

SHPO Consultation

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**User's Manual for
HUD and DNR Projects
under the PMOU
(Programmatic Memorandum of Understanding)**

State Historical Society of Iowa
April 12, 2005

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Greetings!

Over the last year, a dedicated group of individuals has been working hard to improve the State Historic Preservation Office's Section 106 consultation process for HUD and DNR projects. While many of you will never see the numerous changes that are taking place internally, we hope you will all notice the differences those changes are beginning to make to the review process: email 30-day notices and comments, fewer requests for additional information, quicker response time, and additional technical assistance materials in the coming months and year.

While the internal changes to the SHPO review process are sure to make things easier, one of the most important components of this process is up to you! We need comprehensive and consistent submittals in order to provide comments on your projects. This User's Manual is the first step to guiding you through consultation with our office, fully explains the Programmatic Memorandum of Understanding under which you are operating, and outlines all the information we expect to see with each submittal and Request for SHPO Comment. Keep in mind that if we do not see the information requested in this User's Manual, we will be returning the submittal to you for revision—before it even gets to the reviewers. Ultimately, this will expedite review by eliminating the need for reviewers to respond to incomplete submittals and allowing them more time to review projects submitted with complete information.

This User's Manual should be the first place you look for answers to your questions. Our website, too, will have additional technical assistance, as time allows for its development. HUD and DNR each have their own subheading on our Review and Compliance page to address the specific needs of these agencies. Each agency will also have their own Request for SHPO Comment on a Project Form and online guidance materials. Look for this information at: http://www.iowahistory.org/preservation/review_compliance/review_compliance.html

We would like to extend our deepest appreciation to all who participated in our Kaizen event last summer, especially to the Kaizen Core Group working hard to finalize the PMOU and bring this User's Guide to you: Joe Behrens [Region 12], Berry Bennett [SHPO], Jennifer Bunton [DNR], Patti Cale-Finnegan [DNR], Susan Coffey [SEIRPC], Rita Eble [IDED], Lavon Grimes [SHPO], Jim Hallmark [DNR], Daniel Higginbottom [SHPO], Paula Hinzman [Cedar Rapids], Doug Jones [SHPO], Mary Klemesrud [IDED], Leslie Leager [IDED], Gabe Lee [DNR], Barbara Mitchell [SHPO], Mary Neiderbach [Des Moines], Ken Oestreich [Davenport], Mark Schneider [ECIA], Lowell Soike [SHPO], and others who we're sure we've missed.

This User's Manual was printed by the Iowa Departments of Economic Development and Natural Resources. If you have any questions or comments, including ideas for technical assistance you would like to see in the future, be sure to contact SHPO.

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GENERAL INFORMATION

Some of the language found in Section 106 and the language you will encounter throughout this publication can be confusing. Please reference the Glossary in Appendix 1.A for guidance. If at any time you have questions regarding the 106 process that the regulations (36 CFR 800), your project manager, or this User's Manual cannot answer, feel free to contact the appropriate SHPO staff person for assistance. A list of SHPO contact information is found in Appendix 1.B. Additional online resources are found in Appendix 1.C.

SUMMARY OF THE SECTION 106 PROCESS

Section 106 refers to Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, 36 CFR Part 800 (revised, effective August 5, 2004). The National Historic Preservation Act can be found online at <http://www.cr.nps.gov/hps/laws/NHPA1966.htm>. The regulations are available at <http://www.achp.gov/regs-rev04.pdf>. You may want to download and print each of these documents so that they can be readily available for your reference while following this User's Manual.

Section 106 requires Federal Agencies (Agency) to take into account the effects of their actions, or "undertakings," on historic properties and afford the Advisory Council on Historic Preservation (Advisory Council) and other consulting parties such as the State Historic Preservation Office (SHPO) a reasonable opportunity to comment.

- For CDBG projects, the Federal Agency is the *CDBG recipient*.
- For HOME projects, the Federal Agency is the *HOME recipient* when that recipient is a city or county, or the *Iowa Department of Economic Development* when the recipient is a non-profit and for-profit.
- For DNR-SRF loans, the Federal Agency is the *DNR*.

If the undertaking involves more than one federal agency (e.g., HUD and DNR-SRF or HUD and USDA-Rural Development), the agencies may consult with SHPO independently or one of the agencies may take the role of Lead Federal Agency, in accordance with 36 CFR Part 800.2(a)(2). In the latter case, a Lead Federal Agency agreement must be signed. It should be filed with SHPO when consultation with them is initiated. Example Lead Federal Agency agreements can be found under Form 1.A.

Initiate Section 106 process (36 CFR Part 800.3)

The first step in the Section 106 process is that the Agency must determine whether it has an undertaking that is a type of activity which could affect historic properties. If so, the Agency must identify the appropriate SHPO, Indian tribes, and other consulting parties to consult during the process. The Agency will also involve the public, as appropriate. Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

If appropriate, the Agency will hire a grant administrator who is authorized by the Federal Agency to contact the SHPO to initiate the identification of historic properties during early project planning and design. The primary purpose of this contact includes assistance in identifying other consulting parties and with the archival and literature research of existing information on historic properties within the area of potential effects (APE) established by the Agency. However, pursuant to 36 CFR Section 800.2(c)(2)(ii)(C), consultation with an Indian tribe must recognize the government-to-government relationship between the federal government and Indian tribes. Accordingly, the Agency must initiate and participate in consultation with the official representative designated by the tribal government. That official representative of the tribe may be the Tribal Historic Preservation Officer (THPO) established under Section 101(d)(2) of the National Historic Preservation Act when tribal lands are involved.

Projects that are exempt from any additional review or not defined by the Agency as undertakings do not require contact with SHPO; this includes sending FONSI notification.

Identify historic properties in the APE (36 CFR Part 800.4)

If the Agency's undertaking has a potential to affect historic properties, the Agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the APE, defined as: "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." Recommended APEs are provided in Appendix 1.D.

The Agency reviews information collected on properties in the APE, consults with the SHPO, Indian tribes, and other consulting parties, and conducts additional studies, if necessary. If the Agency finds that no historic properties are present or affected, it provides its findings and appropriate documentation to the SHPO, Indian tribes, and other consulting parties and proceeds with the undertaking, barring any objection in 30 days.

If the Agency finds that historic properties are present and may be affected by the undertaking, it proceeds to assess possible adverse effects.

Assess adverse effects (36 CFR Part 800.5)

The Agency, in consultation with the SHPO, makes an assessment of adverse effects on the identified historic properties. If the Agency determines that there will be no adverse effects, the Agency shall document and provide the finding to the SHPO, Indian tribes, and other consulting parties for review. The consulting parties shall have 30 days from receipt to review the finding. The Agency may proceed if there is agreement with the finding, or if there is no response within 30 days from receipt of the finding.

If the SHPO, Indian tribes, or any consulting party objects to the finding of No Adverse Effect within the 30-day review period, the Agency shall either consult with the party to resolve the objection or request the Advisory Council to review the finding. The Advisory Council shall review the finding and notify the Agency of its opinion as to whether the adverse effect criteria have been correctly applied within 15 days of receiving the documented finding. The Agency shall consider the Advisory Council's advisory opinion in reaching its decision about the effect of the undertaking on historic properties.

Resolve adverse effects (36 CFR Part 800.6)

When an Agency determines that the undertaking will have an Adverse Effect on historic properties, the Agency will consult with the SHPO, Indian tribes, and other consulting parties to resolve adverse effects. The consultation will seek ways to avoid, minimize, or mitigate the adverse effects. The agency must also notify the Advisory Council pursuant to 36 CFR Part 800.6.

In some cases, the consulting parties may agree that avoidance or minimization of the adverse effect is not feasible, but that the adverse effects will be accepted in the public interest. This is typically resolved with mitigation. Consultation on Adverse Effects usually results in a Memorandum of Agreement (MOA), which outlines the agreed upon measures the Agency will implement to avoid, minimize, or mitigate the adverse effects.

