

NOTICE OF VIOLATION

UNDER THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979
(16 U.S.C. 470AA-11)

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Notice To: Nye County Board of Commissioners
Mr. Richard Carver, Chairman
101 Radar Road, Tonopah, NV 89049

Federal Land Management Agency: USDA - Forest Service
Intermountain Region
Humboldt-Toiyabe National Forest
Tonopah Ranger District

Federal Land Manager: R.M. "Jim" Nelson, Forest Supervisor

Violation: Excavation, removal, and/or damage of archaeological resources
located on National Forest System lands in Violation of 36 CFR
296.(a).

Notice is given that on July 4, 1994, while he may or may not have been acting in official capacity for the County of Nye, Nevada, Mr. Richard Carver operated a Caterpillar Bulldozer owned by Nye County, for the purpose of improving the Jefferson Canyon Road FDR #110, located in Sec. 13 of T. 10 N., R. 44 1/2 E., Mt. Diablo Meridian. As a result of Mr. Richard Carver's actions, Mr. Carver damaged or destroyed archaeological artifacts on Federal lands administered by the U.S. Department of Agriculture, Forest Service, Humboldt-Toiyabe National Forest, Tonopah Ranger District. (See attached Affidavit dated July 6, 1994, by Richard Carver).

The damages are detailed in the following enclosed document:

1. "Assessment of Archaeological Value and Cost of Restoration and Repair for Damaged Sites in Jefferson Canyon, Tonopah Ranger District", Dee F. Green, Archaeologist.

A penalty will be assessed against Nye County, Nevada, for violation of 36 CFR 296.4(a) in accordance with 36 CFR 296.15. The proposed penalty is \$82,855.76, for archaeological value and cost of restoration and repair.

You have the following rights:

1. You may seek informal discussions with the Federal Land Manager named in this notice to propose mitigation of the assessed damage.
2. You may file a petition for relief with the Federal Land Manager under the Code of Federal Regulations, 36 CFR 296.15(d) within 45 days of receipt of this notice.

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- 3. You may take no action and await my Notice of Assessment.
- 4. Upon receipt of the Notice of Assessment you will have 45 days to request a hearing in accordance with 36 CFR 296.15(g).
- 5. You may accept, in writing, or by payment, the proposed penalty. Acceptance of the proposed penalty shall be deemed a waiver of the notice of assessment and to the right to request a hearing under 36 CFR 296.15(g).
- 6. You may seek judicial review of any final administrative decision as defined in 36 CFR 296.15(h) assessing a civil penalty.

Failure to meet any deadlines set forth in regulations at 36 CFR 296. (copy enclosed) may constitute a waiver of rights. All communication directed to the Federal Land Manager shall be submitted to:

R.M. "Jim" Nelson
 Humboldt-Toiyabe National Forest
 1200 Franklin Way
 Sparks, NV 89431

Monica J. S. [Signature]
 R.M. "Jim" Nelson, Forest Supervisor
 Humboldt-Toiyabe National Forest

August 17, 1997
 Date

Enclosures (3)

Affidavit by Richard Carver, July 3, 1994
 36 CFR 296
 Assessment of Archaeological Value and Cost of Restoration and Repair for Damaged Sites in Jefferson Canyon, by Dee F. Green, PhD

000680

**ASSESSMENT OF ARCHAEOLOGICAL VALUE AND
COST OF RESTORATION AND REPAIR
FOR DAMAGED SITES IN JEFFERSON Canyon
TONOPAH RANGER DISTRICT**

INTRODUCTION

On July 4, 1994 Nye County Commissioner Richard Carver used a County owned D-7 Cat to excavate National Forest System land in Jefferson Canyon in the Alta Toquima Range of the Tonopah Ranger District, Toiyabe National Forest, Nevada.

This document reports damage, created by Mr. Carver's bulldozing activities, to historic and pre-historic archaeological resources. These acts are prohibited by Section 6(a) of the Archaeological Resources Protection Act (ARPA) (16 USC 470ee) which states, "No person may excavate, remove, damage, or otherwise alter or deface...any archaeological resources..". Mr. Carver's bulldozing activities are in specific violation of the "excavate," "damage," "alter," and "deface" prohibitions of the act.

This report is concerned with the civil portion of the Act entitled, "Civil Penalties SECTION 7" specifically, "Any person who violates any prohibition contained in an applicable regulation...may be assessed a civil penalty by the Federal land manager concerned" (16 USC 470ff(a)(1)).

Section 7 also provides that, "the amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account...

- (A) the archaeological or commercial value of the archaeological resource involved, and
- (B) the cost of restoration and repair of the resource and the archaeological site involved."

Regulations promulgated under the Act (36 CFR Part 296) provide, under Section 16 Civil Penalty Amounts, that, "...amount of penalty shall be the full cost of restoration and repair of archaeological

resource damage plus the archaeological or commercial value of archaeological resources destroyed or not recovered."

This report assesses the "archaeological value" and the "cost of restoration and repair" to portions of pre-historic Site 1479 and the historic Jefferson Canyon Town Site both located in Jefferson Canyon. It was decided to forego assessment of the commercial value of the artifacts as that value is incidental.

The resources of concern are located in Township 10 North, Range 44 ½ East, Section 13, Mt. Diablo Meridian.

Jefferson Canyon flows westward from the uplands of the Alta Toquima range. These mountains are part of the Basin and Range Province of Nevada which are characterized by generally north-south ranges of high mountains surrounded by flat basins. The higher elevations consist of mixed conifer forests which give way to pinon-juniper scrub forests at lower elevations and finally to open sage and scrub on the lower flanks and valleys.

Perennial streams such as that which flows in Jefferson Canyon are the dominant water sources in basin and range country along with occasional springs and seeps. Except for the very high elevations, which can receive considerable snow pack in the winter, and along stream courses the landscape is generally arid. Summers are hot and dry and winters cool with snowfall often extending into the valleys.

