreement and arrangement they have with the highway department is one of the most well developed that they have in the state system. Usually they have so much lead time with the State Highway that they are able, before Highway gets to design, to let the Survey do the work for them. He said they are mandated to do this work.

Senator Hilbrecht asked about the problems at Fort Churchill. Mr. Elston said that his understanding of it was that at the last legislative session there was an appropriation of \$60,000 for reconstruction of a building at Fort Churchill. By the following spring, Survey was formally asked to do a study in May sometime. They were asked what must be done to meet the federal regulations in order to obtain matching funds for the \$60,000.

The site is on the National Register of Historical Places, and whatever they do will be reviewed by federal agencies. They can't disturb the ground and get federal money, without doing a study. At a very small cost, he said he thought the whole thing would cost \$141, two archaeologists went out, looked the site over, and drew up a proposal with three different alternatives. If a building was to be constructed on existing foundations, it might cost \$30,000 to deal with the archaeology; if they were going to reconstruct a building, a replica of the actual site, it might cost as little as \$10,000; if they were just going to stabilize existing ruins, which is what was recommended because it was cheapest, it would cost less than that and they could do it over a long period of time.

They turned in the report within two months of the time they were asked to do it, and didn't hear from the Parks Division until November. He said Senator Young called asking them why they were holding up the project and what authority did they have for stopping the project. He said they advised the attorney at the Legislative Counsel Bureau that they had no authority to hold up any project, they only made recommendations.

He said they did not understand that the Parks Division wanted to use prison labor and that this labor would be available for doing a lot of the heavy work. Their \$30,000 price was based upon having to hire a lot of technicians to do the work.

When they were finally contacted and asked to come to some agreement, it took a very few days to arrange the present project, which is going right along on schedule, using prison labor. He said their position was that they made a recommendation and that was all.

Senator Hilbrecht asked what the review mechanisms of their reports were. Mr. Elston said there were none at the state level; but their recommendations are submitted to the National Park Service and the Council for Site Preservation and also the President's Advisory Council. All these people have to approve the project and the plans for mitigating the impact of the restoration. He said they were significant. But the Federal Review Boards are knowledgeable and they know what is required to restore a building in a historic situation. He said they have experts who know about these small military posts; they know the costs involved and the processes to be undertaken. He said any recommendation they might make for the purpose of saving money, that was not up to the Federal standard, would just simply be turned down. He said the Survey has a tendency to err on the side of preservation because they feel the legislation directs them to see that sites are preserved.

Senator Lamb indicated that their concern was that there would be delays resulting which would impede progress. He cited the delays on the Alaska pipeline.

Dr. Fowler said there is a considerable difference of opinion in these areas, and they recognized this, and the National Archaeology Societies were concerned precisely that their input would not hold up projects if it could possibly be avoided.

Senator Lamb said they might not be able to stop a project, but if they made a phone call the Federal government could do it. Dr. Fowler said this was theoretically possible, but he would hope it would not happen.

Senator Lamb remarked that their budget indicated that most of the money was spent for salaries. He asked if it was for people in the field. Mr. Elston explained the breakdown of monies in the budget. Senator Lamb asked Mr. Humphrey why he wanted to put the Archaeology Survey into the University of Nevada system. Mr. Humphrey explained that the University of Nevada system had been cooperating with the survey and the museum. The museum indicated that they would like to make a change where they would no longer be administratively responsible. This was discussed with the Board and they agreed they would be pleased to have the Survey as a part of the University, if the Legislature so desired. They would make the Survey administratively a part of the University of Nevada Las Vegas in their state wide programs there. He said many of the people involved are faculty now and they would continue to be.

Senator Lamb asked if this meant that some of the faculty would leave the University and do archaeological work. The people now involved, Mr. Humphrey said, would continue to be on the faculty of the University.

Dr. Richard Brooks, Director of the Museum of Natural History at the University of Nevada Las Vegas, said that his position there is part time; he teaches part time; part of his time is involved with contract work. He said he was a faculty member in the sense that he had a weekend field class that meets every Saturday and this in no way interferes with his contract work or teaching.

The Committee asked questions about the move from the Museum and the reasons for it. Mr. Elston explained that primarily there was a cash flow problem that was serious during the first year of operation. The payrolls were so large on the contracts that they had, that the museum had difficulty in meeting the payroll. He asked Mr. Porter, from the Museum, to speak on this.

Mr. Porter said it was true that the Museum had a cash problem. The program was funded for \$50,000 a year and it was hardly in effect two weeks when the Museum had to meet a \$27,000 payroll for the two-week period. He said it didn't take a genius to know that the \$50,000 appropriation was not going to last too long. He said they had a lot of help from Chancellor Humphrey and Mr. Barrett of the Budget Division, and most of the problems were resolved.

Mr. Porter said he felt that, basically, the problem was that 75 percent of the personnel in the early stages of the Survey were from UNS. He said the University had different personnel policies and different fiscal policies. They only got a handle on the problem when they received cooperation from UNS. He said his experience with Archaeological Surveys in other states, showed that they are controlled by one organization with all of the personnel under one organization. He said he sincerely felt that the program would function much more efficiently under the University of Nevada System.

Senator Lamb asked how much more money had to be appropriated to solve the problem. Mr. Barrett said the survey got no additional money, the rules and regulations in the statute were so tight that they could not operate. They cut a few rules and regulations and worked the problem out.

Senator Lamb asked Mr. Elston if they wanted to go under the University and he replied that they would; they felt it would be better for everyone concerned. The University has the experience and the administrative structure to deal with the kinds of contracts they have.

Senator Lamb asked if getting under the University umbrella was a means of getting more money and more help that the requested budget would not pay for.

Mr. Elston said that, honestly, they would like to have more money. However, the faculty who work for the Survey, in addition to their faculty jobs, only do so on a release-time basis, or they are part-time faculty who fill out the rest of their positions. He felt the University would benefit because the Survey could provide help to some departments.

Senator Hilbrecht said he had a difficulty with the Survey in the University of Nevada Las Vegas. At present they submit a line item budget, which the Legislative Committees can review. Under the statewide services in University of Nevada Las Vegas, the Finance Committees would have no way to monitor the budgets.

Mr. Elston said it was his understanding that the Survey budget would remain a line item in the University budget.

Senator Hilbrecht said he felt this would require some special legislation that would indicate that the Survey was attached to University of Nevada Las Vegas, only for logistic purposes.

Senator Wilson asked the Chancellor if there were any alternatives to either simply including them in the University of Nevada Las Vegas budget, or making them a separate line item.

Mr. Humphrey said that the bill they were considering kept the money separate for the coming biennium. The administration had assumed that the Legislature would then wish it to be made a specific line item in the University of Nevada System budget in 1979.

Senator Wilson asked if there were alternatives to this procedure, and still keep the Survey generally under the administration at the University of Nevada System.

Mr. Humphrey said he felt the alternative would be to instruct, if it was the Legislature's intent, to always have it as a separate line item. They would have to make a decision as to where it would be administered, but it would be kept as a separate line item.

Senator Lamb thanked them for appearing.

S.B. 364: Makes appropriation to State Public Works Board for preliminary planning of Nevada State Museum building in Las Vegas, Nevada.

Mr. Wright said he was present to speak on this bill. He said the Board was acutely aware of its inability to fully serve the area with the largest population, Southern Nevada.

The City of Las Vegas has offered a site in Lorenzi Park, a well known and well established cultural complex. City and County officials have worked with the Board of Trustees of the Museum to determine the best site, considering access, availability to school groups, and local residents, as well as the tourists. He said their projected attendance at a museum in Las Vegas would be 27,000 school children and 1,250,000 general visitors annually. They felt this was a conservative figure.

The Board was asking the Legislature to approve a request for \$126,480 from the State General Fund to support the planning, design, architectural proposals and necessary schematics for the building to be located in Lorenzi Park. The Board felt this site was the most desirable. He said this extension of the State Museum in Southern Nevada had been discussed for the past ten years. They have held seminars, explored every possible location in Southern Nevada, and they feel this is the answer to the problem. They feel they have a unique working relationship with the City of Las Vegas in helping implement this, which will make it much more financially favorable for the State. The facilities at the University were discussed, along with the Museum that is being opened on the campus.

The total cost of the suggested extension was estimated to be about \$2 million. Mr. Wright listed the other sites that had been considered and the reasons they had been discounted in favor of the Lorenzi Park site. The most important, they felt, was the proximity and easy access from the valley and to the tourists who come to the area. He said they had to have an area in which buses had easy access and there was a real need for a destination point for tours coming to the area who are interested in cultural aspects of the State. He said if they brought in five bus loads of children to Lorenzi Park, there would be adequate facilities for them to have lunch in the area and other play ground equipment that would tie into a complex that they would not get in a single museum site such as they have in Carson City. They would have land to build

a Museum now and an addition later if they needed it, and they would not need supportive land for parking as that is already there.

Senator Hilbrecht wondered if the University would have enough to fill the gymnasium area where they are establishing the University Museum, and he wondered if the State Museum could work out some cooperative arrangement with them. Mr. Wright said their objection to that was the location of the campus and getting to it with proper parking facilities for the public. He said he understood the University Museum was being designed strictly for the use of the University, although it would be open to the public. He said in planning a State Museum they get into the problem of security, the preservation of artifacts, and these require special facilities.

Senator Lamb thanked him for appearing.

The advisability of putting the Archaeological Survey in with the University was discussed. Mr. Barrett said that presently the private monies that are earned and spent by the Survey do not show in their budget. Only the appropriation of \$50,000 shows.

Senator Wilson wondered if there was not some sort of contractual relationship with the University that could be worked out with the Survey money. He said he would rather do that than have it put in as a line item in the University budget.

Mr. Barrett said he would recommend that they make it a separate budget; leave it the way it is now, only it would be a budget used for the University. This money would not be intermingled with University money.

Senator Hilbrecht asked if there was any way in which the Survey could be made to account for the private contract services they provided. He said he did not see the difference between that source and grant money.

Mr. Barrett said the Legislature could provide that the Survey had to account for outside money. He said if the University had it, it would be difficult because they have their own bank account. The state sees none of their money except the state dollars.

GAMING CONTROL BOARD BUDGET: Mr. Hannifin said that the members of the Gaming Control Board and Mr. Dennis Gomes were present to answer any questions the Committee had relative to their budget. A discussion followed on the audit positions which the Board felt were necessary in order to carry out the audit functions of the Board. He reiterated that audit positions in the Gaming industry were concerned with doing what is close to a fraud audit, as well as working on special investigations.

