RA 26-169

ECONOMIC DEVELOPMENT AUTHORITY[261]

Regulatory Analysis

Notice of Intended Action to be published: 261—Chapter 419
"Survey and Registration of Cultural Resources Program"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 15.121
State or federal law(s) implemented by the rulemaking: Iowa Code section 15.121

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 11, 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

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Economic Development Authority no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Reid Nennig
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Email: reid.nennig@iowafinance.com

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Office prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514. 223—Chapter 41 is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-174**, IAB 7/22/26).

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.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Entities conducting surveys will bear the costs of the proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Entities conducting surveys will benefit from the proposed rulemaking.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Entities conducting surveys may require staff time to complete a survey in accordance with the State Historic Preservation Office's standards.

- **Qualitative description of impact:**

The costs to the State to administer the program are proportional to the benefit of facilitating comprehensive preservation planning, Section 106 review, information sharing, consistency in survey standards, and listing of historic properties on the National Register of Historic Places.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Staff time is required to review surveys and make them available to the public.

- **Anticipated effect on State revenues:**

This rulemaking is not anticipated to have an impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The costs to the State to administer the program are proportional to the benefit of facilitating comprehensive preservation planning, Section 106 review, information sharing, consistency in survey standards, and listing of historic properties on the National Register of Historic Places.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Authority has not identified any less costly methods or less intrusive methods for administering the program.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Authority did not consider any other methods.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Authority did not consider any other methods.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The proposed rulemaking impacts only small businesses conducting surveys. The requirements are no more stringent than necessary to implement the purposes of the program and to comply with federal statute and regulations relating to surveys. The rulemaking does not establish schedules or deadlines for small businesses. The rulemaking does not establish design or operational standards.

Text of Proposed Rulemaking

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.