In prehistoric times the area was occupied by small bands of hunter/gatherers who occupied the land in frequently shifting small campsites and only occupied the higher elevations during the summer months. In historic times the native populations were replaced which resulted in a shift in settlement pattern to permanent small villages and towns with some isolated but continuously occupied ranches.

The Jefferson Canyon environment serves as the backdrop on which both the prehistoric and historic past was played out. The canyon's archaeological record is of primary importance in helping us understand and appreciate the differing ways in which two groups of people have adjusted to this part of the world.

BACKGROUND

Professional archaeologist Dr. Dee F. Green was assigned to the case and first visited the area damaged on July 22, 1994 in the company of District Ranger David Greider and District Archaeologist Arlene Benson. Greider showed him the entire length of the bulldozer activity from where the machine was unloaded to the end of the work performed. Green determined that the bulldozer had damaged both historic and pre-historic archaeological resources. He also examined the evidence which had already been collected from the damaged resources. This examination was done in the presence of case agent Charlie Vaughn.

Green also visited the damaged resources on the 26-28 of July 1994 for the purpose of emergency repair and to perform the damage assessments.

SITE DAMAGE ASSESSMENT PROCEDURES

ARPA established "archeological value" and "cost of restoration and repair" as the assessments which need to be calculated for establishing the amount of the civil penalty. Guidance is provided by the Uniform Regulations. This section of the report addresses the procedures used for making the assessment for each of the two classes of archaeological resource, the Historic Jefferson Canyon Town Site and the pre-historic Site 1479.

Archaeological Value

Value of the information

Archaeological value is established by the Uniform Regulations to be, "the value of the information

associated with the archaeological resource" (299.14(a)). Archaeology is a scientific discipline whose purpose is to understand and explain human behavior in either the recent or pre-historic past. This discipline is equipped with a series of tools (theories, methods, techniques) which can be applied to any location where there is evidence of past human behavior. Normally these tools are applied to one or more of the following analytical units.

- **Artifacts.** Artifacts are tools or implements made or modified by human behavior. They consist of anything from the simplest stone tool made by a prehistoric hunter to a modern space shuttle capable of orbiting the earth.
- **Ecofacts.** Ecofacts are the plant, animal, and mineral resources to which some human use or endeavor has been applied, but which are not normally classified as artifacts. For example, pollen grains from plants or charcoal from a man made fire pit.
- **Features.** Combinations of artifacts and/or ecofacts which have been combined in some fashion by man to form a recognizable unit which can be studied are termed features. For example, an historic or pre-historic fire pit consisting of a human constructed rock alignment within which may be found discarded or lost artifacts and/or ecofacts such as charcoal or animal bone.
- **Sites.** Combinations of any of the above which are associated in such a fashion as to be recognizable geographic units. Such sites vary from small areas no more than a few feet square to large cities which may be many square miles in extent.

When analyzing any of the above units, archaeologists are concerned primarily, although not exclusively, with three kinds of information.

- 1). That information provided by the analysis of the unit itself, i.e. the measurements of the artifact, feature, or site; the species identity of a pollen grain,

plant, or animal bone.

2). That information provided by the relationships between and among the analysis units.

3). The number of analysis units available.

It is the characteristics of the analysis units and the relationships of the analysis units that provide interpretive power. That is, information value in an archaeological resource (site) consists not in the possession of the analysis units *per se* but in the number of such units, their characteristics, and above all their relationships with other units.

Thus, any activity which causes loss of analysis unit(s), damage to an analysis unit(s), or removes any analysis unit(s) from its/their associated space (location) relative to any other analysis unit(s) causes a loss of scientific information, thereby damaging the resource.

Appraisal of the Information Costs

Value of the information is, "appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but are not limited to, the cost of preparing a research design, conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential" (Uniform regulations 296.1(a)).

Organization of archaeological work normally follows that outlined by the regulations in the paragraph cited above.

Preparing a Research design. Research designs are prepared to guide the investigation such that relevant questions with regard to the past are asked. Retrieval of information is best accomplished when one knows the following.

- What, if anything, is already known about the human behavior thought to be represented at the location.
- What question(s) remain to be studied that could possibly be answered by the data available from the location.

- What models, if any, are already available for investigating the question(s).
- What resources (data recovery, analyses, etc.) are liable to be needed in order to obtain information from the location.
- How should the field work and analysis proceed to obtain the information sought.

The above tasks are normally performed by a professional archaeologist (Principal Investigator) with a PhD degree or a very experienced MA professional and are explained in a written document which is made available prior to any field work or analysis being conducted and then published with the final report (see below).

Conducting field work. Field work is conducted using standard techniques to insure proper and reliable data recovery and may include, but are not limited to the following.

- Accurate mapping of surface locations to identify the provenience of any analysis units and their relationships to each other.
- Selection of areas which are subsurface tested in order to expose more analysis units which may contain scientific information. Such locations are excavated with horizontal and vertical controls and with care in order to insure that the integrity of the analysis units and their relationships to other analysis units are not lost.
- Accurate mapping and recording (location, notes, photography, etc.) of all analysis units uncovered by the excavations conducted.
- Specialized treatments of certain analysis units to prevent contamination or other loss. For example C14 and pollen.

Field work is under the overall supervision of the Principal Investigator with the majority of the work conducted by a trained crew chief with one or more assistants.

Carrying out laboratory analysis. Laboratory analysis usually consists of, but is not limited to, the following procedures.

- Cataloguing and preparing specimens which may be either:
 - analyzed in regular facilities available to the Principal Investigator and staff
 - or
 - sent to a laboratory where specialized equipment is needed to perform the analysis such as C14, pollen, or x-ray fluorescence to source obsidian.
- Making observations about an analytical unit such as an artifact which may include, but are not limited to, measurements, materials, manufacturing technique, microscopic examination, drawing or sketching, photography, etc.
- Computing and/or plotting the frequencies, distances, and other factors relating to the relationships between and among the analytical units recovered.

