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# Executive Orders

## EXECUTIVE ORDER NO. 90

WHEREAS, the Legislature of Louisiana has enacted Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 comprising R.S. 42:1301 through R.S. 42:1303, both inclusive, authorizing the deferring of compensation for State employees and independent contractors working for compensation for the State; and

WHEREAS, subsequent to the legislative action, benefits have been made available to State employees on a very limited basis, due to the complex nature of deferred compensation plans and the difficulty of coordinating simultaneous action among the departments and agencies of the State in obtaining and offering such plans; and

WHEREAS, it is desirable to provide coordination of the deferred compensation arrangements in which State employees and independent contractors may participate in order to assure the maximum benefits at retirement and favorable tax treatment; and

WHEREAS, it is desirable that a central authority be established to administer and coordinate such deferred compensation arrangements; and

WHEREAS, the Governor of Louisiana as the State's Chief Executive Officer should implement and encourage the adoption of a coordinated deferred compensation plan for the benefit of all State employees;

NOW, THEREFORE, I, EDWIN EDWARDS, by virtue of the authority vested in me as Governor of Louisiana and in conformance with the will of the Legislature of Louisiana, do hereby:

1. Authorize and direct the establishment of a Louisiana Public Employees Compensation Plan to implement and coordinate the benefits made available by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
2. Authorize and direct that such plan shall be administered by an administrative committee.
3. Authorize and direct that the administrative committee of the Louisiana Public Employees Deferred Compensation Plan consist of three persons to be appointed by the Governor at a

later date, each to serve at the pleasure of the Governor.

4. Authorize and direct the administrative committee to establish and maintain a public employees deferred compensation plan for use by participating agencies for administration of the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950. Agencies shall be eligible to participate in the plan pursuant to such rules as may be adopted by the administrative committee for purposes of the implementation of Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950 and this Executive Order.
5. Authorize the administrative committee to:
  - A. Enter into agreements with an administrator and marketing coordinator to obtain professional guidance and assistance in establishing, maintaining, and administering a public employees deferred compensation plan for State employees.
  - B. Seek a ruling from the Internal Revenue Service concerning the Federal income tax consequences of participation in the deferred compensation agreements authorized by Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
  - C. Take such further actions to carry out the objectives of the plan as may be necessary, in accordance with this order and State law.
6. Authorize the Chief Executive Officer of each State department, agency and wholly-owned institution and/or instrumentality to:
  - A. Designate this administrative committee as an agent duly authorized to enter into contracts with the employees to defer compensation as provided in Section 1, Chapter 17 of Title 42 of the Louisiana Revised Statutes of 1950.
  - B. Adopt the Louisiana Public Employee Deferred Compensation Plan and any necessary regulations, procedures and forms promulgated in connection therewith.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State

of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 2nd day of September, A.D., 1975.

EDWIN EDWARDS

Governor of Louisiana

# Emergency Rules

## EMERGENCY RULES

### Board of Architectural Examiners

(Amendment to Part VII of  
the Rules and Regulations)

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*(Editor's Note: These rules were adopted August 1, 1975, and made effective August 6, 1975.)*

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- A) The Louisiana State Board of Architectural Examiners directs the Department of Occupational Standards to mail a letter to each Louisiana resident architect on August 12, 1975, stating that the Board will accept as a nominee for the Architects Selection Board, as provided in Act 721 of 1975, any resident architect who on or before August 22, 1975, furnishes a petition by certified mail to be received by 4:15 p.m. and verified by the Department of Occupational Standards. The petition shall contain:
- 1) The signatures of ten qualified resident architects endorsing his nomination.
  - 2) Name, signature and license number of endorsee.
  - 3) Biographical statement of 150 words or less.
- B) The Louisiana State Board of Architectural Examiners shall have the election ballots printed for each registered resident Louisiana architect. The ballots and three envelopes shall be printed, and the ballots shall contain the embossed seal of the State Board of Architectural Examiners. One envelope will be used to mail the ballot package and one of the two remaining envelopes will be used as the return envelope which shall contain the ballot which has been sealed within the third envelope. A place shall

be printed on the return envelope for the signature and license number of the qualified voter.

- C) The ballot, containing the names of the nominees, shall be mailed to resident architects September 15, 1975, and shall be as follows:

"Since four candidates are to be chosen, vote for four or less nominees."

- D) Rules governing election:

The four nominees elected will be based on plurality. No write in candidates will be counted.

If two or more candidates are elected from the same firm, the one with the least number of votes will be eliminated. A runoff will be held if two or more candidates from the same firm receive the same number of votes.

A tie runoff election will be held if two or more candidates receive the same number of votes for the fourth position.

No ballots will be counted unless signature and license number are affixed to the return envelope as required.

- E) The official ballot shall be returned to the Department of Occupational Standards, P. O. Box 44095, Capitol Station, Baton Rouge, Louisiana 70804 and shall be received on or before 4:15 p.m., September 24, 1975.
- F) The tabulation committee shall consist of O. J. Baker, D. C. LeBreton, P. Murff O'Neal, Jr., and a representative of the Department of Occupational Standards. All votes shall be tabulated Friday, September 26, 1975, and attendance at the tabulation procedure is open to the public.

P. Murff O'Neal, Jr.  
President

## EMERGENCY RULE

### Wildlife and Fisheries Commission

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*(Editor's Note: These rules were adopted by the Wildlife and Fisheries Commission on August 29, 1975, and have been in effect since that date. All necessary instructions and forms for applying for a commercial shrimp fisherman loan guarantee can*

*be obtained from the Wildlife and Fisheries Commission, 400 Royal Street, New Orleans, Louisiana 70130.)*

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The following are the rules and administrative procedures enacted to regulate the disbursement of funds pursuant to the loan guarantee program designated as the Commercial Shrimp Fisherman Loan Guarantee Security Fund. The "Security Fund" is authorized by Act Number 14 of the Extraordinary Legislative Session of 1974, and reallocated by Act 819, Section 6, of the Regular Legislative Session of 1975.

#### **Purpose of Funds**

The purpose of the loan guarantee by the Commission is to provide security for loans made to qualified commercial shrimp fishermen by lending institutions in order that the Commercial Shrimp Fishermen may continue to operate their business as ongoing and profit making businesses.

Any violation of these provisions, misuse of funds, or misrepresentation by the borrower in securing a loan guarantee from the Commission shall subject the borrower to criminal prosecution by the appropriate authorities.

#### **Administration**

The Louisiana Wildlife and Fisheries Commission is the responsible state agency which will guarantee loan payment as provided in the Act creating the "Security Fund."

#### **Definitions**

**ACT**—When used in these regulations, the term "Act" refers to Act No. 819 of the Regular Legislative Session of 1975 creating the Shrimp Fisherman Loan Guarantee Security Fund.

**APPLICANT**—A commercial shrimp fisherman who requests through methods provided herein for a loan of money to use for continuation of operating as a commercial shrimp fisherman.

**BORROWER**—A commercial shrimp fisherman who has received a loan from a lending institution as a result of the Commission's guarantee to pay the amount of the loan in accordance with the Act and these regulations in case of default by the commercial shrimp fisherman.

**COMMERCIAL SHRIMP FISHERMAN**—An individual or group of individuals, doing business in the form

of a partnership, or a corporation, whose livelihood depends upon the capture by them of shrimp through use of trawling vessels and netting or other methods of capture customarily used in the industry for the commercial sale and distribution of shrimp.

**COMMISSION**—When used in these regulations, the term "Commission" refers to the Louisiana Wildlife and Fisheries Commission.

**LENDING INSTITUTION**—A lending institution is any Federal agency, federally insured financial institution or bank authorized to do business in Louisiana and which has agreed to lend money in accordance with the terms of the Act and these regulations to a commercial shrimp fisherman upon the condition that the commercial shrimp fisherman secures a loan guarantee from the Commission securing the proposed loan.

**LOAN GUARANTEE**—A written pledge by the Commission that should any default occur on the part of any commercial shrimp fisherman whose proposed loan with the lending institution has been approved by the Commission, the Commission will pay to the lending institution 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of the borrower's default, whichever is the lesser.

#### **Notification to Potential Applicants**

The State, and particularly the Louisiana Wildlife and Fisheries Commission, will use all necessary news media, to advise commercial shrimp fishermen of the availability of assistance under this Act and the procedures for requesting loan guarantees in accordance with, but not limited to, such measures as prescribed in the Administrative Procedures Act, R.S. 49:951, et seq.

#### **Qualifications for Loan Guarantee**

For a commercial shrimp fisherman to be eligible for participation in the loan guarantee fund, the following criteria must be met:

- (1) The applicant must be a commercial shrimp fisherman and one who has been domiciled in Louisiana for one year immediately preceding the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).
- (2) The applicant must possess a current valid Louisiana commercial license for taking shrimp, which license was acquired prior to the effective date of Act No. 819 of the Regular Legislative Session of 1975 (August 4, 1975).

- (3) More than 50 percent of the applicant's 1974 annual income must have been derived from commercial shrimping operations as evidenced by his State or Federal income tax return for that year.
- (4) Applicant must show a need for the loan in order to continue his livelihood as a commercial shrimper.
- (5) Applicant must show that he has been refused a loan by one area loan institution.
- (6) Applications must be submitted to the lending agency that will be making the loan.

#### Application Forms

- (1) Application forms are to be provided by the Commission.
- (2) Application forms are to be completed in full by applicant giving all relevant and available information.
- (3) Application forms shall explain to the applicant the conditions for payment of the loan by the Commission.
- (4) Application forms shall include provisions for options by the applicant as to monthly, quarterly, or semi-annual loan repayment.
- (5) Application forms shall explain to applicant his liability to the Commission if it is called upon to make payment under the loan guarantee.
- (6) Application forms shall contain space where the applicant may state the desired amount of the loan and the term of the loan, not to exceed ten years.
- (7) Application forms shall contain space for the applicant to state the expected use of the proposed loan as well as a summary of collateral to be offered by the applicant.
- (8) Application forms shall contain questions regarding recent efforts by applicant to obtain credit.
- (9) Application forms shall require applicants to attach all other pertinent information.

#### Investigation of Applications

Investigation of loan applicants shall be conducted

with the least possible delay and without infringing upon an applicant's protected right to privacy or other constitutional right.

Upon completion of the investigation, a report and recommendation shall be submitted to the agent authorized by the Commission to review applications before submitting them to the Commission for a final determination.

#### Disposition of Application

##### Denial

If an application is denied, notification of denial shall be forwarded within five days of such decision to the applicant together with a brief explanation as to why his loan request was denied.

##### Reasons for Denial

- (1) Noncompliance with application
- (2) Misrepresentation of information—personal or financial
- (3) Applicant does not meet requisite qualifications
- (4) Loan funds not available
- (5) Any other nonarbitrarily determined reasons

##### Approval

If the application is approved, applicant and the lending institution shall be notified within five days of such approval so that the loan may be executed in favor of the applicant and with the Commission's guarantee.

#### Application Identification

- (1) Each application shall be received and stored in an alphabetical arrangement.
- (2) Each application shall receive a separate file folder.
- (3) File folders shall be numbered so that they correspond to activity of the application; for example: Anderson 0 wherein the application has been received and is being processed; Anderson-01 the application has been approved and is awaiting loan execution; Anderson 2 the loan was denied and is inactive; Anderson 03 the loan is executed and in effect; Anderson 04 the loan has been defaulted and is under administra-

tion; Anderson 05 the approved loan has been paid off and is inactive.

#### **Powers and Duties of the Commission**

The Commission shall have the following powers and duties:

- (1) Guarantee the loan of money to qualified commercial shrimpers subject to the restrictions herein cited.
- (2) Enter into contracts with any Federal agency, federally insured institution or bank authorized to do business in Louisiana.
- (3) Provide for execution and administration by any agency in (2) above of any loan plan guaranteed by the Commission.
- (4) Provide for conditions and method of payment by the Commission under its loan guarantee whenever a borrower defaults on his loan.
- (5) Issue loan guarantees provided that an applicant has his option as to monthly, quarterly, or semi-annual repayment of the loan.
- (6) Provide for the collection of defaulted loans which have been paid by the Commission in accordance with its loan guarantee.
- (7) Perform any other acts necessary to carry out the purposes of the Act.

#### **Limitation on Guarantees**

- (1) The amount of the Commissioner's loan guarantee on any loan made by a lending institution to an applicant approved by the Commission shall not exceed 100 percent of the total amount of the loan or 100 percent of the total balance of the loan at the time of borrower's default, if any, whichever is lesser.
- (2) Each loan guarantee shall be limited to a maximum of \$5,000 for any individual shrimp fisherman.
- (3) The total amount of all outstanding loans guaranteed by the Commission shall not at any time exceed \$5,000,000.
- (4) The annual percentage rate of interest on any loan guaranteed by the Commission may not be greater than two percent above the prevailing

Federal Reserve rediscount rate in effect at the time of the loan application.

