

Purpose and Summary

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 412 and adopt a new chapter in lieu thereof. This proposed chapter describes the nomination process for the National Register of Historic Places.

The updated chapter will be clearer and more concise throughout. Definitions will be added for clarity. Information about the Iowa State National Register of Historic Places Nominations Review Committee (Committee) will be added to the chapter. The Committee is currently addressed in 223—Chapter 35, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-134**, IAB 6/24/26). A description of the relationship between the National Register of Historic Places and the State Register of Historic Places will also be added to the chapter. This information is currently noted in 261—Chapter 416, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-123**, IAB 6/24/26).

Analysis of Impact

1. Persons affected by the proposed rulemaking:

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

Applicants who apply for national register nomination through the program will bear the costs of this proposed rulemaking.

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

Applicants who apply for national register nomination through the program will benefit from this 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:**

Applicants interested in applying for national register nomination through the program may require staff time to gather application materials and address feedback. The cost will vary, depending on the compensation of the staff involved.

- **Qualitative description of impact:**

The addition of information currently located in other chapters will clarify the procedure for nominations.

3. Costs to the State:

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

Authority staff time is required to evaluate the nomination and provide feedback as to the feasibility of the nomination.

- **Anticipated effect on State revenues:**

This proposed rulemaking does not have any anticipated impact on State revenues.

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

The costs associated with this proposed rulemaking are necessary for the administration of the program.

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?

This proposed rulemaking does not have a substantial impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 261—Chapter 412 and adopt the following **new** chapter in lieu thereof:

CHAPTER 412

NATIONAL REGISTER OF HISTORIC PLACES AND

STATE REGISTER OF HISTORIC PLACES

261—412.1(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 II, Division A.

“*Committee*”_means the state national register of historic places review committee described in rule 261—412.3(15).

“*National Register of Historic Places*”_or “*National Register*”_means the federal government’s list of historic properties authorized under the Act, which is administered by the National Park Service, United States Department of the Interior.

“State historic preservation officer”_or “SHPO”_means the officer appointed and certified pursuant to Iowa Code section 15.121.

261—412.2(303) Regulations. The nomination process for the National Register of Historic Places shall operate in accordance with 36 CFR Part 60 (National Register of Historic Places), 36 CFR Part 63 (Determinations of Eligibility for Inclusion in the National Register of Historic Places), and 36 CFR Part 67 (Historic Preservation Certifications Under the Internal Revenue Code).

261—412.3(15) Committee. An Iowa state national register of historic places nominations review committee is a permanent advisory committee appointed by the SHPO. Members of the committee elect a chairperson and a vice chairperson annually and may elect other officers as necessary.

412.3(1) Responsibilities. The committee’s responsibilities include but are not limited to the following:

- a.* Review of all proposed nominations of Iowa properties to the National Register of Historic Places to determine whether a property meets the National Register criteria for evaluation and to recommend that the SHPO approve or reject nominations;
- b.* Review appeals to the committee of the failure or refusal of the SHPO to nominate a property to the National Register;
- c.* Advise the SHPO concerning grant applications, end-of-year reports, and the state comprehensive historic preservation plan;
- d.* Provide general advice, guidance, and professional recommendations to the SHPO in carrying out the duties and responsibilities assigned in 36 CFR Part 61 (Procedures for State, Tribal, and Local Government Historic Preservation Programs); and
- e.* Other duties as may be appropriate and designated by the SHPO.

412.3(2) *Membership.* The SHPO shall appoint members to the committee. The committee will be composed of no more than 12 voting members, all of whom are citizens of Iowa and the majority of whom are professionals in historic preservation disciplines of American history, architectural history, architecture, prehistoric and historical archaeology, or related professional disciplines. The committee may include citizen members, representatives of other preservation-related professions, and nonvoting members. Professional members of the committee shall meet the qualifications in the Secretary of Interior Professional Qualification Standards.

412.3(3) *Term of office.* The term of office for committee members is three years. The terms will be staggered to permit one-third of the appointments to be made each year. Terms of appointments begin on January 1 and are effective through December 31 three years later.

412.3(4) *Meeting procedures.*

a. Members may be reimbursed for travel, lodging, and expenses incurred in the performance of committee service.

b. Members of the committee who have a conflict of interest shall disclose the interest to the authority. The affected member shall not participate in any discussion or action by the committee and is disqualified from voting with respect to the subject of the conflict of interest. The quorum of the committee will not be changed as the result of a conflict-of-interest disqualification.

c. Committee members are to refrain from voting and commenting upon any nominated property for which the member serves as an officer, trustee, or fiduciary employee; for which the member has consulted either for remuneration or gratis in the preparation of the nomination; or for which the member has or expects to participate in the development or use of the property.

d. The committee will meet at least three times per year. Meetings of the committee may be canceled if there is no business for the committee to consider. The committee may also schedule additional meetings as necessary to carry out its business.

e. The SHPO or designee will preside at all meetings of the committee.

f. Members are permitted to miss no more than two regular meetings in a year and shall notify the SHPO at their earliest opportunity of their expected absence. If a member misses more than two regular meetings in a year, the SHPO may replace the member.

g. Meetings will be conducted in accordance with Iowa Code chapter 21 and Robert's Rules of Order, Revised Edition.

h. A majority of voting members of the committee constitute a quorum, and any committee action requires an affirmative vote by a majority of the members present. No nomination will be considered by the committee unless one committee member with professional expertise in the area of nomination is present.

i. Citizens may appear before the committee to discuss a nomination. The length of presentations may be limited by the chair.

261—412.4(303) Nomination procedure.

412.4(1) Individuals wishing to nominate a cultural resource to the National Register of Historic Places shall follow instructions on the authority's website for submitting a preliminary evaluation.

412.4(2) Preliminary evaluations will be reviewed by SHPO staff. Staff will review preliminary evaluations within 30 days of receipt and may advise the applicant of the need for additional information, that the cultural resource is not eligible, or that the application may proceed.

261—412.5(303) Review of nominations.

412.5(1) Applicants shall follow instructions on the authority's website for submitting nominations. Staff will review final nominations prior to submission to the committee for approval.

412.5(2) Property owners will be notified of pending review of a potential nomination by the committee. Property owners objecting to consideration may notify SHPO staff to terminate nomination. Inquiries and objections may be directed to the National Register Coordinator, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, 515.348.6200.

412.5(3) The committee will review the nomination and recommend action to the SHPO or designee.

412.5(4) Nominations signed by the SHPO will be forwarded to the National Park Service for consideration. The National Park Service has a 45-day response period, which includes a 15-day period for public comment. The National Park Service may list the resource on the National Register of Historic Places, return the nomination for further preparation, or reject the nomination. Appeals of National Park Service decisions may be directed to the National Park Service, Department of the Interior, National Register Office, P.O. Box 37127, Washington, D.C. 20013-7127.

412.5(5) Owners and all interested parties will be notified by the SHPO of the formal listing. A commemorative certificate will be forwarded to property owners of individually listed properties.

261—412.6(303) Delisting of properties. Alterations to a property may result in delisting of a property. Delisting of a property is automatic if the property is completely demolished or moved without prior approval from the National Park Service. Inquiries may be directed to the National Register Coordinator, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, 515.348.6200.

261—412.7(15) State register. The State Register of Historic Places, which is prepared and maintained pursuant to Iowa Code section 15.121, shall be administered pursuant to all regulations and procedures in this chapter applicable to the National Register of Historic Places.

261—412.8(15) References. All references to the Act, United States Code, Code of Federal Regulations, or 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.