Senator Hilbrecht said he felt the Committee was interested in statutory obligations in connection with the collection of revenues charged to the division in various categories, and the ability of the division with the present audit staff to meet those statutory obligations. He said they would also be interested in figures on the rate of return of audit activities.

Mr. Hannifin said they do have an obligation by the language of the statute to perform an audit at every non-restricted location. Non-restricted locations are broken into two classifications: Group I, which earn more than \$500,000 a year and Group II, which earn less than \$500,000 per year.

At a previous session the Legislature had been asked to change the statute to provide for records retention by each licensee for five years rather than three years, because they were not able to get to all the licensees within that three year record retention period. The period was raised to five years.

The Legislative Audit of the agency showed that the audit cycle taking in all of the non-restricted locations, of which there are 116 Group I locations and 129 Group II locations, would take 10.75 years to complete the audit cycle on the Group I locations, and it would take 74 years on the Group II locations. This was based upon the number of auditors listed under old positions in the budget.

Mr. Barrett gave the Committee a memo showing a breakdown of the work hours for the auditors listed in the Executive Budget.

(COPY ATTACHED.)

Senator Hilbrecht said that with the five-year record retention, they needed a higher percentage that could be covered by an audit, than was given in Mr. Barrett's memo. Otherwise, he felt, some were going unaudited beyond the record retention time. He felt a higher percentage of auditors would be necessary in order to do a 100 percent audit.

Mr. Barrett said they felt some of them would not be worth auditing. Mr. Hannifin said it was true that there was a point of diminishing return.

Senator Lamb asked if they were auditing in order to collect more taxes or were they auditing because they felt that some might be doing something wrong.

Mr. Hannifin said they obviously put more emphasis on the larger casinos because they produce most of the revenue. They have to be certain in those areas because the state revenues are so dependent on those; they have to be certain they are getting all the possible revenue they should. Beyond that it is a mixture of both, because they know that in some of the smaller ones, they do not keep proper financial records. In these cases the state is not getting the taxes. But when they send someone in, what should take a 20 hour audit to do, takes hundreds of hours because there are no records. They audit for two reasons, to make sure they get all the taxes and to make sure they are obeying the law.

The duties and the functions of the auditors in the divisions were discussed and questions raised as to whether the 17 recommended auditors would be able to cover the ground that the Committee was specifically interested in having them do. Mr. Gomes explained the problems they had in covering all phases of investigative work. He said one of the major areas where they had problems was in the area of investigation of loans that licensees submit for their review as required by regulations. He said about one hundred of these are placed on the agenda each month for approval, supposedly after investigating them, by the Board and Commission. He said they process about 70 to 100 a month, and he has only one man working on those. He said in many cases they cannot investigate the loans, but when they do they often have significant findings. Because they cannot carry this work out, this regulation is meaningless.

Senator Wilson said he felt that investigation of this type of thing was essential to the integrity of the industry and he asked how many auditors would have to be put on line from the 17 recommended in the budget to meet that responsibility.

Mr. Hannifin said that within the area of examination of the internal control systems themselves, three; they would need two positions to examine leases; to examine loans, a minimum of one additional; to do the examination of the source of funds for transfers of interest they would need one new position; to do the follow-up on audits to see that the areas that were in violation have been corrected, they would need four; to do frauds, they would need five additional; for other situations such as ones called upon by other divisions to assist, they would need four.

Senator Wilson said it would appear from the above figures that the division would need 20, plus the 17 recommended positions.

Mr. Barrett said that all he could say was that they would be able to do it better, than they are doing now, with 17 additional auditors. He said if it was the Legislature's judgment that they needed more, and if they could find the additional money in the budget to give them to them, he would certainly not object to it.

Discussions followed on the basis of Mr. Barrett's recommendation and whether it was possible to give the division all the auditors that they felt were needed to carry out their mandates.

Mr. Barrett said that presently the investigative fees that the division charges divert into the general fund and, if desired, they could revert back into this budget and give them more positions, without increasing the amount of the general fund.

Mr. Hannifin said that the investigative fees that were referenced were primarily from the investigation of applicants. In the past, when the division did some of these kinds of investigations outside the State of Nevada, for instance something involving MGM in their office in New York, MGM would be billed for out-of-pocket expenses, but not for man power to go to New York to do that.

The Assembly Committee has now voted, and there was a court case on this, to take that out of the law, so there would be no permission to allocate any cost back to a licensee subsequent to the time he has been licensed. Legislation would have put it firmly in the law and the Assembly Committee has now voted against that provision. There is not yet any problem with allocating the costs of initial license investigations. Whether enough will be generated each year in that process to underwrite what Mr. Barrett is speaking of, is open to question, because it depends on the size of the application, the number of parties involved in the application, the amount of hours put into the investigation, etc.

Mr. Hannifin said they did not charge for pure audits. He said he was going to have to prepare, at the direction of Senator Close, a fiscal note to their legislation, because having cut that provision out of the law, anything that the division does now, out-of-state, is going to be a charge against the state, and if it is passed it is going to be addendum to this budget. He said the two committees were still working on this legislation.

Mr. Hannifin said, in answer to Senator's Lamb query of whether the gaming interests were not already paying indirectly through taxes for the out-of-state travel, that the division took the the position that these interests chose to do business out of the state, and the state has no control over that. When they do choose to do this, this imposes an obligation on the state to spend monies.

Senator Lamb asked if they were talking about people who have a license in Nevada and a license somewhere else.

Mr. Hannifin said, a license in Nevada, but an office for marker collection in New York where they collect large sums of money. The division traditionally wants to audit that office in New York, because that is where the original evidence of indebtedness has been transported. It no longer remains in the State of Nevada.

Senator Gibson asked if it would be unfair to them to require that this remain in the state, and Mr. Hannifin said they are frank to state that for their business convenience they must transport it out of state.

Senator Gibson asked how fast the division could recruit the number of auditors it needed. Mr. Gomes said they would make their maximum effort in Nevada and then go out of state. He felt he could have all that were authorized on board by December.

Senator Lamb thanked them for appearing.

Senator Lamb then suggested to the Committee that they close this budget contingent upon any legislation which would be enacted that would affect the budget.

Senator Hilbrecht moved that they add 15 additional audit positions over the Governor's recommendations. Senator Wilson seconded.

Senator Gibson asked for Senator Hilbrecht's rationale. Senator Hilbrecht said he felt this would do a complete job on the collection business, and he summarized their testimony on the needs in their internal controls system. He said he felt this budget was a little different from welfare; this isn't a spending department, it is an earning department.

Senator Wilson said more than just guaranteeing your share of the taxes, it goes directly to the integrity of regulation itself, to know there are no hidden interests or financing arrangements. He felt this was necessary to the integrity of the industry.

Mr. Barrett said this was an area that they were always concerned with. It is the main revenue producing agency of the State. He said he felt they could not do anything but give this area top priority. He said he was not persuaded that they needed all they asked for, but he did feel there was justification for some more. He said the division had never broken their needs down to him as explicitly as they had to the Committee. After listening to their testimony today, he would be inclined to give them six more positions each year.

Senator Gibson said this was an area in which he did not have much contact, and he recognized that he was not very qualified to comment. However, from that standpoint, he did feel that, in the last few years, the State had slipped in this kind of control in the gaming business, just from what he heard. He said he was inclined to try to strengthen it because he did feel this could place the State in jeopardy. He felt that much he had recently read did not come about overnight, but rather developed perhaps because the division had not maintained the fiscal surveillance that was needed all along. When you wake up to the fact that these things have already been accomplished, then it becomes very difficult to root it out. He said he would support the motion, but his problem was whether the division could really effect the assimilation of this kind of increase.

Senator Glaser said, in line with Senator Gibson's comments, he felt these additions should be phased in and not give them all the auditors in the first year. Give them a part in the first year and bring them up to strength in the second.

Senator Hilbrecht said he felt that was a fair statement and he would amend his motion to provide ten during the first year, and the additional five in the second year. Senator Wilson seconded the amendment. The amended motion passed unanimously.

Senator Lamb directed Mr. Sparks to check and see what clerical help would be needed along with equipment and other variants.

Senator Gibson said he had a note regarding out-of-state travel on the budget. It was agreed this would remain until the legislation pending was acted upon.

Senator Gibson said he felt that they were doing business out of Nevada, and this was a convenience to them. He said they could be required to do it all in Nevada. As long as they are causing the State an inconvenience in making it necessary for State auditors to go to New York, then they should be willing to pay for it.

Senator Glaser moved that the budget be adopted as amended: Senator Gibson seconded and the motion passed.

S. B. 359: On the Archaeology Survey was further discussed. Senator Hilbrecht said he would like to see a full budget report. He felt this should be a self-funding agency, basically. He said they might give them \$50,000 to get started on and let them understand that from there on they will be funded from contract fees.

Senator Lamb suggested a letter of intent saying that, which would put the Committee on record.

Senator Gibson suggested putting the \$50,000 in a revolving fund. He said he felt the University was probably the best place for the Survey. This was discussed and it was agreed that the Committee would like to know about other revenues that the Survey had in addition to their appropriation. Ways of handling the appropriation, ways of administering the agency, and the proper place for it in the scheme of things were discussed. No definite decisions were reached.

The meeting adjourned at 10:00 a.m.

Respectfully submitted,



Muriel Mooney, Secretary

APPROVED:



SENATOR FLOYD LAMB, CHAIRMAN

The Nevada Archeological Survey, Its Purpose and Function

1. Introduction

The Nevada Archeological Survey (NAS) was formally established by the 1975 Legislature (NRS 381.310-381.460), and \$50,000 per annum was appropriated in support of Survey operations.

In establishing the Survey, the Legislature recognized the need to establish a statewide organization that would assist the State in meeting its obligations toward the preservation and study of the State's cultural resources, its historic and prehistoric heritage, as embodied in archeological, historic and paleoenvironmental sites and locales. The Legislature recognized that,

There is an immediate need for a sustained and coordinated statewide program to survey, record, study and preserve or salvage information and objects from localities of historic, prehistoric, and paleoenvironmental significance and to provide statewide consulting and field services to private and governmental organizations in order to mitigate adverse impact to these limited resources ... (Preamble to AB no. 210, 1975 Legislature).

2. Background

The State's obligation toward its cultural resources is defined by several Federal laws and various rules and regulations which govern how those resources which are on public lands, or which may be threatened by any project receiving Federal funds or requiring Federal licensing, are handled.