- (5) The term of each loan shall not exceed ten years.

#### **Security for Loans**

- (1) All lending institutions shall require the borrower to give either a first or second mortgage on the following:
  - (a) Shrimping vessel and appurtenances.
  - (b) Shrimp nets.
  - (c) Any other equipment used by borrower for commercial shrimping.
- (2) The lending institution shall require such other collateral as the borrower has available to be used as additional security on the loan.
- (3) All lending institutions shall require the personal endorsements of corporation principals, where corporation receives a loan secured by the Commission's loan guarantee, unless such requirement is waived by unanimous consent of the Commission.
- (4) All corporation applicants shall file a complete list of stockholders, together with their addresses and number of shares held. Such information must be filed prior to the approval of the application by the Commission and must also be filed annually thereafter until the loan is paid.
- (5) There shall be a full disclosure of relationships of the applicant and the lending institution with all State officials and with employees and members of the Louisiana Wildlife and Fisheries Commission. Said disclosure shall be made in the application or on an accompanying form.

#### **Loan Guarantee**

- (1) Upon approval of an applicant's application and the proposed loan contract between applicant and the lending institution, the Commission shall bind itself to guarantee the loan, subject to the limitations listed in the Act and the regulations herein, by issuing a duly executed loan guarantee form to both the applicant and the lending institution.
- (2) The loan guarantee shall provide that upon the borrower's default and upon due notice to the Commission by the lending institution the loan

shall be paid in the amount and under the limitations as prescribed herein.

- (3) The loan guarantee shall provide that upon payment of the loan by the Commission in the maximum amount allowed, the Commission shall be subrogated to that extent to the rights of the lending institution and against the borrower's collateral and personal assets.
- (4) Any payments made by the Commission under its loan guarantee shall be made from funds appropriated by the Legislature out of the Commercial Shrimp Fisherman Loan Guarantee Security Fund after the Commission has certified that a borrower has defaulted on his loan.

#### Closing and Disbursements of Loans

- (1) A lending institution shall close and disburse each loan secured by a loan guarantee from the Commission in accordance with the terms and conditions of the loan contract and guarantee.
- (2) Any change in the terms of the loan after the loan guarantee has been executed by the Commission shall vitiate the guarantee unless the new terms and conditions are subsequently approved in writing by the Commission.
- (3) Before the Commission will issue a loan guarantee the lending institution must furnish to the Commission for its approval a copy of all documents to be executed at the closing of the loan to be made to the applicant.
- (4) Subsequent to execution of the loan, the lender shall furnish a copy of the note and other documents to the Commission for its records.
- (5) In case of default by any borrower and the payment of the loan by the Commission under its loan guarantee, the lending institution shall release the original of any document connected with the loan that it may be holding to the Commission upon the written request for such release by the Commission.
- (6) The Commission shall be subrogated to the lending institution's rights to the extent of payments made on its loan guarantee and a subrogation agreement to that effect shall be executed by the lending institution.
- (7) The lending institution shall receive all payments of principal and interest and otherwise

administer the loan arrangement, but shall not take any action on the loan, transfer any security, or seek to enforce the loan without first notifying the Commission and securing its written consent.

- (8) The lending institution shall not receive any fees or commissions other than those earned for actual services rendered and which are disclosed in advance both to the applicant and the Commission.
- (9) Lending institutions shall loan the maximum amount at one time only upon a showing of good cause by the borrower. Otherwise a line of credit shall be established and each advance made to the borrower by the lending institution must be verified by the borrower as necessary to pay operating expenses or for purchase of equipment for commercial shrimping purposes.

#### Default

- (1) A lending institution shall notify the borrower and the Commission in writing whenever a loan is 30 days delinquent. The Commission shall have an additional 30 days to cure the default. If at the end of the additional 30 day period payments have not been brought up to date by the borrower, the Commission, upon written demand by the lending institution, shall mature the loan and pay the amount of the loan secured by the loan guarantee to the extent allowable under these provisions.
- (2) Upon payment by the Commission it shall notify the borrower of such payment and demand indemnity prior to enforcement of its right against the borrower's security.
- (3) The Commission shall, immediately upon payment of a loan guarantee, notify the Attorney General of the State of Louisiana who shall be the proper agent to institute proceedings to enforce repayment of the guaranteed loan.
- (4) The Attorney General shall take all appropriate steps or institute all necessary legal proceedings to collect from the borrower all monies paid by the Commission under its loan guarantee agreements, in conformity with the laws of the State of Louisiana. All such funds collected by the Attorney General shall be paid into the State general fund.

## Effective Date of Regulations

These rules and regulations shall become effective as provided for in the Louisiana Administrative Procedures Act and after approval by the Commissioner of Financial Institutions for the State of Louisiana.

J. Burton Angelle, Sr.  
Director

# Rules

## RULES

### Louisiana Archaeological Survey and Antiquities Commission

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*(Editor's Note: The following rules were adopted, on September 10, 1975, by the Louisiana Archaeological Survey and Antiquities Commission, to direct the conservation, salvage, and study of the State historic and prehistoric resources. They become effective on September 20, 1975.)*

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#### Chapter I. Regulations

**Section 1. Definitions.** As used in this instrument, the following terms shall have the following meanings:

- ( 1 ) "Regulations" means the rules and regulations provided for in Chapter I through Chapter VII hereof, and as this instrument may be amended hereafter.
- ( 2 ) "Commission" means the Louisiana Archaeological Survey and Antiquities Commission created by and acting pursuant to the provisions of R.S. 41:1601 through R.S. 41:1613 inclusive.
- ( 3 ) "Act" means Act 378 of 1974 as appearing in the Louisiana Revised Statutes, Section 1601 through Section 1613 inclusive, of Title 41 of the Louisiana Revised Statutes of 1950 as amended.
- ( 4 ) "Lands belonging to the State of Louisiana" or "State-owned lands" means all public lands within the limits of the State, including tidelands, submerged lands, and the bed of the sea within the jurisdiction of the State of Louisiana, other than lands title to which is vested in:

- (a) The United States of America or any of its agencies, departments, or instrumentalities;
  - (b) Local political subdivisions of the State of Louisiana including, but not limited to, municipalities, parishes, and special taxing districts;
  - (c) The three management boards for higher education created pursuant to Article VIII, Sections 6 and 7 of the 1974 Constitution.
- ( 5 ) "Excluded public lands" means public lands title to which is vested in or under the control and management of the public entities described in Section 1 (4), (a), (b), and (c) above.
  - ( 6 ) "Private lands" means lands which are not public lands nor owned by the United States of America, the State of Louisiana, or and department, agency, or instrumentality thereof.
  - ( 7 ) "Historic and prehistoric resources" means the entire range of archaeological sites and remains defined by R.S. 41:1607 (1). Examples of historic and prehistoric resources include:
    - (a) All locations at which evidence can be found that illuminates in any way the history, government, or culture of prehistoric and historic American Indians, Colonial peoples, and all later inhabitants of the State of Louisiana;
    - (b) Shipwrecks and the contents thereof;
    - (c) Artifacts and implements of culture of every character which are embedded in the earth or found on the surface of historic and prehistoric sites;
    - (d) Maps, records, books, and documents in any way related to the history or prehistory of Louisiana and its former occupants;
    - (e) Indian burial sites and the burial furniture associated therein.
  - ( 8 ) "State archaeological landmark" or "landmark" means a geographic area situated on State-owned lands, excluded public lands, private lands, or a combination thereof, which is accepted and approved for inclusion by the Commission in the "Registry of State Archaeological Landmarks".
  - ( 9 ) "Indian burial site" means any location used by historic or prehistoric Indians for the interment of deceased Indians as determined by archaeological research. Burial sites include cemeteries, graveyards, burial grounds, and other configurations in which interments of a significant number of Indian bodies have been

made within a compact and identifiable geographic area prior to the year A.D. 1799. Except in cases of exceptional archaeological significance as found and determined by the Commission, the following additional terms and meanings shall apply to Indian burial sites:

- (a) "Significant number" means the interment of ten or more human remains;
  - (b) "Compact area" means an area of one acre or less, or an equivalent area of any pattern or composition;
  - (c) "Identifiable geographic area" means an area in which human remains have been determined to be interred by archaeological research and the limits of which can be identified by means of natural topographic features, markers placed in the ground, or other surface indicators.
- (10) "Burial furniture" means movable property or artifacts found in association with interments at Indian burial sites. Examples of burial furniture include but are not limited to clothing, beads, pottery, knives, muskets, weapons, plates, bowls, and other containers, utensils, and ornaments made of ceramic materials, glass, copper, iron, brass, and shell.
- (11) "Contract for survey and salvage" or "contract" means a written agreement entered into by the Commission under the authority of R.S. 41:1606 for the study, conservation, and salvage of historic and prehistoric resources within a designated State archaeological landmark.
- (12) "Investigation" means the study of a State archaeological landmark through testing, excavation, removal of artifacts and material, or any other process which alters the landmark or its associated physical remains and characteristics.
- (13) "Contractor" means a party that has entered into a contract for survey and salvage with the Commission under the provisions of the regulations.
- (14) "Professional archaeologist" means a person who has a graduate degree in archaeology or anthropology from an accredited institution of higher education, or the equivalent, provided that such equivalent status is approved by the Commission, and which person has training and experience comparable to that required for the proposed national registry of archaeologists as endorsed by the Society for American Archaeology in May of 1975. In the case of underwater investigations, the professional archaeologist to be in charge must meet

the above qualifications and, in addition, be (or employ) a competent diver with a minimum of two full seasons of experience in underwater archaeological investigation, or the equivalent, provided that such equivalent status is approved by the Commission.

**Section 2. State-Owned Lands-Contract Required.** No person shall excavate, dig into, remove from, take, or alter a State archaeological landmark or any other archaeological site on State-owned lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage.

**Section 3. Purposes of Contracts.** A contract for survey and salvage shall be executed by the State Archaeologist or his authorized representative, acting pursuant to the authority of a resolution of the Commission approving such contract. Contracts will be granted by the Commission for the following purposes:

- ( 1) Investigations oriented toward the solution of a particular research problem;
- ( 2) Preparation of a site for public interpretation;
- ( 3) Restoration and preservation of a site as a nonrenewable cultural resource;
- ( 4) Salvaging information and specimens threatened with immediate partial or total destruction;
- ( 5) Investigations undertaken by the Commission acting through a contractor for any of the Commission purposes under the Act.

**Section 4. Manner of Investigation - Minimum Standard.** Investigations undertaken on State archaeological landmarks must be carried out in such a manner that the maximum amount of historic, scientific, archaeological, and educational information will be recovered and preserved. Such investigations must involve the exclusive use of standard and accepted scientific techniques of excavation, recovery, recording, preservation, and analysis. New or unusual techniques, and the use of earth moving machinery, must be approved in the contract. All measurements will be recorded using the metric system.

**Section 5. Contractors.** The award of contracts by the Commission will be limited to those persons and groups who can demonstrate an ability to carry out proper archeological investigations.

- ( 1) Subject to the requirements of Paragraph (2) of this section which establish a standard of archaeological competency, contracts may be applied for by:
  - (a) Scientific and higher educational institutions;

- (b) Non-profit corporations and organizations;
  - (c) Governmental agencies, departments, or other instrumentalities;
  - (d) Established museums which have met the standards of accreditation set by the American Association of Museums or are judged by the Commission to be of equal status;
  - (e) Archaeological societies whose projects are sponsored by an entity described in (a) through (d) above;
  - (f) Qualified graduate students or other individuals who demonstrate the qualifications to undertake and complete a specific project of limited scope under the close on-site supervision of a professional archaeologist;
  - (g) Other entities, including private research consultants, whose projects are directed to any of the purposes defined in Section 3 of this chapter.
- ( 2) Contractors must furnish proof satisfactory to the Commission that adequate funds, equipment, facilities, and personnel are available to conduct the investigation professionally and as approved in the contract, to restore the site to its original condition, and to report the results. Additionally, contractors must show that they have retained a professional archaeologist to supervise directly and to be responsible for the overall execution of the project from field investigation through preservation of collections and analysis of data to reporting of the results.

**Section 6. Contract Requirements.** All contracts approved by the Commission for investigation of a State archaeological landmark shall contain the following requirements:

- ( 1) Title to all specimens, artifacts, materials, and samples resulting from investigations on State archaeological landmarks on State-owned lands shall be vested in the State of Louisiana. Title to all specimens, artifacts, materials, and samples resulting from investigations on State archaeological landmarks on excluded public lands and private lands shall be clearly specified in the landmark agreement papers.
- ( 2) All specimens, artifacts, materials, and samples will be deposited with the Commission upon completion of analysis. Normally analysis will be completed within one year after the end of field operations. If it can be shown that additional time is necessary to complete legitimate study already in progress, exten-

sions of six months duration may be granted, upon petition, at the discretion of the Commission.