Laboratory analysis is under the overall supervision of the Principal Investigator with the majority of the work conducted by trained laboratory technicians.

Preparing reports. Reports are normally prepared as follows.

- Technical reports such as those prepared by laboratories doing pollen or C14 analysis.
- A final report containing the following:
 - 1) the research design as noted above;
 - 2) conducting and results of the field work
 - 3) conducting and results of laboratory analysis
 - 4) technical reports for special analysis labs
 - 5) summary and conclusions

which embody the information learned
6) references cited.

The final report is prepared by, or under the immediate direction of the Principal Investigator.

COST OF RESTORATION AND REPAIR

Cost of restoration and repair is established by the uniform Regulations to be, "the sum of the cost already incurred for emergency restoration and repair work, plus those costs projected to be necessary to complete restoration and repair..." (296.14(c)).

Emergency Restoration and Repair

Emergency restoration and repair occurs when the loss of scientific information may be immanent and cannot be postponed for a longer period of time. Factors in assessing the need for emergency measures include inclement weather, further deprecation, contamination, erosion etc.

Complete Restoration and Repair

Under this section the regulations list eight (8) categories which may be considered. For purposes of this incident only categories 3, 6, and 8 apply. These categories are.

- Ground contour reconstruction and surface stabilization (196.14(c)(3)).
- Examination and analysis of the archaeological resource including recording remaining archaeological information, where necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved (295.14(c)(6)).
- Preparation of reports relating to any of the above activities (296.14(c)(8)).

COMPUTING COSTS

Government Rates

Personnel costs are computed using the FY'94 General Schedule for the Federal Government since that is the year in which the damage occurred. GS Levels are those of the writer and staff who would be used if the work was being performed in 1994. The daily rates are as follows:

GS9/10 Supervisory Archaeologist	178.00
GS7/1 Archaeologist	96.64
GS5/1 Historian	78.00
GS5/1 Archaeological Technician	78.00
GS3/1 Archaeological Technician	62.08
GS3/1 Typist	62.08

Special analysis costs (pollen, obsidian hydration, Carbon 14 dating) are computed at the 1994 prices for lowest bidder. Vehicle costs are computed using 1994 rates and based on mileage from the Supervisor's Office in Sparks, Nevada where the archaeological expertise exists for conducting the work. The mileage is for round trips rather than weekend stays in Tonoapah because the mileage is less expensive. Supply costs are based on 1994 prices for expendable items. No charges are included for use of specialized equipment such as cameras, laser surveyor, Global Positioning System Instrument. The overhead rate is that established for the Tonopah Ranger District for Fiscal Year 1994 and includes such items as office space, duplication, hiring, and computer facilities.

RESOURCES VIOLATED

Two archaeological resources were excavated, damaged, altered, and defaced. Portions of pre-historic Site 1479 and portions of the Historic Jefferson Canyon Historic Mining Site both suffered scientific loss due to the bulldozing activity.

Pre-historic Site 1479

This site is located on the first two terraces and intervening slope above the stream on the south side of Jefferson Canyon. The site was recorded

in 1980 and described as an "open lithic scatter with pottery, groundstone, and a few historic artifacts." When Green visited the site in 1994 he did not observe any pottery although the other classes of artifacts were present.

Gatecliff, Humboldt, Elko, and Rosegate projectile points were all observed by Green among the evidence collected from the site. This dates the site to at least 1300 B.C. (Thomas 1981:Figure 2). The site seems to have been either a field camp or an area where plant and animal resources were gathered and/or processed. Evidence for a base camp such as rock rings, are not evident on the surface of the site although such evidence could be buried or could have been destroyed by the bulldozing activity.

Sites such as this contain important scientific information related to the behaviors associated with pre-historic hunting and gathering. Issues of interest include how the site fits into the nomadic settlement pattern of pre-historic Great Basin populations, for example is the site a short term camp occupied for a few weeks while resources in the area were exploited and then abandoned? Or was the site a "passing through" location when a band overnighted on their way to a summer camp in the higher elevations?

Other questions of interest involve trade and movement of lithic resource material. The site contains both obsidian and various chert and/or chalcedony artifacts. Where are the sources of these materials? They are not present in the vicinity of the site so they must have been imported and subsequently lost or discarded. Were these artifacts manufactured by the site's occupants who travel to the sources to obtain the raw materials or were they traded?

Under the assumption that the site contained pottery as originally reported, were those ceramics made locally or imported? If imported from how far away and what might have been the relationships between the manufacturers and the people who left the material at Site 1479.

The above paragraphs outline only three of several topics which could be explored at this important site located between the lower foothills and the higher altitudes of the Alta Toquima Range.

Additional background information on the pre-

history of the areas is available in Thomas 1983a, 1983b, 1988 and Thomas and McKee 1974.

Damage

Damage to pre-historic Site 1479 occurred when the bulldozer left the road and excavated a new road across the site causing damage, alteration and defacement as well. The area excavated was 211 feet long and 8 feet wide for a total of 1688 square feet.

For purposes of controlling the relationships among surface occurring analysis units a base datum is established from which all measurements are taken. For sub-surface analysis units a standard square is excavated in controlled levels. For purposes of this exercise we will figure a 3X3 foot square with 3 inch levels.

Given that 1688 square feet were disturbed there are a possible 188 3X3 foot squares which could be excavated. Charging for the excavation of every square is unreasonable since in the normal course of excavating a site such as this, many excavation units would not be placed in the disturbed locations. Sampling the area disturbed is considered adequate for recovering the information available under archaeological value.