Since 87% of the land in Nevada is Federally controlled and since almost all public works projects involve some Federal funding and/or licensing, the requirements for adequately dealing with cultural resources in the State are pervasive. Appendix A contains a list, and brief synopsis, of applicable Federal and State laws, rules and regulations.

The principal thrust of these various laws and rules is as follows:

Any construction or land-altering project on Federal lands, or any project involving Federal monies or licensing, must be surveyed and reviewed by professionally qualified archeologists or historians to determine

a) if significant cultural resources are present within the project bounds;

b) if such resources are present, recommendations must be made for adequate mitigation of those resources;

c) if no cultural resources are present, clearance forms are signed by the professionals, which are filed with appropriate agencies so that the project can proceed.

Under b) above, "mitigation" has a range of meanings. If possible, the principal aim is to avoid, and hence preserve, cultural resources. This is usually done in consultation between the archeologists and the project engineers. Avoidance preserves a site or sites for future generations and negates the expense of excavation.

If a site or sites cannot be avoided, due to project design or cost factors, procedures are developed to "mitigate" the site(s) by excavation or other appropriate means.

All work relating to cultural resources must be carried out according to professional standards as defined in the Code of Ethics and Standards of Research Performance of the National Society of Professional Archeologists. Federal agencies have accepted the Code and the Standards as applicable in all Federally-related projects. These rules include requirements for the proper maintenance of archives, files and collections of materials.

3. Function of the NAS

A. The NAS was established to assist the State in meeting its obligations toward cultural resources and to see that specific studies were undertaken at the required professional levels, and at minimal cost.

Appropriated funds are used to:

- a) partially maintain basic accounting, archival and field staff required for the conduct and continuity of the Survey's work;
- b) to provide research results of the Survey's work to the public;
- c) to assist State agencies and other agencies in meeting their cultural resources obligations in Federally-related (funding and/or licensing) projects.

In this practice, c) has involved:

1. A working agreement with agencies, especially the Public Works Board, to survey, review and either clear or advise as to the necessary mitigation on Federally-related projects. This requires archival research, on-the-ground field surveys and preparation of reports. For small projects, the costs of the work are defrayed from appropriated funds. Costs include office and field time, travel and per diem and report preparation.

2. For larger projects, basic ordering agreements, or contracts, are developed between an agency and the Survey to carry out the necessary work. For Federally-related projects, funds for such work derive ultimately from Federal sources under Sec. 7 of the Archaeological Conservation Act of 1974 (Public Law 93-291), or from other Federal agency funds.

Thus, in practice, the Survey has used appropriated funds to maintain basic staff, files, archives, and collections, and, wherever possible, conduct required work for agencies at no cost to the agency. Where this is not possible, work has been conducted under ordering agreements or contracts, mutually agreed upon between the agency in question and the Survey. Every effort has been made to conduct work in a cost-effective manner which will meet Federal standards.

B. Under its enabling Legislation, the Survey also acts as a contracting agent to conduct cultural resources studies for Federal agencies, private corporations and others requiring such work. Each specific job is handled on a contract basis to carry out field work, laboratory analysis and report preparation. However, Federal rules require maintenance of files, data, archives, and collections for extended periods after completion of a project. These maintenance costs are defrayed from appropriated funds.

4. Administrative Transfer of the Survey

As initially established, the Survey is a cooperative endeavor of the Nevada State Museum and the University of Nevada System, with administrative responsibility for appropriated funds and administration of contracts vested in the Museum.

However, experience showed that carrying out contract administration was a severe burden on the State Museum, which has many other responsibilities. It was accordingly agreed that the University of Nevada System would assume administrative responsibility for the Survey, through Statewide Services at UNLV. The University regents agreed to this transfer on 18 February, 1977 and a bill has been introduced to effect the change (BDR 1132). The components of the University System have the requisite capabilities to administer contract research. It is anticipated that Survey administration will be effectively handled within the university.

5. Summary

The Nevada Archeological Survey has a central and critical role in assisting the State to meet varied obligations toward cultural resources. Basic State support is required for the Survey to function effectively. This basic support allows the Survey to carry out its other obligations through contracts and grants. Without this support, the Survey is effectively crippled. The State will still have to meet its obligations under various laws, but costs will likely be appreciably higher since all aspects of cultural resource study and mitigation will have to be handled piecemeal by contract. The Survey also functions as an intermediary between State and local agencies and Federal agencies. In that role it is often possible to facilitate the completion of required cultural resources studies in a timely and cost-effective manner.

Appendix A

Relevant Cultural Resources Legislation

I. Nevada State Laws

1. Establishment of Nevada Archeological Survey (NRS 381.310-460).
2. Act Empowering the Nevada State Museum Board of Trustees to issue State Antiquities Permits (NRS 381.195-227).

II. Federal Laws, Executive Orders and Guidelines

1. An Act for the Preservation of American Antiquities (1906) (34Stat.225). [Requires permits to be issued by the Secretary of the Interior to qualified individuals; provides fines for unauthorized disturbance of sites.]
2. Historic Sites Act of 1935 (49Stat.666)
[Declares a national policy to preserve for public use historic sites, buildings and objects, including archeological sites; empowers the Secretary of the Interior to facilitate the preservation and study of such sites.]
3. An Act Establishing a National Trust for Historic Preservation, 1949 (63Stat.927)
[Establishes a national trust for the preservation of historically significant buildings and sites.]
4. An Act for the Preservation of Historical and Archeological Data Threatened by Construction of Dams, 1960 (74Stat.220-21)
[Empowers the Secretary of the Interior to provide for studies of cultural resources threatened by construction of dams and reservoirs built under Federal auspices.]
5. Expansion of National Trust for Historic Preservation of 1949 (1966) (80Stat.915-19)
[Establishes a national register of historic sites, buildings,

districts, structures and objects, "significant in American history, architecture, archeology and culture"; provides funds for states to prepare "comprehensive statewide historic surveys and plans ..." (thus tacitly establishing State Historic Preservation Offices); establishes a matching funds program for preservation of historically significant buildings, sites, etc.]

6. National Environmental Policy Act of 1969 (83Stat.852-56)
[Under Sec. 101(b)(4) charges the Federal government "to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may-- ... preserve important historic, cultural, and natural aspects of our national heritage ..."; requires assessment of impact and development of mitigation measures for any cultural resources threatened by Federally-related projects. See also no. 7, below.]
7. Council on Environmental Quality. Preparation of Environmental Impact Statements, Guidelines (Federal Register vol. 38, no. 147, 1 August, 1973, pp. 217-230)
[Develops procedures for Environmental Impact Statements. Requires assessment and exploration of "alternative actions that will avoid or minimize adverse impacts and to evaluate both the long- and short-range implications of proposed actions to man, his physical and social surroundings, and to nature" (Sec. 1500.2(b)(2)); specifies that all Federally-funded or licensed projects are included under "proposed actions" (sec. 1500.5(a)(2)); requires assessment of impacts on "cultural resources" (Sec. 1500.8(a)(7)).]

- 8. Presidential Executive Order no. 11593, 1971 (36F.R.8921).
Protection and Enhancement of the Cultural Environment
[Requires Federal executive branch agencies to "provide leadership in preserving, restoring and maintaining the historic and cultural environment of the nation"; requires inventories of cultural resources on all lands under Federal jurisdiction, in cooperation with State Historic Preservation Offices, with eligible resources to be listed on the National Register of Historic Places.]

- 9. Archeological Conservation Act of 1974 (Public Law 93-291)
[Extends and amplifies the 1935 Historic Sites Act "by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as a result of a Federally funded or licensed building or land-altering project. Authorizes any Federal agency responsible for a project to use up to one percent of the project funds to salvage or otherwise mitigate threatened cultural resources.]

13. Any other related issues.

Communications must be submitted by March 29, 1977 to the Docket Officer, OSHA, New Department of Labor Bldg., 200 Constitution Avenue, N.W., Washington, D.C. 20210. The submissions will be available for public inspection and copying at the above location.

The recommendations of the Standards Advisory Committee on Hazardous Materials Labeling will be available for inspection and copying, upon request, at any of the following addresses:

NATIONAL OFFICE

Department of Labor-OSHA, Room N3620, 200 Constitution Ave., N.W., Washington, D.C. 20210.

REGIONAL OFFICES

REGION I

U.S. Department of Labor, Occupational Safety and Health Administration, JFK Federal Building, Room 1802—Government Center, Boston, Massachusetts 02203.

REGION II

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza), Room 3445, New York, New York 10036.

REGION III

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building—Suite 2100, 3635 Market Street, Philadelphia, Pennsylvania 19104.

REGION IV

U.S. Department of Labor, Occupational Safety and Health Administration, 1875 Peachtree Street, N.E.—Suite 587, Atlanta, Georgia 30309.

REGION V

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor—Room 3263, Chicago, Illinois 60604.

REGION VI

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202.

REGION VII

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Missouri 64106.

REGION VIII

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 15010, 1961 Stout Street, Denver, Colorado 80204.

REGION IX

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue—Box 36017, San Francisco, California 94102.

REGION X

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 6048, 909 First Avenue, Seattle, Washington 98174.

This advance notice of proposed rulemaking is issued under sections 6 and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C.

655, 657) and Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C., this 19th day of January, 1977.

MORTON CORN,

Assistant Secretary of Labor.

[FR Doc. 77-2377 Filed 1-25-77; 4:17 pm]

[29 CFR Part 1910]

[Docket No. OSH-11A]

OCCUPATIONAL NOISE EXPOSURE

Availability of Post-Hearing Comments and Additional Information on Economic Impact Analysis; Limited Comment Period

Pursuant to notices published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24718) and August 6, 1976 (41 FR 32912), an informal hearing was convened on September 21, 1976 concerning the economic impact analysis (EIA) of the proposed standard on occupational noise exposure, and related issues as set forth in the notices. The hearing extended through October 8, 1976, at which time Administrative Law Judge Jean Greene who had presided at the hearing, announced that the record would remain open for receipt of post-hearing comments for a period of 60 days.

During the hearing, OSHA received many requests for information which was not contained in the economic impact analysis itself, but which was related to its preparation. OSHA's representative at the hearing noted that all requests for additional material would be taken under advisement by the agency, and that a decision would be forthcoming with regard to such material.

As was discussed at the hearing, it would require substantial additional funding and effort to provide the requested information for the record. Much of the requested information could not be made public by the contractor because it was obtained pursuant to pledges of confidentiality. Moreover, OSHA cannot make such information available because OSHA does not have it in its possession or control. With regard to requested data the release of which would not breach any pledges of confidentiality, OSHA has decided to take steps to supply such data for the record, and has contracted with Bolt Beranek and Newman, Inc., (BBN), the contractor for the EIA, to make it available.