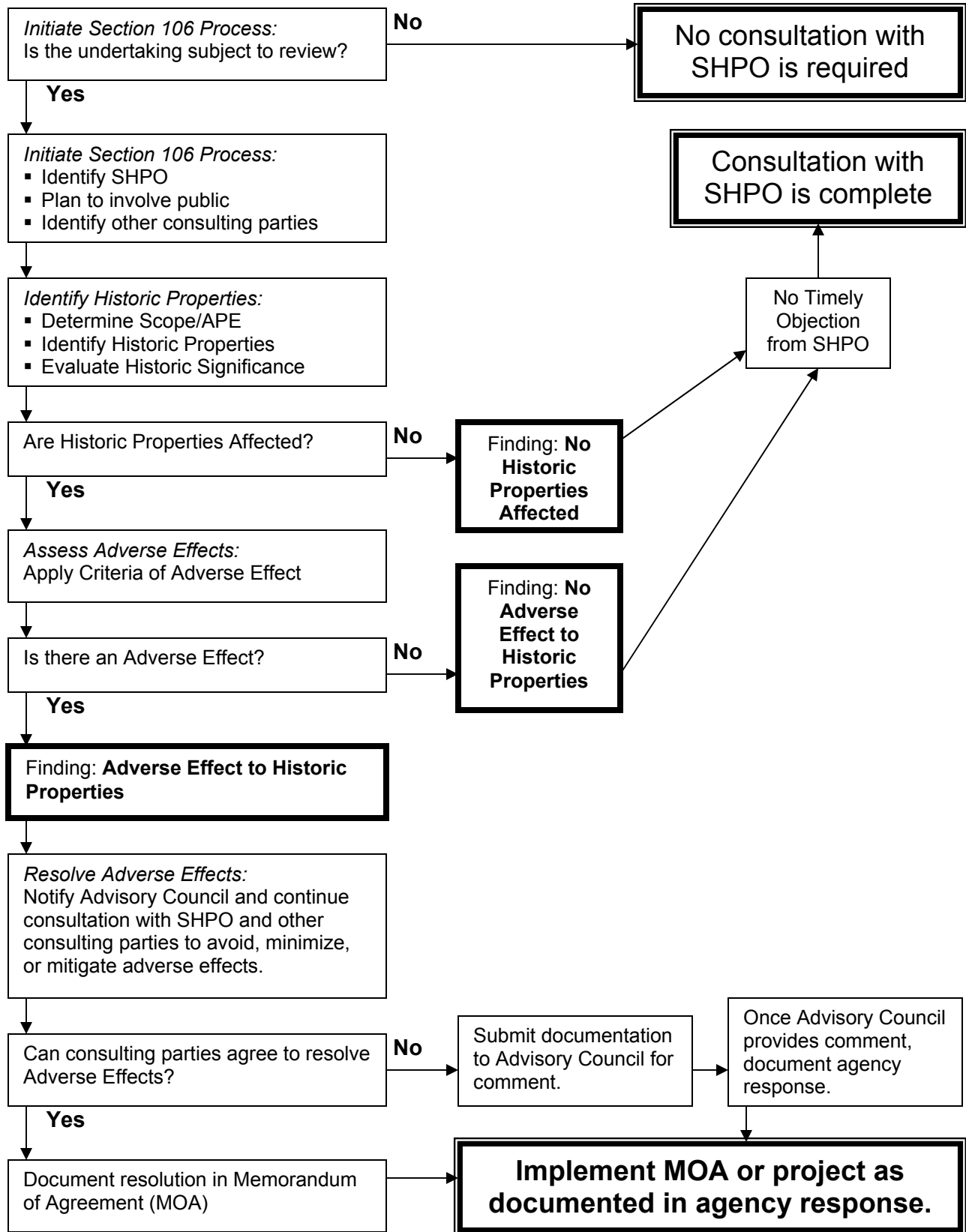
If an MOA is executed, the Agency proceeds with its undertaking under the terms of the MOA.

Failure to resolve adverse effects (36 CFR Part 800.7)

If consultation proves to be unproductive, the Agency or the SHPO may terminate consultation. If the SHPO terminates consultation, the Agency and Advisory Council may execute an MOA without SHPO involvement. If the Agency terminates consultation, the Agency must request Advisory Council comment per 36 CFR Part 800.7(a)(1).

BASIC SECTION 106 FLOW CHART

(not appropriate for use as a checklist)



REQUESTING SHPO COMMENT ON A PROJECT

This User's Manual serves as guidance for submitting projects to SHPO for official comment under Section 106. Section 2 addresses architectural and historical resources (a.k.a. above-ground resources or "standing structures"). Section 3 addresses ground disturbing activities and below-ground resources (a.k.a. archaeological resources). Please follow the guidance in the appropriate section or sections, depending on the nature of your project. The guidance has been developed to take into consideration the Documentation Standards outlined in 36 CFR Part 800.11. However, you should familiarize yourself with this portion of the regulations in case you need to submit any information to the Advisory Council.

Programmatic Memorandum of Understanding and Forms

A Programmatic Memorandum of Understanding (PMOU) is being developed and executed between SHPO and various agencies representing HUD and DNR. The text of the PMOU between SHPO and the Iowa Department of Economic Development can be found in Appendix 1.E. Please note that the PMOU between SHPO and HUD's Entitlement Cities and the PMOU between SHPO and DNR are slightly different than the one included in this manual. You will want to replace Appendix 1.E with the PMOU under which you are operating, if applicable.

A blank copy of the Exempt from SHPO Review, Project Determination Form can be found under Form 1.B. A blank copy of the Request for SHPO Comment on a Project Form can be found under Form 1.C. A blank copy of the Authorization for Alternate Signatories Form can be found under Form 1.D.

SHPO Response

SHPO has 30 calendar days to respond to a request for comment, once a complete submittal has been received. Once your submittal is received at SHPO, it will be date-stamped with the date of arrival and given a cursory review for completeness by the Review and Compliance Coordinator. If the submittal is incomplete, it will be returned to you with the incomplete item(s) marked on the Submittal Checklist (Form 1.E). If the submittal is complete, it will be assigned a Review & Compliance (R&C) number and logged into the SHPO database. You will receive an email notification that includes the R&C number, the date the submittal was received, and the date the 30-day review period expires.

Your submittal is then forwarded to the SHPO reviewers, who will provide comment on the findings and determinations. Although most projects are reviewed in the order they are received, some projects requiring more in-depth review may take longer than those that are straightforward or easy with which to concur. You will receive comments within 30 days, unless the reviewer would like additional information or clarification. In most cases, this will be requested via email or telephone, at which time the reviewer will let you know whether they have suspended the 30-day review period. If the review period has been suspended (typically when substantial information is missing or needed), a new 30-day period will begin once additional information is received at SHPO.

Please keep in mind that SHPO often receives over 100 new projects to review every month, in addition to supplementary correspondence on ongoing projects. Also, the Review & Compliance coordinator and SHPO reviewers have many responsibilities above and beyond Section 106 review. We cannot give special preference to any project, unless it has been declared an official emergency by a public official. Also, if you have specific questions about a project that has already been assigned an R&C number, please include that number in any correspondence or on any voicemails to make it easier for us to assist you.

USING PROFESSIONAL CONSULTANTS IN SECTION 106

Oftentimes, the SHPO will request you hire an individual meeting the Secretary of the Interior's Professional Qualification Standards, (36 CFR Part 61), as outlined in Appendix 1.F. A list of individuals meeting the standards is available online at www.iowahistory.org/preservation, under Review and Compliance, and current resumes for individuals meeting the standards are on file at the SHPO.

When in need of such services, feel free to contact any of the individuals listed or other qualified consultants of whom you may be aware. **Keep in mind that inclusion on the list of qualified consultants does not constitute an endorsement of the consultant's professional qualifications or past performances. We recommend that work references be checked, and that multiple bids be obtained before initiating a contractual agreement.** We cannot recommend specific contractors, but may be able to comment on previous work reviewed pursuant to State and Federal standards and guidelines.

PROTOCOL FOR CONSULTING PARTIES INVOLVEMENT IN SECTION 106

The Agency shall involve consulting parties in findings and determinations made during the Section 106 process in accordance with 36 CFR Part 800. The Agency shall make a good faith effort to provide pertinent information regarding undertakings to consulting parties.

The following parties have an official consultative role in Section 106 review:

- (1) The SHPO
- (2) Indian tribes when tribal lands are involved or when the tribe attaches religious and cultural significance to historic properties that may be affected by at he Agency undertaking. The Agency has a legal responsibility for government-to-government consultation with Indian tribes. This is a responsibility that the Agency may not delegate to an applicant without the express agreement of the Indian tribe. The Agency will initiate consultation with Indian tribes early enough in the Section 106 process so that the tribe may be consulted on the APE and the identification and evaluation of historic properties. In Section 106 review, an official designee, who may be the THPO, will represent the Indian tribe.
- (3) A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur.

- (4) Applicants for Federal assistance, permits, licenses and other approvals.

The following parties may also be invited by the Agency to formally participate in Section 106 consultation as consulting parties:

- (1) Regional and local historical societies, as determined appropriate by the Agency.
- (2) City or county-based Certified Local Governments (CLGs) and other local or county governments that have non-certified Historic Preservation Commissions.
- (3) Archaeological and historical departments of colleges and universities located in Iowa, as determined appropriate by the Agency.
- (4) Museums, as determined appropriate by the Agency.
- (5) Indian Advisory Council and the University of Iowa Office of the State Archeologist (OSA), if burials more than 150 years old will be involved, or as determined appropriate by the Agency. The OSA has statutory responsibilities under Iowa law and is to be consulted on all Indian burial sites and human remains more than 150 years old.
- (6) Any other parties that the Agency feels are appropriate. *This list is not all-inclusive.*

PROTOCOL FOR PUBLIC INVOLVEMENT IN SECTION 106

In addition to involving consulting parties with an official role in the 106 process, and in addition to the public notice requirements of the federal program under which you are operating, the Section 106 regulations require that the agency official “plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions (36 CFR Part 800.3(e).”

One way to meet this requirement is to contact local citizens who have a demonstrated interest in historic architecture, archaeology, or history. These people can be found in a variety of ways; however, the first people you should attempt to contact are local or county historic preservation commissions and local or regional historical societies.

Most cities and counties in Iowa that have historic preservation commissions are part of the Certified Local Government (CLG) program, a program administered by the SHPO on behalf of the National Park Service. A list of commission contacts can be found online at www.iowahistory.org/preservation, under “CLG Program”. Other communities may also have non-CLG sponsored historic preservation commissions and/or historical societies. These can be found by looking in the phone book, online, or asking at the library, city hall, county courthouse, or chamber of commerce.

When approaching a commission or historical society for comment on a project, it is important to remember that many commissioners and members are volunteers. Be clear with the purpose of your request, give them an appropriate amount of time to respond, and be sure to tell them how to reach you with their comments. For multi-property housing grants or other complex projects, you may want to contact them soon after you receive your grant award to see if they are interested in providing comment throughout the course of the project.

