

CHAPTER 42
REVIEW AND COMPLIANCE PROGRAM

223—42.1(303) Purpose. The Review and Compliance Program implements Section 106 of the National Historic Preservation Act of 1966 for the purpose of taking into account the effects of an agency's undertaking on properties included in or eligible for the National Register of Historic Places.

223—42.2(303) Regulations. The Iowa Review and Compliance Program shall operate in accordance with the National Historic Preservation Act of 1966, Section 106; and 36 CFR Part 800, September 21, 1986.

223—42.3(303) Procedures.

42.3(1) The state historic preservation officer, or designee, shall consult with agency officials expending federal funds to identify historic properties, assess effects of the undertaking on historic properties, and consider alternatives to avoid or reduce the effects.

42.3(2) Agency officials desiring a Section 106 review shall contact the review and compliance coordinator to obtain the appropriate forms required to evaluate the effects. Completion of the forms does not constitute clearance of the proposed projects, but is intended to assist the review and compliance staff in rendering an informed recommendation. Inquiries may be directed to Review and Compliance Coordinator, State Historical Society of Iowa, Capitol Complex, Des Moines, Iowa 50319, (515)281-4137.

42.3(3) Responses to agency requests shall be made by the review and compliance staff within 30 days. Responses may indicate that no historic properties are located within the impact area, request the presentation of additional information and research, or that there is an effect. If an impact is indicated the review and compliance staff shall indicate the steps desired to mitigate the impact.

42.3(4) After initiating consultation, the state historic preservation officer or designee, the funding agency official, or the Advisory Council for Historic Preservation, at its discretion, may state that further consultation may not be productive and thereby terminate the consultation process. The agency official may then request the Council's comments in accordance with Section 800.6(b) of the National Historic Preservation Act of 1966 and notify all other consulting parties of the request.

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

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