In addition, BBN has prepared a post-hearing comment, which discusses certain issues that arose at the hearing, particularly those areas of the EIA which have engendered the most comment. This post-hearing comment is now available for inspection and copying at the following address:

Technical Data Center (Docket No. OSH-11A), Room N-3620, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

The BBN post-hearing comment includes data requested at the hearing

which can be furnished without compromising BBN's pledges of confidentiality.

OSHA recognizes that participants at the hearing may wish to comment on the additional information contained in BBN's post-hearing comment. Therefore, OSHA hereby reopens the comment period for the limited purpose of permitting participants at the hearing to comment upon the BBN post-hearing comment, for a period of 30 days. Comments must be submitted in quadruplicate to the above address, and must be postmarked on or before February 28, 1977.

At the end of this period the presiding Administrative Law Judge will certify the record of the proceeding to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record and final action will be taken based on the entire record developed in this proceeding.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76.)

Signed at Washington, D.C., this 19th day of January 1977.

BERT M. CONCKLIN,

Deputy Assistant Secretary of Labor

[FR Doc. 77-2376 Filed 1-19-77; 5:06 pm]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 66]

RECOVERY OF SCIENTIFIC, PREHISTORIC, HISTORIC, AND ARCHEOLOGICAL DATA: METHODS, STANDARDS, AND REPORTING REQUIREMENTS

Proposed Guidelines

On August 13, 1975, the Department of the Interior distributed a "Statement of Program Approach" with respect to its responsibilities under Pub. L. 93-291, the Archeological and Historic Preservation Act of May 24, 1974 (88 Stat. 174, 16 U.S.C. Section 469a-1 et seq.; hereinafter, "the Act"). Comments have been received from many Federal agencies, State Historic Preservation Officers, and members of the public. The Department expects to publish proposed rulemaking with respect to this aspect of the Act, for comment, in the near future.

Many of the comments received indicate a need for the Department to provide substantive guidance to agencies that undertake to recover scientific, prehistoric, historic, and archeological data; such guidance is also contemplated by the Act. It is the purpose of this notice of proposed rulemaking to provide this information as a part of the Department's proposed overall rulemaking with respect to the Act. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of reports submitted to the

Department pursuant to the requirements of section 3(a) of the Act.

The Act provides Federal agencies with a method of mitigating impacts of their undertakings upon those historic properties that contain scientific, prehistoric, historic, or archeological data. This method, data recovery, is not the only method that may be properly applied in order to mitigate project impacts identified through the process prescribed by the National Environmental Policy Act of 1969 (Pub. L. 91-190, hereinafter, "NEPA"). Actions that preserve historic properties in place are usually preferable to the preservation of data alone through data recovery activities, both because such actions usually extend the useful lives of the properties and their data and because they often are less costly. The activities authorized by the Act must also be understood as applicable only to the mitigation of project impacts on the data or research value of historic properties, not on those historic or cultural attributes that are not data related. For example, the Act does not pertain to actions that may be appropriate under NEPA or the National Historic Preservation Act of 1966 (Pub. L. 89-665; hereinafter, "NHPA") to preserve the historical or cultural meaning or integrity of a property to a neighborhood, community, or group.

In order to ascertain when application of the Act to impact mitigation activities may be appropriate, and to apply its provisions wisely, it is necessary that the planning steps required by NEPA, NHPA, and Executive Order 11593 be taken before the Act is invoked; the Act is not a substitute for these planning authorities. It is also obvious that before data can be recovered under the terms of the Act, the districts, sites, buildings, structures, and objects that contain or represent such data must be carefully located and identified. Accordingly, Appendix B is provided setting forth the Department's general guidelines for the location and identification of historic properties.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding these proposed guidelines to the Chief, Office of Archeology and Historic Preservation, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 on or before March 14, 1977.

Under the terms of the Act, these guidelines are a Department of the Interior responsibility. The budget implications of the Act for other Federal agencies have been presented to the Office of Management and Budget for coordination therewith. It is hereby certified that the economic and inflationary impacts of these proposed guidelines have been carefully evaluated in accordance with Executive Order 11821. The impact will be minor and preparation of an inflation impact statement is not required.

This rulemaking is developed under the authority, *inter alia*, of section 5(c) of the Archeological and Historic Preservation Act of 1974, 16 U.S.C. § 469a-3 *et seq* (1970 ed.). In consideration of the foregoing, it is proposed to amend Chapter 1 of Title 36, Code of Federal Regulations, to add a new Part 66 as follows:

PART 66—RECOVERY OF SCIENTIFIC, PREHISTORIC, HISTORIC AND ARCHEOLOGICAL DATA: METHODS, STANDARDS, AND REPORTING REQUIREMENTS

Sec.

66.1 Definitions.

66.2 Data recovery operations.

66.3 Protection of data and materials.

66.4 Provision of reports to the Department.

Appendix A: Format standards for final reports of data recovery.

Appendix B: Guidelines for the location and identification of historic properties containing scientific, prehistoric, historical, or archeological data.

Appendix C: Professional qualifications.

Appendix D: Recommendations for the procurement of location, identification, and data recovery programs.

AUTHORITY: Sections 2(a), 2(c), 2(j), and 2(k) (without regard to the last sentence thereof), 49 Stat. 666 (16 U.S.C. 462(a), (c), (j), (k)); Section 5(c), 88 Stat. 174 (16 U.S.C. 469a-3).

§ 66.1 Definitions.

(1) *Area subject to environmental impact* is that land area, or areas, where land may be disturbed, or buildings or structures altered, or the environment of historic properties changed, in such a way as to affect their historical value.

(2) *Historic properties* are sites, districts, structures, buildings, and objects, that may meet the National Register criteria set forth at 36 CFR 60.6, by virtue of their possession of one or more kinds of historical value. One kind of historical value is data or research value, the known or potential capacity of a property to provide information important to the reconstruction, analysis, and understanding of history.

(3) *History* comprises the events, patterns, and processes of the human past, including those that have affected literate societies and those that have affected pre-literate or nonliterate groups, whose history is sometimes referred to as prehistory.

(4) *Significant data*, as used by the Act, are data that can be used to answer research questions, including questions of present importance to scholars and questions that may be posted in the future.

(5) *Archeological data* are data embodied in material remains (artifacts, structures, refuse, etc.) produced purposely or accidentally by human beings, and in the spatial relationships among such remains.

(6) *Historical data* are data useful in the study and understanding of human life during the period since the advent of written records in the area of concern. The date of inception of the historic period varies from area to area within the United States.

(7) *Prehistoric data* are data useful to the study and understanding of hu-

man life during the prehistoric period, i.e., at all time periods prior to substantial contact between the native people of the United States and literate societies. The end point of the prehistoric period varies from area to area within the United States.

(8) *Scientific data*, as used by the Act, are data provided by sciences other than archeology, history, and architecture, that are relevant to an understanding of human life during either historic or prehistoric periods. Ethnographic, biological, geological, paleontological, ecological, and geophysical data, among others, are often important to the understanding of the human past.

(9) *Location and identification study* is the study necessary to determine the locations of, and to evaluate, historic properties. At a minimum it requires background research; if existing data are inadequate to permit the location and evaluation of historic properties, it requires field inspection as well (See Appendix B).

(10) *Data recovery* is the systematic removal of the scientific, prehistoric, historic, and/or archeological data that provide an historic property with its research or data value. Data recovery may include preliminary survey of the historic property or properties to be affected for purposes of research planning, the development of specific plans for research activities, excavation, relocation, preparation of notes and records, and other forms of physical removal of data and the material that contains data protection of such data and material, analysis of such data and material, preparation of reports on such data and material, and dissemination of reports and other products of the research. Examples of data recovery include archeological research producing monographs, descriptive, and theoretical articles, study collections of artifacts and other materials; architectural or engineering studies resulting in measured drawings, photogrammetry, or photography; historic or anthropological studies of recent or living human populations relevant to the understanding of historic properties, and relocation of properties whose data value can best be preserved by so doing.

(11) *Material* means actual objects removed from an historic property as a part of a data recovery program, including but not limited to artifacts, byproducts of human activity such as flakes of stone, fragments of bone, and organic waste of various kinds, architectural elements, soil samples, pollen samples, skeletal material, and works of art.

(12) *Principal Investigator* means the contractor or other person directly responsible for a location and identification, or data recovery project.

(13) *Research design* is a plan, usually generated by the principal investigator, outlining the proposed approach to a location, identification, or data recovery project. Minimally, the design should spell out relevant research problems, research methods, and some predicted results of the study. Research designs are

often modified as the course of research yields new findings.

(14) *Research methods* are procedures and techniques used to record, recover, and/or analyze a body of data such that conclusions may be drawn concerning research problems.

(15) *Research problems* are questions in anthropology, sociology, geography, history, architectural history, art history, and other disciplines of the sciences and humanities that can potentially be answered by studying historic properties. Scientific, prehistoric, historic and archeological data are valuable insofar as they are potentially applicable to the investigation of research problems. Research problems are typically posed as questions about human behavior, thought, or history. Potential answers to such questions, and the ways in which such possible answers may be reflected in the data content of specific historic properties are often spelled out in research designs as hypotheses and test implications.

§ 66.2 Data recovery operations.

(a) Data recovery program operations carried out under the authority of the Act should meet at least the following minimum standards:

(1) All operations should be conducted under the supervision of qualified professionals in the disciplines appropriate to the data that are to be recovered. Qualifications commonly required for professionals are set forth in Appendix C;

(2) The program should be conducted in accordance with a professionally adequate research design. This design should reflect:

(i) An understanding by the principal investigator of the data or research value of the property. This value will normally have been defined as a result of a location and identification study as discussed in Appendix B.

(ii) An acquaintance on the part of the principal investigator with previous relevant research, including research in the vicinity of the proposed undertaking and research on topics germane to the data recovery program regardless of where such research has been carried out.

(iii) The development of a definite set of research problems, taking into account the defined research value of the property, other relevant research and general theory in the social and natural sciences and the humanities that may be pertinent to the data to be recovered.

(iv) A responsiveness to the need to recover from the property to be investigated, a usable sample of data on all research problems that reflect the property's research value, or a clear and defensible rationale for collecting data on a smaller range of problems at the expense of others.