- ( 3) Original or duplicate copies of all field notes, maps, drawings, and photographs will be deposited with the Louisiana Archaeological Survey and Antiquities Commission within ninety days after the end of field operations. Duplication of such records will be done at the contractor's expense. To protect the publication rights of the archaeologist in charge, such primary field data will not be released by the Commission in any form for a period of one year.
- ( 4) The Louisiana Archaeological Survey and Antiquities Commission will determine, in accordance with the title arrangements of landmark agreements, the final disposition of all artifacts, specimens, materials, and data recovered by investigations on State archaeological landmarks. In determining final disposition, the Commission will take into consideration the advantages of making comparative type collections and specimens for public display available to the educational institutions and accredited museums throughout the State. In exceptional instances, as determined by the Commission, collections and other data may be deposited in scientific and educational institutions and museums located outside the State. In all cases, the entire range of physical evidence recovered from a State archaeological landmark on State-owned land remains the property of the State of Louisiana. A complete record of all artifacts, specimens, material, and data distributed by the Commission will be incorporated into the central State archaeological survey files.
- ( 5) The Commission shall have the right to duplicate any outstanding item recovered from a landmark regardless of who retains title to the original specimen. Duplicates made for or by the Commission will be clearly and permanently marked as such. The copied specimens will be used to promote increased public exposure to the State's outstanding antiquities without danger of loss to the original artifacts.
- ( 6) Contractors shall be responsible for cleaning, cataloging, and preserving all collections, specimens, samples, and records. The cataloging shall be accomplished in a manner consistent with the uniform catalog system established by the Commission.
- ( 7) No contract will be granted for a period of more than one year, but if the work has been

diligently prosecuted under the contract, the time may be extended upon application showing good cause.

- ( 8) The contract shall contain all special regulations governing the particular investigation to be undertaken.
- ( 9) Contracts to become executory shall be signed by the State Archaeologist or his authorized representative, the contractor, and the professional archaeologist who assumes responsibility for the project.
- (10) The contractor will have a copy of the contract available at the site of the investigation during all working hours. Any authorized member or agent of the Commission, any landowner of a landmark on private lands, and any representative of a governmental agency having jurisdiction over a landmark on excluded public lands may at any time visit the area or site being investigated under contract. Such a representative may examine the contract as well as the field records, materials, and specimens being recovered.
- (11) If the contractor fails to comply with the contract, or fails to conduct properly or to complete the project, the Commission may terminate the contract upon the giving of notice and hearing to the contractor. Upon cancellation, the contractor shall cease work immediately and vacate the area or site within 24 hours, including removal of all personnel and equipment. Through cancellation of a contract, the contractor forfeits all rights as herein provided to the specimens and data recovered. A contract which has been cancelled can be reinstated by the Commission if good cause is shown within 30 days of the cancellation.
- (12) Institutions, museums, organizations, corporations, and persons receiving contracts for investigation of State archaeological landmarks shall, after completion of the work, restore the lands on which they have worked to their former condition, to the satisfaction of the Commission and, in the case of landmarks on private lands, to the satisfaction of the landowner.
- (13) Contractors shall be responsible for preparation of a written report describing in full the results of the investigation. The report should be suitable for publication, follow the style and format of American Antiquity, and be of high professional quality. The contractor shall furnish the Commission with an original and 25 copies of the report which have been reproduced by superior duplicating processes

such as multilith or xerox. All photographs must be legible, and an original set of photographic prints should accompany the report. The reports will be treated as central State archaeological survey files, and no duplication will be allowed without the permission of the author and the Commission.

- (14) No contract issued by the Commission may be transferred in whole or in part to any other institution, museum, corporation, organization, or individual without the expressed written approval of the Commission.

**Section 7. Types of Contracts.** Three categories of contracts, oriented toward specific types of investigation, will be recognized by the Commission. When a State archaeological landmark on private lands or excluded public lands is involved, each type of contract must be endorsed by the landowner or by an appropriate governmental official respectively. The three categories of contracts that will be authorized to be executed by the Commission under the Act and regulations are as follows:

- ( 1) Survey and Reconnaissance—a contract for the purpose of searching a specific area for sites by visual examinations of the surface or by use of specialized equipment such as magnetometers and metal detectors. Under this type of contract, investigation is limited to recording site locations, mapping, photographing, controlled surface collecting, soil augering to determine depths of midden deposits, and aerial reconnaissance.
- ( 2) Testing—a contract allowing detailed examination of a particular site by systematic test excavations of limited scope.
- ( 3) Excavation—a contract providing for full investigation and extensive excavation of a particular locality.

**Section 8. Applications for Contracts.** Applicants qualified in compliance with Section 5 foregoing and desiring a contract for investigation of a State archaeological landmark shall file an application with the Commission at least three months prior to the proposed beginning date of field operations.

- ( 1) Applications for contracts shall be prepared on standard forms available from the Commission. The applications must include:
  - (a) A statement of the purpose of the investigation;
  - (b) An outline of the proposed work;
  - (c) An accurate sketch plan of the particular site or area to be investigated and a map showing the latitude and longitude;
  - (d) A proposed beginning date for the field

work and an estimated length of time which will be devoted to field work;

- (e) The name, address, and telephone number of the professional archaeologist who will be in immediate charge of the project;
- (f) The location where the specimens, material, and data will be kept during the analysis of the results of investigation;
- (g) The proposed date for submission of a final report describing the results of the investigation;
- (h) Evidence of adequate funds, personnel, equipment, and facilities to complete the proposed investigation properly and to restore the landmark to its original condition.

- ( 2) Special circumstances may require that a contract be executed on short notice, especially when a site is threatened with immediate destruction. In such cases, application procedures are the same except that the three months lead time is waived. The Chairman will poll Commission members for immediate approval or disapproval of such emergency applications.

**Section 9. Intergovernmental Contract Review.** On receipt of an application for a contract to carry out investigations on State lands, the Commission will refer such application routinely to the agency or political subdivision having administrative control of the land upon which the site is located. Such original review will be accomplished prior to final approval by the Commission.

**Section 10. Due Process Provisions.** Any applicant whose application has been denied, or any other interested party who in any manner has been aggrieved by any provision of the regulations, may file a petition for hearing and review of such denial of application or other grievance by the Commission. Such a petition shall be reviewed by the Commission, or a committee thereof, and if it appears that the petitioner has sufficient cause, the hearing requested shall be conducted. If after conducting the hearing it appears that the petitioner is entitled to the relief sought, the Commission shall adopt appropriate action. If the Commission declines to adopt action granting the release sought by the petitioner, the petitioner shall be entitled to seek relief as may be provided for by law.

**Section 11. Regulations Severable.** Provisions of these regulations are declared to be severable, and should any part hereof be declared by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the

remaining parts of the regulations shall remain in full force and effect. All actions of the Commission in conflict herewith are repealed to the extent of such conflict.

## Chapter II. Bylaws.

**Section 1. Purpose.** The provisions of Chapter II, hereafter referred to as "bylaws", govern the conduct of business by the Louisiana Archaeological Survey and Antiquities Commission.

**Section 2. Quorum.** Action of the Commission shall be by the affirmative roll call vote of a majority of the appointed and ex-officio members of the Commission, provided that a quorum of six or more such members is present. Proxy votes authorized by the written consent of an absent Commission member are permissible. The outcome of all votes will be recorded in the official minutes of the Commission.

**Section 3. Public Meetings, Notices, Emergency Meetings.** All meetings of the Commission shall be in accord with the public meeting laws of the State of Louisiana, and otherwise comply with the requirements of Title 42, Sections 5 through 9 of the Louisiana Revised Statutes. The Commission shall meet at least four times a year at such times as shall be designated by the Chairman. Meetings of the Commission shall be upon the call of the Chairman, upon the call of the Vice-Chairman in the Chairman's absence or incapacity, or upon notice of a meeting signed by not less than three members of the Commission and filed with the Secretary of the Commission. Notice of all meetings of the Commission shall be mailed to each member of the Commission at least two weeks prior to the meeting, except in the case of emergencies certified by the Chairman or by three members of the Commission calling such emergency meetings, in which event the notice shall be given by telephone call and in writing, mailed not less than three days prior to the holding of such emergency meetings. Minutes of the Commission shall be reduced to writing by the Secretary and retained in the permanent official minute book of the Commission.

**Section 4. Officers.** The officers of the Commission shall consist of the following:

- ( 1) The Chairman, who shall be chief executive officer of the Commission;
- ( 2) The Vice-Chairman, who shall act in place of the Chairman when the Chairman is absent from the State, incapacitated, or otherwise not able to act;
- ( 3) A Secretary, who shall maintain the official minute book and the official records of the Commission;

- ( 4) A Treasurer, who shall maintain complete financial records of the Commission.

**Section 5. Cash Management.** All monies of the Commission received from any appropriation, gift, grant, bequest, or other source shall be administered in the manner required by Louisiana law pertaining to the expenditure and control of public funds. The Commission will comply fully with the Central Cash Management Law, except in the case of gifts, donations, and bequests from private sources which are considered exempt. Such funds received from private sources which are unexpended at the end of each fiscal year shall not revert to the General Fund of the State of Louisiana but instead be retained by the Commission to be dedicated to the special and specific purposes for which they were donated.

**Section 6. Budget.** No monies of the Commission shall be expended except pursuant to appropriations authorized by resolution of the Commission. The Commission shall adopt an annual operating budget. No expenditures of the Commission shall exceed the estimated revenues for the year from all sources. All appropriations of the Commission for expenditure of money shall be in accordance with the annual operating budget.

**Section 7. State Archaeologist.** The State Archaeologist shall act as the chief administrative officer of the Commission and shall implement the policies of the Commission under the Act. The powers of such administrator shall extend to and include all matters of hiring and purchasing, except that the hiring of permanent employees above the rank of secretary shall be approved by the Commission in advance. All actions initiated by the State Archaeologist in matters of hiring and purchasing will be submitted subsequently to the Commission for ratification and approval. Awarding of contracts, the adoption of and amendment to the annual operating budget, and other similar actions shall be submitted to the Commission for its prior approval at a regular or special meeting called and conducted in accordance with the bylaws. All purchasing shall be conducted in accordance with the Central Purchasing Law of Louisiana.

**Section 8. Executive Committee.** There shall be an executive committee composed of the officers of the Commission and the State Archaeologist. Such executive committee is empowered to exercise powers of the Commission at any time when the calling of an emergency meeting of the Commission is impossible. The exercise of such powers must be without dissent of any member of the executive committee. All actions adopted by the executive committee shall be submitted to the next regular or special meeting of the Commission

for consideration and ratification. Powers authorized in this Section shall not be exercised in any manner that would constitute an unconstitutional or unlawful delegation of the powers of the Commission to the executive committee.

**Section 9. Annual Report.** An annual report summarizing the activities, accomplishments, and important business of the Commission will be prepared by the chief executive officer and submitted to the Legislature and to the Governor as required by R.S. 41:1603 (F).

### Chapter III. Registry.

**Section 1. Creation and Maintenance of Registry.** The provisions of Chapter III define and create a Registry of State archaeological landmarks, hereafter referred to as "Registry." The Registry will consist of an inventory of landmarks that are approved by the Commission. The inventory shall be maintained by the Secretary of the Commission in a special book of record marked "Louisiana Registry of State Archaeological Landmarks". The Registry shall be placed in the permanent archives and records of the Commission under the official custody of the State Archaeologist.

**Section 2. Purpose of Landmarks.** Prehistoric and historic sites will be registered as State archaeological landmarks by the Commission in order to insure that such sites will be preserved and protected to the maximum extent possible.

**Section 3. Landmarks - State-Owned Lands.** Any prehistoric or historic site defined by R.S. 41:1607 (1) and located in, under, or on lands belonging to the State of Louisiana may be included in the Registry at the discretion of the Commission.

**Section 4. Landmarks - Excluded Public Lands.** Any prehistoric or historic site defined by R.S. 41:1607 (1) and located on excluded public lands may be designated a State archaeological landmark provided that prior to entering such designation in the Registry the Commission first secures permission to do so by the following actions:

- ( 1) Give notice in writing to the appropriate agency, political subdivision, or other entity defined in Chapter I, Section 1, Paragraph (4), (a), (b), and (c) of this instrument. The notice shall state that the Commission intends to include a designated geographic area of land in the Registry as a State archaeological landmark. The notice shall include a reasonable description of the limits of the proposed landmark, set out the reasons for the intended designation, describe all responsibilities per-

taining to the preservation and upkeep of the landmark, and specify that the notified party may within a period of 30 days apply to the Commission for the holding of a hearing prior to action on the proposed landmark designation.