What do you want to ask the public? You may want to ask what the land use of the property has been historically, whether they know of any historic properties in the area, whether a specific property within the APE has known historic or architectural significance, whether there is potential for archaeological properties within the APE, whether they feel the proposed project has the potential to adversely affect any known or identified historic properties, or whether there are any other representatives of the public who might have concerns regarding the project's potential effects.

As always, timing is essential. Plan to involve the public as early as possible in the project, so that their views can be forwarded to SHPO with your Request for SHPO Comment. In your cover letter, please include any input you receive, including the name of the person who provided it. If you receive any correspondence in reply to request for public input, please include it as an attachment to your SHPO submittal.

UNANTICIPATED DISCOVERIES

There are two types of unanticipated discoveries during construction: those that do and those that do not involve human burials. Both are addressed in this section.

Unanticipated Discoveries (during construction)

Unanticipated Discovery (exclusive of human remains and human burials): If during the implementation of any exempt undertaking, project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered within or immediately adjacent to the project APE, all construction activities in the vicinity of the identified resource should cease and the recipient should make reasonable efforts to avoid further impacts to the resources until an assessment can be made by an individual meeting the Secretary of the Interior's Professional Qualifications found in 36 CFR Part 61 Appendix A as appropriate to the resource. The Recipient will immediately contact the Agency and SHPO.

Unanticipated Discoveries of Human Remains (during construction)

Unanticipated Discovery of Human Remains and Human Burials: All human burials in the State of Iowa are protected by law. In the event that human remains or burials are encountered during archaeological investigations or construction activities, work in the area will cease and appropriate steps will be taken to secure the site and immediately notify the Agency, local law enforcement, SHPO, and officials at the Burials Program at the OSA or the Iowa Department of Health. In accordance with Iowa Statutes, the Agency will work with the OSA, SHPO, the applicant, Indian tribes and other consulting parties, as needed, to implement appropriate avoidance or treatment measures.

If the remains appear to be ancient (i.e. older than 150 years), the burial is legally protected under Chapters 263B and 716.5 of the Iowa Code. The OSA shall have jurisdiction. Timetables and options will be the purview of the State Archaeologist or his/her designee in consultation with appropriate descendant groups. Preservation in place is always the preferred option. Determination of cultural affiliation will follow

procedures that are consistent with the provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 through 3005). If the remains are determined to be American Indian and can be affiliated with a federally recognized American Indian Tribe, the OSA shall assist with consultation over disposition of those remains.

If the remains appear to be less than 150 years old, the burial would be legally protected under Chapters 144.34, 566 and 716.5 of the Iowa Code and would fall under the jurisdiction of the Iowa Department of Public Health.

For more information and/or guidance on burials over 150 years old, see the OSA web site located at <http://www.uiowa.edu/~osa/archaeology.htm>

For more information about Iowa laws regarding human remains see the Iowa Code website located at <http://www.legis.state.ia.us/Code.html>

EMERGENCIES AND “PROCLAMATION OF EMERGENCY”

An emergency is defined as a threat or imminent threat to the health and safety of the public or their property, and may come at different magnitudes of scale. The property can be either privately or publicly owned. An emergency proclamation declaring a threat or imminent threat to the health and safety of the public or their property must be signed by the President of the United States, the Governor of Iowa, or the chairperson or a member of the Local Emergency Management Commission (LEMC) before emergency mitigative work can begin in the APE. If the Member of the LEMC declares the emergency, then he/she shall be a Mayor or other local political authority governing the affected geographic area. The emergency does not have to be officially recognized at the state or national level because the scale of emergency may not be justified. (Examples of local emergencies may be a tainted or dried-up water-well.) The Emergency Proclamation should be filed with the party (e.g., applicant) responsible for the emergency mitigation measures. When possible and practicable, the Agency shall act to mitigate the damage to any historic properties when under emergency conditions; and exercise care to minimize effects to both identified and unidentified historic properties. If a proposed emergency mitigative measure will affect a historic or prehistoric cemetery, the Agency should consult immediately with either the officials at the Burials Program at the OSA or the Iowa Department of Health prior to any mitigative measures.

Note: This discussion of “an emergency” only affects Section 106 compliance. It does not address compliance with the National Environmental Policy Act (NEPA). See 7 CFR 1794 and 7 CFR 1940-G for specific NEPA compliance responsibilities for Federal or State declared emergencies.

- 1) Federal
 - Presidential Declaration
 - Secretarial Declaration (HUD, FEMA. or EPA)

Presidential and Secretarial Declarations are requested by the Governor.

2) State – Iowa Code 29C.6

Governor's Declaration: The Iowa Governor can issue a proclamation of disaster emergency. Any state resource can be used to assist. Under the Iowa Code, there are also provisions for suspending and waiving regulations. Imminent threat definitions are defined in this section.

The Code also says that all counties will develop an Emergency Plan. Local Emergency Management Agencies can request local officials (mayors and county boards of supervisors) to declare an emergency for public health and safety.

Iowa Department of Natural Resources (IDNR):

IDNR has regulations that define "Water Shortages and Priority System Triggers".

Specific conditions that would trigger the investigation and possible implementation of emergency measures include:

- Local petition by 25 or more individuals or by county or municipality.
- Drought by a Governor's declaration or by drought index
- Disaster by Governor's declaration or an Agency Emergency response.

Web Sites:

The following websites have information on declared emergencies:

- <http://www.fema.gov> (floodplain maps)
- <http://www.iowahomelandsecurity.org/>
- <http://icss.agron.iastate.edu/> (soil maps)
- <http://www.extension.iastate.edu/Pages/communications/recovery/> (emergency designation maps)
- <http://www.fsa.usda.gov/pas/news/releases/index.htm> (disaster news releases)

Emergency Proclamations for Individual Situations

Catastrophic situations occur to individuals in situations that may or may not be in association with a Presidential Declaration, Secretarial Declaration, Administration Declaration or Governor's Declaration.

Some examples of emergency situations in this category are:

- A tornado or high winds destroying or damaging a house or other above ground structure.
- The loss of a safe water source due to a well drying up, the contamination of a well, unsafe water quality, or insufficient quantity of water which endangers the safety and welfare of humans and livestock.
- Failure of a septic system that is contaminating a water source or discharging unsafe waste endangering the health and safety of humans or livestock.

An emergency situation is one that should be resolved in 30 days or less. Alternatives to curing the emergency situation should be examined to determine the course of action most desired and practicable.

If the emergency situation cannot be resolved in 30 days or less, the normal Section 106 compliance process should be followed per the Users Manual to the Programmatic Agreement. This affords the SHPO and the other consulting parties the opportunity to review the proposed action.

The 30 day time period begins:

- when a local official issues a proclamation of emergency for the individual to the Applicant, and
- the State Director concurs in writing to the applicant that there is an emergency.

The local official can be any one of the following individuals:

- County emergency management official
- County Board of Supervisors
- County Engineer
- County Sanitarian
- County Board of Health

It is the Applicant's responsibility to establish a cooperative relationship with one or more of the above local officials to establish the procedures and parameters to follow to obtain an emergency proclamation.

Agency Procedures for Emergency Situations (Taken from 36 CFR Part 800.12)

The following text is taken directly from 36 CFR Part 800.12. If you have any questions regarding emergency agency procedures, please contact your agency officials or representatives immediately for clarification or further instructions. If you have any questions regarding emergency agency procedures in regard to historic properties, please contact SHPO immediately for clarification of procedures or technical assistance regarding the resources.

- (a) Agency procedures. The agency official in consultation with the appropriate SHPOs/THPOs, affected Indian tribes, and Native Hawaiian Organizations, and the Advisory Council on Historic Preservation (Council), is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a state or which respond to immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of 36 CFR 800.3 through 36 CFR 800.6.
- (b) Alternatives to agency procedures. In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a state or another immediate threat to life or property, and the agency has not

developed procedures pursuant to paragraph (a) of this section, the agency official may comply with Section 106 of the National Historic Preservation Act (NHPA) by:

- (1) Following a Programmatic Agreement developed pursuant to 36 CFR 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or (Programmatic Agreements with Entitlement Cities would fit under this provision)
 - (2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian Organization that may attach religious significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian Organization and invite any comments within the time available.
- (c) Local governments responsible for Section 106 compliance. When a local government official serves as the agency official for Section 106 compliance, paragraphs (a) and (b) of this section (36 CFR Part 800.12) also apply to an imminent threat to public health and safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with 36 CFR 800.3 through 800.6.
- (d) Applicability. This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and this part.

APPENDIX 1.A: GLOSSARY OF TERMS

<i>Act</i>	The National Historic Preservation Act of 1966, as amended, 16 U.S.C. Parts 470-470w-6. [36 CFR Part 800.16 (a)]
<i>Adequate Documentation</i>	Sufficient documentation for a reviewer to make an assessment, for example on the amount and kinds of disturbance that a property has experienced, without visiting the site. Examples might include photographs of the disturbed ground, structure, etc., soil profile descriptions, historical records of disturbance. Note: Oral histories and testimonies may not necessarily be adequate because of the reliance upon memories. (See 36 CFR Part 800.11).
<i>Adverse Effect</i>	A finding, rendered by the Agency in consultation with the SHPO, indicating that the undertaking will have an Adverse Effect on a historic property or properties within the APE, as defined by the <i>Criteria of Adverse Effect</i> , defined below.
<i>Advisory Council on Historic Preservation (Advisory Council)</i>	The Advisory Council on Historic Preservation (or ACHP) is an independent Federal agency that oversees the Section 106 review process (codified at 36 CFR Part 800). As used in this document, the terms Advisory Council or ACHP mean a Council member or employee designated to act for the Council.
<i>Appurtenances</i>	Miscellaneous accessories that may be attached to the main structural feature or element of the undertaking.
<i>Area of Potential Effects (APE)</i>	The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. [36 CFR Part 800.16 (d)]
<i>Building</i>	A building created principally to shelter any form of human activity. Examples: houses, barns, stables, sheds, garages, courthouses, commercial buildings, libraries, schools, factories, mills, theaters, and churches
<i>Comment</i>	The findings and recommendations of the Advisory Council and/or the SHPO [36 CFR Part 800.16(e)].

