

Red Tape Review Rule Report (Due: September 1, 2026)

Department Name:	IEDA	Date:	6/29/26	Total Rule Count:	7
IAC #:	223	Chapter/ SubChapter/ Rule(s):	Chapter 41	Iowa Code Section Authorizing Rule:	15.121
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

The intended benefit of chapter 41 is to describe the survey and registration of cultural resources program administered by the state historic preservation officer (SHPO) and staff of the SHPO.

The chapter was adopted by the State Historic Preservation Office (SHPO) prior to its alignment with the Authority in 2023 Iowa Acts, Senate File 514.

Is the benefit being achieved? Please provide evidence.

Yes. SHPO is able to efficiently administer its responsibilities related to the credit.

What are the costs incurred by the public to comply with the rule?

Entities conducting surveys may require staff time to complete survey in accordance with the SHPO's standards.

What are the costs to the agency or any other agency to implement/enforce the rule?

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

Do the costs justify the benefits achieved? Please explain.

Yes. 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.

Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The requirements of the rules are no more than necessary to implement the purposes of the program.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes the chapter should be updated to be clearer and more concise throughout, including the addition of definitions. Language should be added to the chapter to address records in the Iowa site inventory.

A new rule should be added to specify that references to federal laws and regulations in the chapter are as of the effective date of the rulemaking to readopt the chapter.

The chapter should be renumbered as 261—Chapter 419 to be consistent with IEDA’s and SHPOs’s other rules.

RULES PROPOSED FOR REPEAL (list rule number[s]):

41.1
41.5

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

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 SHPO, including but not limited to, survey data collected through projects funded by the SHPO.

“*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 SHPO 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 SHPO. 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) SHPO 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 SHPO 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 Iowa site inventory become sublicensable property of the SHPO and may be reproduced without permission, in perpetuity, royalty-free.

419.5(1) 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.

41.6(1) In accordance with Iowa Code subsection 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 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.

419.6(3) The SHPO 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 rulemaking].

These rules are intended to implement Iowa Code section 15.121.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	578
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	14

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.