- ( 2) Hold a hearing on the proposed landmark designation should one be requested within a period of 30 days after mailing of the notice. Upon receipt of a request for a hearing, the Chairman of the Commission shall set a time not less than 30 nor more than 90 days from the date of receipt of such request. The interested party shall be advised promptly of the decided date, time, and place of such hearing and of the right to be represented by counsel and to present witnesses and any other evidence and testimony relevant to the determination of suitability for the site as a State archaeological landmark.
- ( 3) Obtain a written agreement from the agency, political subdivision or other entity holding title to the land upon which the landmark is located. The agreement shall state that the proposed landmark will be protected as a cultural resource and that, subject to the outcome of intergovernmental contract review, the Commission shall have the sole jurisdiction to award contracts for survey and salvage at the site. Such agreement of consent will stipulate that all subsequent investigation or alteration of the landmark will be done in strict compliance with the requirements of the regulations adopted by the Commission. The agreement of consent will specify which agency or political subdivision shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage.

**Section 5. Landmarks - Private Lands.** Any prehistoric or historic site defined by R.S. 41:1607 (1) and located upon private lands may be designated a State archaeological landmark provided that prior to entering such designation in the Registry, the Commission first secures the voluntary written permission of the landowner or landowners to do so. The agreement of consent will vary according to specific circumstances, but in general it will contain the provisions suggested in the following outline:

- ( 1) The geographic limits of the proposed landmark will be described in a manner sufficient to locate the site upon the ground;
- ( 2) There will be a statement to clarify that landowner consent for a site to become a landmark does not constitute a forfeiture of

all control over the land upon which the site is located;

- ( 3) There will be a statement to acknowledge that landowner consent for a site to become a landmark does represent a pledge on the part of the landowner or landowners to preserve and protect the site as a nonrenewable cultural resource;
- ( 4) There will be a statement specifying the precise degree of jurisdiction transferred to the Commission with respect to determining who shall be allowed to enter upon the landmark for the purpose of removing artifacts and specimens of all types or for the purpose of violating the site by any form of excavation for whatever reason;
- ( 5) There will be language encouraging the landowner to remove the landmark from cultivation or stipulating those plaza or village areas that may be subjected to continued normal cultivation under the agreement;
- ( 6) There will be a statement of recognition that all contractors authorized by the Commission must respect the rights of the landowner and will be held liable for damage to all access routes, property, and lands adjacent to the landmark;
- ( 7) There will be a clear statement stipulating who shall retain title to all artifacts and other physical remains recovered from the landmark under the provisions of a contract for survey and salvage;
- ( 8) There will be a statement setting out the exact limits and degree of public access to the landmark, if any, that are acceptable to the landowner and to the Commission once the landmark has been investigated, properly restored, and stabilized;
- ( 9) All special conditions and restrictions will be described fully in a manner acceptable to both the Commission and the landowner or landowners.

**Section 6. National Register.** State archaeological landmarks determined by the Commission to be of major scientific and educational value will be nominated through prescribed channels for inclusion in the National Register of Historic Places.

**Section 7. Landmark Declassification.** Any State archaeological landmark may be determined by resolution of the Commission to be of insufficient historical, archaeological, or scientific interest to warrant its further classification as such. Upon such determination the site may be removed from the Registry.

## Chapter IV. Files and Custodianship.

**Section 1. Central State Archaeological Survey Files.** The provisions of this chapter establish the central State archaeological survey files as authorized by R.S. 41:1607 (5). The files shall be maintained in the office of the State Archaeologist under his care, custody, and responsibility, acting for and on behalf of the Commission. Also contained in this chapter are provisions which clarify the custodianship and use of State-owned antiquities.

**Section 2. Contents of Files.** The central State archaeological survey files shall include all available information on known historic and prehistoric sites located within the State of Louisiana. Such information may include geographical references, site descriptions, field notes, maps, drawings, photographs, and related documents of every description. The files will contain a complete catalog record of all antiquities and objects, recovered from State lands or donated from other lands, that are in the control and possession of the Commission.

**Section 3. Supplementary Files.** The central State archaeological survey files additionally consist of files and records in the following locations and under the care and custody of the following designated institutions:

- ( 1) Department of Geography and Anthropology  
Louisiana State University  
Baton Rouge, Louisiana 70803
- ( 2) Department of Social Studies  
Northwestern State University of La.  
Natchitoches, Louisiana 71457
- ( 3) Department of Geosciences  
Northeast Louisiana State University  
Monroe, Louisiana 71201
- ( 4) Dept. of Anthropology and Geography  
University of New Orleans  
New Orleans, Louisiana 70122
- ( 5) Department of Social Studies  
Univ. of Southwestern Louisiana  
Lafayette, Louisiana 70501
- ( 6) Archives and Records Division  
Louisiana Secretary of State's Office  
Baton Rouge, Louisiana 70804
- ( 7) Environmental Unit  
Louisiana Department of Highways  
Baton Rouge, Louisiana 70804

**Section 4. Deputy Custodians.** The appropriate officers of the entities listed in Section 3 above are appointed and designated as deputy custodians of the central State archaeological survey files. The deputy custodians shall be responsible for the files and objects presently in their possession and as hereafter may come into their official possession pursuant to the regulations. Deputy custo-

dians of the central State archaeological survey files shall maintain an up-to-date inventory of all antiquities and objects in their possession and file the same with the State Archaeologist. A duplicate copy of all files in the possession of each deputy custodian shall be made available to the Commission upon request.

**Section 5. Private Custodianship Contracts.** Private universities or colleges and museums which are accredited or approved by the Commission may participate in the supplementary files system by entering into a custodianship contract with the Commission. The custodianship contract shall designate the contracting institution as a deputy custodian and provide for full participation in the central State archaeological survey files system. Deputy custodians appointed through custodianship contracts shall be subject to all requirements and responsibilities contained herein.

**Section 6. Access to Files.** Access to the central State archaeological survey files will be restricted to those agencies and persons who, in the opinion of the State Archaeologist or appropriate deputy custodian, have a legitimate need for the information contained therein. Easy access to the files will be provided to all scientific and educational institutions, professional archaeologists, students, government agencies, archaeological societies, and other individuals who are pursuing valid research needs. Access will not be provided automatically, however, to those groups or persons lacking specific purpose or requirements unless a clear scientific or educational intent can be demonstrated. The central State archaeological survey files will be maintained to protect archaeological resources and to contribute to scholarship and scientific advancement; the files will not be maintained to facilitate the location of archaeological sites for activities specifically prohibited by R.S. 41:1609.

**Section 7. Custodianship of State-Owned Antiquities.** All antiquities and objects recovered from State lands or donated to the State from private lands or excluded public lands shall become the legal responsibility of the Commission. Such antiquities shall be deposited with the Commission and recorded in the central State archaeological survey files. The final repository of State-owned antiquities will be decided by the Commission on the basis of maximum public exhibit consistent with the full protection and preservation of such antiquities as non-renewable cultural resources. State antiquities deposited with deputy custodians may be recalled by the Commission at any time should such action be warranted in the opinion of a majority of Commission members.

**Section 8. Burial Furniture and Physical Remains.** Burial furniture and physical remains removed from an Indian burial site and unclaimed by a legal heir shall be

recorded in the central State archaeological survey files and shall be afforded the same protection as other State-owned antiquities that are in the control and possession of the Commission. Such items may be deposited in educational institutions and accredited museums under the care of a deputy custodian designated by the Commission.

**Section 9. Use of Antiquities.** No object or antiquity recorded in the central State archaeological survey files shall be sold, loaned, or otherwise lost or disposed of except pursuant to the authority of the Commission. However, nothing herein contained shall be construed as preventing a deputy custodian from providing for such use of objects and antiquities as is necessary and incidental to the educational programs of the institution at which such objects and antiquities are stored and maintained, or for any other use as a cultural and educational resource.

## Chapter V. Program.

**Section 1. Purpose.** The provisions of Chapter V initiate and adopt a program of archaeology for the State of Louisiana as authorized and directed by R.S. 41:1607.

**Section 2. Archaeological Program.** The Commission, acting through its officers, staff, employees, committees, and contractors, in order to implement and supplement the directives of R.S. 41:1607, shall inaugurate a program of activities in archaeology which will include, but not be limited to, the following endeavors:

- ( 1) Revise, extend, improve, and promote the Registry of State Archaeological Landmarks.
- ( 2) Contribute to the public awareness and understanding of the State's historic and prehistoric resources by:
  - (a) Designing and maintaining a system of exhibits and interpretive displays;
  - (b) Issuing regular news releases to the public media;
  - (c) Providing a series of accurate and informative publications directed to the non-professional audience;
  - (d) Cooperating with State archaeological societies;
  - (e) Making Commission records, files, and expertise available to students from all institutions of higher education;
  - (f) Developing a lecture program and audio-visual aids suitable for use by civic and school groups within the State.
- ( 3) Encourage participation by private landowners in the process of conservation, preservation, and investigation of prehistoric and historic resources.

- ( 4) Undertake a comprehensive survey of the entire State and its offshore waters to determine the full extent of existing nonrenewable cultural resources.
- ( 5) Prepare and keep up-to-date a priority list of specific investigations that must be conducted in order to satisfy the objectives of the Commission's long range research strategy. Except in the case of sites threatened with immediate destruction, contracts should be assigned partially on the basis of what the proposed project can contribute to the solution of such overall research problems. Budget requests as well should reflect the order of priority investigations.
- ( 6) Undertake a legislative study exercise to determine the need, if any, for changes in State law to achieve the goals of the Commission's program as stated herein.
- ( 7) Investigate the need for additional regulations to implement Public Law 93-291, adopted May 24, 1974, by the Congress of the United States.
- ( 8) Standardize the State's archaeological data base by and after interaction and cooperation with all agencies and institutions of higher education actively investigating the history and prehistory of Louisiana. Through standardization of forms used in recording archaeological data and through development of a computer program to process such data, the results of all archaeology conducted within the State shall be made available to and be in a form utilizable by all other archaeologists participating in the system.
- ( 9) Inform State agencies, departments, and other instrumentalities including subdivisions, special districts, law enforcement officers, and other units of local government of all registered State archaeological landmarks and the regulations pertaining thereto.
- (10) Publish both popular and professional articles of scientific, historic, and prehistoric merit.
- (11) Inform all State agencies, departments, and other instrumentalities of the Commission's program, the benefits to be derived from such work, the law pertaining thereto, and the regulations adopted to execute such program.
- (12) Nominate through prescribed channels all State archaeological landmarks determined by the Commission to be of major scientific and educational value for inclusion on the National Register of Historic Places. The National Register program will be explained to landowners at the same time sites on private lands are being registered as landmarks.

- (13) Establish and maintain liaison with archaeological organizations in both the professional and amateur categories for the purpose of:
  - (a) Determining the need for action by the Commission;
  - (b) Identifying new items to include in the program;
  - (c) Assessing the need for amendment, repeal or rewriting of the regulations;
  - (d) Obtaining input of ideas for better carrying out the purposes, goals, and objectives of the Commission;
  - (e) Facilitating the preservation, conservation, and proper utilization of the archaeological resources of the State.
- (14) Support Federal, State, and private agencies, political subdivisions, and firms in determining the impact of proposed construction projects on all historic and prehistoric resources. The Commission may, at its discretion, accept an existing archaeological resource statement, provided that a recent ground survey has been conducted by a professional archaeologist in support of the statement. The Commission may also contract with another agency, political subdivision, or firm whose staff includes a professional archaeologist to survey the construction area and to prepare an archaeological resource statement.
- (15) Seek to establish and solicit private support for the Louisiana Archaeological Council. Membership in the Council will be open to all professional archaeologists located or working in the State of Louisiana. The Council will meet quarterly, whenever possible in conjunction with any other archaeological meeting. The Council will serve as an advisory body to the Louisiana Archaeological Survey and Antiquities Commission. It will contribute to a coordinated State archaeological program by providing a medium through which the fruition of on-going investigations can be shared and research assignments can be allocated on a voluntary basis.
- (16) Design, sponsor, and maintain a permanent storage and research facility to be called The Louisiana Center for the Study of Man. Such a building will:
  - (a) Serve as permanent headquarters for the Commission;
  - (b) Provide safe, atmospherically controlled, and perpetual storage for the State's historic and prehistoric resources;
  - (c) House the central State archaeological survey files;
  - (d) Contain efficient and adequate facilities for the treatment, preservation, and processing of recovered remains of all types;
  - (e) Be the center for uniform, up-to-date type collections of the State's historic and prehistoric artifacts;
  - (f) Supply exhibit space for outstanding archaeological specimens deserving of public viewing;
  - (g) Provide safe and accessible storage for photographs, books, records, maps, and documents pertaining to Louisiana history and prehistory;
  - (h) Facilitate the utilization of collections and field data in the custody of the Commission in a manner which encourages maximum analysis and interpretation;
  - (i) Serve as a primary research facility for all professional archaeologists, scientists, and students who are interested in and actively studying the history and prehistory of human settlement in the State of Louisiana.

