

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

Department Name:	IEDA	Date:	7/31/26	Total Rule Count:	7
IAC #:	261	Chapter/ SubChapter/ Rule(s):	Chapter 414	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 414 is to describe the policies and procedures related to review of federal agency undertakings by the Iowa State Historic Preservation Office (SHPO) as required by Section 106 of the National Historic Preservation Act (Section 106).

Is the benefit being achieved? Please provide evidence.

Yes. SHPO is able to efficiently administer its responsibilities related to Section 106.

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

Costs may be incurred to gather materials necessary for review and consultation.

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

Authority staff time is required to review undertakings as directed by section 106.

Do the costs justify the benefits achieved? Please explain.

The program supports historic preservation and is directed by section 106.

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.

No less restrictive alternatives were identified.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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]

Yes the chapter should be updated to be clearer and more concise throughout. Definitions should be added for clarity. Language that duplicates federal law or regulation should be omitted from the chapter. The chapter should address the comparable review process that may be required by Iowa Code section 15.121(7).

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

414.1
414.6
414.7

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

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, Public Law 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 USC §300301.

“*Historic property*” means the same as defined in means the same as defined in 54 USC §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. Code § 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.

414.4(1) *Technical assistance.* In addition to the technical assistance described in rule 261—410.6, the SHPO shall advise and assist agencies as prescribed in 36 C.F.R. 800.2(c)(1)(i).

414.4(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—414.5(15) State-owned properties. This rule applies to consultation with the SHPO required pursuant to Iowa Code section 15.121(7).

414.5(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.

414.5(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.

414.5(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.

414.5(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—414.6(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 rulemaking].

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

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

METRICS

Total number of rules repealed:	1
Proposed word count reduction after repeal and/or re-promulgation	880
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	28

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

No.