In this case we have selected sample size of 20% which I consider the absolute minimum necessary for adequate data recovery on a site of this size and artifact density. Thus 38 3X3 units would need excavation to an average of three levels given that the bulldozing varied from surface disturbance at the entry point of the site to more than a foot where the cut went down the slope. Again, this is a most conservative strategy.

The field costs portion of the budget are based on the above figures and encompass surface mapping, sub-surface excavation, and recording the information. The laboratory costs are based on the anticipated recovery of analytical units and the time required to process and analyze them.

Figures for costs of restoration and repair include processing the backdirt created by the bulldozing activities.

Emergency restoration and repair consisted of the removal of specimens which might have been taken by the public given that the site was impacted

by Mr. Carver's activities when numerous members of the general public were present.

Jefferson Canyon Historic Mining Site

Silver was discovered in Jefferson Canyon in 1866 with additional discoveries in 1871. A boom town began to develop along the canyon bottom on the first and second terraces above the stream. By 1874 the Jefferson Canyon town site contained a post office, 3 stores, hotels, a school, a Wells Fargo office, and other "necessary establishments" see Carlson (1974:145), Hall (1981:56-57), and Lincoln (1923:171-172).

In addition to the townsite itself numerous adits, tailings, camps and other historic features were scattered over the landscape for several square miles.

In 1874 a road was built over the Alta Toquima Range connecting the Jefferson Canyon area with Monitor Valley on the east side of the range. This historic road was used for stagecoach and commercial haulage traffic coming from the east. Portions of the road were washed out by a flood in 1983.

The Jefferson Canyon historic site is an important historic resource for understanding the history of silver mining not only in the state of Nevada but especially in Nye county. There is an interesting architectural sequence with structures still standing from the 1874 wooden cabins and stores to later period stone structures.

Although most of the commercially valuable artifacts have been collected there is still a wealth of information in broken bottles, various cans and other artifacts which could reveal much about the kinds of goods imported. Such information would shed light not only on the economics of the town (what could they afford to import) but on the tastes and preferences of the inhabitants as well.

There is also a wealth of intrasite settlement information. The location of the main town, numerous outlying structures, various mines, mills, and adits are all constructed in a narrow canyon landscape with the critical water source running down the bottom. The whole complex holds information which is of interest not only to archaeologists, but to historians and geographers as well.

In addition, the site is undoubtedly eligible for the National Register of Historic Places most certainly at the local level and probably at the state if not the national level as well.

Given the quantity and quality of the remaining structures and artifacts at the site there is good potential for restoration and recreation opportunities provided the site can be protected from the kinds of damage reported here.

Damage

Damage to historic resources in Jefferson Canyon occurred at four locations.

- Location #1 is located in the townsite itself and was caused by the bulldozer leaving the road and driving over a number of artifacts causing damage, alteration, and defacement. The bulldozer activity was 43 feet long and 8 feet wide for a total of 344 square feet of disturbance.
- Location #2 is located in the townsite itself and was caused by the bulldozer excavating a new section of road through the archaeological resource, causing artifact damage and alteration, and excavating a fire pit causing damage and altering the feature and exposing it to contamination. The bulldozer activity was an average of 150 feet long and 10 feet wide for a total of 1500 square feet of disturbance.
- Location #3 is located upstream from the townsite in the vicinity of a mine shaft. The damage was caused by the bulldozer excavating a cut in the archaeological resource resulting in damage to and altering of the resource. The bulldozer activity was 33 feet long and 15 feet wide for a total of 495 square feet of disturbance.
- Location #4 is located upstream from the townsite and occurred along the historic road itself where the bulldozer cut into a bank beside the road and deposited the fill on the roadbed itself causing alteration and defacement to the resource. The

bulldozer activity was 210 feet long and 8 feet wide for a total of 1680 square feet of disturbance.

Since this location might be considered as falling under a RS2477 road it is removed from further consideration.

Total disturbance to archaeological resources on the three historic locations was 2339 square feet.

For purposes of controlling the relationships among surface occurring analysis units a base datum is established from which all measurements are taken. For sub-surface analysis units a standard square is excavated in controlled levels. For purposes of this exercise we will figure a 3X3 foot square with 3 inch levels.

Location 1. Given that 344 square feet were disturbed there are a possible 38 3X3 foot units which could be excavated. Charging for the excavation of every unit is unreasonable since in the normal course of excavating a site as large as the Jefferson Canyon Historic Townsite many excavation units would not normally be placed in the disturbed locations.

Sampling the areas disturbed is considered adequate for recovering the information available under archaeological value. In this case we have selected a small sample size of 10% which I consider the minimum necessary for adequate data recovery. Thus 4 3X3 units would need excavation one level deep given the disturbance caused by the treads of the bulldozer.

The field costs portion of the budget are based on the above figures and encompass surface mapping, sub-surface excavation, and recording the information. The laboratory costs are based on the anticipated recovery of analytical units and the time required to process and analyze them.

Location 2. Given that 1500 square feet were disturbed there are a possible 167 foot squares which could be excavated. Using our 10% sample figure results in 17 units for excavation.

Figures for the cost of restoration and repair include processing the backdirt created by the bulldozing activities in anticipation of the recovery of artifacts now contained in that backdirt.

Emergency restoration and repair consisted of the removal of charcoal from the exposed fire pit in order to obtain a Carbon 14 date before the entire fire pit was lost or contaminated.

All other considerations are computed as in Location 1 above.

Location 3. Given that 495 square feet were disturbed there are a possible 55 squares which could be excavated. Using our 10% sampling figure results in 6 units for excavation.

All other considerations are computed as in Location 1 above.

REFERENCES CITED

Archaeological Resources Protection Act Uniform Regulations: Protection of Archaeological Resources. Department of Agriculture - 36 CFR Part 295.

Carlson, Helen S.

1974 "Nevada Place Names." University of Nevada Press, Reno.

Hall, Shawn

1981 "A Guide to the Ghost Towns and Mining Camps of Nye County, Nevada." Dodd, Mead & Company, New York.