Consultation

The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process [36 CFR Part 800.16(f)]. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

Council

See *Advisory Council on Historic Preservation*

Criteria of adverse effect

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5 (a)(1)].

Adverse effects on historic properties include: Physical destruction of or damage to all or part of a property; alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties" [36 CFR Part 68]; removal of the property from its historic location; change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance; introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features; neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

[36 CFR Part 800.5(a)(2)]

<i>Cultural Resource</i>	An item or entity such as a district, structure, building, site or object that may or may not be significant to, but played a part in, human history, architecture, engineering, archaeology, and culture. The resource will generally be older than 50 years in age. A significant cultural resource may be a contributing member to, or eligible in whole by itself, to be a part of the National Park System, National Historic Landmark List, or National Register of Historic Places.
<i>Cultural Resources Survey</i>	The identification and evaluation of recorded and unrecorded historic and prehistoric resources, potentially eligible for inclusion in the National Register of Historic Places, by a person or persons meeting at a minimum the Secretary of the Interior's "Professional Qualification Standards".
<i>Day or days</i>	Calendar days. [36 CFR Part 800.16 (h)]
<i>Disturbance</i>	Physical upheavals, such as construction activities, which could have an adverse effect on the physical state of historical properties. Disturbance does not include the burial or disguising of historical properties.
<i>Disturbed</i>	See <i>Previously Disturbed</i>
<i>Disturbed rights-of-way</i>	Public and private roadway or utility corridors that have had the geological strata altered so that if cultural resources were ever present, they have been transported from their original position or context. See <i>Previously Disturbed</i> and <i>Right-of-Way</i> .
<i>District</i>	A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. Examples: college campuses; central business districts; residential areas; commercial areas; large forts; industrial complexes; rural villages; collections of habitation and limited activity sites; large farms, ranches, or estates; transportation networks; and large landscaped parks.
<i>Documentation</i>	See <i>Adequate Documentation</i>

<i>Effect</i>	Alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places [36 CFR Part 800.16 (i)]. The possible choices as listed in 36CFR 800.5 are either adverse effect or no adverse effect. See <i>Criteria of Adverse Effect</i> for further information.
<i>Eligible</i>	Properties eligible for listing on the National Register of Historic Places. This includes those properties formally evaluated and determined as such, and all other properties that meet the National Register Criteria [36 CFR Part 800.16(l)(2)], whether formally evaluated or not.
<i>Emergency</i>	An emergency is a natural or human-induced event that causes threat or imminent threat to the health and safety of the public and their property. Examples of such events may include but are not limited to tornadoes, floods, fires, droughts, large hail, heavy snow or ice, wars, riots, pipeline explosions or ruptures, etc. The threats may include but are not limited to non-potable water, unstable or damaged structures, theft or vandalism, utility outages, etc., which could result in death, sickness, injury, loss of property, etc. <u>An Emergency Proclamation must be signed by an appropriate government official to be an official emergency.</u> Reference federal and state regulations.
<i>Emergency Proclamation</i>	A document declaring a threat or imminent threat to the health and safety of the public or their property. The President of the United States, Governor of Iowa, or county official designated by the governor of the effected property area must sign this document, <u>before</u> mitigative work can begin in the Area of Potential Effect.
<i>Euro American Historic Property</i>	An historic property belonging to the early European-American settlers, which in Iowa spans from about the 1750's to present.
<i>Existing Utility Corridor</i>	A subterranean utility right-of-way that was created by either laying the utility lines in an open trench or feeding the utility line through a directional boring.
<i>Foreclosure of Comment (Foreclosure)</i>	An action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking [36 CFR Part 800.16(j)].

<i>Head of the agency</i>	The chief official of the Federal agency responsible for all aspects of the agency's actions. If a State, local, or tribal government has assumed or has been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency [36 CFR Part 800.16(k)].
<i>Historic property</i>	Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, including properties formally determined as such by the Secretary of Interior and those that meet National Register Criteria [36 CFR Part 800.16 (l) (1)]. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.
<i>Imminent Threat</i>	An impending, looming, or approaching danger; about to happen.
<i>Indian tribe</i>	An Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. [36 CFR Part 800.16 (m)]
<i>Local government</i>	A city, county, parish, township, municipality, borough, or other general-purpose political subdivision of a State. [36 CFR Part 800.16 (n)]
<i>Memorandum of Agreement</i>	The document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties. The MOA must include the Agency and may include the SHPO/THPO, Council, Indian Tribes, and other consulting/responsible parties (36CFR 800.6 [c]).
<i>Memorandum of Understanding</i>	See <i>Programmatic Memorandum of Understanding</i> .

<i>National Historic Landmark</i>	A historic property that the Secretary of the Interior has designated a National Historic Landmark [36 CFR Part 800.16 (p)].
<i>National Register of Historic Places (NRHP or National Register)</i>	The Nation’s official list of historic properties that meet National Register Criteria and are considered worthy of preservation. The National Register of Historic Places is maintained by the Secretary of the Interior.
<i>National Register Criteria</i>	The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register in 36 CFR Part 60.4: The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and <ul style="list-style-type: none"> <li data-bbox="586 852 1390 957">(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or <li data-bbox="586 961 1300 1031">(b) that are associated with the lives of persons significant in our past; or <li data-bbox="586 1035 1409 1251">(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or <li data-bbox="586 1255 1312 1325">(d) that have yielded, or may be likely to yield, information important in prehistory or history.
<i>Native Hawaiian Organization</i>	Any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians [36 CFR Part 800.16 (s) (1)].
<i>Native Hawaiian</i>	Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii [36 CFR Part 800.16 (s) (2)].

<i>No Adverse Effect</i>	A finding rendered by the Agency, in consultation with the SHPO/THPO, when the undertaking's effects do not meet the Criteria of Adverse Effect as established in 36CFR 800.5(a)(1), or the undertaking is modified or conditions imposed on the undertaking such that the adverse effect is avoided.
<i>No Potential to Cause Effects</i>	A finding rendered by the Agency regarding an activity or action whose implementation has no potential to cause an effect to historic properties [36 CFR Part 800.3 (a) (1)].
<i>No Historic Properties Affected</i>	A finding rendered by the Agency that there are either no historic properties present or that there are historic properties present, but the undertaking will have no effect upon them as defined in 36CFR 800.16(i). The Agency shall document this finding with the SHPO/THPO as set forth in 36CFR 800.11(d).
<i>Object</i>	The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples: sculpture, monuments, boundary markers, statuary, and fountains.
<i>Office of the State Archaeologist (OSA)</i>	The University of Iowa Office of the State Archaeologist is the state agency in charge of human burials greater than 150 years old, and as further defined in Iowa Administrative Code 685-11.1(1-7) and Iowa Code 263B.7-9.
<i>Phase I-A Preliminary</i>	An early, less exhaustive attempt at reconnaissance to identify and evaluate properties for potential effects on historic properties. This preliminary evaluation is allowed under 36CFR 800.4(b)(2), and is used in this PA to gain knowledge about potential historic properties before final engineering designs and construction plans are made. Also referred to as "Reconnaissance Survey" in the <u>Secretary of Interior's Guidelines for Identification</u> .

<i>Phase I Investigation</i>	Also called a “Phase I Archaeological Survey” in the <u>Guidelines for Archaeological Investigations in Iowa (1999)</u> , and an “Intensive Survey” in the <u>Secretary of Interior’s Guidelines for Identification</u> . A Phase I is a survey to identify and evaluate properties for potential effects on historic properties. The Phase I survey usually requires more intensive identification methods than a Phase I-A survey, such as field-testing and surveys.
<i>Phase II Survey</i>	The next step beyond Phase I survey. Phase II is an evaluation step that helps to determine the significance of one or more historic properties with regard to a given set of criteria. For National Register eligibility, the Phase II criteria are found in 36 CFR 800.16 (r).
<i>Phase III Data Recovery</i>	A data-gathering step usually reserved for National Register or National Register-eligible historic properties. A data recovery is one form of mitigation.
<i>Post-Contact Site</i>	A term used to describe the time <u>after</u> first contact was made by European explorers and immigrants with the Native Americans. For the purpose of this PA, the Post-Contact period in Iowa is generally regarded as anytime <u>after</u> about 1750 A.D., or when mass Euro American immigrations started to occur.
<i>Pre-Contact Site</i>	A term used in general to describe the time <u>before</u> first contact was made by European explorers and immigrants with the Native Americans. For the purpose of this PA, the Pre-Contact period in Iowa is generally regarded as anytime <u>before</u> 1750 A.D., after which mass Euro American immigrations started to occur.

*Previously Disturbed
(Previous Disturbance)*

A relatively recent pre-existing physical alteration to a standing structure, soil profile, parent material, etc. that causes any historical property's potentially National Register nominating characteristics to be out of context (see Effect). For example, a soil or a soil's parent material that has been turned, jostled, or otherwise put out of its original setting by machinery or other recent human or natural causes such as plowing, landscaping, landslides, etc. Caution should be noted that burying or building a road on top of a pre-existing land surface does not mean that the original land surface and its underlying soil, sediment, and historical properties are effected. Also, earth movement such as plowing does not necessarily mean that all of the soil, sediment, or historical property is disturbed. Standing structures where the original architectural attributes have been destroyed, removed, or altered beyond repair. Note that some architectural alterations may in themselves qualify for National Register Criteria.

