

CHAPTER 41
SURVEY AND REGISTRATION OF CULTURAL RESOURCES PROGRAM

[Prior to 5/31/89, see [490] Ch 18]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

223—41.1(303) Purpose. The Iowa Cultural Resources Survey and Registration Program is responsible for identifying and evaluating prehistoric and historic sites, buildings, structures, objects, and districts of significance to Iowa, its communities and the nation as a whole.

223—41.2(303) Regulations. The Iowa Cultural Resources Survey and Registration Program shall operate in accordance with the National Historic Preservation Act of 1966, as amended in 1980, Section 101 and Section 106; Executive Order 11593; and 36 CFR Part 800, September 21, 1986.

223—41.3(303) Survey selection.

41.3(1) Surveys may be conducted by the society staff, subgrants to consultants, certified local governments, or interagency agreements with federal, state, and local governmental agencies.

41.3(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 Iowa historic preservation plan, requirements of the Secretary of the Interior and, as appropriate, by requirements of the state of Iowa.

41.3(3) The society shall make available to the public, on request, federal and state guidelines for planning and conducting surveys of historic properties, survey data collection forms and continuation sheets, photo field catalog sheets, photographic specifications, and guidelines for the reporting of results to the society. These specifications and guidelines shall be used in all historic property surveys conducted or funded either partially or totally by the society. Adoption of these specifications and guidelines is not binding on federal agencies, other Iowa state agencies, local governments, or individuals, but their adoption 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.

41.3(4) Federal agencies, state and local government entities, public and private institutions, and private individuals may be requested to conduct surveys if they are utilizing federal funds or engaging in a federally licensed, guaranteed, or regulated activity in order to comply with Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593.

41.3(5) State historical society of Iowa staff may assist federal and state agencies, local governments, and individuals in survey planning, the preparation of requests for proposals, and proposal evaluation. Requests for assistance may be directed to Deputy State Historic Preservation Officer, State Historical Society, Capitol Complex, Des Moines, Iowa 50319, (515)281-8741.

223—41.4(303) Survey funding.

41.4(1) Surveys funded by the society shall be conducted by principal investigators who meet the minimum professional qualifications specified for the appropriate discipline by the National Park Service in 36 CFR, Part 61, April 13, 1984, and August 30, 1985. The same standards are recommended for investigators in projects not funded by the society.

a. The staff maintains a list of consultants meeting the requirements of 36 CFR, Part 61, April 13, 1984, and August 30, 1985, and expressing an interest in conducting survey activities. Persons or firms interested in being listed may apply by submitting a résumé and other materials describing their qualifications to the staff. The staff shall review the qualifications and inform the applicant of the outcome of the review within 30 working days of submittal of complete documentation. Printed lists of qualified consultants shall be issued annually on January 15.

b. Inclusion on the consultant list does not constitute endorsement of an individual or a firm. At public request the staff shall review credentials of consultants not on the list and under consideration for a specific project funded by the society.

41.4(2) All survey projects to be conducted by a consultant shall be awarded in a competitive bidding process. A request for proposal shall be prepared by the staff. The request for proposal shall describe the project, specifications for the final product, and evaluation factors for the awarding of the contract.

41.4(3) The request for proposal shall be sent by the staff to all individuals and firms on the appropriate consultant list. A minimum of 30 days shall be permitted for the submittal of bids. State historical society of Iowa staff and other qualified individuals shall review the proposals and inform the consultants of the status of their bid within 30 working days. The society may reject all proposals; request some bidders to submit best and final offers in 15 working days; or award the contract. Awards shall be made to the offeror whose proposal is deemed to be the most advantageous to the state of Iowa on the basis of price and other factors.

223—41.5(303) Conduct of the surveys.

41.5(1) All surveys are subject to all state and federal laws regarding trespass and egress and the protection of archaeological resources. Responsibility for compliance rests solely with the firm or individual conducting the survey.

41.5(2) Information collected from private and public repositories, individuals and groups, and within the public right-of-way including photography shall be subject to inclusion in the project file. All information collected from private and public repositories, individuals and groups, and within the public rights-of-way including photography shall be considered suitable for inclusion in project files and be made available to the public upon request.

223—41.6(303) Availability of survey information. The state historical society of Iowa is the repository for all architectural and historical survey data collected through projects funded by the state historical society and the review and compliance (Section 106) process. Other agencies and individuals are encouraged to deposit their survey materials or a copy of those materials with the state historical society of Iowa.

223—41.7(303) Confidentiality of archaeological site information.

41.7(1) In accordance with Iowa Code subsection 22.7(21) and 685—Chapter 14, Iowa Administrative Code, specific locational information on archaeological resources is confidential unless approved for disclosure. The state historic preservation officer, or designee, shall make archeological site records available to the following entities for inspection and copying:

1. Federal and state agencies, local governments, and applicants for federal assistance, permits, and licenses in compliance with Section 106;
2. Federal and state agencies, local governments, and other planning bodies for management and oversight of archaeological sites under their jurisdiction;
3. Members of the Association of Iowa Archaeologists;
4. Members of the Society of Professional Archaeologists;
5. Qualified archaeologists as defined in 685—14.2(305A), Iowa Administrative Code; and
6. Other persons deemed to present no unreasonable risk of damage or loss of the resource.

41.7(2) Notwithstanding any of the preceding subrule, the state historic preservation officer, 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. An appeal committee consisting of three qualified archaeologists as defined in 685—14.2(305A), Iowa Administrative Code, shall review contested cases and make recommendations to the director of the department of cultural affairs for final decision.

41.7(3) The society may enter into agreements with the state archaeologist or other agencies to obtain or make available Iowa site records for planning purposes.

41.7(4) Unless subject to restriction, copies of survey material may be obtained from the state historical society of Iowa. Fees shall be posted in accordance with 223—subrule 1.5(3), Iowa Administrative Code. Requests may be directed to Consulting Archaeologist, State Historical Society of Iowa, Capitol Complex, Des Moines, Iowa 50319, (515)281-8744.

These rules are intended to implement Iowa Code section 303.2 and Iowa Code chapter 303, subchapter II.

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