Lincoln, Francis Church

nd "Mining District and Mineral

Resources of Nevada." Nevada Publications, Las Vegas.

Public Law 96-95, Archaeological Resources Protection Act of 1979 as amended (16 USC 479).

Thomas, David Hurst

1981 "How to classify the Projectile Points of Monitor Valley Nevada." *Journal of California and Great Basin Anthropology*. Vol 3, No. 1, pp. 7-43.

1983a "The Archaeology of Monitor Valley: 1. Epistemology." *Anthropological Papers of the American Museum of Natural History*. 58(1): 1-94.

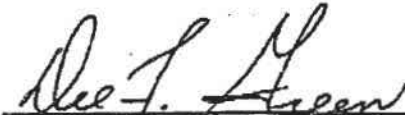
1983b "The Archaeology of Monitor Valley: 2 Gatecliff Shelter." *Anthropological Papers of the American Museum of Natural History*. 59(1): 1-552.

1988 "The Archaeology of Monitor Valley: 3 Survey and Additional Excavations." *Anthropological Papers of the American Museum of Natural History*. 59(2): 1-633.

Thomas, David Hurst and E. H. McKee

1974 "An Aboriginal rock alignment in the Toiyabe Range, central Nevada." *American Museum Novitates* 2534: 17pp.

Respectfully submitted,



DEE F. Green, Ph D.
Archaeologist

BUDGET: PRE-HISTORIC SITE 1479**ARCHAEOLOGICAL VALUE**

Preparing a Research Design (see page 3) \$ 1,780.00

Personnel

1 - GS9 - Supervisory Archaeologist 10 days @ \$178 per day \$ 1,780.00

Conducting Field Work (see page 3) \$13,280.48

Personnel

1 - GS9 - Supervisor Archaeologist 28 days @\$178 per day \$ 4,984.00

1 - GS5 - Archaeological Technician 56 days @\$78 per day 4,368.00

1 - GS3 - Archaeological Technician 56 days @\$62.08 per day 3,476.48

Sub Total \$12,828.48

Vehicle & Supplies

1 - 4X4 pickup 560 miles @.45 per mile \$ 252.00

Film and developing, stakes, specimen bags, etc. 200.00

Sub Total \$ 452.00

Carrying Out Laboratory Analysis (see page 4) \$ 2,004.00

Personnel

1 - GS9 - Supervisory Archaeologist 3 days @\$178 per day \$ 534.00

1 - GS5 - Archaeological Technician 10 days @\$78 per day 780.00

Sub Total \$ 1,314.00

Special Analysis

12 - Pollen samples @\$20 per sample \$ 240.00

10 - Obsidian Hydration dates @\$20 per sample 200.00

10 - Obsidian sourcing @\$25 per sample 250.00

Sub total \$ 690.00

Preparing Reports (see page 4) \$ 3,850.40

Personnel

1 - GS9 - Supervisory Archaeologist 10 days @\$178 per day \$1,780.00

1 - GS7 - Archaeologist 15 days @\$96.64 per day 1,449.60

1 - GS3 - Typist 10 days @\$62.08 per day 620.80

TOTAL ARCHAEOLOGICAL VALUE \$20,914.88

BUDGET: PRE-HISTORIC SITE 1479 CONTINUED**COST OF RESTORATION AND REPAIR**

Emergency Restoration and Repair (see page 4) \$ 457.93

Personnel

Arlene Benson, Archaeologist 13 hours @\$19.78 per hour \$ 257.14
David Grider, District Ranger 9 hours @\$22.31 per hour 200.79

Examination and Analysis of Information (see page 4) \$ 3,130.72

Personnel

1 - GS9 - Supervisory Archaeologist 5 days @ \$178 per day \$ 890.00
1 - GS7 - Archaeologist 3 days @\$96.64 per day 289.92
1 - GS5 - Archaeological Technician 10 days @\$78.00 per day 780.00
1 - GS3 - Archaeological Technician 10 days @ \$62.08 per day 620.80
Sub Total \$ 2,580.72

Vehicles and Supplies

1 - 4X4 Pickup 1000 miles @\$45 \$ 450.00
Film and developing, stake, specimen bags etc. 100.00
Sub Total 550.00

Preparation of Reports (see page 4) \$ 1,586.96

Personnel

1 - GS9 - Supervisory Archaeologist 5 days @\$178 per day \$ 890.00
1 - GS7 - Archaeologist 4 days @\$96.64 per day 386.56
1 - GS3 - Typist 5 days @\$62.08 per day 310.40
Sub Total \$ 1,586.96

TOTAL COST OF RESTORATION AND REPAIR \$ 5,175.61

**TOTAL ARCHAEOLOGICAL VALUE AND
COST OF RESTORATION AND REPAIR \$26,090.49**

Overhead @27% (see page 5) \$ 7,044.43

TOTAL COST FOR PRE-HISTORIC SITE 1479 \$33,134.92

BUDGET: JEFFERSON CANYON HISTORIC SITE**LOCATION #1 ARCHAEOLOGICAL VALUE**

Preparing a Research Design* (see page 3) \$ 3,229.60

Personnel

1 - GS9 - Supervisory Archaeologist 10 days @\$178 per day \$ 1,780.00
 1 - GS5 - Historian 15 days @\$96.64 per day 1,449.60

Conducting Field Work (see page 3) \$ 7,131.20

Personnel

1 - GS9 - Supervisor Archaeologist 10 days @\$178 per day \$ 1,780.00
 1 - GS5 - Archaeological Technician 15 days @\$78 per day 1,170.00
 1 - GS3 - Archaeological Technician 15 days @\$62.08 per day 931.20
 Sub Total \$ 3,881.20

