

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to survey and registration of cultural resources program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to adopt new Chapter 419, “Survey and Registration of Cultural Resources Program,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 15.121.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 15.121.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to adopt a new Chapter 419. The chapter will replace 223—Chapter 41, which was adopted by the State Historic Preservation Office prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514. 223—Chapter 41 is proposed to be rescinded as part of a concurrent rulemaking (**ARC 0663D**, IAB 10/14/26).

The new chapter describes the survey and registration of cultural resources programs administered by the Office and staff of the Office. The updated chapter will be clearer and more concise throughout, including the addition of definitions. Language will be added to the chapter to address records in the Iowa site inventory.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on July 22, 2026. A public hearing was held on the following date(s):

- August 11, 2026

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Authority for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Authority no later than 4:30 p.m. on November 5, 2026. Comments should be directed to:

Lisa Connell
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200

Des Moines, Iowa 50315
Phone: 515.348.6163
Email: lisa.connell@iowaeda.com

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

November 3, 2026 9:15 to 9:30 a.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review
November 5, 2026 3:15 to 3:30 p.m.	Via Microsoft Teams Information about Teams participation can be found at opportunityiowa.gov/about/iowa-economic-development-authority/ieda-red-tape-review

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Authority and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Adopt the following **new** 261—Chapter 419:

CHAPTER 419 SURVEY AND REGISTRATION OF CULTURAL RESOURCES PROGRAM

261—419.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

“*Act*” means the National Historic Preservation Act of 1966, Public Law 89-665, 54 U.S.C. Subtitle III, Division A.

“*Authority*” means the economic development authority created in Iowa Code section 15.105.

“*Historic preservation plan*” means the comprehensive statewide historic preservation plan required by the Act.

“*Iowa site inventory*” means the repository of architectural, archaeological, and historical survey data maintained by the state historic preservation office, including but not limited to survey data collected through projects funded by the state historic preservation office.

“*State historic preservation officer*” or “*SHPO*” means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—419.2(15) Regulations. The Iowa cultural resources survey and registration program shall operate in accordance with the Act and 36 CFR Part 800.

261—419.3(15) Survey selection.

419.3(1) Surveys may be conducted by state historic preservation office staff, certified local governments, or pursuant to subgrants to consultants or interagency agreements with federal, state, and local governmental agencies.

419.3(2) Selection of survey areas or topics, and the inclusion of survey results in the survey files, shall be determined by the priorities of the historic preservation plan or pursuant to federal and state requirements.

419.3(3) The SHPO shall make available to the public, on request, federal and state guidelines for planning and conducting surveys of historic properties, appropriate forms, and guidelines for the reporting of results to the SHPO. These specifications and guidelines shall be used in all historic property surveys conducted or funded either partially or totally by the state historic preservation office. For other surveys, adoption of these specifications and guidelines is strongly recommended to facilitate comprehensive preservation planning, Section 106 review, information sharing, consistency in survey standards, and listing of historic properties on the National Register of Historic Places.

419.3(4) State historic preservation office staff may assist federal and state agencies, local governments, and individuals in survey planning, the preparation of requests for proposals, and proposal evaluation.

261—419.4(15) Survey funding.

419.4(1) Surveys funded by the state historic preservation office shall be conducted by principal investigators who meet the qualifications set forth in the Secretary of Interior Professional Qualification Standards. The same standards are recommended for investigators for other surveys.

419.4(2) All survey projects to be conducted by a consultant shall be awarded in a competitive bidding process.

261—419.5(15) Iowa site inventory.

419.5(1) Records in the Iowa site inventory may be stored indefinitely and subject to open records requests. Photographs, images, digital media, and all other materials submitted to the Iowa site inventory become sublicensable property of the SHPO and may be reproduced without permission, in perpetuity, royalty-free.

419.5(2) Individuals are solely responsible for determining copyright status and for obtaining any permissions that may be required for the proposed use of records in the Iowa site inventory.

261—419.6(15) Confidentiality of archaeological site information.

419.6(1) In accordance with Iowa Code section 22.7(21) and 685—Chapter 14, specific locational information on archaeological resources is confidential unless approved for disclosure. SHPO will consult with the office of the state archaeologist on the release of locational information on archaeological resources.

419.6(2) Notwithstanding any of the preceding subrule, the SHPO, or designee, shall retain the authority to deny access to the Iowa site records, site location maps, and all supporting documents if the release is believed to result in an unreasonable risk of damage or loss of the resource.

419.6(3) The state historic preservation office may enter into agreements with other entities, including but not limited to the state archaeologist, to obtain or make available records for planning purposes.

261—419.7(15) References. All references to the Act, United States Code, or Code of Federal Regulations, or the Secretary of Interior Professional Qualification Standards in this chapter are as in effect on [effective date of the rulemaking].

These rules are intended to implement Iowa Code section 15.121.