Profound Disturbance

Per the PMOU: "Profound disturbance occurs when a past activity(ties) has physically altered the three-dimensional Area of Potential Effects of an undertaking in its entirety to the point where there is no potential for an archaeologically-significant property to remain."

Profound disturbance results when an activity (ties) eliminates the possibility of recovering information about artifacts and features that could help explain that deposit; or, that could be used to contributed to a better understanding of the historic context to which that deposit belongs. Consider when evaluating a project area for "profound disturbance" the nature of disturbance, landuse history, landform, soils, degree of erosion, and potential for deeply buried archaeological deposits (intact deposits below the deepest level of disturbance). Perennial cultivation does not necessarily result in profound disturbance. One must keep in mind that the disturbances might also be historic in nature. For example, an open pit coalmine dating to 1880 may have profoundly disturbed portions of an Oneota village site, however, the mine may itself be historically significant.

<i>Programmatic Agreement</i>	A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with 36 CFR Part 800.14 (b). [36 CFR Part 800.16 (t)]
<i>Programmatic Memorandum of Understanding (PMOU)</i>	The document that records the terms and conditions agreed upon to perform a procedure such as Section 106 compliance. The MOU is reserved for an agreement between the Agency and the SHPO/THPO, and does not include the Advisory Council.
<i>Right-of-Way</i>	The corridor of land over which facilities such as roads and utilities are built.
<i>Secretary</i>	The Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified [36 CFR Part 800.16 (u)].
<i>Section 106 Review</i>	The review process established under Section 106 of the National Historic Preservation Act and administered by the Advisory Council on Historic Preservation under its regulations in 36 CFR Part 800. This process requires the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, to take into account the effect of their undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking. [16 U.S.C. 470 (f)]
<i>Segmentation</i>	The phasing, fragmenting, or fractional breakup of an otherwise contiguous undertaking such that parts of the undertaking appear to be avoiding the Section 106 review process through the selective application of where and when federal funding is applied.

<i>Site</i>	A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. Examples: habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, gardens, grounds, battlefields, ruins of historic buildings and structures, campsites, sites of treaty signings, trails, areas of land, shipwrecks, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having cultural significance.
<i>State Historic Preservation Officer (SHPO)</i>	The official appointed or designated pursuant to Section 101(b)(1) of the Act to administer the State historic preservation program or a representative designated to act for the State Historic Preservation Officer. [36 CFR Part 800.16(v)]. The State Historic Preservation Office is located within the State Historical Society of Iowa. SHPO is responsible for providing technical assistance regarding the preservation of cultural resources within the state.
<i>Structure</i>	The term “structure” is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter. Examples: bridges, tunnels, canals, dams, power plants, corncribs, silos, roadways, windmills, grain elevators, kilns, mounds, cairns, palisade fortifications, earthworks, railroad grades, systems of roadways and paths, boats and ships, railroad locomotives and cars, telescopes, carousels, bandstands, gazebos, and aircraft.
<i>Tribal Historic Preservation Officer (THPO)</i>	The tribal official appointed by the tribe’s chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) or the act [36 CFR Part 800.16(w)]. There are no THPOs in Iowa.
<i>Tribal lands</i>	All lands within the exterior boundaries of any Indian reservation and all dependent Indian communities. [36 CFR Part 800.16 (x)]
<i>Unanticipated Discoveries</i>	A historical resource that is found in an unexpected location.

Undertaking

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

[36 CFR Part 800.16 (y)].

APPENDIX 1.B: SHPO CONTACT LIST

HUD and DNR Review and Compliance Staff

Lavon Grimes	Review & Compliance Coordinator	515.281.8743	Lavon.Grimes@iowa.gov
Dan Higginbottom	Archaeologist (HUD, all DNR)	515.281.8744	Daniel.Higginbottom@iowa.gov
Barbara Mitchell	Architectural Historian (HUD, DNR-SRF)	515.281.4013	Barbara.Mitchell@iowa.gov
Ralph Christian	Historian (all other DNR)	515.281.8697	Ralph.Christian@iowa.gov
Doug Jones	Archaeologist	515.281.4358	Doug.Jones@iowa.gov

Other Staff

Berry Bennett	Iowa Site Inventory Manager	515.281.8742	Berry.Bennett@iowa.gov
Beth Foster Hill	National Register Coordinator, Federal/State Tax Credit Program Manager	515.281.4137	Beth.Foster@iowa.gov
Don Hirt	Inventory Assistant	515.281.7803	Don.Hirt@iowa.gov
Kerry McGrath	Certified Local Governments Program Manager	515.281.6826	Kerry.McGrath@iowa.gov
Jack Porter	Preservation/Design Consultant	515.242.6152	Jack.Porter@iowa.gov
Lowell Soike	Deputy State Historic Preservation Officer	515.281.3306	Lowell.Soike@iowa.gov

Location and General Contact Information:

State Historic Preservation Office
 State Historical Society of Iowa
 New Historical Building
 600 East Locust Street
 Des Moines, Iowa 50319

Phone: 515.281.8743
 Fax: 515.282.0502

General Office hours:

Monday through Friday,
 9:00 to 4:30pm

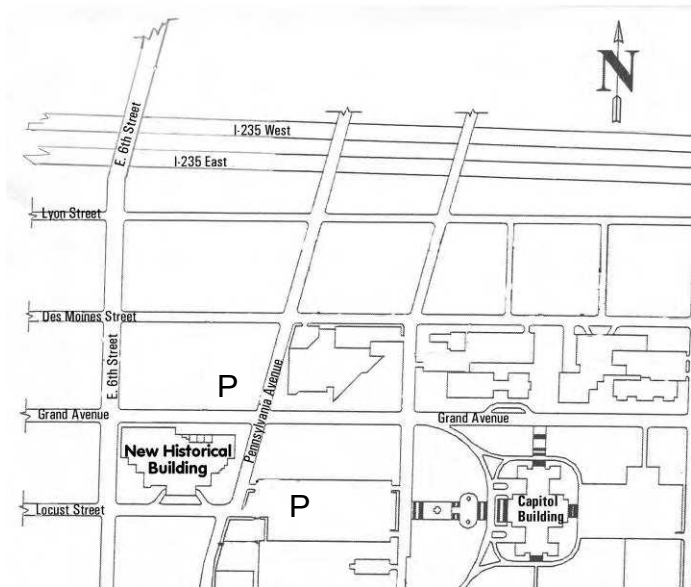
Parking:

Free Parking is available in the lower level of the State parking ramp at the corner of Grand Avenue and Pennsylvania Avenue (enter from Grand) and in the surface lot between the New Historical Building and the Capitol.

SHPO is on 3rd Floor East
 (toward the Capitol)

Website:

www.iowahistory.org/preservation



APPENDIX 1.C: USEFUL WEBSITES

Advisory Council on Historic Preservation Websites

Advisory Council on Historic Preservation

www.achp.gov

Section 106 User's Guide

www.achp.gov/usersguide.html

Federal Historic Preservation Case Law, 1966-2000

www.achp.gov/pubs-caselaw.html

ACHP Case Digest—Protecting Historic Properties: Section 106 in Action

www.achp.gov/casedigest.html

Protecting Historic Properties: A Citizen's Guide to Section 106 Review

www.achp.gov/citizensguide.html

ACHP Staff Directory

www.achp.gov/staff.html

National Historic Preservation Act of 1966, As Amended

www.achp.gov/nhpa.html

National Park Service Websites

National Register of Historic Places

www.cr.nps.gov/nr

National Register Publications

www.cr.nps.gov/nr/publications

How to Apply the National Register Criteria for Evaluation

www.cr.nps.gov/nr/publications/bulletins/nrb15

National Park Service Preservation Briefs

www.cr.nps.gov/hps/tps/briefs/presbhom.htm

National Park Service “Links to the Past” Publications

www.cr.nps.gov/linkpubs.htm

Secretary of the Interior's Standards for the Treatment of Historic Properties

www.cr.nps.gov/hps/tps/standguide/index.htm

Secretary of the Interior's Standards for Rehabilitation

www.cr.nps.gov/hps/tps/tax/rehabstandards.htm

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation

www.cr.nps.gov/local-law/arch_stnds_0.htm

National Park Service Tribal Preservation Program

www.cr.nps.gov/hps/tribal/index.htm

National Park Service Archeology and Ethnography Program

www.cr.nps.gov/aad

Other Useful Websites

Preserve America

www.PreserveAmerica.gov

Native American Graves Protection and Repatriation Act (NAGPRA) Tribal Point of Contact Database

www.mvs.usace.army.mil/enr/curation/nagpraPOC.asp

Technical Preservation Services for Historic Buildings

www.cr.nps.gov/hps/tps/index.htm

National Center for Preservation Technology and Training

www.ncptt.nps.gov

National Conference of State Historic Preservation Officers

www.ncshpo.org

National Conference of Tribal Historic Preservation Officers

www.nathpo.org

National Trust for Historic Preservation

www.nationaltrust.org/

APPENDIX 1.D: RECOMMENDED AREAS OF POTENTIAL EFFECTS FOR HUD AND DNR PROJECTS

The following recommended Areas of Potential Effects are provided to assist in submittal of HUD and DNR projects to the Iowa SHPO. In accordance with 36 CFR Part 800.4(a)(1), the federal agency is responsible for determining and documenting the Area of Potential Effects, in consultation with the SHPO. The *area of potential effects* (APE) is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. [36 CFR Part 800.16(d)]” These recommendations are merely that; please adjust each projects APE so that is appropriate to the undertaking.