Vehicle* & Supplies

1 - 4X4 pickup 7000 miles @.45 per mile \$ 3,150.00
 Film and developing, stakes, specimen bags, etc. 100.00
 Sub Total \$ 3,250.00

Carrying Out Laboratory Analysis (see page 4) \$ 590.00

Personnel

1 - GS9 - Supervisory Archaeologist 1 days @\$178 per day \$ 178.00
 1 - GS5 - Archaeological Technician 4 days @\$78 per day 312.00

Special Analysis

5 - Pollen samples @\$20 per sample \$ 100.00

Preparing Reports (see page 4) \$ 2,108.16

Personnel

1 - GS9 - Supervisory Archaeologist 5 days @\$178 per day \$ 890.00
 1 - GS7 - Archaeologist 6 days @\$96.64 per day 579.84
 1 - GS5 - Historian 5 days @\$68 per day 390.00
 1 - GS3 - Typist 4 days @\$62.08 per day 248.32

TOTAL ARCHAEOLOGICAL VALUE \$13,058.96

BUDGET: JEFERSON CANYON HISTORIC SITE CONTINUED

LOCATION #1 COST OF RESTORATION AND REPAIR

Examination and Analysis of Information (see page 4) \$ 2,396.12

Personnel

1 - GS9 - Supervisory Archaeologist 3 days @ \$178 per day	\$ 534.00
1 - GS7 - Archaeologist 1 days @\$96.64 per day	96.64
1 - GS5 - Archaeological Technician 6 days @\$78 per day	468.00
1 - GS3 - Archaeological Technician 6 days @\$62.08 per day	372.48
Sub Total	\$ 1,471.12

Vehicles and Supplies

1 - 4X4 Pickup 2000 miles @\$45	\$ 900.00
Film and developing, stake, specimen bags etc.	25.00
Sub Total	925.00

Preparation of Reports (see page 4) \$ 789.36

Personnel

1 - GS9 - Supervisory Archaeologist 3 days @\$178 per day	\$ 534.00
1 - GS7 - Archaeologist 2 days @\$96.64 per day	193.28
1 - GS3 - Typist 1 days @\$62.08 per day	62.08

TOTAL COST OF RESTORATION AND REPAIR \$ 3,185.48

TOTAL ARCHAEOLOGICAL VALUE AND COST OF RESTORATION AND REPAIR \$16,244.44

Overhead @27% (see page 5) \$ 4,386.00

TOTAL COST FOR LOCATION #1 \$20,630.44

*The research design and vehicular costs are one time items and therefore are not repeated in computing costs for Locations 2 and 3.

BUDGET: JEFFERSON CANYON HISTORIC SITE**LOCATION #2 ARCHAEOLOGICAL VALUE**

Conducting Field Work (see page 3) \$ 6,082.40

Personnel

1 - GS9 - Supervisor Archaeologist 10 days @\$178 per day	\$ 1,780.00
1 - GS5 - Archaeological Technician 30 days @\$78 per day	2,340.00
1 - GS3 - Archaeological Technician 30 days @\$62.08 per day	1,862.40
Sub Total	\$ 5,982.40

Supplies

Film and developing, stakes, specimen bags, etc.	100.00
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Carrying Out Laboratory Analysis (see page 4) \$ 944.00

Personnel

1 - GS9 - Supervisory Archaeologist 2 days @\$178 per day	\$ 356.00
1 - GS5 - Archaeological Technician 6 days @\$78 per day	468.00

Special Analysis

6 - Pollen samples @\$20 per sample	\$ 120.00
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Preparing Reports (see page 4) \$ 3,483.52

Personnel

1 - GS9 - Supervisory Archaeologist 8 days @\$178 per day	\$ 1,424.00
1 - GS7 - Archaeologist 11 days @\$96.64 per day	1,063.04
1 - GS5 - Historian 8 days @\$68 per day	624.00
1 - GS3 - Typist 6 days @\$62.08 per day	372.48

TOTAL ARCHAEOLOGICAL VALUE \$10,509.92

BUDGET: JEFERSON CANYON HISTORIC SITE CONTINUED

LOCATION #2 COST OF RESTORATION AND REPAIR

Emergency Restoration and Repair (see page 4)	\$ 189.77
<u>Personnel</u>	
1 - GS9 - Supervisory Archaeologist 1 hour @22.25 per hour	\$ 22.25
1 - GS5 - Archaeological Technician 1 hour @\$9.76 per hour	9.76
1 - GS3 - Archaeological Technician 1 hour @\$7.76 per hour	7.76
Sub Total	\$ 39.77
<u>Special Analysis</u>	
1 - Carbon 14 sample @\$150	\$ 150.00
Examination and Analysis of Information (see page 4)	\$ 1,770.76
<u>Personnel</u>	
1 - GS9 - Supervisory Archaeologist 4 days @ \$178 per day	\$ 712.00
1 - GS7 - Archaeologist 2 days @\$96.64 per day	193.28
1 - GS5 - Archaeological Technician 6 days @\$78 per day	468.00
1 - GS3 - Archaeological Technician 6 days @\$62.08 per day	372.48
Sub Total	\$ 1,745.76
<u>Supplies</u>	
Film and developing, stake, specimen bags etc.	25.00
Preparation of Reports (see page 4)	\$ 1,126.08
<u>Personnel</u>	
1 - GS9 - Supervisory Archaeologist 4 days @\$178 per day	\$ 712.00
1 - GS7 - Archaeologist 3 days @\$96.64 per day	289.92
1 - GS3 - Typist 2 days @\$62.08 per day	124.16
TOTAL COST OF RESTORATION AND REPAIR	\$ 3,086.61
TOTAL ARCHAEOLOGICAL VALUE AND COST OF RESTORATION AND REPAIR	\$13,596.53
Overhead @27% (see page 5)	\$ 3,671.06
TOTAL COST FOR LOCATION 2	\$17,267.59