#### Chapter VI. Underwater Investigations.

**Section 1. Purpose.** The provisions of Chapter VI constitute a supplement to the regulations pertaining to the special conditions for location and recovery of sunken treasure.

**Section 2. Contract Requirements.** Contracts for underwater investigations of all types will be issued by the Commission in strict compliance with the procedures set forth in the regulations. Due to the potentially high monetary value of the objects that conceivably will be recovered by underwater exploration, the following additional conditions must be satisfied before a contract will be initiated:

- ( 1) An applicant must be bonded and financially responsible;
- ( 2) Contracts for the recovery of sunken treasure will be issued for only one specific underwater site at a time;
- ( 3) The contractor must have suitable seaworthy motor vessels, diving apparatus, and related equipment to conduct the search and recovery in a proper and safe manner;
- ( 4) The professional underwater archaeologist in charge and all personnel involved in the underwater search and recovery operation must be covered by acceptable liability insurance which is procured at the expense of the contractor;
- ( 5) The contractor must bear the expense of

having a minimum of one representative of the Commission on board the motor vessel at all times;

- ( 6) Objects retrieved from underwater sites will be inventoried immediately by a representative of the Commission and thereafter deposited in a place of safekeeping which has a degree of security commensurate with their value;
- ( 7) The contractor must demonstrate the capability for immediate stabilization, treatment, and preservation of the recovered underwater remains, many of which are highly perishable upon exposure to the atmosphere.

**Section 3. Title to Remains and Compensation.** Superior title to all objects recovered from underwater sites located within the river systems, tidelands, submerged lands, or offshore waters falling under the jurisdiction of the State of Louisiana shall be retained by the State. Under certain conditions allowed by R.S. 41:1606 and as approved in advance by the Commission, a reasonable percentage of the recovered remains may be allocated to the contractor as fair compensation for their salvage.

#### Chapter VII. Indian Burial Sites.

**Section 1. Purpose.** The provisions of Chapter VII recognize the special nature of Indian burial sites as archaeological landmarks in accordance with the public policy of the State as enunciate in R.S. 8:651 et seq., R.S. 14:101, and laws supplemental thereto declaring that the site of interment of human remains is to be protected from disturbance. Chapter VII further recognizes the need to contribute to the knowledge, understanding, and appreciation of the cultural heritage of historic and prehistoric ethnic American Indian groups and to expand and document the history of such Indian groups by recovery of sufficient archaeological and anthropological evidence from Indian burial sites in proper cases.

**Section 2. Indian Burial Sites - Contract Required.** No person shall excavate, dig into, remove from, take, or alter an Indian burial site on State-owned lands, excluded public lands, or private lands except pursuant to and in accordance with the terms and provisions of a contract for survey and salvage as set out in Chapter I, Sections 4 through 10 inclusive of the regulations. In addition to the requirements of Sections 4 through 10 inclusive, a contract for survey and salvage pertaining to an Indian burial site shall be found by the Commission to have the following special goals:

- ( 1) To achieve the purposes set out in Section 1 of this chapter;
- ( 2) To restrict excavation to that which is archae-

ologically necessary so as to not wantonly desecrate the Indian burial site.

**Section 3. Use of Indian Burial Sites.** The provisions of this chapter shall not be construed as preventing a landowner from utilizing an Indian burial site for purposes of farming, cattle raising, timber growing, and other similar surface uses that will not result in the disturbance of human remains through excavation or other activities.

**Section 4. Burial Furniture and Physical Remains.** All burial furniture and physical remains removed from an Indian burial site are the property of the State of Louisiana in the event that no person appears who is a legal heir entitled to inherit the property of the Indian who is interred. Such burial furniture and remains that become property of the State shall be placed in the care and custody of the Commission or a deputy custodian designated by the Commission.

**Section 5. Indian Burial Sites as Landmarks.** Indian burial sites and other cemeteries as defined in R.S. 8:1 et seq. may be declared to be and registered as State archaeological landmarks in accordance with the provisions of Chapter III, Sections 2 through 5 inclusive of the regulations. Failure of the Commission or the State Archaeologist to identify an Indian burial site or to designate an Indian burial site as a State archaeological landmark shall not alter the status of such site as a cemetery or burial ground within the meaning of R.S. 8:1 et seq. and other laws pertaining to places of interment of human remains.

**Section 6. Emergency Landmark Designation.** When it appears that an Indian burial site having extraordinary archaeological value has been excavated or is in imminent danger of being desecrated in violation of Louisiana law (particularly R.S. 8:653), the Commission may make an emergency designation of such Indian burial site as a State archaeological landmark.

( 1) Emergency designations affecting private lands or excluded public lands shall be adopted by resolution of the Commission or by order of the State Archaeologist. Such resolution or order shall set out and include:

- (a) A map or description identifying the limits of the geographic area found, hereunder, to constitute an Indian burial site;
- (b) A statement specifying the archaeological evidence supporting such finding and declaration;
- (c) A description of the excavation or threatened desecration in violation of law on which the emergency action of

the Commission or the State Archaeologist is predicated.

- ( 2) The Commission may take such additional legal action in the conservation and preservation of an Indian burial site as is authorized by law, including the action authorized by R.S. 41:1612.
- ( 3) Notice of the designation of an Indian burial site on private lands or excluded public lands as a State archaeological landmark shall be communicated promptly to the landowner or appropriate agency head. Notice shall be executed by mailing or delivering a copy of the resolution or order making such designation.
- ( 4) Any landowner on whose property an Indian burial site has been designated a State archaeological landmark and who objects to such designation is entitled to a hearing and review as provided for under Chapter I, Section 10 of the regulations. Similarly, the head of any agency involved in such designation on excluded public lands is entitled to the due process procedures of Chapter I, Section 10.
- ( 5) Should no protest or application for a hearing be made by a private owner or an agency head within 120 days of the posting of a written notice designating an Indian burial site as a State archaeological landmark under this chapter, such designation shall be final and conclusive.

**Section 7. Accidental Disturbance.** Where construction, acquisition, or operation of a building, road, dam, pipeline, or similar improvement project unexpectedly uncovers human remains that appear to fall within the purview of these regulations, the owner, his agents, or other representatives shall delay temporarily, within the specific area where human remains are encountered, all construction or maintenance activity until the following conditions are satisfied:

- ( 1) The Commission is notified immediately;
- ( 2) The human remains and any vestments or other articles interred therewith be preserved and delivered to the Commission or a designated deputy custodian of the Commission;
- ( 3) The owner or person in charge of the construction or maintenance project cooperate with any designated representative of the Commission assigned to the site to recover archaeological evidence.

**Section 8. Prior Archaeological Investigation.** Excavation of Indian burial sites by predecessors of the Commission, its deputy custodians, the Lower Mississippi Survey, or any other professional archaeologists made prior to the

effective date of these regulations for the goals and purposes set forth in Section 1 of this chapter are hereby approved and ratified under the law. Nothing herein shall be construed as approving excavations of Indian burial sites made in violation of Louisiana law prior to the effective date of these regulations.

**Section 9. Unlawful Removal of Burial Furniture.** Whoever without authority of law knowingly excavates an Indian burial site with the intention and for the purpose of taking and removing burial furniture shall be subject to punishment as provided for in R.S. 8:653, R.S. 41:1611, and other applicable law.

William G. Haag  
Chairman

## RULES

### Capital Area Ground Water Conservation Commission

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*(Editor's Note: The following rules were adopted on August 11, 1975, to be effective October 1, 1975.)*

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#### Section 1.0.0.0. Rules, Regulations and Procedures For Water Well Registration in the Capital Area Ground Water Conservation District

In accordance with the provisions of Title 38, Section 3076A (3) and 3076A (4) of Louisiana Revised Statutes enacted by Act 678 (1974) the following rules, regulations, and procedures for water well registration in the Capital Area Ground Water Conservation District were adopted on August 11, 1975. The Capital Area Ground Water Conservation District includes the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

The rules, regulations, and procedures stated herein were prepared in cooperation with the Louisiana Department of Public Works which is responsible for registering water wells in Louisiana as per Act 535 (1972). In order to avoid duplicate records and duplicate inquiries and visits, the registration procedures and activities of the Commission will be coordinated with the Louisiana Department of Public Works. Records of wells registered by either State agency will be made available to the other agency. When one agency considers that a well is registered, it shall be considered registered by both agencies.

**Section 1.1.0.0. Water Wells  
That Shall Be Registered**

- A. All wells which supply a public water system, regardless of yield, must be registered with the State.
- B. All other water wells capable of producing more than 50,000 gallons per day must be registered. For wells in the District that are exempt from registration by the Commission, refer to Section 1.1.2.0. Refer to Section 1.1.1.0. for procedures for registering water wells used in connection with petroleum activities.
- C. Procedures for determining when a water well is considered registered and procedures for determining responsibility for registering water wells are given in Sections 1.2.0.0. and 1.3.0.0.

**Section 1.1.1.0. Registration of Water Wells  
Used in Connection With Petroleum Production**

- A. Water wells producing fresh water for water flood activities permitted by the Department of Conservation must be registered according to the rules, regulations, and procedures stated herein.
- B. Water wells producing saline water in connection with petroleum production do not have to be registered. These wells are regulated by the Louisiana Department of Conservation.

**Section 1.1.2.0. Exemptions**

- A. As provided for by Section 3073 (3), and Section 3076D of Act 678 (1974), the following wells are exempt from the rules, regulations, and procedures for the registration of water wells in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes, but not capable of producing more than 50,000 gallons per day.
- B. Although the cited wells in the District are exempt from the Commission's rules and regulations for registration, they may not be exempt from the rules, regulations, and procedures for water well registration of other State agencies.

**Section 1.2.0.0. Registration of Water Wells  
Completed on or After July 1, 1975**

The rules, regulations, and procedures as stated

herein shall be used for establishing responsibility for registering water wells in the Capital Area Ground Water Conservation District completed on or after July 1, 1975, for determining when such a well is considered registered.

**1.2.1.0. Responsibility for and Procedures  
for Registering Water Wells**

- A. The water well contractor who drilled and constructed the well shall register the well by submitting to the Louisiana Department of Public Works, a completed Water Well Registration Form (LDPW-GW-1) for wells that must be registered in accordance with Section 1.1.0.0. and completed on or after July 1, 1975. Copies of the registration form for wells in the District will be made available to the Commission, after field check and verification.
- B. The registration form must be sent to the Louisiana Department of Public Works no later than 30 calendar days after the well has been completed. The Commission and the Louisiana Department of Public Works considers that the well is completed when the well is accepted by the well owner.
- C. Water Well Registration Form LDPW-GW-1, which will be provided by the Commission or the Louisiana Department of Public Works shall be used to register water wells in the District completed on or after July 1, 1975.
- D. When the Registration Form (LDPW-GW-1), which is submitted by the water well contractor, is assigned a local well number by the Department or Commission, the water well shall be considered registered. Upon request, the well owner and water well contractor will be informed of the fact of registration and of the assigned local well number.
- E. Copies of all attachments to the registration form will be sent by the Department to the Commission.

**Section 1.3.0.0. Registration of Water Wells  
Completed Prior to July 1, 1975**

The rules, regulations, and procedures stated in this Section shall be used for establishing responsibility for registering a water well completed prior to July 1, 1975, the effective date of the rules, regulations, and procedures adopted by the Department of Public Works, and for determining when such a well is considered registered by the State. Because some of the water wells that have been completed have been inventoried, the procedures for registering wells completed prior to July

1, 1975, are dependent on whether or not the well has been inventoried and the records for the wells are available to the State agencies.