(v) Competence on the part of the principal investigator and his or her staff in the methods and techniques necessary to recover the data contained in the property, and an intention to utilize these methods and techniques in the research;

(3) The program should provide for adequate personnel, facilities, and equipment to fully implement the research design;

(4) The program should provide for adequate consultation with scholars whose research interests would enable them to contribute to the research;

(5) The program should employ methods that insure full, clear, and accurate descriptions of all field operations and observations, including excavation and recording techniques, stratigraphic and/or associational relationships where appropriate, significant environmental relationships, etc. Where architectural characteristics are recorded, such recording should be consistent with the standards published by the Historic American Building Survey (HABS) in "Recording Historic Buildings," by H. J. McKee (National Park Service, 1970). Updated guidelines for recording architectural, engineering, and archeological data may be obtained from the Director, Office of Archeology and Historic Preservation, National Park Service;

(6) If portions or elements of the property under investigation can be preserved, the program should employ methods that make economical use of these portions or elements. Destructive methods should not be applied to such portions or elements if nondestructive methods are feasible;

(7) The program should result in a report or reports detailing the reasons for the program, the research design, the methods employed in both fieldwork and analysis, the data recovered, and the knowledge or insights gained as a result of the data recovery, with reference to the research design and the research value of the property. The report or reports should meet contemporary professional standards, and should be prepared in accordance with the format guidelines set forth in Appendix A;

(8) The program should provide for adequate perpetuation of the data recovered, as discussed at § 66.3. Care should be taken during curation and handling of specimens and records to insure that data are not lost or decimated. Provision must be made for disseminating the report of the program. Appropriate methods for dissemination of results include but are not limited to publication in scholarly journals, monographs, and books, presentation on microfilm or microfiche through the National Technical Information Service or other outlets, and distribution in manuscript form to State Historic Preservation Officers and other appropriate archives and research libraries. Reports submitted to the Department of the Interior pursuant to section 3(a) of the Act will be disseminated as set forth in § 66.4, but nonredundant independent distribution is encouraged. At a minimum, a copy of each report should be provided to the State Historic Preservation Officer; and

(a) Particularly when a data recovery program is conducted upon a potentially complex historic property (e.g., a recent

town site; a prehistoric site that may contain many occupation layers, cemeteries, or architectural remains), situations may arise or data be encountered that were not anticipated in designing the program. Adequate provision should be made for modification of the program plan to cope with unforeseen discoveries or other unexpected circumstances.

(b) These guidelines should be regarded as flexible, inasmuch as (a) some specialized types of data recovery (e.g., the relocation of a structure or object) may not require all the operations discussed above, and (b) innovative approaches to data recovery should be encouraged, as long as these have as their purpose the basic purpose set forth in section 1 of the Act.

§ 66.3 Protection of data and materials.

(a) Data recovery programs result in the acquisition of notes, photographs, drawings, plans, computer output, and other data. They also often result in the acquisition of architectural elements, artifacts, soil, bone, modified stones, pollen, charcoal, and other physical materials subject to analysis, interpretation, and in some instances display. Analytic techniques that can be applied to such data and material change and improve through time, and interpretive questions that may be asked using such data and material also change and develop. For these reasons, and to maintain data and material for public enjoyment through museum display, it is important that the data and material resulting from data recovery programs be maintained and cared for in the public trust.

(1) Data and materials recovered from lands under the jurisdiction or control of a Federal agency are the property of the United States Government. They shall be maintained by the Government or on behalf of the Government by qualified institutions through mutual agreement. A qualified institution is one equipped with proper space, facilities, and personnel for the curation, storage, and maintenance of the recovered data and materials. The exact nature of the requisite space, facilities, and personnel will vary depending on the kinds of data and materials recovered, but in general it is necessary for a qualified institution to maintain a laboratory where specimens can be cleaned, labeled, and preserved or restored if necessary; a secure and fireproof storage facility organized to insure orderly maintenance of materials; a secure and fireproof archive for the storage of photographs, notes, etc., and a staff capable of caring for the recovered data and material.

(2) Data recovered from lands not under the control or jurisdiction of a Federal agency, as a condition of a Federal license, permit, or other entitlement, are recovered on behalf of the people of the United States and thus are the property of the United States Government. They should be maintained as provided under § 66.3(1)(a) above. The non-federal provider of funds should be provided with copies of such data upon request. Material recovered under such

circumstances should be maintained in the manner prescribed under § 66.3(1) (a) insofar as is possible.

(b) Data and material resulting from a data recovery program should be maintained by a qualified institution or institutions as close as possible to their place of origin, and made available for future research.

(c) Data on architectural and/or engineering characteristics, recorded in accordance with the standards discussed at § 66.2.1(e) above, should be filed with the Library of Congress.

§ 66.4 Provision of reports to the Department.

(a) Pursuant to the terms of section 3(a) of the Act, any Federal agency that undertakes a program of data recovery as authorized by the Act shall provide the Department of the Interior with copies of the resulting reports. The Department shall make these reports available to the public.

(b) In order to facilitate public access to these reports, the Department, represented by the Office of Archeology and Historic Preservation, National Park Service, has entered into an agreement with the National Technical Information Service, which agreement provides for the storage on microfiche, and reproduction upon demand, of all final reports on

data recovery programs either undertaken by the Department or provided to the Department under the authority of the Act.

(c) Two (2) copies of each final report shall be filed with the Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. All final reports shall be prepared in accordance with the format standards set forth in Appendix A.

(d) In order to facilitate the Department's fulfillment of its responsibilities under section 5(c) of the Act, to report to Congress concerning the scope and effectiveness of the National Survey and Data Recovery effort, each agency engaging in such activities shall also file with the Director, Office of Archeology and Historic Preservation:

(1) Two (2) copies of each final report on any location and identification study, regardless of whether the study resulted in the actual identification of historic properties;

(2) One (1) copy of each scope-of-work or other description of a proposed location and identification or data recovery program;

(3) One (1) copy of each contract let for any location and identification or data recovery program;

(4) Together with each final report of

a location and identification or data recovery program, a statement of the costs incurred by the Federal Government in the conduct of the program; and

(5) Together with each final report of a location and identification or data recovery program, the comments of at least one (1) professional in the field of study represented by the report, and of the State Historic Preservation Officer(s) in whose State(s) the program took place, on the scope and effectiveness of the program reported.

APPENDIX A—FORMAT STANDARDS FOR FINAL REPORTS OF DATA RECOVERY PROGRAMS

The following format standards are required for reports provided to the Department of the Interior under terms of section 3(a) of the Act. They are recommended for other reports provided to the Department pursuant to § 66.4.4(a) as well.

1. Text and line drawings should be clean, clear, and easily reproducible.
2. Photographs should be original black and white positive prints, or high-quality reproductions.
3. Typescript should be single spaced.
4. All pages should be numbered in sequence.
5. Form NTIS-35, available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22161 should be enclosed with each report, partially completed in accordance with the example shown in Figure 1 below.

BIBLIOGRAPHIC DATA SHEET		1. Report No.	2.	3. Recipient's Accession No.
4. Title and Subtitle COMMUNITY ORGANIZATION AT THE ROCKPILE SITE			5. Report Date Jun 79	6.
7. Author(s) John Doe and Sally H. Slade			8. Performing Organization Rept. No. ME-22	
9. Performing Organization Name and Address Western Oklahoma State University Western, Oklahoma			10. Project/Task/Work Unit No.	
			11. Contract/Grant No. CX 1595-9-0073	
12. Sponsoring Organization Name and Address U.S.D.A. Soil Conservation Service, Rockpile Soil Conservation District			13. Type of Report & Period Covered 1/77-6/79	
			14.	
15. Supplementary Notes				
16. Abstracts A data recovery project at the Rockpile Site in northwestern Texas (41 XA 1011) was directed to the development of an understanding of settlement organization during the Late Archaic period. The single-component site represented a permanent village occupied by hunters and gatherers. Analysis of faunal and floral remains indicates intensive exploitation of the local environment. Complete excavation of the site revealed evidence of both circular and rectangular houses arranged in rows. Non-random distribution of Alibates flint detritus suggests the possibility of occupational specialization among households. Non-random distribution of non-utilitarian artifacts suggests the recognition of different social statuses.				
17. Key Words and Document Analysis. 17a. Descriptors				
17b. Identifiers/Open-Ended Terms Community organization Social organization Occupational specialization Subsistence practices Northwest Texas Archaic				
17c. COSATI Field/Group				
18. Availability Statement			19. Security Class (This Report) UNCLASSIFIED	21. No. of Pages 523
			20. Security Class (This Page) UNCLASSIFIED	22. Price

INSTRUCTIONS FOR COMPLETING FORM NTIS-35 (Bibliographic Data Sheet based on COSATI Guidelines to Format Standards for Scientific and Technical Reports Prepared by or for the Federal Government, PB-180 600).

1. **Report Number.** Each individually bound report shall carry a unique alphanumeric designation selected by the performing organization or provided by the sponsoring organization. Use uppercase letters and Arabic numerals only. Examples: FASEB-NS-73-87 and FAA-RD-73-09.
2. **Leave blank.**
3. **Recipient's Accession Number.** Reserved for use by each report recipient.
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(b). **Identifiers and Open-Ended Terms.** Use identifiers for project names, code names, equipment designators, etc. Use open-ended terms written in descriptor form for those subjects for which no descriptor exists.
(c). **COSATI Field/Group.** Field and Group assignments are to be taken from the 1964 COSATI Subject Category List. Since the majority of documents are multidisciplinary in nature, the primary Field/Group assignment(s) will be the specific discipline, area of human endeavor, or type of physical object. The application(s) will be cross-referenced with secondary Field/Group assignments that will follow the primary posting(s).
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APPENDIX B—GUIDELINES FOR THE LOCATION AND IDENTIFICATION OF HISTORIC PROPERTIES CONTAINING SCIENTIFIC, PREHISTORIC, HISTORICAL, OR ARCHEOLOGICAL DATA

In order to notify the Secretary of the potential loss or destruction of significant scientific, prehistoric, historical, or archeological data pursuant to sections 2, 3 and 4 of the Act, in a manner that will permit the Secretary to act effectively in response to this notification, it is necessary that the agency provide appropriate documentation concerning the nature and significance of all historic properties, subject to impact, that may contain such data. It is recommended that such documentation be generated by agencies in the course of their planning activities carried out under the authorities of the National Environmental Policy Act of 1969 (Pub. L. 91-190) (NEPA), the National Historic Preservation Act of 1966 (Pub. L. 89-665 as amended) (NHPA), Executive Order 11593, and related authorities.