Building Rehabilitation (without additions):

The APE is confined to the building parcel. This is the legal property on which the building sits, and includes the subject building and any associated outbuildings. Archaeology concerns should be addressed for any areas of ground disturbance.

Building Rehabilitation (with additions):

The APE comprises the building parcel plus properties on adjacent parcels. If the adjacent parcel is a vacant lot, the APE might encompass any properties within view of the subject property. Archaeology concerns should be addressed for any areas of ground disturbance.

New construction of a *one* or *two*-story building:

The APE comprises the building parcel plus properties on adjacent parcels. If the adjacent parcel is a vacant lot, the APE should be expanded to include any properties within view of the subject property. Archaeology concerns should be addressed for any areas of ground disturbance.

Demolition of a *one* or *two*-story building (no blasting involved):

The APE comprises the building parcel plus properties on adjacent parcels. If the adjacent parcel is a vacant lot, the APE should be expanded to include any properties within view of the subject property. Archaeology concerns should be addressed for any areas of ground disturbance, including borrow areas for fill.

New construction of a water tower:

The APE must consider both direct and indirect effects to properties. For water towers less than 150 feet in height, the recommended overall APE encompasses a one-mile radius from the tower site. Intensive architectural survey and evaluation is requested within a one-half-mile radius, with reconnaissance survey comprising the area between the one-half and one-mile radii. These distances may be adjusted up or down on a project-by-project basis to account for project-specific factors such as tower height, topography surrounding the installation, tree cover in the area, etc. Adjustments to the

visual Area of Potential Effects should be discussed with SHPO before survey. It is recommended that an individual meeting the Secretary of the Interior's Professional Qualification Standards be hired to conduct the architectural survey. Archaeology concerns should be addressed for any areas of ground disturbance.

Water/sewer projects:

The APE comprises the extent of construction limits, plus staging areas, access roads, and similar facilities. If the project includes construction of aboveground facilities, please see the APE for new construction as indicated above.

All other projects:

Please develop an APE to the best of your ability, taking into consideration potential direct and indirect effects, and then call SHPO to discuss whether it is appropriate.

APPENDIX 1.E: PROGRAMMATIC MEMORANDUM OF UNDERSTANDING

The following pages include the Programmatic Memorandum of Understanding (PMOU) executed between SHPO and IDED in 2004.

PROGRAMMATIC MEMORANDUM OF UNDERSTANDING
BETWEEN THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT
AND THE
IOWA STATE HISTORIC PRESERVATION OFFICE
REGARDING CONSULTATION UNDER
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

WHEREAS, Iowa Department of Economic Development (hereafter Agency) receives the following funds administered through the U.S. Department of Housing and Urban Development (hereafter HUD) including but not limited to: Community Development Block Grants (CDBG) and HOME Investment Partnerships Program (HOME) (hereafter Programs); and

WHEREAS, the Agency will award Program funds to recipients throughout the State of Iowa; and

WHEREAS, the Recipients under the authority of 24 CFR Part 58 will assume the roles and responsibilities of the ‘agency official’ as defined by 36 CFR part 800.2(a) for the purposes of complying with Sections 106 and 110 of the National Historic Preservation Act of 1966, as amended (hereinafter, Act); and

WHEREAS, Section 106 and the Council for Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act of 1969 (NEPA) require those having jurisdiction over a federally assisted undertaking to take into account the effects of the undertaking upon properties listed on, or considered eligible for listing on, the National Register of Historic Places; and

WHEREAS, the Recipient will coordinate the Section 106 review with required reviews under NEPA as allowed by 36 CFR Part 800.8 when such coordination is judged to be prudent and feasible; and

WHEREAS, it is the responsibility of the Recipient to determine that a proposed project, activity, or program constitutes an “undertaking” and also to establish, in consultation with the State Historic Preservation Office of Iowa (hereafter SHPO), a designated undertaking’s area of potential effects (hereinafter APE); and

WHEREAS, the Agency, in consultation with the SHPO, has determined that certain types of undertakings implemented under the aforementioned Programs normally do not result in effects to properties included in or eligible for inclusion in the National Register of Historic Places (hereafter National Register); and

WHEREAS, in an effort to streamline the consultation process and expedite the implementation of certain Program activities, the signatories identified hereunder agree consultation with the

SHPO for such undertakings is deemed to be unnecessary provided that the qualifying criteria or exempt activities as described in Exhibit A are met;

NOW, THEREFORE, AND IN CONSIDERATION OF THE FOREGOING DECLARATIONS, IT IS AGREED BY THE PARTIES TO THIS “CATEGORICAL NO HISTORIC PROPERTIES AFFECTED” PROGRAMMATIC MEMORANDUM OF UNDERSTANDING:

THAT: the stipulation found in Section I and the qualifying criteria or exempt activities, as found in Exhibit A, provide acceptable screening for Program activities, by which the parties may exclude from further review under 36 CFR Part 800 all projects that meet the stipulation and qualifying criteria or exempt activities; and

THAT: adherence to this agreement by the Recipient for qualifying projects will satisfy the Recipient’s responsibilities under Sections 106 and 110 of the Act and NEPA to consider the effects of these project categories on cultural resources through consultation with the SHPO; and

THAT: this agreement does not fulfill the Recipient’s responsibility to consult with American Indian Tribes or other parties that may be interested in the properties affected by this project; and

THAT: for other categories of federally assisted undertakings not included in the Exhibit A or included in Exhibit A but having been found as individual projects to not meet all of their applicable qualifying criteria, the Recipient, for all of those exceptions, shall identify and evaluate historic properties which may be affected, assess the undertakings’ effect upon those resources, consult with the SHPO, and afford the President’s Advisory Council on Historic Preservation (Council) an opportunity to comment, when appropriate under 36 CFR Part 800; and

THAT: if any interested person objects to any determination made by the Recipient and the SHPO pursuant to this agreement, the Recipient shall ensure that the concerned public has a reasonable opportunity to comment, per 36 CFR Part 800 and 24 CFR part 58; and

THAT: documentation of all undertakings processed under this agreement shall be retained by the Recipient and made available to the SHPO; and

THAT: the Agency will track projects processed and advanced without SHPO review under this agreement and ensure that the overall desirability, effectiveness and reliability of its procedures can be readily verified. Based upon the results of tracking information, the parties may establish a mutually agreeable interval for conducting a formal review of the process for revision, addition or deletion of individual project exclusions, or to specify procedural changes.

I. STIPULATION

The parties to this agreement stipulate that all classes of actions described in Exhibit A “Undertaking Not Normally Requiring Consultation with Iowa SHPO” 1) are hereby considered to result in “No Historic Properties Affected” and 2) will require neither individual nor categorical review or consultation with the SHPO provided that they satisfy all of the qualifying

criteria or exempt activities set forth at the beginning of, or contained in, their respective Sections of Exhibit A.

ADMINISTRATIVE CONDITIONS

II. DURATION

This document will be null and void if its terms are not carried out within five (5) years from the date of its execution signature, unless the term is extended by mutual agreement of the signatories. Prior to such time, Agency may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation VI below.

III. POST-REVIEW DISCOVERIES

Unanticipated Discovery (exclusive of human remains and human burials): If during the implementation of any exempt undertaking, project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered within or immediately adjacent to the project APE, the recipient should make reasonable efforts to avoid further impacts to the resources until an assessment can be made by an individual meeting the Secretary of the Interior's Professional Qualifications found in 36 CFR Part 61 Appendix A. The Recipient will immediately contact the SHPO.

Unanticipated Discovery of Human Remains and Human Burials: All human burials in the State of Iowa are protected by law. In the event that human remains or burials are encountered during archaeological investigations or construction activities, work in the area will cease and appropriate steps will be taken to secure the site and notify officials at the Burials Program at the Office of the State Archaeologist or the Iowa Department of Health.

If the remains appear to be ancient (i.e. older than 150 years), the burial is legally protected under Chapters 263B and 716.5 of the Iowa Code. The Office of the State Archaeologist shall have jurisdiction. Timetables and options will be the purview of the State Archaeologist or his/her designee in consultation with appropriate descendant groups. Preservation in place is always the preferred option. Determination of cultural affiliation will follow procedures that are consistent with the provisions of the Native American Graves protection and Repatriation Act (25 U.S.C. 3001 through 3005). If the remains are determined to be American Indian and can be affiliated with a federally recognized American Indian Tribe, the Office of the State Archaeologist shall assist with consultation over disposition of those remains.

If the remains appear to be less than 150 years old, the burial would be legally protected under Chapters 144.34, 566 and 716.5 of the Iowa Code and would fall under the jurisdiction of the Iowa Department of Public Health.

IV. MONITORING AND REPORTING

The Recipient shall retain documentation and record project information on the Exempt from SHPO Review, Project Determination Form. Before and after photographs for structures will be attached to the form. By January 31 of each year, the Agency shall submit an annual report to SHPO for review and comment on all Program activities that occurred through December 31 of the previous year. The report will include a packet of Exempt from SHPO Review, Project

Determination Forms received from recipients for projects that did not consult with SHPO. Supporting documentation will be available to the SHPO upon written request. From time to time, the SHPO may review files for the activities to verify that the Agency is properly implementing the terms of the Agreement.

