

ECONOMIC DEVELOPMENT AUTHORITY[261]

Notice of Intended Action

Proposing rulemaking related to review and compliance program and providing an opportunity for public comment

The Economic Development Authority hereby proposes to rescind Chapter 414, “Review and Compliance Program,” Iowa Administrative Code, and to adopt a new Chapter 414 with the same title.

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 and 54 U.S.C. Subtitle III, Division A.

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 414 and adopt a new chapter in lieu thereof. The chapter describes the policies and procedures related to review of federal agency undertakings by the State Historic Preservation Office as required by Section 106 of the National Historic Preservation Act.

The updated chapter will be clearer and more concise throughout. Definitions will be added for clarity. Language that duplicates federal law or regulation will be omitted from the chapter. The chapter will include new language to address consultation required by Iowa Code section 15.121(7) for State-owned properties.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on August 19, 2026. A public hearing was held on the following date(s):

- September 8, 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 to 9:15 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 to 3:15 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. Rescind 261—Chapter 414 and adopt the following **new** chapter in lieu thereof:

CHAPTER 414 REVIEW AND COMPLIANCE PROGRAM

261—414.1(15) Definitions. For purposes of this chapter, unless the context otherwise requires:

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

“*Advisory Council*” means the Advisory Council on Historic Preservation established under the Act.

“*Agency*” means the same as defined in 54 U.S.C. §300301.

“*Historic property*” means the same as defined in 54 U.S.C. §300308.

“*National Register of Historic Places*” or “*National Register*” means the federal government’s list of historic properties authorized under the Act, administered by the National Park Service, United States Department of the Interior.

“*Section 106*” means the section of the Act that requires federal agencies to take into account the effects of the undertakings that the agencies carry out, fund, license, permit or approve on historic properties and afford the Advisory Council a reasonable opportunity to comment.

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

“*Undertaking*” means the same as defined in 54 U.S.C. §300320.

261—414.2(15) Laws, regulations, and other requirements. In addition to this chapter, the Iowa review and compliance program shall operate in accordance with the following:

414.2(1) The Act, including but not limited to Section 106.

414.2(2) 36 CFR Part 60 (National Register of Historic Places).

414.2(3) 36 CFR Part 61 (Procedures for State, Tribal, Local Government Historic Preservation Programs).

414.2(4) 36 CFR Part 63 (Determinations of Eligibility for Inclusion in the National Register of Historic Places).

414.2(5) 36 CFR Part 800 (Protection of Historic Properties).

414.2(6) Contract terms outlined in a Historic Preservation Fund grant agreement between the SHPO and the National Park Service.

414.2(7) Iowa Code sections 15.121 and 15.122.

261—414.3(15) Procedures.

414.3(1) *Technical assistance.* In addition to the technical assistance described in rule 261—415.3(303), the SHPO shall advise and assist agencies as prescribed in 36 CFR §800.2(c)(1)(i).

414.3(2) *SHPO review of federal undertakings.*

a. Agency officials and agency program applicants or recipients requesting consultation with the SHPO on an undertaking pursuant to Section 106 shall submit documentation regarding the undertaking and potential effects to historic properties.

b. The SHPO will make appropriate forms and guidelines available to the public for submission of project documentation to the SHPO.

261—414.4(15) State-owned properties. This rule applies to consultation with the SHPO required pursuant to Iowa Code section 15.121(7).

414.4(1) If a property owned by a state agency has not been listed in, or identified as eligible for, the National Register of Historic Places, the state agency shall submit information sufficient for the SHPO to determine if the property is a historic property. The SHPO will determine whether a property is eligible for listing on the National Register or state register of historic places. A property may be reevaluated for this purpose for subsequent modifications to the property. Consultation with the Keeper of the National Register of Historic Places may be requested to determine whether a property is a historic property.

414.4(2) The SHPO will make appropriate forms and guidelines available to state agencies for submission of project documentation for review and comment by the SHPO. Required information shall include but not be limited to the area of potential effects and a description of modifications to the historic property.

414.4(3) The SHPO shall provide comments within 45 days of submission of required information. If the information is incomplete when submitted, the 45-day review period will restart when the SHPO receives a complete submission. Comments may include requests for further information or address any of the following:

- a.* The scope, scale, and nature of the proposed project;
- b.* The potential for effects on historic properties;
- c.* The likelihood that historic properties are present within the area of potential effects; and
- d.* Applicable professional standards and state, tribal, and local laws, regulations, and guidelines.

414.4(4) Modifications to historic properties that may be considered adverse effects include but are not limited to physical destruction of or damage to the historic property, alteration of a property that would affect the eligibility for or listing on the National Register, or removal of the property from its historic location. The SHPO will consult with the state agency to evaluate potential methods to avoid or minimize effects to the historic property. Alternatively, the state agency and SHPO may enter into an agreement to mitigate the adverse effects.

261—414.5(15) References. All references to the Act, United States Code, or Code of Federal Regulations in this chapter are as in effect on [effective date of this rulemaking].

These rules are intended to implement Iowa Code section 15.121 and 54 U.S.C. Subtitle III, Division A.