BUDGET: JEFFERSON CANYON HISTORIC SITE

LOCATION #3 ARCHAEOLOGICAL VALUE

Conducting Field Work (see page 3) \$ 4,681.60

Personnel

1 - GS9 - Supervisor Archaeologist 10 days @\$178 per day \$ 1,780.00
 1 - GS5 - Archaeological Technician 20 days @\$78 per day 1,560.00
 1 - GS3 - Archaeological Technician 20days @\$62.08 per day 1,241.60
 Sub Total \$ 4,581.60

Supplies

Film and developing, stakes, specimen bags, etc. 100.00

Carrying Out Laboratory Analysis (see page 4) \$ 590.00

Personnel

1 - GS9 - Supervisory Archaeologist 1 days @\$178 per day \$ 178.00
 1 - GS5 - Archaeological Technician 4 days @\$78 per day 312.00

Special Analysis

5 - Pollen samples @\$20 per sample \$ 100.00

Preparing Reports (see page 4) \$ 2,108.16

Personnel

1 - GS9 - Supervisory Archaeologist 5 days @\$178 per day \$ 890.00
 1 - GS7 - Archaeologist 6 days @\$96.64 per day 579.84
 1 - GS5 - Historian 5 days @\$68 per day 390.00
 1 - GS3 - Typist 4 days @\$62.08 per day 248.32

TOTAL ARCHAEOLOGICAL VALUE \$ 7,379.76

BUDGET: JEFERSON CANYON HISTORIC SITE CONTINUED

LOCATION #3 COST OF RESTORATION AND REPAIR

Examination and Analysis of Information (see page 4) \$ 1,318.12

Personnel

1 - GS9 - Supervisory Archaeologist 2 days @ \$178 per day	\$ 356.00
1 - GS7 - Archaeologist 1 days @\$96.64 per day	96.64
1 - GS5 - Archaeological Technician 6 days @\$78 per day	468.00
1 - GS3 - Archaeological Technician 6 days @62.08 per day	372.48
Sub Total	\$ 1,293.12

Supplies

Film and developing, stake, specimen bags etc.	25.00
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Preparation of Reports (see page 4) \$ 611.36

Personnel

1 - GS9 - Supervisory Archaeologist 2 days @\$178 per day	\$ 356.00
1 - GS7 - Archaeologist 2 days @\$96.64 per day	193.28
1 - GS3 - Typist 1 days @\$62.08 per day	62.08

TOTAL COST OF RESTORATION AND REPAIR \$ 1,929.48

TOTAL ARCHAEOLOGICAL VALUE AND COST OF RESTORATION AND REPAIR \$ 9,309.24

Overhead @27% (see page 5) \$ 2,513.49

TOTAL COST FOR LOCATION #3 \$11,822.73

TOTAL FOR HISTORIC LOCATIONS

TOTAL FOR LOCATION #1		\$20,630.44
TOTAL FOR LOCATION #2		\$17,267.59
TOTAL FOR LOCATION #3		\$11,822.73
TOTAL FOR JEFFERSON CANYON HISTORIC SITE		\$49,720.76
TOTAL FOR BOTH PRE-HISTORIC AND HISTORIC SITES		
PRE-HISTORIC SITE	\$33,134.92	
HISTORIC LOCATIONS	49,720.76	
TOTAL		\$82,855.68

Agreement for Addressing Archaeological Resources in Nye County, Nevada

This Agreement is entered into this 23rd day of December, 1997, by Nye County, Nevada (hereinafter "County") and the United States Department of Agriculture – Forest Service, Humboldt-Toiyabe National Forests (hereinafter "Forest Service") within the context of the "Tri-Party Framework for Interactions to Address Public Land Issues in Nye County, Nevada, 1996" (hereinafter "Tri-Party Framework"). Both parties are sometimes referred to in this Agreement collectively as "the Parties".

I. RECITALS

- A. The County and the Forest Service, as signatories to the Tri-Party Framework, have mutual interests in resolving issues pertinent to public land management in Nye County, Nevada, including archaeological resources.
- B. The Parties have discussed concerns about protection of archaeological resources and public access in Jefferson Canyon, Nye County, Nevada, and have agreed to the conditions set forth below.

II. AGREEMENT

- 1. The County will work with the Forest Service to provide for maintenance of Jefferson Canyon Road through the Prehistoric Site #1479 and the Jefferson City Historical District (hereinafter "Historical District"), while protecting the integrity of heritage resources in these areas.
 - a. The Forest Service will determine, at its cost, what additional information important to the prehistory of the area remains to be gathered at Prehistoric Site #1479, and will identify methodology appropriate for gathering such information.

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- b. The County will contract, at its cost, with a Forest Service approved archaeologist to complete a significance evaluation, and assess whether Prehistoric Site #1479 is eligible for the National Register of Historic Places, using the Forest Service methodology.
 - c. The County will contract, at its cost, with a Forest Service approved archaeologist to conduct an archival search in federal, state, and county repositories for historic documents and maps relating to the Historical District, and conduct field work to determine what features have been recorded and whether the Forest Service considers the recordation to be consistent with current standards.
 - d. The County will contract, at its cost, with a Forest Service approved archaeologist to complete a significance evaluation, including development of an historic context, and assess whether the Historical District is eligible for the National Register of Historic Places.
2. The County will, at its cost, conduct stabilization work of the cut-bank at Location #2.
 3. The Parties will complete items 1(a)-(d) and 2 by September 30, 1998.