**Section 1.3.1.0. Responsibility for and Procedures for Registering Inventoried Water Wells Whose Records are Available to the State**

- A. The Commission shall obtain from available data a listing, by landowner or lessee, of wells with pertinent data. A copy of the list shall either be sent to the landowner or lessee for checking or shall be checked and verified by a representative of the Department.
- B. If the list is sent to the landowner or lessee for checking and updating, the landowner or lessee shall be responsible for updating and correcting the list, certifying the list as current, and returning the corrected and verified list to the Commission within 30 days after receiving the list.
- C. The list shall be updated by indicating the current status of each listed well, by adding wells not on the list, and by indicating the wells that have been abandoned.
- D. When the list, as corrected and certified by the landowner or lessee is received by the Commission or Department, the active wells on the list provided by the Commission or Department shall be considered registered. Wells added to the list by the owner shall be inventoried and registered by a representative of the Commission or Department in accordance with the procedures in Section 1.3.2.0.
- E. If in the opinion of the Commission or Department a visit or contact by a representative of the State is preferable and more convenient to the landowner or lessee than sending a list of wells, a field visit or contact shall be made by a representative of the State. This procedure will be used when the landowner or lessee is responsible for only a few wells. After the data is checked and the location verified, a local well number shall be assigned to the well. At that time the well shall be considered registered.
- F. Upon request, the landowner or lessee will be sent an updated listing of registered wells, by the Department or Commission, for which he is responsible.

**Section 1.3.2.0. Responsibility For and Procedures For Registering Water Wells Which Have Not Been Inventoried**

- A. The Commission's or Department's representative

shall contact the landowner or lessee to obtain well data and to check and verify the location of wells that have not been inventoried and whose records are not on file with a governmental agency. The landowner or lessee shall make available any needed data and shall permit access to the well site.

- B. After the Commission or Department assigns a local well number the well shall be considered registered. Upon request the landowner or lessee will be informed of the fact of registration and of the assigned local well number.

**Section 1.4.0.0. Registration of Reworked Wells**

- A. Registered wells that are reworked (e.g. development, replacing the screen) need not be registered a second time unless the screen is set in a shallower or deeper aquifer (sand). If the registered well, after reworking, obtains water from an aquifer different from that reported on the original Registration Form (LDPW-GW-1), another form shall be submitted by the contractor within 30 days after completion of work.
- B. If an unregistered well is reworked, deepened, changed in any manner, or a screen(s) is set in a shallower or deeper aquifer, a Registration Form (LDPW-GW-1) shall be submitted to the Department by the water well contractor within 30 days after the work is completed.

**Section 1.5.0.0. Test Holes**

Registration of test holes is not required. If a hole is converted after July 1, 1975, to a production well which is capable of producing 50,000 gallons per day, or is used to supply a public water system, a Registration Form must be filed with the Commission and/or Department.

**Section 1.6.0.0. Observation Wells**

Registration of wells used solely for observation purposes is not required. If converted after July 1, 1975, to a well capable of producing more than 50,000 gallons per day or used to supply a public water system, a registration form must be filed with the Commission and/or Department.

**Section 1.7.0.0. Use of Information**

- A. The registration of water wells is intended to complement and in no way void the requirements of the Louisiana Department of Public Works, Louisiana Division of Health, and the Louisiana Department of Conservation.

B. The information on the forms will be available to all persons upon request. The data will be coded and integrated with water data systems operated by other governmental agencies and research groups.

### Definitions

For the purpose of the rules and regulations stated herein the following definitions shall apply.

**Abandoned Well:** A well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water.

**Active Well:** An operating augered, dug, driven, bored, or drilled well that is used to supply water.

**Aquifer Test:** Pumping tests are made in water wells for either one of two purposes or for both objectives: (1) to obtain information about the performance and efficiency of the well being pumped, or (2) to provide data from which the hydraulic characteristics of the aquifer can be calculated. The test made to determine hydraulic characteristics is usually referred to as "aquifer test."

**Bacteriological Analysis:** This analysis, usually for drinking water, generally consists of determining total coliform.

**Biological Analysis:** Biological analysis of ground water is made only when there is a possibility of contamination from a surface source and an examination for microorganisms is made.

**Board:** The Board of Commissioners of the Capital Area Ground Water Conservation District.

**Chemical Analysis:** Usually a report of dissolved minerals in the water and the water's physical properties, such as temperature. The minimum chemical properties that are usually determined are hardness, specific conductance, hydrogen-ion concentration (pH), dissolved solids, chloride, bicarbonate, iron, fluoride and nitrate.

**Commission:** The Capital Area Ground Water Conservation Commission.

**Contaminant:** Any physical, chemical, biological, or radiological substance or matter in water.

**Contamination:** Any introduction into water of microorganisms, chemicals, wastes, or wastewater in a concentration that makes the water unfit for its intended use.

**Department:** The Louisiana Department of Public Works.

**Detritus:** Unconsolidated sediment comprised of both inorganic and decaying organic material.

**Director:** The Director of Public Works of the State of Louisiana or his designated representative.

**District:** The Capital Area Ground Water Conservation District.

**Drawdown:** The difference, usually in feet, between the static (nonpumping) water level and the pumping level in a well for a stated period of pumping from the well.

**Drill Cuttings:** Samples of the material obtained during drilling which are the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

**Driller's Log:** The driller's description of the geologic strata encountered, their thickness and depth.

**Electrical Log:** A record of the resistivities of the subsurface formations and the contained fluid and the spontaneous potentials generated in the borehole, both plotted in terms of depth below the land surface. Other similar logs made in boreholes are the induction logs. Other borehole geophysical logs that may be also available are the gamma ray, caliper and neutron. Usually only an induction or electrical log is available for new wells.

**Inactive Well:** A well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

**Lessee:** See definition for water well owner.

**Observation Well:** A well used by the appropriate engineering or research group in studies of the water resources of an area.

**Pollution:** A condition created by harmful or objectionable material in water.

**Potable Water:** Water whose bacteriological, physical, and chemical properties make it suitable for human consumption and other beneficial purposes.

**Public Water System:** A system for the provision to the public of piped water for human consumption, if

such a system has at least 15 service connections or regularly serves at least 25 individuals.

**Pumping Test:** Pumping tests are made in water wells for either one of two purposes or for both objectives: (1) to obtain information about the performance and efficiency of the well being pumped, or (2) to provide data from which the hydraulic characteristics of the aquifer can be calculated. The test made to obtain information about the performance of the well is usually referred to as "pumping test".

**Pumping Water Level:** The water level, usually expressed in feet, in a well that is being pumped, above or below a specific datum, usually land surface.

**Registered Well:** An inventoried well that has been assigned a local well number by the State and whose records are available.

**Saline Water:** Water with a dissolved solids content of 1,000 milligrams per litre or more.

**Seepage:** The appearance and disappearance of water into the ground surface—a type of movement of water.

**Specific Capacity:** The rate of discharge of water from a well divided by the drawdown of water level within the well for a specified period of continuous pumping of the well. It is usually expressed as "gallons per minute per foot of drawdown after X hours of continuous pumping."

**Standby Well:** A well that is used in emergencies or occasionally as a replacement well for an active well.

**Static Water Level:** The water level usually expressed in feet, in a well that is not being pumped, above or below a specified datum, usually land surface.

**State:** State of Louisiana.

**Test Hole:** An augered, drilled, driven, or bored hole that is used for the collection of geologic, hydrologic, and water quality data.

**Water Well Contractor:** Any person, organization, or corporation who engages for compensation in the drilling, boring, construction of a water well. Does not include anyone who drills, bores, cores, or constructs a water well on his own property for his own use.

**Water Well Owner:** An individual, corporation, associa-

tion, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

### **Section 3.0.0.0. Rules, Regulations, Standards, and Methods for the Plugging and Sealing of Abandoned Water Wells and Holes in the Capital Area Ground Water Conservation District**

Section 3076A (10) and (11) Act 678 (1974) authorized the Board of Commissioners of the Capital Area Ground Water Conservation District to establish standards for the sealing of abandoned wells, and to require that all abandoned wells be reported and sealed in accordance with such standards.

#### **Section 3.1.0.0. Purpose**

The rules, regulations, standards, and methods as stated herein for well and hole abandonment were prepared in response to this directive and were developed in coordination with other State agencies, which are also concerned with the wise use of the water resources of the State. The contents of these standards do not preempt but complement the Department of Public Works rules related to water wells, the Department of Conservation's rules and regulations related to oil, gas, and salt wells and the Division of Health's Sanitary Code requiring the protection of "freshwater sand". The Capital Area Ground Water Conservation Commission shall be responsible only for water wells in the Capital Area Ground Water Conservation District which is composed of the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

#### **Section 3.2.0.0. General Rules and Requirements**

The rules, regulations, standards, and methods stated herein apply to water wells that are drilled, bored, dug, augered, or driven. They are designed to provide for the restoration, as nearly as possible, of those subsurface and surface conditions that existed prior to drilling, boring, digging, or augering activities and for the installing of a well, taking into account any changes that may have occurred as a result of "natural stresses." The purpose of these regulations is to prevent contamination of aquifers by surface waters and the interchange of water between aquifers.

##### **Section 3.2.1.0. Exemptions**

The following wells, excavations, and holes are exempted from the provisions of rules, regulations, standards, and methods stated herein: seismic holes,

cathodic-protection holes, saline water wells associated with secondary recovery operations, brine wells, oil and gas wells and holes, geothermal and geopressured holes, brine-injection wells, water disposal wells, holes, and excavations used in the development and/or exploration of mineral resources, including but not limited to, gravel, salt, and sulphur, excavations, and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

Although the cited activities are not covered by Act 678 (1974), they are not exempted or excepted by State law. Therefore, persons, corporations, governmental agencies, etc., should take any and all action, and use all protective methods necessary to protect our water supply and to prevent contamination. The exclusion of these activities from Act 678 (1974) does not in any way remove or establish legal liability for health and safety hazards, contamination or pollution problems alleged to be caused by persons engaged in the cited activities in the first paragraph of this Section.

As provided for by Section 3073 (3) of Act 678 (1974) the following wells are exempt from the Commission's rules, regulations, standards, and methods for the sealing and plugging of abandoned water wells in the District: (1) wells less than 400 feet in depth, (2) wells serving less than six households, (3) wells used for bona fide agricultural or horticultural purposes, and (4) wells used for both domestic and agricultural purposes but not capable of producing more than 50,000 gallons per day. Although the cited wells in the District are exempt from the Commission's rules and regulations, they are not exempt from the rules and regulations of other State agencies.

#### **Section 3.2.2.0. Effective Date**

All water wells and holes abandoned on and after October 1, 1975, the effective date of the rules, regulations, standards and methods stated herein, shall be sealed in accordance with the procedure and methods stated herein.

#### **Section 3.2.3.0. Status of Wells Abandoned Prior to Effective Date**

If production operations have ceased, or a well is in state of disrepair prior to the effective date of procedures stated herein, and the owner has not and does not intend to place the well in the inactive status, the well shall be considered abandoned. The responsible party shall have six months from the effective date of these standards to return the well to active status or inactive status. After that time the abandoned well shall

be plugged or sealed as provided for in the standards and methods stated herein.

#### **Section 3.2.4.0. Filing of Water Well Abandonment and Plugging Form (LDPW-GW-2)**

The contractor who plugs an abandoned well or hole after October 1, 1975, shall complete Louisiana Department of Public Works Water Well Abandonment and Plugging Form (LDPW-GW-2) within 30 days after the completion of the work and submit the form (LDPW-GW-2) to the Louisiana Department of Public Works, who will record and transmit a copy to the Commission. Copies of Form LDPW-GW-2 may be obtained from the Commission or the Louisiana Department of Public Works. The Commission considers the work completed when the work is accepted by the responsible party. Acceptance by the responsible party does not imply in any way acceptance and approval by the State of Louisiana. The Commission, after inspection of the site and records (refer to Section 3.2.6.0.), can cause the responsible party and/or contractor to do that additional work necessary to properly plug and seal a hole or well in accordance with the methods and standards stated herein. The expense for the additional work shall be borne by the responsible party.

The Louisiana Health and Human Resources Administration may also require additional information for wells used to supply public water systems. Abandoned drilled water wells and holes plugged and sealed prior to the effective date of the rules, regulations, standards, and methods can be reported to the commission, using Form LDPW-GW-2. For wells or holes abandoned and plugged and sealed, prior to the effective date, the landowner or lessee may be required to describe or provide information on the methods used to plug and seal the abandoned wells and holes. The location of abandoned wells and holes and those wells and holes plugged prior to October 1, 1975, should be known by the landowner or lessee so that the site may be readily inspected by a representative of the State.

#### **Section 3.2.5.0. Adequacy of Plugging an Abandoned Water Well or Hole**

To assure that an abandoned water well or hole is plugged and sealed properly, and that there has been no "jamming" or "bridging" of the material, verification calculations and measurements should be made by the contractor to determine whether the volume of the material placed in the well or hole at least equals the volume of the casing or hole plugged and/or filled. When bridge plugs are set, sufficient time shall be allowed for the material to set. After that time the location of the plugging shall be verified by "tagging", measuring, or

sounding. Any measurement and calculations, the results of which should be included on the Abandonment and Plugging Form (LDPW-GW-2), shall also be made available upon request by the Capital Area Ground Water Conservation Commission and/or the Department of Public Works. The Board of Commissioners shall be responsible for determining whether a well or hole is satisfactorily plugged or sealed.

