

### *Purpose and Summary*

Pursuant to Executive Order 10, the Authority proposes to rescind Chapter 417 and adopt a new chapter in lieu thereof. This proposed chapter describes the policies and procedures relating to the Certified Local Government program (program).

This proposed chapter will be clearer and more concise throughout. Definitions will be added for clarity. Information about grants to certified local governments has been added to this proposed chapter. Information about the grants is currently in 223—Chapter 35, which is proposed to be rescinded as part of a concurrent rulemaking (**RA 26-134**, IAB 6/24/26).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 certification will bear the costs of the proposed rulemaking.

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

Applicants who apply for certification will benefit from the 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:**

Authority staff time is required to review the certification request that is received from the applicant. Similar costs may be incurred by the applicant to gather materials necessary for the certification request.

- **Qualitative description of impact:**

The program supports the enrichment of local historic preservation programs.

**3. Costs to the State:**

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

Authority staff time is required to review the certification request that is received from the applicant.

- **Anticipated effect on State revenues:**

This proposed rulemaking does not have an 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 417 and adopt the following **new** chapter in lieu thereof:

CHAPTER 417

CERTIFIED LOCAL GOVERNMENT PROGRAM

**261—417.1(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.

“*Authority*”\_means the Iowa economic development authority created pursuant to Iowa Code section 15.105.

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

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

**261—417.2(15) Regulations.** The Certified Local Government program (program) shall operate in accordance with the Act, 36 CFR Part 61, and any applicable guidelines or instructions issued by the National Park Service. Certified local governments shall comply with Iowa Code sections 15.445 through 15.459 as applicable.

**261—417.3(15) Criteria for certification.** Any local government may be certified to participate in the program if the SHPO and the National Park Service certify that the local government meets the following conditions:

**417.3(1)** Secures appropriate county and municipal ordinances or resolutions for the creation of a local historical commission and the conduct of its historic preservation responsibilities;

**417.3(2)** Establishes an adequate and qualified historic preservation review commission by state or local legislation;

**417.3(3)** Maintains a system for the survey and inventory of historic properties that furthers the purposes of historic preservation;

**417.3(4)** Provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register of Historic Places; and

**417.3(5)** Satisfactorily performs the responsibilities delegated to it under the Act.

**261—417.4(15) Procedure for certification.**

**417.4(1)** The applicant will contact the authority for program guidelines and application procedures.

**417.4(2)** SHPO staff will review certification requests for completeness and eligibility within 30 days of receipt and advise applicants of the results of the review. If the certification request is deemed unsatisfactory, SHPO staff will advise the applicant and specify the changes that are needed.

**417.4(3)** When a certification application is accepted, a certification agreement is sent to the local government for signature.

**417.4(4)** Following execution of the agreement, eligible applications for certification are subject to review and approval by the National Park Service.

**417.4(5)** Certification may be revoked pursuant to the terms of the certification agreement. A certified local government may also request decertification.

**261—417.5(15) Certified local government subgrants.**

**417.5(1)** *Generally.*

*a.* Only certified local governments are eligible to apply for and receive a grant through this program.

*b.* The SHPO is not required to award funds to all certified local governments.

*c.* The program shall operate as a competitive grant program.

*d.* Following the awarding of a grant, a contractual agreement specifying the terms of the grant shall be executed between the authority and the grant recipient.

**417.5(2)** *Procedure.*

*a.* Application packets are sent to all eligible applicants at least 45 days prior to each application deadline.

*b.* All applications shall be submitted on the forms provided by the authority. All applications will contain a description of the proposed project; schedule for implementation; the amount of grant funds requested; the amount, kind, and source of local match committed to the project; a budget for the project; written assurance that the applicant shall follow the Secretary of the Interior's Standards for Archaeology and Historic Preservation; and written assurance that the applicant shall select a principal investigator who meets the Secretary of the Interior's Professional Qualification Standards.

*c.* Local match of at least 40 percent of the total project cost is required.

*d.* Staff may consult with applicants regarding the development of project proposals.

*e.* Staff will review applications for completeness and eligibility. Incomplete or ineligible applications will be returned to the applicant. The applicant may correct and return the application prior to the grant deadline.

*f.* Program staff will conduct a preliminary review of each application to determine eligibility, completeness, consistency with program purpose, and amount of local match.

Applications that do not meet these criteria shall not be considered for funding. Results of the staff review will be transmitted to the committee.

g. The date of review of applications by the committee is established by the SHPO. Recommendations from the committee are submitted to the director of the authority for formal approval. Final authority for funding rests with the SHPO.

**417.5(3)** *Grant awards.*

a. Applicants approved for grants shall enter into a grant agreement with the authority that specifies the terms and conditions of the grant, including the grant amount, project description, matching requirements, and dates for the submission of specified products.

b. The grant agreement shall be signed by the SHPO and the chief elected local official of the certified local government or authorized designee.

c. If a certified local government that has been awarded grant funds determines that the awarded project cannot be completed, staff may recommend alternatives for expenditure of the funds to the SHPO. The decision of the SHPO regarding alternatives for expenditure of the funds shall be final.

**261—417.6(15) References.** All references to the Act, United States Code, Code of Federal Regulations, Secretary of the Interior's Standards for Archaeology and Historic Preservation, or Secretary of the Interior's Professional Qualification Standards in this chapter are to the laws as in effect on [effective date of rulemaking].

These rules are intended to implement Iowa Code section 15.121.