It is important that agencies understand the relationship among NEPA, such general historic preservation authorities as the NHPA, and the Archeological and Historic Preservation Act. NEPA mandates the evaluation of project impacts on the entire environment, including all kinds of cultural resources. One kind of cultural resource is the historic property which is the concern of the NHPA and Executive Order 11593. Section 106 of the NHPA sets forth specific actions to be taken when this kind of cultural resource is subject to effect. Some historic properties contain scientific, prehistoric, historical, and archeological data; the Archeological and Historic Preservation Act of 1974 provides mechanisms for the recovery of such data if and when the planning processes provided for by NEPA, NHPA, and related authorities have resulted in the conclusion that data recovery constitutes the most prudent and feasible method of impact-mitigation.

Identification of cultural resources is an obvious prerequisite to the evaluation of impact on such resources, and to the planning of methods for the mitigation of such impacts. Identification of cultural resources in general through the NEPA process involves a broad, general, interdisciplinary study of all those social and cultural aspects of the environment, both tangible and intangible, that may be affected by the undertaking. Identification of historic properties requires the location of those tangible places and things that may contain or represent historic values, and sufficient study of these properties to determine what their values are and whether these values are of sufficient importance to make the properties eligible for the National Register of Historic Places. In the process of such study, it should become apparent which properties contain significant scientific, prehistoric, historical, or archeological data. Once the undertaking's impact on such properties has been evaluated, it will then be possible to ascertain whether data recovery constitutes an appropriate mitigation action, and it is at this point that the Archeological and Historic Preservation Act can be effectively utilized.

The guidelines presented in this appendix are the same as those required to identify properties eligible for the National Register of Historic Places pursuant to section 106 of NHPA as amended and to sections 2(a), 2(b), and (where applicable) 1(3) of Executive Order 11593. Although prepared for publication under these authorities, they are presented here for the convenience of Federal agencies and other users.

I. General Conduct of Location and Identification Studies. Although the exact activi-

ties necessary for the identification of historic properties will vary depending on the nature of agency landholdings or jurisdiction and, where applicable, on the nature of the agency's undertaking, the following steps will generally be appropriate.

1. Background Research and Evaluation of Existing Data.—a. Since few areas of the Nation have yet been adequately surveyed for historic properties, current lists of such properties seldom provide adequate information for full identification. Documentary research is the starting place for any identification study, however. Systematic study and evaluation of documentary data will usually permit predictions to be made about the kinds of historic properties that may be encountered in the area, and about their possible distributions. Such study may also make it possible to develop a broad evaluatory framework within which the significance of particular properties can be judged. Finally, background research may pinpoint some particular properties that are already adequately documented or properties that are known but need further study to obtain full documentation. In undertaking background research, answers to the following questions should be sought:

(1) Are there known historic properties in the area?

(2) Is knowledge about the presence or absence of historic properties based on a survey or surveys carried out according to the standards set forth in this appendix?

(3) If not, to what extent are survey data lacking?

(4) If the area has not been systematically surveyed, what predictions can be made about the location or kinds of historic properties to be expected based on data from nearby surveyed areas, from the known history of the area, from the constraints known to be imposed by the natural environment, etc.?

(5) Given the known history and prehistory of the region, the social and cultural concerns of its people, and pertinent State, local, and regional plans, what kinds of preservation and/or research priorities appear to be appropriate, and what kinds of historic properties might be important to the satisfaction of these priorities?

b. The agency undertaking a location and identification study, should be vigorous in searching out useful sources of data, and should encourage innovative approaches in their use to predict the locations of properties and to develop evaluatory frameworks. It must be recognized, however, that some institutions and organizations that maintain lists, files, or other bodies of unpublished data are legitimately concerned about the integrity of these documents and/or about the cost involved in permitting their use; these concerns should be ascertained and, if legitimate, honored. At least the following sources of background data should be consulted:

(1) The State Historic Preservation Officer should be consulted with reference to the State Historic Preservation Plan maintained by his office, to obtain such data as:

(a) Information on properties listed in or nominated to the National Register, properties on other lists, inventories, or registers known to the State Historic Preservation Officer, and properties on which the State has evaluated and unevaluated survey data;

(b) Information on predictive data regarding potential properties in the area;

(c) Recommendations as to the need for surveys in the area;

(d) Recommendations concerning methods that should be used in conducting such surveys and possible sources of professional expertise;

(e) Results of any previous surveys in the area, and the State Historic Preservation Officer's comments thereon; and

(f) Recommendations concerning pertinent State or local laws and policies concerning historic properties.

(2) Basic published and unpublished sources on local history, prehistory, anthropology, ethnohistory, and ecology should be studied to obtain an overview of the region's potential historic property distributions and research or preservation values.

(3) The National Register and other lists or files of data on historic properties should be consulted. The National Register is published in its entirety in the FEDERAL REGISTER, usually in February of each year; additions are published regularly in the FEDERAL REGISTER. The most recent full publication and subsequent additions should be consulted to determine whether any properties exist in an area to be affected by a Federal undertaking. The National Register listings are also accompanied by a list of properties in both Federal and nonfederal ownership which have been determined to be eligible for inclusion as well as a list of pending nominations. The catalogs of the Historic American Buildings Survey and the Historic American Engineering Record maintained by the National Park Service, and any similar surveys and published reports should be utilized. State, university, or professional society historians, architects, architectural historians, and archeologists, and local organizations may also have registers, inventories, catalogs, or other lists of sites or areas with known or presumed historic values.

(4) Persons with first-hand knowledge of historic properties and/or their historic values should be interviewed where feasible and appropriate. Such interviews, and a proper respect for the opinions expressed by those interviewed, are of particular importance where properties of cultural importance to local communities or social groups may be involved. Oral data should be elicited and recorded using existing professional methods such as those prescribed by the Oral History Association, Box 13734, N.T. Station, Denton, Texas 76203.

c. Background research should be undertaken by or under the supervision of professional historians, architectural historians, historical architects, and/or archeologists. It will often be necessary to draw upon the services of specialists such as ethno-historians, anthropologists, sociologists, and cultural geographers to make full use of documentary data.

2. Field Inspection. If review and evaluation of existing information fails to produce complete data based upon prior professional examination of the area subject to environmental impact, then the background research should be supplemented by direct examination of the area of concern.

a. **Staff and Planning.** Field inspection usually can be performed only by professional historians, archeologists, architectural historians, and historical architects. It will sometimes be necessary or useful to call upon additional specialists to deal with particular characteristics of the area. For example, if industrial properties are present the services of an industrial historian or an industrial archeologist may be appropriate, and if the continuing ways of life of local social or ethnic groups are important to understanding historic properties, social or cultural anthropologists and folklorists may be necessary additions to the staff. If paleontological materials are likely in cultural context (i.e. in association with cultural material) the services of a professional paleontologist would be necessary. The exact nature of the appropriate staff will depend on the kinds of data that can be expected

to occur. For example, it is obviously unreasonable to employ an architectural historian in the absence of buildings or structures.

The nature of the area will also affect the kinds of methods that must be employed. Urban areas and rural areas require different approaches. Terrain, vegetation, land ownership and other factors will also affect the time required to conduct an inspection and the kinds of techniques that will be required to complete it. For example, if few indications of archeological sites are likely to appear on the surface of the ground due to vegetation, alluviation, or other factors, it will probably be necessary for archeologists to undertake subsurface testing both to locate sites and to obtain sufficient information for evaluation purposes.

Agencies planning field inspection should take factors such as the above into account in preparing work plans, and should consult with the Secretary, the State Historic Preservation Officer, and/or other qualified persons or groups to determine exactly what special approaches may be necessary.

Adequate records must be kept of all field inspections to clearly indicate what lands were inspected, the degree of intensity with which they were inspected, the kinds of historic properties sought, all historic properties recorded, and any factors that may have affected the quality of the observations.

b. Levels of field inspection: The intensity of field inspection in advance of an undertaking should be commensurate with the projected impact of the undertaking.

An undertaking whose only effects will be indirect and diffuse—for instance an undertaking whose sole effect will be to permit generalized population growth in a large area—will generally require a systematic sample reconnaissance, or some other less intensive field inspection than will an undertaking having definable direct impacts.

The level of project planning will also affect the nature of field inspection undertaken; at an early level of planning, when many options are open for location of project facilities, low-intensity reconnaissance may be appropriate to provide planning guidance; when alternative project locations have been reduced, a much more intensive survey will usually be necessary.

Although many different types of field inspections may be appropriate in different situations, such inspections generally fall into two types: reconnaissance survey and intensive survey.

3. *Reconnaissance Survey*—Full identification of historic properties for purposes of determination of eligibility and detailed planning normally requires that an intensive survey be conducted as discussed at section I.4 of this appendix. Some agencies however, may find it helpful to their planning activities to conduct reconnaissance surveys in order to obtain preliminary or predictive data on the distribution and nature of historic properties. Reconnaissance survey is designed to provide a general impression of an area's historic properties and their values, and involves small-scale field work relative to the overall size of the area being studied. Although reconnaissance survey will seldom if ever provide sufficient data to insure identification of all historic properties in an area, it should make it possible to identify obvious or well-known properties, to check the existence and condition of properties tentatively identified or predicted from background research, to identify areas where historic properties are obviously lacking, and to indicate where certain kinds of properties are likely to occur, thus making possible a more informed and efficient intensive survey at a later stage in planning.

In areas of potential direct impact from Federal undertakings, reconnaissance survey should be used only as a preliminary to an intensive survey, unless the reconnaissance reveals that it is impossible or extremely unlikely for historic properties to occur in the area. In areas of potential indirect impact, reconnaissance may provide sufficient data to permit an agency to evaluate its possible impacts and to develop plans to assist local agencies in avoiding or mitigating such impacts. In cases where a Federal agency intends to license or permit a State, local, or private undertaking, particularly if the undertaking involves large land areas, a reconnaissance may provide the agency with sufficient information to permit the development of protective stipulations in the permit or license. An agency that participates in many small-scale undertakings in a large region may find it useful to undertake a reconnaissance of the region in order to develop a basis for making decisions about the need for intensive surveys on individual projects, or to obtain guidance in the kinds of survey activities that may be needed. Although a reconnaissance survey will not ordinarily provide sufficient data to insure identification of all historic properties under the jurisdiction or control of, or subject to impact by a Federal agency, it may be a very useful tool for effective agency planning. A reconnaissance survey is preceded by adequate background research as discussed above. In the field an effort is made to gain a sufficient impression of the area under consideration, and its cultural resources, at least to permit predictions to be made about the distribution of historic properties within the area and the potential significance of such properties. For small areas, a superficial visit to the area by professionals in pertinent disciplines (architectural historians, historians, archeologists, and others whose expertise is appropriate to the study of the area) may be sufficient for reconnaissance purposes. Such a reconnaissance should provide an informed general opinion about the kinds of properties that might be encountered and the appropriate methods to be used in completing an intensive survey if such a survey is necessary. For larger areas, a more systematic approach to reconnaissance survey is usually necessary. For archeological resources this usually involves the detailed inspection of selected lands representing a statistically valid sample of the entire area, from which projections can be made to the entire area. Comprehensive drive-through or walking inspections of architecturally significant resources or at least spot-checks of various neighborhoods, within the area, are appropriate for the characterization of architectural resources in such a reconnaissance. Coordination in the field with local parties interested in or knowledgeable about the area's history and historic properties is appropriate during a reconnaissance as during an intensive survey.