#### **Section 3.2.6.0. Inspection**

The Board of Commissioners may order at any time the site of an abandoned water well or hole inspected, to determine whether the work has been satisfactorily completed in accordance with the standards and methods stated herein, and as stated on the Water Well Abandonment and Plugging Form (LDPW-GW-2). The landowner or lessee shall make all records available to the representatives of the State and Commission, and allow representatives to enter the property and visit site(s).

#### **Section 3.2.7.0. Contractor**

In addition to the responsibility for submitting Form LDPW-GW-2 (Section 3.2.4.0.) for wells or holes plugged and sealed after October 1, 1975, it shall be the responsibility of each water well contractor to inform a landowner, lessee, or person having a well or hole drilled or altered, that the well or hole drilled shall be plugged if abandoned, in accordance with standards stated herein. The water well contractor shall also inform the owner of the necessity of plugging and sealing all other wells that have been previously abandoned.

#### **Section 3.2.8.0. Availability of Well Data**

The drilling and construction records of a water well, if not in the owner's file, may be obtained from the water well contractor who installed the well and/or from one of the following governmental agencies:

Louisiana Department of Public Works  
Post Office Box 44155, Capital Station  
Baton Rouge, Louisiana 70804

or

U.S. Geological Survey, WRD  
Post Office Box 66492  
Baton Rouge, Louisiana 70806

Reports and/or information on hydrology, geology, the occurrence of saline water bearing and fresh water bearing sands, and quality of water, may also be obtained from the above named governmental agencies and/or from:

Louisiana Department of Conservation  
Post Office Box 44275  
Baton Rouge, Louisiana 70804

or

Louisiana Geological Survey  
Post Office Box G  
Baton Rouge, Louisiana 70803

#### **Section 3.3.0.0. Regulations and Standards for Plugging and Sealing a Well or Hole and for Determining Responsibility**

Following are regulations and standards for determining the status of a dug, drilled, bored, augered, or driven water well or hole and for determining the party responsible for properly plugging an abandoned well or hole.

Unless otherwise specified in the regulations and standards stated herein, the landowner or lessee shall be responsible for plugging and sealing an abandoned water well or hole. The individual or group responsible for plugging an abandoned water well or hole shall be known in the rules, regulations, standards, and methods as the responsible party. The responsible party shall take the necessary action to insure that an abandoned hole or well is plugged properly by a contractor qualified and experienced in plugging and sealing abandoned wells and holes, and in accordance with the methods and standards in Section 3.6.0.0.

#### **Section 3.3.1.0. Active Well**

An active well is an operating water well or a standby well that can be used with little effort and at any time, to supply water. When an oil or gas well has been converted to a fresh water well in accordance with the provisions of Section XIXG, Louisiana Department of Conservation's Amendment (3/1/74) to Statewide Order 29-B, the abandonment of the water well or hole is then regulated by the rules and regulations stated herein.

#### **Section 3.3.2.0. Abandoned Well**

Unless the landowner or lessee declares a well to be abandoned, the well is considered abandoned by the State of Louisiana when production operations have ceased for a period of one year or more and the well is in such a state of disrepair that the well cannot be placed in the active classification and there is no intent to use the well for observation purposes. For wells used for observation purposes, or those temporarily out of use, refer to Section 3.3.3.0. An abandoned water well shall not be used for disposal of any waste or any other purpose.

The landowner or the lessee of the land shall be responsible for plugging and sealing an abandoned water well within 90 days after abandonment, or after the well has been declared abandoned by a local or State agency in accordance with the regulations and standards stated herein. For the responsibility of plugging and sealing abandoned observation wells refer to Section 3.3.3.2.

#### **Section 3.3.3.0. Inactive Status**

##### **Section 3.3.3.1. Inactive Well**

A well considered inactive is one that is not presently operating but is capable of being pumped with a minimum of effort or one that is used as an observation well. The owner must give evidence of his intentions for continued use. As evidence of his intentions, the owner shall be responsible for properly maintaining the well in such a way that:

1. The well and the annular space between the hole and casing shall have no defects that will permit the seepage of water from outside the well.
2. The well is clearly marked and is not a safety hazard.
3. The well is covered or capped in such a manner as to prevent easy entry by other than the owner.
4. The area surrounding the well is kept clear of waste and debris.
5. If the pump has been removed for repair or replacement, the well shall be adequately covered to prevent the entrance of any contaminant or pollutant.
6. The well is not used for the disposal or injection of trash, garbage, sewage, waste water, and/or storm runoff.

Unless a well is used for observation purposes, a well shall not remain in the inactive status for more than one year. After that time, it will be considered abandoned. Upon written request by the responsible party, the Louisiana Department of Public Works or the Commission may permit, in writing, a well to remain in the inactive status for a specified period of time but not in excess of one additional year. The responsible party must satisfy the Commission or Department of his intent to use the well for observation purposes and/or return the well to the active well status within the specified time.

#### **Section 3.3.3.2. Observation Well**

An inactive well can be used as an observation well by the landowner or lessee, or with the landowner's permission by governmental agencies, appropriate engineering or research organizations engaged in studies of the water resources of the area. Observation wells shall be covered with an appropriate cap or cover to prevent use or entry except by personnel of the landowner or lessee, or the agency or organization making the observations. It shall be the responsibility of the owner, organization, or agency to prevent entry of any foreign materials or water into observation wells and to keep the surrounding area clear of waste, water, and debris.

A well shall not be used for any injection or recharge studies until a permit and permission are obtained in accordance with existing codes, orders, rules, and regulations of the Department of Conservation and/or the Louisiana Health and Human Resources Administration.

When a well, which was formerly an active well is no longer needed for observation purposes and the landowner or lessee of the land does not intend to use the well to supply water, the well shall be considered abandoned. The well then shall be sealed and plugged in accordance with these standards within 90 days after the initial date of abandonment. The responsibility for properly sealing and plugging an observation well, which formerly was an active well, shall be the landowner's or lessee's responsibility unless the agreement with the agency or organization to use the well for observation purposes clearly delegates the responsibility to the agency or organization.

Wells constructed solely for observation purposes by a landowner or lessee, a governmental agency, engineering or research organization, shall be converted to either active well status or abandoned well status when no longer needed for observation purposes. It shall be the responsibility of the landowner or lessee, agency, or organization who installed the well to plug and seal the well in accordance with these standards and methods stated within 90 days after the initial date of abandonment.

#### **Section 3.3.4.0. Abandoned Hole**

A pilot hole driven, drilled, augered, or bored with the intent to install casing and obtain water shall be considered an abandoned hole when the hole is not cased and a well is not developed or used for water supply or observation purposes within 30 days after drilling operations have been completed. Unless the owner has a prior agreement with the water well

contractor that states otherwise, it shall be the water well contractor's responsibility to plug and seal such an abandoned hole within 90 days after work is terminated or after the hole is considered abandoned.

An exploratory test hole drilled or excavated solely for the purpose of collecting geologic, hydrologic, and water quality data shall be considered an abandoned hole within 30 days after the completion of all testing operations. The agency or organization responsible for the exploratory work is responsible for plugging and sealing the hole unless the landowner or lessee of the land has agreed in writing to retain responsibility for plugging and restoration.

When the drilling of a hole is temporarily suspended and the rig moved away from the drilling site, the hole shall be considered an abandoned hole unless drilling operations are resumed within 90 days of the initial date of suspension of drilling operations. During the shut down period, a mud column of sufficient weight and height shall be maintained in the hole at all times to prevent seepage of water from or into the aquifers, or the interaquifer movement of water.

#### **Section 3.4.0.0. Failure of Responsible Party to Plug and Seal an Abandoned Water Well or Hole**

A. When the responsible party fails to comply within the time allowed for the plugging and sealing of an abandoned hole or well in accordance with the rules and regulations stated herein, the police jury of the parish where the hole or well is located, after being so appraised, may request the Commission to require the responsible party to plug and seal the hole or well within 30 days after receipt of the order from the Chairman, Capital Area Ground Water Conservation Commission.

B. Failure to comply with an order of the Commission may result in a civil penalty of not more than \$1,000 a day for each day of violation and each act of violation in accordance with the provisions of Act 678 (1974) Section 3083.

C. If the responsible party fails to comply within 30 days, the police jury of the parish where the well is located may petition the Louisiana Department of Public Works to plug the well or hole. The responsible party shall be required to reimburse the State the expense incurred for plugging the water well or hole or be considered in violation of Act 535 (1972), Section 7, which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

D. The landowner or lessee of the land at the time

of sealing and plugging the hole or well, shall be held liable for payment.

### **Section 3.5.0.0. Regulations and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes**

#### **Section 3.5.1.0. General**

The plugging (or sealing) and filling of abandoned drilled water wells or holes shall be done by a contractor with experience in and knowledge of plugging and sealing procedures and the requirements of the rules, regulations, standards, and methods stated herein. The work shall be done in such a manner to prevent the interchange of water between aquifers, to prevent the entry of surface seepage by movement into the annular space and/or the well, and to remove all health and safety hazards.

#### **Section 3.5.2.0. Preliminary Work**

Before the water well or hole is plugged and filled, the responsible party and contractor should obtain and study drilling and construction records. An investigation of the well or hole shall be made to determine the well or hole's condition and whether any obstructions will interfere with plugging or drilling the well or hole properly. Any obstructions shall be removed, if possible, by an approved method and by a qualified contractor.

#### **Section 3.5.3.0. Temporary Cover**

When the work of plugging or sealing and filling an abandoned water well or hole is temporarily suspended, such as overnight or while awaiting material, the well or hole shall be covered and the immediate area conspicuously marked to protect and warn the public. The cover shall be sufficiently strong and anchored to prevent easy or unintentional entry. It shall be sealed well enough to prevent the seepage of water and the entry of any foreign material into the well or hole.

#### **Section 3.5.4.0. Plugging and Fill Materials**

Requirements or criteria for (1) plugging or sealing material and (2) fill material to be used in accordance with these standards are as follows:

A. **Plugging or Sealing Materials.** It is recognized that no material is completely impervious, however, experience and test show that neat cement or cement slurry has a low enough permeability to be preferred for use when plugging and/or sealing is required. Neat cement or slurry is a mixture consisting of one bag of cement to five to ten

gallons of water. Under certain conditions, other materials may be added to accelerate or retard the time of setting and to provide extra bulk. If a gel or bentonite is used, the quantity added should generally vary between one and four percent. Cement grout or concrete grout may be used in place of neat cement or cement slurry if the change is approved by the Louisiana Department of Public Works or the Commission. Following are definitions of cement grout and concrete grout:

1. Cement Grout. Cement grout is a mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to ten gallons of water.
2. Concrete Grout. Concrete grout is a mixture consisting of cement, sand and gravel, and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel, and five to ten gallons of water.

Unless specified otherwise, plugging material shall be placed in one continuous operation by the circulation or pump method. The grout or slurry shall not be poured or dropped through the water.

- B. Fill Materials. The following materials of low permeability (less than .001 millidarcies) are suitable for use as a filler when permitted by these standards: silt, sand and clay mixture, native soil, mud-laden fluid weighing not less than 9 pounds per gallon, a well-proportioned mixture of these materials or with those materials mentioned in paragraph 3.5.4.0.A. Fill material shall be free of foreign and organic additive material.

#### **Section 3.6.0.0. Methods and Standards for Plugging Abandoned Drilled Water Well and Hole**

The standards and methods discussed herein are intended to (1) prevent seepage from the surface into fresh water aquifers, (2) prevent the movement of fluids from one aquifer to another, and (3) remove all health and safety hazards. Because of variable hydrologic conditions, differences in well construction, depth and size, and the irregular occurrence of saline water sands, the contents of these standards and methods cannot cover every possible situation.

#### **Section 3.6.1.0. Exceptions**

Requests to vary from methods and standards stated herein or information on the proper methods to seal and plug a hole or well are anticipated. Such requests for variance and/or clarification on methods to be used for wells in the District should be addressed to:

Capital Area Ground Water  
Conservation Commission  
Post Office Box 64526  
Baton Rouge, Louisiana 70806

Telephone: (504) 924-7420

#### **Section 3.6.2.0. Plugging and Sealing**

The well or hole shall be filled or plugged upward from the bottom of the hole or well with neat cement or fill material, preferably in one continuous operation. Fill and/or plugging material shall not be poured into the hole or well. The Commission may require under certain conditions, that the casing be perforated and cement forced under pressure into the surrounding formation to prevent movement of water in the annular space from one aquifer to another. Where the top of the casing is cut off below ground surface the excavation above the top of the casing shall be filled, after the surface plug is set, with enough soil or clay to compensate for compaction. All plugs shall be placed by the circulation or pump down method.