V. DISPUTE RESOLUTION

If at any time during implementation of this agreement a written objection is made by the SHPO or the Agency regarding any measure or its manner of implementation, the signatories shall take the objection into account and consult as needed with the objecting party to resolve the objection. The responsibility of the signatories to carry out all actions under this agreement that are not the subject of the objection shall remain unchanged. If, after consultation among the signatories and objecting party, the objection or dispute persists, then those undertakings subject to the conditions and exclusions shall revert to individual project review pursuant to the requirements of 36 CFR Part 800.

VI. AMENDMENTS

The signatories to this agreement may propose to amend its terms by providing a written request for such amendment to the other signatories whereupon all parties shall consult as appropriate within thirty (30) calendar days of receipt of the written request. Any resulting amendments shall be developed in writing and shall be executed immediately upon consensus.

VII. TERMINATION

This agreement may be terminated prior to its designated expiration date by either of the signatories upon written notice to the other. Notice of impending termination will be provided to the other 30 days prior to termination so that the signatories will have sufficient time to consult in order to avoid termination. Upon termination, all conditions and exclusions shall become null and void, and those undertakings subject to the conditions and exclusions shall revert to individual project review pursuant to the requirements of 36 CFR Part 800.

EXECUTION OF THE AGREEMENT

By their signatures below, the parties to this agreement indicate their concurrence with its provisions and their intent to fully abide by its provisions. Execution of this Categorical No Historic Properties Affected Programmatic Memorandum of Understanding evidences that the Agency and the SHPO have reached agreement on the exclusion from SHPO review the specified categories of undertakings.

Iowa Department of Economic Development

BY: _____
Sandy Ehrig, Division Administrator

DATE: _____

IOWA STATE HISTORIC PRESERVATION OFFICER

BY: _____
Lowell Soike, Deputy State Historic Preservation Officer

DATE: _____

Exhibit A

UNDERTAKINGS NOT NORMALLY REQUIRING CONSULTATION WITH IOWA SHPO INVOLVING GROUND DISTURBANCE

Qualifying Criteria:

If any of the following are met SHPO does not need to review the project regardless of activity:

1. The Area of Potential Effect (APE) has been intensively surveyed after 1989 and determined by the federal agency not to contain historic properties, and this finding was accepted by the Iowa SHPO.
2. If the APE has been profoundly disturbed – meaning:
Profound disturbance as it relates to the APE: Profound disturbance occurs when a past activity(ties) has physically altered the three-dimensional Area of Potential Effects of an undertaking in its entirety to the point where there is no potential for an archaeologically-significant property to remain.
3. Project will NOT involve buildings, districts, objects, structures, sites, or landscapes in the APE that are more than 50 years old.

Exempt Activities:

If the project involves:

1. Excavation occurring within the APE on ground not qualifying as profoundly disturbed (see definition under qualifying criteria)
2. Buildings, districts, objects, structure, sites, or landscapes that are more than 50 years old in the APE

Then, the following activities will be considered exempt from further review by the SHPO or ACHP, because the activities have limited potential to affect historic properties:

1. Photoscopic pictures of water and/or sewer pipe
2. Re-lining of water and/or sewer pipe
3. Point repairs of water and/or sewer pipe
4. Hydrant replacements
5. Manhole cover replacements
6. New/replacement service lines and related appurtenances involving boring or slit trenches up to 2'
7. Equipment replacement, purchase, removal, and/or installation
8. Disturbances confined to the current footprint of the compound such as buildings, water treatment plants, and/or sewer treatment plants
9. Directional boring of utility lines without sending and receiving pit.
10. Connecting pits relating to directional boring for utility lines no bigger than 10 feet x 10 feet
11. Parallel water and/or sewer mains installed within 5 feet of the original (existing) routes and if no known National Register of Historic Places listed or potentially eligible sites or historic districts are within the Area of Potential effect
12. Wells in existing well fields
13. Test boring/well sites to determine soil suitability if no recorded sites are in the vicinity
14. Replacement of concrete or asphalt sidewalks
15. Replacement (demolition) of water towers less than 50 years old on the same building parcel less than 1 acre in size when the new tower is not over a 10% increase in capacity or 20 feet in height as compared to the existing water tower.
16. Utility upgrades without land disturbance
17. Parking lot rehabilitation or construction of less than one acre in size, located on row-cropped agricultural land provided that any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface

18. Overhead power line replacement
19. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment
20. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment
21. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where the area is within both existing horizontal and vertical alignment of an existing right of way.

Exhibit A

UNDERTAKINGS NOT NORMALLY REQUIRING CONSULTATION WITH IOWA SHPO INVOLVING ARCHITECTURAL/HISTORICAL RESOURCES

Qualifying Criteria

If any of the following are met SHPO does not need to review the project regardless of activity:

1. The Area of Potential Effect (APE) has been intensively surveyed by a professional historian or architectural historian within the last 8 years and determined not to contain historic properties, if the finding was accepted by the Iowa SHPO.
2. The Project will involve a building of any type that is less than 50 years old.
3. The Project will involve a single-family dwelling built after 1930, unless that home is architect-designed; in a pre-1960 neighborhood containing housing of similar age and type with high integrity; or is considered a factory-produced industrial housing type (e.g., Lustron House, pre-cut "Kit" homes – please note that this does not include mobile homes).

Exempt Activities

When the following activities are proposed for any properties not meeting the Qualifying Criteria, they will be considered exempt from further review by the SHPO, because the activities have limited potential to affect historic properties.

1. Rehabilitation
 - a. Exterior
 - i. Caulking, weather stripping, re-glazing, extremely low-pressure (less than 100 psi) power washing, scraping and/or repainting.
 - ii. Window repair and/or replacement in-kind (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the extant or known historic windows).
 - (a). Repair, scrape, and repainting of existing windows.
 - (b). In-kind replacement of window sash, glass, and/or hardware, including jam tracks.
 - (c). In-kind replacement of damaged and non-operable transoms.
 - iii. Installation of storm windows and doors provided that they conform to the shape and size of the historic windows and doors. The meeting rail of storm windows must coincide with that of the existing sash. Color should complement trim; mill finish aluminum is not acceptable.
 - iv. In-kind repair and/or replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing):
 - (a). Porches - railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments
 - (b). Roofs
 - (c). Siding
 - (d). Exterior architectural details and features
 - (e). Doors, including cellar/bulkhead doors
 - (f). Gutters and downspouts
 - v. Masonry repair using materials, mortar composition, color, joint profile, and width that matches the historic materials
 - vi. Installation of temporary wheelchair ramps
 - vii. Construction or replacement of wheelchair ramps, provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
 - b. Interior
 - i. Plumbing rehabilitation/replacement - includes pipes and fixtures when no structural alteration is involved

- ii. HVAC system rehabilitation/replacement/cleaning - includes furnaces, pipes, ducts, radiators or other HVAC units when no structural alteration is involved
 - iii. Electrical wiring - includes switches and receptacles when no structural alteration is involved
 - iv. Restroom improvements for handicapped accessibility, provided work is contained within existing restroom
 - v. Repair of interior surfaces (floors, walls, ceilings, decorative plaster, woodwork) - provided the work is restricted to repainting, refinishing, repapering or laying carpet or vinyl floor materials
 - vi. Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are being covered.
 - vii. Insulation, provided that it is restricted to ceilings, attic spaces, and crawl spaces
 - viii. Insulation in wall spaces provided an appropriate interior vapor barrier or vapor barrier paint is used.
 - ix. Repair or pouring of concrete cellar floor, in an existing cellar
 - x. Repair or replacement of cabinets and countertops provided cabinets are not "built-in"
2. Site Improvements
- a. In-kind repair/replacement of existing asphalt and concrete curb, sidewalks, driveways and ramps
 - b. In-kind replacement or installation of site improvements including, but not limited to, landscaping and park equipment
3. Other
- a. Mortgage financing assistance. This is understood to include projects where no change in use will occur and physical improvements, if any, will be limited to those listed in Exempt Activities 1.
 - b. Purchase of equipment, fixtures, computers, machinery where physical improvements, if any, will be limited to those listed in Exempt Activity 1 or 2, herein
 - c. Administrative costs of housing and/or public service programs
 - d. Building acquisition where physical improvements, if any, will be limited to those listed in Exempt Activity 1 or 2, herein

APPENDIX 1.F: SECRETARY OF THE INTERIOR'S PROFESSIONAL QUALIFICATION STANDARDS (36 CFR PART 61)

History:

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archaeology:

The minimum professional qualifications in archaeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period.

A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

Architectural History:

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture:

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture:

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

FORM 1.A: LEAD AGENCY AGREEMENTS FOR SECTION 106 COMPLIANCE

The following pages include blank Lead Agency Agreements.

DNR & CDBG Recipient
Lead Federal Agency Designation for
36 CFR Part 800, Section 106 Compliance

CDBG Recipient: _____ **CDBG Contract Number:** _____

Iowa Department of Natural Resources Recipient: _____

Type of Project: _____ **Location of Project:** _____

For projects jointly funded by the Iowa Department of Economic Development (IDED) through the Community Development Block Grant (CDBG) program and the Iowa Department of Natural Resources (IDNR), the (please check one):

CDBG Recipient IDNR

will act as the lead federal agency in fulfilling the Collective responsibilities under 36 CFR Part 800, Section 106 for the CDBG and IDNR Recipient listed above. All submittals to the State Historic Preservation Office (SHPO) will be made by the selected lead federal agency.