4. *Intensive Survey*. An intensive survey is a systematic detailed field inspection done by or under the supervision of professional architectural historians, historians, archeologists, and/or other appropriate specialists. This type of study is usually required to determine the significance of properties and their eligibility for listing in the National Register. It is preceded by adequate background research as discussed above. All districts, sites, buildings, structures, and objects of possible historical or architectural value are examined by or under the supervision of a professional historian, architectural historian, or historical architect. Persons knowledgeable in the history, pre-

history, and folkways of the area are interviewed by or under the supervision of a professional historian, ethnohistorian, cultural anthropologist, or folklorist. The surface of the land and all districts, sites, buildings, and objects of possible archeological value are inspected by or under the supervision of a professional archeologist. Historic archeologists are employed where historic sites are likely, prehistoric archeologists are used if prehistoric sites are probable. Systematic subsurface testing is conducted if necessary to locate or obtain full descriptive and evaluative data. Documentary data necessary to the evaluation of specific properties are compiled and analyzed. A systematic effort is made to identify all properties within the area of concern that might qualify for the National Register, and to record sufficient information to permit their evaluation. All historic properties should be evaluated against the criteria established at 36 CFR 60.6, and supporting documentation should be developed with reference to the standards published in the FEDERAL REGISTER for comment on April 27, 1976, as 36 CFR 63, Appendix A. Since the precise kinds of field activities necessary to identify historic properties vary among the different regions of the United States, it is vital that agencies preparing to undertake intensive surveys consult with the State Historic Preservation Officer and other sources of professional guidance in developing plans for such surveys.

II. *Special Considerations with respect to Submerged Lands*. For submerged lands documentary research by qualified researchers may serve to indicate the need for, and recommended location of, physical and/or electronic surveys for submerged archeological sites and sunken vessels. Because of the specialized nature and problems attending underwater survey activities, agency officials may wish to determine specific survey procedures in consultation with the Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240.

III. *Documenting Location and Identification Studies*. The nature and level of specificity required in documenting a location and identification study will vary somewhat with the scope and kind of undertaking (if any) for which the study is conducted, the kinds of information already on hand about the area being studied, and other factors. In general, however, it is necessary to document the methods used in conducting the study, the assumptions that guided the application of the methods, the results of applying the methods, and any deficiencies in these results that may have arisen from the application or misapplication of the methods. Typically, the report of a location and identification study should contain the following types of information.

1. *Description of the study area*. Boundaries of the area should be indicated and the rationale used in defining the boundaries should be presented. Topographic and environmental characteristics that might affect the distribution, significance, or preservation of historic properties should be described.

2. *Background research and preparation*. Documentary data and, where relevant, data from oral sources pertinent to the study should be discussed and evaluated. Sources utilized should be identified, and methods of analysis presented and discussed. Background data should be analyzed in such a way as to form a basis for planning any necessary field investigations, and for evaluating the significance of properties that may be discovered. Accordingly, the researcher should indicate a familiarity not only with

local history and prehistory, but also with the professional literature in history, architecture, anthropology, archeology, or other disciplines that may provide bases for evaluating historic properties.

3. *Research Design.* The report should also set forth the research design or plan of study that guided the work, discussing what sorts of historic properties were expected in the area, what historic values they might represent, and what strategies were to be employed in seeking the resources. Often it will be possible to make specific predictions about what kinds of properties can be expected in the field and how they ought to appear. The researcher should also set forth any biases or sources of error that can be identified as having potentially influenced the results of the study. For example, researchers trained specifically in prehistoric archeology may be unable to accurately observe historic properties; if this bias is not corrected by adding an historian, historic archeologist, or architectural historian to the study team, it should be explicitly acknowledged in the report as a possible source of error.

4. *Field Inspection.* The composition of the field study team should be presented. An attempt should be made to insure that all pertinent professional disciplines are represented in this team. Names and qualifications of team members and consultants should be presented and their duties discussed. It is the researcher's obligation to employ persons and methods that will insure the accurate recognition of all classes of historic properties. Methods used in seeking, observing, and recording historic properties should be clearly set forth. The extent to which the study area was fully covered by inspectors on foot should be presented, textually and/or using maps and charts. Any portion of the area not inspected, or inspected at a lower level of intensity, should be indicated and discussed. On-the-ground observational procedures should be presented.

a. In reporting the inspection of lands thought to contain nonstructural historic properties, or structures in ruins, the following should normally be discussed:

(1) How surveyors were distributed over the study area, how far apart they were placed and in what directions they walked;

(2) What signs of historic and/or prehistoric activity surveyors were instructed to seek;

(3) What special techniques, if any, were used to seek special kinds of properties thought to occur in the area (e.g., rock art, standing structures), and/or to cope with special difficulties (e.g., pavement, heavy brush, overburden);

(4) If subsurface testing was done, under what conditions it was done, what techniques were used, and where it was done; and

(5) If less than the entire area was inspected, a sampling design should be presented and justified.

b. In reporting the inspection of lands containing buildings, and/or structures, the following should normally be discussed:

(1) How surveyors covered the area—by foot, auto, etc.;

(2) Whether surveyors proceeded individually or as teams;

(3) Intensity of inspection of properties; did the inspection address only facades? exteriors? interiors?

(4) How much of the area was covered at a time; did the inspection cover the entire area, proceed in stages, or cover only a portion? The rationale for the coverage strategy should be presented; and

(5) What kinds of properties were surveyors instructed to seek (e.g., industrial as well as domestic buildings; vernacular architecture as well as "high style" build-

ings; buildings representing different "themes")?

c. The above categories are not presented as a "check list," but as an example of the kinds of questions that should be answerable using the report of a field inspection. To the extent possible, archeological and architectural/historical inspections should be coordinated, since many properties discovered may be of both archeological and historic architectural importance.

d. All procedures used should be justified in terms of their applicability to the area, its potential properties, its environment, and the plan of study.

5. *Results.* a. If an intensive survey has been done, all historic properties should be clearly and completely described. To the extent possible, documentation of properties should refer to Appendix A to the "Procedures for Requesting Determination of Eligibility," 36 CFR Part 63, published for comment in the FEDERAL REGISTER, April 27, 1976. Documentation can be provided on standard forms or as text, but should be complete and internally consistent.

b. If a reconnaissance survey has been done, the predicted distributions of historic properties should be presented and justified on the basis of background research and field inspection. Specific historic properties actually recorded during the field inspection should be described, insofar as possible, as set forth at section III(5)(a) above.

c. Negative data, as well as positive data should be presented and discussed, i.e., if historic properties were not found, this fact should be noted and, if possible, accounted for.

6. *Evaluation.*—a. Evaluations of historic properties should be made in sufficient detail to provide an understanding of the historical values that they represent, so that this understanding can serve as a basis for managing the properties or planning impact-mitigation programs if necessary. Properties of importance to a community, neighborhood, social or ethnic group should be discussed with reference to the values and concerns of those to whom the properties may be important.

b. If an intensive survey has been done, all historic properties should be evaluated against the criteria of eligibility for the National Register of Historic Places set forth at 36 CFR 60.6.

c. If a reconnaissance survey has been done, to the extent possible, the predicted significance of each kind of historic property likely to occur within the study area should be presented and justified in relation to its general cultural setting, with reference to the criteria set forth at 36 CFR 60.6.

7. *Recommendations.* In most cases it is expected that the report will provide recommendations concerning any need that may exist for further study, evaluation, or, where applicable, impact mitigation.

8. *Accompanying photographs, graphics, and tabular material.* A location and identification study report should contain sufficient photographs, maps, charts, tables, and appendix material to insure its accurate use for study and planning purposes.

APPENDIX C—PROFESSIONAL QUALIFICATIONS

1. *Basic professional Occupation Standards.* It is essential that any project proposal identify suitably qualified key professional personnel. Basic minimum qualifications for these types of personnel who most often serve as principal investigators and key consultants on contract projects are given below. Agencies which undertake or evaluate identification or data recovery projects using their own employees should also insure that these qualifications are possessed by appropriate staff members in a manner consistent with applicable Civil Service requirements.

Professional personnel of the Department of the Interior are available all times to consult with other Federal, State and local agencies regarding the application of these criteria in given instances. For these services agency officials should contact the Chief, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington D.C. 20240. In the following definitions, a month of professional experience need not consist of a continuous month of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a month of full-time experience.

a. *History.* The minimum professional qualifications in history are a graduate degree in American history or a closely related field; or a bachelor's degree in history or a closely related field plus one of the following: (a) At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or (b) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

b. *Archeology.* The minimum professional qualifications in archeology are (a) a graduate degree in archeology, anthropology, or closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archeologists, (b) demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents, and (c) at least 18 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience in archeological field research and at least one year of experience and/or specialized training in the kind of activity the individual proposes to practice. For example, persons supervising field archeology should have at least 1 year or its equivalent in field experience and/or specialized field training, including at least six months in a supervisory role. Persons engaged to do archival or documentary research should have had at least 1 year experience and/or specialized training in such work. Archeologists engaged in regional or agency planning or compliance with historic preservation procedures should have had at least 1 year of experience in work directly pertinent to planning, compliance actions, etc., and/or specialized historic preservation or cultural resource management training. A practitioner of prehistoric archeology should have had at least 1 year of experience or specialized training in research concerning archeological resources of the prehistoric period. A practitioner of historic archeology should have had at least 1 year of experience in research concerning archeological resources of the historic period. Experience in archeological research in the region where the project will be undertaken is usually desirable.

c. *Architectural History.* The minimum professional qualifications in architectural history are a graduate degree in architectural history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, with a concentration in American architecture; or a bachelor's degree in architectural history, historic preservation, or closely related field plus one of the following:

(1) At least two years full-time experience in research, writing, or teaching in American history or restoration architecture with an academic institution, historical organization

or agency, museum, or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

d. Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least 2 years of full-time professional experience in architecture; or a State license to practice architecture.

e. Historical Architecture. The minimum professional qualifications in historical architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

(1) At least 1 year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field and at least 1 year of full-time professional experience on preservation and restoration projects; or

(2) At least 2 years of full-time professional experience on preservation and restoration projects. Experience on preservation and restoration projects shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX D—RECOMMENDATIONS FOR THE PROCUREMENT OF LOCATION, IDENTIFICATION, AND DATA RECOVERY PROGRAMS

The following recommendations are provided under the Department of the Interior's responsibilities under section 5(c) of the Act, to coordinate all Federal survey and data recovery activities authorized by the Act. They are based on the Department's 30 years of experience in the procurement of archeological, architectural, and historical services in the location, identification, and study of historic properties.