#### **Section 3.6.2.1. Surface Plug**

A surface plug is a 30-foot or more in length cement plug that is placed in the upper 30 feet of the well casing. The plugging material shall be allowed to spill over the top of the casing and into the annular space to a depth of about 10 feet completely sealing the annular space between the hole and casing. To assure no movement of water into the annular space the ground slab, if any, shall be removed before plugging and sealing operations begin.

#### **Section 3.6.2.2. Bridge Plug**

As used in the methods and standards stated herein the term, bridge plug refers to a cement plug not less than 50 feet in length that is either set at the bottom of the hole or well or at any depth interval in the hole or well.

#### **Section 3.6.3.0. Methods of Plugging a Drilled Water Well**

The following standards and methods shall be used under the stated conditions to plug and seal an abandoned drill water well. Although the conditions discussed include nearly all possible conditions, instances will occur that are not covered in the standards and methods. As specified in Section 3.6.1.0., the Commission shall be contacted for decisions on variance and changes.

### **Section 3.5.3.1. Wells Less Than 50 Feet in Depth**

A well less than 50 feet deep shall be plugged completely with neat cement or fill material in sufficient amount to plug the hole and seal the annular space.

### **Section 3.6.3.2. Wells Greater Than 50 Feet in Depth and Where One or More Fresh Water Aquifer is Penetrated**

A. The entire well shall be filled from the bottom up to the top of the casing with neat cement, or

B. Fill material shall be placed in the screen or in the open hole opposite the producing aquifer. A bridge plug of not less than 50 feet in length shall be set above the top of the screen. The remainder of the casing below the upper 30 feet shall be filled with fill material, above which the surface plug will be set. In addition, a bridge plug of not less than 50 feet shall be set and centered at the depth(s) where the size of the casing is reduced and the casing of different diameters are joined by a seal or reducer.

### **Section 3.6.3.3. Wells Where One or More Saline Water Aquifers Have Been Penetrated**

Because of the need to provide assurance that fresh water aquifers will not be contaminated, the entire well including casing and screen shall be plugged and sealed with neat cement or cement slurry.

### **Section 3.6.3.4. A Well From Which Some of the Casing Has Been Removed**

A. If the casing remaining is in the upper part of the hole, the well shall be sounded to determine the amount, if any, of "cave in." That part of the hole filled with "cave in" material shall be reamed or drilled out to the original depth of the well shall be plugged and sealed with neat cement or cement slurry to a height of not less than 50 above the bottom of the casing. The casing between top of this bridge plug and a depth of 30 feet below the top of the casing shall be filled with fill material if no saline water aquifers were penetrated. A 30-foot surface plug shall be set in the upper 30 feet of the casing. If saline water aquifers were penetrated, the casing and open hole shall be completely filled from bottom up to the top of the casing with neat cement.

B. If the casing (including the screen) remaining is in the lower part of the well, the well and hole shall be completely filled with neat cement from the bottom up to or near the ground surface.

C. If all the casing and screen is removed, the hole for the entire original depth of the well shall be filled with plugging material as specified in Section 3.7.0.0. related to abandoned holes.

### **Section 3.6.3.5. Gravel Packed Well**

A gravel packed well will be plugged in accordance with Sections 3.6.3.2. or 3.6.3.3.

### **Section 3.6.3.6. Well Where More Than One Aquifer is Screened**

A. To provide assurance that the movement of water is not possible, a bridge plug shall be set in each screen. With the exception of the bottom screen, the plug shall extend 50 feet above and below each screen. The bridge plug in the bottom screen shall extend 50 feet above the top of the screen. The casing between each bridge plug may be filled with fill material. Surface plug shall be set in the upper 30 feet of casing, or

B. The entire well shall be filled with neat cement.

### **Section 3.7.0.0. The Plugging of an Abandoned Drilled Hole**

An abandoned hole shall be plugged from the bottom up to ground surface with neat cement (cement slurry).

### **Definitions**

**Abandoned Well:** A well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water or for observation purposes.

**Active Well:** An operating augered, dug, driven, bored, or drilled well that is used to supply water.

**Aquifer (Ground Water-Reservoir):** A formation group of formations, or a part of a formation that contains sufficient saturated material to yield significant quantities of water to wells.

**Board:** The Board of Commissioners of the Capital Area Ground Water Conservation District.

**Bridge Plug:** A cement plug of not less than 50 feet in length set at the bottom of the hole or well or at any depth in the hole or well.

**Casing:** A tubular retaining structure, generally metal, which is installed in a drilled, bored, driven, or augered hole to maintain the well opening.

**Cement Grout:** A mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to ten gallons of water.

**Commission:** The Capital Area Ground Water Conservation Commission.

**Commissioner:** The elected board of Commissioners of the Capital Area Ground Water Conservation District.

**Concrete Grout:** A mixture consisting of cement, sand, gravel and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel and five to ten gallons of water.

**Cement Slurry:** See definition for neat cement.

**Contaminant:** Any physical, chemical, biological, or radiological substance or matter in water.

**Contamination:** Any introduction into water from outside sources of microorganisms, chemicals, wastes, or waste-water in a concentration that makes the water unfit for its intended use.

**Department:** The Louisiana Department of Public Works.

**Director:** The Director of Public Works of the State of Louisiana or his designated representative.

**District:** Capital Area Ground Water Conservation District.

**Drill Cuttings:** Samples of the material obtained during drilling and the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

**Geopressured Aquifers:** A term used for an aquifer, especially in the Gulf Coast Area, in which the fluid pressure exceeds the normal hydrostatic pressure of 0.465 pounds per square inch per foot of depth.

**Geothermal:** Pertains to the internal heat of the earth.

**Ground Water:** Water suitable for any beneficial purpose percolating below the earth's surface.

**Gravel Packed Well:** An underreamed well in which artificially selected gravel or coarse material is hydraulically placed in the area immediately surrounding the screen or slotted pipe used as a screen, to increase the effective diameter at the well.

**Health Hazard:** Any condition that may create a danger to public health and well being.

**Inactive Well:** A well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

**Lessee:** See definition for water well owner.

**Neat Cement (Cement Slurry):** A mixture consisting of one bag of cement to five to ten gallons of water.

**Observation Well:** A well used by the owner, an appropriate engineering or research group in studies of the water resources of an area.

**Person:** Any natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

**Pilot Hole:** A hole drilled or augered with the intent to install casing and supply water.

**Pollution:** A condition created by harmful or objectionable material in water.

**Potable Water:** Water whose bacteriological, physical, and chemical properties make it suitable for human consumption.

**Public Water System:** A system for the provisions to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

**Registered Well:** An inventoried well that has been assigned a local well number by the State and whose records are available.

**Saline Water:** Water with a dissolved solids content of 1,000 milligrams per litre or more.

**Screen:** A structural tubular retainer, usually metal, used to support the hole in unconsolidated material with openings in the form of slots, whose openings are selected on the basis of adopted standards and allows sand free water to flow freely into the well in ample quantities and with a minimum loss of head. In agricultural wells and in other wells from which the pumping of sand creates little or no problems slotted pipe is used.

**Seepage:** The appearance and disappearance of water into the ground surface—a type of water movement.

**Standby Well:** A well that is used in emergencies or occasionally as a replacement well for a supply well.

**Surface Plug:** A cement plug of not less than 30 feet in length, in wells or holes deeper than 30 feet, and set at or below the top of the casing in the well.

**Water Well Owner:** Individual, corporation, association, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

Leo V. Bankston  
Chairman

## RULES

### State Board of Elementary and Secondary Education

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*(Editor's Note: The following rules were adopted by the State Board of Elementary and Secondary Education on August 28, 1975, to be effective on September 20, 1975.)*

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### General Budgeting Procedures

#### 5.00. General Policy on Budgets

With the exception provided in the Constitution of 1974 for parish and city school boards, all budget units of public elementary and secondary, vocational-technical, and special schools under the jurisdiction of the State Board of Elementary and Secondary Education including the State Department of Education will submit budgets (requests, operating and capital construction, etc.) for all funds (State, Federal, self-generated, etc.) to the State Board of Elementary and Secondary Education for review, approval and submission to the executive and legislative branches of government. Such budgets shall include all allocations, grants, and program support of all funding provided in Federal and State appropriations and all discretionary allocations provided therein.

#### 5.00. Budget Submission

Dates will be set by the State Board of Elementary and Secondary Education for the submission of each budget for all budget units of elementary and

secondary education (except as excluded in the 1974 Constitution), vocational-technical education, and special schools.

#### 5.00. Budget Adjustments

All changes to any budget submitted under policy number 5.00, General Policy on Budgets, must first be submitted for review and approval by the Board prior to incorporation of any such change within a budget. Excluded from review of such changes shall be the State Department of Education in its day-to-day operations and staffing. Budget adjustments under review by the Board shall include, but shall not be limited to, the following types of changes:

- A. Budget adjustments—(BA-7) changes from previously approved budget allocations.
- B. Increased or decreased funding from other sources.
- C. Prior to their submission, all requests for funds from other State agencies must be approved by the State Board of Elementary and Secondary Education. Such requests shall include those submitted to the Interim Emergency Board, etc.

#### 5.00. Capital Projects

All changes to any physical facility under the jurisdiction of the State Board of Elementary and Secondary Education which change, add to, improve, or alter the utilization of, or that remove from use such facilities will first be submitted to the State Board of Elementary and Secondary Education for review, comment, and approval prior to the beginning of any such project.

#### 5.00. Certification of Budgetary Allocations, Grants, etc.

All allocations, budget changes, grants, and funding of all programs, agencies, and budget units under the jurisdiction of the Board except those allocations excluded from the jurisdiction of the Board by law shall be made only on certification Board approval to the State Treasurer of the allocation, grant, or change. Such certification shall be made only over the signature of the President of the State Board of Elementary and Secondary Education or, in case of emergency, other such officer as shall be specifically designated by the Board.

\* \* \* \*

**Additions to Section 3.01.70 of  
the State Board of Elementary and Secondary  
Education's Policy and Procedure Manual:**

- l The last sentence of Paragraph 1, Page 1 of Bulletin 746 (1971, white) shall read as follows: "Based on these factors, the minimum requirements for the certification of teachers include the completion of the minimum requirements contained in Bulletin 746."
- m The first sentence of Paragraph 1, Page 9, Bulletin 746, (1971, white) shall read as follows: "The application shall show, over the signature of the registrar, that the applicant has graduated from or completed an approved curriculum in teacher education, and over the signature of the applicant's academic dean, the recommendation that the applicant be certified."
- n Item 2, Page 5 of Bulletin 746 (1971, white) relative to the temporary certificate shall read as follows: "That temporary certificates be issued only for persons who have a baccalaureate degree." This amendment will become effective for new applicants in September, 1976.
- o To Part IV, relative to early childhood education the following provision shall be added: "A kindergarten and nursery school certificate may be granted to a person with a master's degree in early childhood education who has been trained in an institution which has a nursery school and kindergarten program approved by the State Board of Elementary and Secondary Education."
- p Page 25, requirements for teachers of exceptional children, is amended as follows: Basic Requirements, part 1.b shall read "child and/or adolescent psychology, 3 semester hours."
- q Page 13, Section 3, Specialized Academic Education (for Elementary Teachers)—delete Item c. Geography (other than geography of a state) . . . 3 semester hours."
- r Page 12, Section 1, General Education, Item b., Social Studies—add 3 semester hours of geography (other than geography of a state) to the social studies requirements.
- s Page 13, Section 3, Specialized Academic Education, Item c.,—replace with the sentence "c. a course in nutrition education (2 semester hours)

or the competencies appropriate to such a course."

- t That in any certification requirements adopted by the Board the terms "Psychologist" or "school psychologist" shall denote only those individuals holding licenses as psychologists in accordance with law.

Earl Ingram  
Director

**RULES**

**Louisiana Health and Human  
Resources Administration**

The Louisiana Health and Human Resources Administration has adopted a comprehensive social services plan which will be put into effect October 1, 1975, and continue in effect until June 30, 1977. Its purpose is to provide to individuals and families social services which are directed toward achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home-based care, and securing referral or admission for institutional care.

Services to be provided include: adoption services, day care and education and training for adults and children, employment services, family counseling, family planning, foster care, health related services, home delivered meals, home management and homemaker services, housing improvement, information and referral, maternity services, protective services, and recreational and transportation services.

All Louisiana residents who are included in one of the following three categories are eligible:

- (1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.
- (2) Recipients of Supplemental Security Income benefits or State supplemental payments.
- (3) Persons whose family gross monthly income is not more than 48.38% of the State's median income for a family of four adjusted by family size. A family of four with a gross monthly income of not more than \$461 is eligible for services.