III. GENERAL PROVISIONS

4. In furtherance of achieving a more cooperative working relationship for the interpretation, protection, and restoration of archaeological resources in the Jefferson City Historical District, the County and Forest Service may enter into a "Preservation Partnership" by means of the Tri-Party Framework. Objectives of the Partnership may include: (a) assess whether elements are contributing or noncontributing; (b) nominate the 117-acre Historical District to the National Register of Historic Places as a National Register District; (c) develop a management plan for the Historical District, to include specific management activities, such as: stabilizing slopes, using rock walls and other appropriate methods;

constructing parking spaces in appropriate places; providing signing or other interpretive materials; developing interpretive/walking trails; providing for fire prevention/protection; planting native species of plants; stabilizing some of the existing structures; conducting oral histories of area residents; reclaiming some of the exploration roads; and developing a monitoring program; and (d) seek and secure funding and support, through grants, archaeology field schools, passport-in-time projects, and the addition of partners, to conduct partnership activities.

5. In furtherance of achieving a more cooperative working relationship for providing continued access using Jefferson Canyon Road, the County and Forest Service may enter into a road management protocol by means of the Tri-Party Framework. Such a protocol could address issues such as jurisdiction; scope of road rights-of-way; procedures for adjusting road alignments; the appropriate amount, type, and scheduling of maintenance; improvements to the stream and spring crossings; and periodic assessment of the adequacy of access to the Historical District.
6. Nothing in this Agreement shall be construed or interpreted as terminating or modifying any valid lease, permit, patent, claimed right-of-way, or other land use permit or authorization existing on the date this Agreement becomes effective. All commitments, work, or other obligations herein described will be conducted in full compliance with applicable laws and regulations.
7. The Parties represent and warrant that those who have executed this Agreement are fully authorized to act for and bind each of the Parties to the Agreement. The Parties further represent that each have been advised by their respective counsel and have read and fully understand the terms of this Agreement. The Parties enter into this agreement in good faith.

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IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives on the dates so indicated.

FOR NYE COUNTY, NEVADA

Ira "Red" Copass
Ira "Red" Copass, County Commissioner

Date: 12-30-97

Cameron McRae
Cameron McRae, County Commissioner

Date: 12-30-97

Robert Davis
Robert Davis, County Commissioner

Date: 12-30-97

Robert Revert
Robert Revert, Vice-Chairman

Date: 12-30-97

Richard Carver
Richard Carver, Chairman

Date: 12-30-97

FOR THE FOREST SERVICE

Michael A. "Tony" Valdes
Michael A. "Tony" Valdes
Tonopah District Ranger

Date: 12/30/97

Monica J. Schwalbach
Monica J. Schwalbach
Assistant Forest Supervisor

Date: 12/30/97

R.M. "Jim" Nelson
R.M. "Jim" Nelson, Forest Supervisor

Date: 12/30/97

IN RE: NOTICE OF VIOLATION AGAINST)
NYE COUNTY, NEVADA, UNDER THE)
ARCHAEOLOGICAL RESOURCES)
PROTECTION ACT 16 U.S.C. 470AA et seq.)

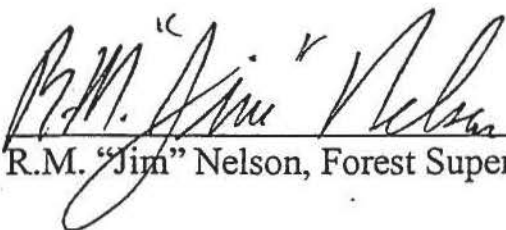
DISMISSAL

1. On August 17, 1997, R.M. "Jim" Nelson, Forest Supervisor for the U.S. Forest Service, Humboldt-Toiyabe National Forests, issued a Notice of Violation under the Archaeological Resources Protection Act to the Nye County Board of Commissioners (hereinafter "Board") and Mr. Richard Carver alleging that on July 4, 1994, Mr. Carver operated a Caterpillar bulldozer owned by Nye County, on or near Jefferson Canyon Road (FDR #110) and, in doing so, damaged or destroyed archaeological resources on Federal lands administered by the Forest Service. A description of the damages is set forth in an "Assessment of Archaeological Value and Cost of Restoration and Repair for Damaged Sites in Jefferson Canyon, Tonopah Ranger District", by Dee F. Green, Forest Service Archaeologist. A penalty of eighty-two thousand, eight hundred fifty five dollars and seventy-six cents (\$82,855.76) was proposed under the Notice of Violation.
2. On October 9, 1997, the Board requested the scheduling of informal discussions regarding the Notice of Violation, for the purpose of seeking resolution of the Notice of Violation. On October 14, 1997, Mr. Nelson granted the request for informal discussions and gave the Board and representatives of the Forest Service sixty (60) days in which to reach a settlement agreement within the informal discussion process. Nye County staff and Forest Service officials worked together during those sixty days to develop a proposed agreement to resolve the issues pertinent to the Notice of Violation. During that time, the Board requested, and Mr. Nelson granted, a withdrawal of Mr. Carver as a named respondent to the Notice of Violation.
3. On December 16, 1997, Forest Service officials met with the Board at a County Commission meeting to discuss final resolution of the matter. The Board voted (5-0) to approve the proposed agreement, provided that

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the Forest Service dismiss its Notice of Violation under ARPA against Nye County.

4. The proposed agreement, entitled "Agreement for Addressing Archaeological Resources in Nye County, Nevada" (hereinafter "Agreement") has subsequently been integrated into the "Tri-Party Framework for Interactions to Address Public Land Issues in Nye County, Nevada". As such, the Board has made a commitment with the Forest Service to implement all the conditions of the Agreement, in accordance with the Tri-Party Framework, of which both the County and the Forest Service are signatories.
5. The Forest Service acknowledges the County's willingness to assume responsibility for addressing archaeological resource protection in Jefferson Canyon, as evidenced by the Board's unanimous vote on December 16, 1997 in support of the Agreement, as amended. Therefore, in light of the Agreement, the Forest Service withdraws the Notice of Violation, and the Parties, in accordance with 36 C.F.R. 296.15 (4), waive their rights to pursue a Notice of Assessment or to request a hearing.

By: 
R.M. "Jim" Nelson, Forest Supervisor

Date: 12/30/97

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