1. The nature of required identification and data recovery programs varies with the kinds of historic properties expected or data to be recovered. The kinds of data to be recovered depend on both the information content of the properties to be investigated and the research questions that can be asked about the properties. Designing responsible identification and data recovery programs is a complex, professional activity, as is judging the quality of proposals from potential contractors and evaluating the final products of work performed. To the extent possible, the Department will assist Federal agencies in designing high-quality scopes-of-work and in evaluating offerers. Those agencies intending to undertake substantial independent data recovery activities, however, should review their staffs and procedures to insure that (1) adequate expertise in archeology, history, architectural history, and/or other appropriate disciplines is represented to provide professional oversight of contract operations, and (2) adequate provision is made for receiving and utilizing input from agencies, institutions, organizations, and qualified individuals who can advise the agency in professional matters relating to archeological and historic data recovery.

2. Because the requirements of any given data recovery program will depend both on the data content of the property and the research questions relevant to its investigation, it is extremely difficult to define standard specifications for required contractual services and end products. As a result, negotiated competitive procurement is recommended for most kinds of data recovery activities. Sole source contracting has been found by the Office of Archeology and Historic Preservation to often result in low quality work by restricting intellectual competition among

offerers, and has been difficult to justify within Federal procurement regulations. On the other hand, formal advertising with price as the sole criterion for selection of a contractor has proven to be unsatisfactory as a method of insuring high-quality work because of the lack of a clearly specifiable end product. As a rule, negotiated competitive procurement has been found to be the most effective approach to obtaining high-quality services for location and identification of historic properties as well. Agencies that anticipate the need for very small-scale location and identification projects may find it useful to group these together and solicit proposals for an annual package of jobs. The following procedural steps are recommended in general for the procurement of location, identification, and data recovery programs:

a. Preparation of a Request for Proposals. The request for proposals should include a scope-of-work usually including the following elements:

(1) A description of the undertaking requiring the identification or data recovery activity, including a statement of the present status of planning, status of compliance with historic preservation authorities, and a projected timetable for future actions;

(2) The location of the undertaking including information on the size of the area to be affected, the terrain, access, land ownership, or other factors that might affect the logistics of identification or data recovery;

(3) For identification projects, the kinds of descriptive and evaluatory output required by statute and procedures; and

(4) For data recovery projects, the property or properties to be investigated, and the data or research values the property or properties are (is) known or thought to represent.

b. The request for proposals should be circulated to all qualified and potentially interested contractors, including both local and non-local universities, colleges, museums, private firms, and individuals, and should be advertised in "Commerce Business Daily". Advertising in journals, newsletters, and other media likely to be seen by potential offerers, and distribution through the State Historic Preservation Officer, are desirable. The Department will assist agencies in compiling lists of potential offerers upon request.

c. Offerers should provide proposals for undertaking the requested work, setting forth their staff qualifications, facilities, research designs, and project plans.

d. Proposals should be evaluated for responsiveness and professional quality, and ranked accordingly, prior to a consideration of bids. The Department will provide qualified assistance in evaluating proposals upon request, to the extent permitted by staff limitations.

Dated: January 19, 1977.

GARY EVERHARDT, Director, National Park Service.

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POSTAL SERVICE

[39 CFR Part 6]

GOVERNMENT IN THE SUNSHINE ACT—BYLAWS OF THE BOARD OF GOVERNORS

Proposed Rulemaking

Correction

In FR Doc. 77-1096 appearing at page 2699 in the issue of Thursday, January 13, 1977 the following corrections should be made.

1. On page 2702, middle column, in § 6.1 insert the following line immediately above the last line in the column, "ing may be varied by action of the".

2. On page 2702, third column, in § 6.3 the 16th and 17th lines are transposed and should read:

"previous oral notice, must be sent in sufficient time to reach that address at least".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 676-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Texas and New Mexico

On March 21, 1975, the Governor of Texas submitted a revision to the State Implementation Plan (SIP) concerning the re-classification of several Air Quality Control Regions (AQCRs) with respect to particulate matter, sulfur oxides, and carbon monoxide. The public hearing for this revision was conducted by the State on January 16, 1975. On October 1, 1975, the Texas Air Control Board (TACB) was notified of EPA's preliminary analysis results. On August 2, 1976, the Governor submitted a revision to Section IX, Air Quality Surveillance, of the SIP subsequent to a public hearing conducted by the State on April 6, 1976. In this revision, monitoring equipment requirements for sulfur oxides were proposed based on the preliminary evaluation results of the re-classification revision. Therefore, this notice of proposed rulemaking concerns both revisions to the Texas SIP.

AQCR RE-CLASSIFICATION

The priority re-classification revision concerns the pollutants and AQCRs indicated below. The original classifications are compared with the new classifications proposed by the State.

AQCR No.	Name	Pollutant	Original priority	Proposed priority
210	Abilene-Wichita Falls.....	Particulate.....	II	III
		Sulfur oxides.....	II	III
211	Amarillo-Lubbock.....	Particulate.....	II	III
		Sulfur oxides.....	I	III
213	Brownsville-Laredo.....	Particulate.....	I	III
214	Corpus Christi-Victoria.....	Sulfur oxides.....	I	II
153	El Paso-Las Cruces-Alamogordo.....	Carbon monoxide.....	I	III
		Sulfur oxides.....	I	IA

The criteria for AQCR priority classifications originally promulgated by EPA were measured ambient air quality or es-

timated air quality where measured data were not available. In addition, population data could be used to classify AQCRs

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NEVADA ARCHEOLOGICAL SURVEY BUDGET

1976 - 1977

Northern Division:

Coordinator ½ time	\$ 7,150.00	
Secretary	9,188.00	
Payroll Costs	2,287.32	
Operating & Travel	874.68	
Historic Sites Inventory	3,500.00	
		<hr/>
		\$ 23,000.00
Payroll 1-B: Secretary for 2 days: \$70.41+payroll costs \$9.15		- 79.65
		<hr/>
		\$ 22,920.44

Southern Division:

Chief Archeo. Ass't. (12hrs/wk)	\$ 3,550.56	
Laboratory Supervisor (4hrs/wk)	1,048.32	
Secretary/Bookkeeper (20hrs/wk)	4,752.80	
Lab Supplies	450.00	
Office Supplies	400.00	
Photography-Reproduction & Supplies	276.12	
Telephone, Postage, xeroxing, etc.	780.00	
Mileage 1,000 mi @ 12¢/mi.	120.00	
	<hr/>	
	\$ 11,377.80	
Payroll Costs	1,122.10	
	<hr/>	
		\$ 12,500.00

Central Division:

Research Ass't. Archeology(½ time)	\$ 6,105.58	
Senior Account Clerk (½ time)	4,669.38	
Payroll Costs	1,400.75	
Operating Supplies	324.29	
	<hr/>	
		\$ 12,500.00

Desert Research Institute:

Clerical Assistance	\$ 1,500.00	
Operating expenses	500.00	
	<hr/>	
		\$ 2,000.00

\$ 50,000.00

NEVADA ARCHEOLOGICAL SURVEY

N.A.S. NONREIMBURSED ARCHEOLOGICAL SERVICES

July 1975 to Present

	Local Agency	State Agency	Federal Agency	Private Company	Private Citizen	Museum	Amateur Society	School	Total
Proposals prepared on request	18	61	33	33					145
Non-reimbursed archeological clearances	26	47	12	1	5				91
Other Non-reimbursed services & consultation	6	24	25	4	10	5			74
Lectures, Public contact, amateur instruction (number of hours)							700	72	772

N.A.S. ARCHEOLOGICAL INVESTIGATIONS

July 1975 to Present

No. of Archeological sites recorded in non-contract work	290
No. of Archeological sites recorded in contract work	993
No. of sites salvaged (by surface collection (by excavation)	379 31
Total No. of Archeological sites recorded by N.A.S. in 1975-1976	1283

March 22, 1977

MEMORANDUM

TO: Senate Finance Committee
FROM: Howard E. Barrett
SUBJECT: Gaming Auditors

The Legislative Counsel Bureau auditing staff completed an audit of the Gaming Control Board for the fiscal year ending June 30, 1975. The Legislative Counsel Bureau audit analyzed the Gaming Division audit staff production over a four-year period and concluded that the average net additional assessment for Group I licensees (over \$500,000 gross annual revenue) was \$10,600. The average net additional assessment for Group II licensees (less than \$500,000) gross annual revenue was \$1,100.

The audit pointed out that the audit cycle for the 85 licensees who paid 93% of the total revenue collected is over 6.6 years in duration. The problem of insufficient auditing staff, as pointed out in the Legislative Counsel Bureau audit report, was considered extremely important and was taken into consideration during the budget process.

To the 26 positions in the Fiscal Division audit staff at the time of the audit, the Executive Budget is recommending 17 additional auditing positions during the coming biennium. This will enable the Gaming Control Board to complete all Group I audits within a three-year time period.

	<u>Hours Required to</u> <u>Audit 3-Year Cycle</u>		<u>%</u> <u>Audited</u>		<u>Man Hours</u> <u>Required</u>
Group I	= 140,880	X	100%	=	140,880 Hours
Group II	= 48,750	X	50%	=	24,375 Hours
Slot	= 18,000	X	50%	=	9,000 Hours
					<u>174,225 Hours</u>

Staffing Schedule

16 of 26 Existing Auditors	X	241 Working Days	X	3 Years	=	11,568 Days
14 of 17 New Auditors	X	241 Working Days	X	3 Years	=	10,122 Days
						<u>21,690 Days</u>
						X 8 Hours
						<u>173,520 Hours</u>
						of Audit Time

HEB:BG/rs