This is agreed to by the following parties:

IDNR Representative and Title Date

CDBG Recipient Chief Elected Official and Title Date

IDED CDBG Environmental Officer (Leslie Leager) Date

CDBG Grant Administrator Date

The designated Lead Federal Agency must send this signed form to the Iowa State Historic Preservation Officer (SHPO) once it is signed by all parties listed.

FORM 1.B: EXEMPT FROM SHPO REVIEW, PROJECT DETERMINATION FORM

The following form should be filed in the Environmental Review Record and submitted in accordance with the terms of the PMOU.

Exempt from SHPO Review, Project Determination Form

After referencing Exhibit A of the Programmatic Memorandum of Understanding (PMOU) to verify that the project activity does not need to be reviewed by SHPO, use this form to document compliance with the SHPO consultation portion of Section 106. This form will be submitted to the Department with your Request for Release of Funds (RROF) and a copy should be put into your environmental review record.

As an example, here are the steps you would take:

- Start Environmental Review
- See if SHPO needs to review the project: Reference Exhibit A of either Ground Disturbing or Architectural/Historical Resources sections of the Programmatic Memorandum of Understanding (PMOU).
- If the project activity is included fill out this form and include it in your environmental review record.
- Mail Native American comment letters to tribes; you must still do this even if your project activity does not require SHPO review.
- Complete the rest of the Environmental Review
- Publish Notice
- Submit the Request for Release of Funds: attach a copy of the notice and the *Exempt from SHPO Review, Project Determination Form*.

NOTE: You must still solicit comment about the project from the Native American Tribes even if your project activity does not need to be reviewed by SHPO

Recipient Name:

Contract Number:

Recipient Address:

For information on this request, contact:

Contact Name:

Contact Phone Number:

Project Description:

Project Address (Street, City, Zip):

Project County:

Reason Project Activity is Exempt from SHPO Review: reproduce reason from Exhibit A of the Programmatic Memorandum of Understanding (PMOU). Use either the Exhibit A involving Ground Disturbance or Architectural/Historical Resources. The PMOU can be found in this appendix:

Pictures: Take a before picture of the primary façade of any buildings directly impacted by project activities. Attach them to this form.

Applicant Certification:

As the duly designated certifying official of the recipient, I also certify that: I am authorized to and do consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.

Signature and Title of the Certifying Officer of Applicant

FORM 1.C: REQUEST FOR SHPO COMMENT ON A PROJECT FORM

Please note that the following form is for HUD projects. A different form is being developed for DNR projects and will be distributed once that Agreement is in place.

REQUEST FOR SHPO COMMENT ON A HUD PROJECT

- This is a new submittal
- This is more information relating to SHPO R&C #: _____

Instructions for completing this form are available in the User's Manual, found online at www.iowahistory.org/preservation under "Review and Compliance". If you have questions while completing the form, please reference the User's Manual before contacting your IDED project administrator or SHPO, as appropriate. Please attach a copy of the lead federal agency statement and/or the signature authorization form to your submittal, if applicable.

Cover Letter: Please include a cover letter with a comprehensive description of the Area of Potential Effect (APE) and project activities. The APE should include the project area, all easements, borrow areas, equipment and material storage, and staging areas. If applicable, describe excavation and other earthmoving activities including 3-dimensional parameters (length, width, and depth).

I. GENERAL INFORMATION

- a. Project name and/or Property Owner: _____
- b. Property Street & Number: _____
- c. County: _____ City: _____ Zip: _____
- d. Lead Federal Agency: _____ Agency Project No: _____
- e. Federal Funding Program/Permit: _____ If HUD; check one: 24 CFR Part 50 or 24 CFR Part 58
- f. Contact Person on Project: _____
Contact Address: _____ City: _____ State: _____ Zip: _____
e-mail: _____ Phone: _____

II. IDENTIFICATION OF HISTORIC PLACES

Please check box indicating whether you are requesting an archaeological and/or architectural review of your project and include each of the items requested.

- Archaeology**
 - 7.5 min Quad U.S.G.S. (1-mile radius) with quad name and APE outlined (maps on-line at www.ortho.gis.iastate.edu)
 - Site plan showing limits of proposed activities or general layout (engineering)
 - Aerial photo: zoom to project area (photos on-line at www.ortho.gis.iastate.edu)
 - Description of width and depth of proposed excavation and current conditions of project area
 - OSA site file search, Phase IA, or Phase I (whichever is appropriate per Users Manual)
 - Number of acres in project: _____
 - Legal location: Section(s) _____ Township(s) _____ Range(s) _____
- Architecture**
 - Date of original construction for the building: _____
 - Previous site information available (contact Iowa Site Inventory Coordinator)
 - Updated or new Iowa site Inventory Form (available online at www.iowahistory.org/preservation)
 - Clear photos of property and surrounding area (see Users Manual)
 - Location map (no bigger than 11x17) with APE clearly defined (Quad map or city plat map - see Users Manual)
 - Copy of county or city assessor's card record or other appropriate property information (see Users Manual)
 - Detailed description of proposed action, including copy of project specifications, if applicable

III. APPLICANT CERTIFICATION (Check Either Adverse Effect or No Adverse Effect for Historic Property Affected category)

Determination of Effect (Check One)

- No historic properties will be affected** (i.e., none are present or there are historic properties present but the project will have no effect upon them)
- No Adverse Effect to a historic property** (i.e., a historic property is present and affected. However, the project either has no adverse effect on the historic property, or the applicant or other federally authorized representative will consult with the SHPO to modify the project or impose conditions to avoid adverse effects.)
- Adverse Effect to a historic property** (i.e., a historic property is present and adversely affected. The applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect.)

I understand that the SHPO has 30 days from receipt to object to the finding, after which the SHPO waives its opportunity to comment on this undertaking.

Federally Authorized Signature: _____ Date: _____
Type name and title below →

Submit one copy with each property for which our comment is requested. Please print or type.

Return to: Review and Compliance Coordinator, State Historic Preservation Office, 600 E. Locust St, Des Moines, IA 50319-0290

FORM 1.D: AUTHORIZATION FOR ALTERNATE SIGNATORIES FORM

CDBG Grant Administrators or City Clerks may now sign the *SHPO Comment Form*. In order to take advantage of this opportunity, the Agency Official/Chief Elected Official must sign this form and have it witnessed. The Chief Elected Official is the person who signed the CDBG contract. The grant administrator or City Clerk must also sign this form as a signatory.

Note: By signing this agreement, the Agency Official/ Chief Elected Official is still legally responsible for all findings and determinations made on their behalf by the signatory.

Once signed, submit a copy of this form with each *SHPO Comment Form submitted* to SHPO.

Authorization for Alternate Signatories

As stated in 36 CFR Part 800, the implementing regulation for Section 106 of the National Historic Preservation Act of 1966, the Agency Official with jurisdiction over an undertaking takes legal and financial responsibility for Section 106 compliance in accordance with Subpart B of 36 CFR Part 800. In the case of the state Community Development Block Grant (CDBG) Program, however, the Agency Official will be the selected non-entitlement cities, which as CDBG recipients are authorized to serve as the Agency Official under 24 CFR Part 58.

In the event that the Agency Official is unable to sign the *Request for SHPO Comment* form, however, the following alternates signatories listed below are authorized to act on the behalf of the Agency Official. In the event an alternate signatory is used, the Agency Official remains legally responsible for all required findings and determinations made through the Section 106 process. The signatures attested below are effective as of: _____
(Date)

Sincerely,

Agency Official (CEO)

[Name and Title of] Signatory # 1

[Name and Title of] Signatory # 2

[Name and Title of] Witness

FORM 1.E: SUBMITTAL CHECKLIST

If your submittal is incomplete, it will be returned to you along with the following form, which indicates what was missing from your submittal.

DATE:
RE:
TO:

We have received your submittal for the above-referenced project and upon cursory examination we find that it lacks the necessary information for us to begin formal review. Therefore, we are returning it to you with no further action. The deficiencies in your submittal are identified in the checklist below. If you have questions, we recommend that you consult your *User's Manual* for further instruction. If your funding agency is IDED please contact Ms. Rita Eble (515) 242-4852 for technical assistance on housing projects or Ms. Leslie Leager for assistance on all other projects. Please note that SHPO's 30-day review period on this project has not yet begun, but will commence when we have received full documentation supporting your determination of effects. Thank you.

Lavon Grimes, Section 106 Coordinator
Phone: (515) 281-8743

Email: Lavon.Grimes@iowa.gov

SHPO SUBMITTAL CHECKLIST

Cover Letter

Yes No
 Comprehensive descriptions of the Area of Potential Effects (APE) and Project Activities.

Section I. GENERAL INFORMATION

Yes No
 If no, check applicable item(s). a b c d e f

Section II. IDENTIFICATION OF HISTORIC PLACES

Archaeological Review

Yes No
 7.5 minute U.S.G.S. topographic quad with name and APE clearly identified.
 Site Plan showing limits of proposed activities or general layout.
 Aerial photo: zoom to project area.
 Description of width and depth of proposed excavation and current conditions of APE.
 OSA site file search, Phase IA, or Phase I survey (per User's Manual).
 Numbers of acres in project.
 Legal location (Section, Township, and Range).

Architecture Review

Yes No
 Date of original construction for the building.
 Previous site information available.
 Updated or new SHPO Iowa Site Inventory Forms (no other inventory forms accepted).
 Photographs are in the proper format.
 Photographic images are clear.
 Location map with APE clearly identified.
 Design specifications or detailed description in Cover Letter.
 Copy of county or city assessor's card record.

Section III. APPLICANT CERTIFICATION

Yes No
 If no, identify problem. No determination made Multiple determinations made.
 Signed and dated by Responsible Entity with name and title typed below?