PROGRAMMATIC AGREEMENT AMONG THE IOWA ECONOMIC DEVELOPMENT AUTHORITY, THE IOWA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING RESPONSIBILITIES DELEGATED UNDER 24 CFR § 58

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, HUD) allocates funds to the Iowa Economic Development Authority (hereinafter, IEDA) through various programs including the annual Community Development Block Grant Program (hereinafter, CDBG), authorized by Title I of the Housing and Community Development Act of 1974, in accordance with Section 104(g) (42 U.S.C. 5304(g)) and the allocation of future CDBG Disaster funds, should such funding be made available to the State of Iowa; and,

WHEREAS, Section 106 of the National Historic Preservation Act of 1966, as amended (U.S.C. §300101 *et seq.*, hereinafter, NHPA), requires federal agencies to take into account the effect of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (hereinafter, ACHP) a reasonable opportunity to comment on such undertakings; and,

WHEREAS, pursuant to 24 CFR § 58.2(7), the Responsible Entity (hereafter, RE) is defined as the recipient or grantee of CDBG funds provided by HUD for the implementation of an eligible program activity; and,

WHEREAS, pursuant to 24 CFR § 58.5, the RE must assume responsibilities for environmental review, decision-making, and action that would apply to HUD under Section 106 of the NHPA and its implementing regulations at 36 CFR § 800; and,

WHEREAS, the IEDA has consulted with the Iowa State Historic Preservation Officer (hereinafter, SHPO) and the ACHP and has determined that certain CDBG actions have the potential to cause effects to historic properties while others do not; and,

WHEREAS, given the breadth and number of Iowa's non-entitlement community funding recipients and the need for timely and efficient delivery of governmental assistance, the IEDA, SHPO, and ACHP have agreed that the Section 106 process for undertakings where the RE must assume HUD environmental review responsibilities pursuant to 24 CFR § 58.4, and where IEDA administers the CDBG program, may be addressed programmatically in order to effectively and expeditiously meet regulatory obligations as an alternative to standard Section 106 procedures, as allowed by 36 CFR § 800.14; and,

WHEREAS, the RE, in the interest of streamlining, will enter into lead federal agency agreements pursuant to 36 CFR § 800.2(a)(2) and 24 CFR § 58.7 when any other federal agency shares a role in an undertaking and such agreements are applicable and mutually advantageous and of net benefit to the ultimate recipient of federal aid; and,

WHEREAS, the RE will use the process established by the National Environmental Policy Act (hereafter, NEPA) when practicable and feasible to address the requirements of both the Section 106 and NEPA process; and,

WHEREAS, the IEDA has contacted federally recognized tribes that may attach religious and cultural significance to historic properties that may be affected by HUD-funded undertakings, as identified in Appendix A of this agreement, notifying them of the collective desire and intent of the signatories of this agreement to address Section 106 compliance programmatically, to notify them of the types of undertakings pursued under 24 CFR § 58 programs and to solicit their views on which types of undertakings may have the potential to affect properties of interest to them and how they wish to be consulted upon undertakings that may potentially affect properties in which they have an expressed interest, and finally to review and comment upon the programmatic agreement in the capacity of an invited consulting party; and,

WHEREAS, it is the intent of this document to streamline Section 106 consultation with the SHPO, and in no-way minimizes or otherwise modifies the RE's responsibilities to consult with other interested parties including federally recognized tribes on the type of project that they may have interest in.

WHEREAS, the IEDA, in consultation with the SHPO and ACHP, has identified other potential consulting parties, as identified in Appendix A of this agreement, including but not limited to the Iowa Office of the State Archaeologist, Preservation Iowa and the Chicago Field-Office of the National Trust for Historic Preservation, and has afforded them and the public a reasonable opportunity to comment by disseminating information about this programmatic agreement; and,

WHEREAS, the IEDA will continue to consult with Native American tribes and other consulting parties on individual undertakings and involve the public by utilizing HUD procedures for soliciting public involvement found at 24 CFR § 58.43; § 58.45–46; § 58.59 and other applicable sections of the part, as appropriate; and,

WHEREAS, all references to time periods in this agreement are in calendar days; and,

NOW THEREFORE, the IEDA, the SHPO, and the ACHP as signatories to this agreement, agree that, upon execution of this programmatic agreement, undertakings where the RE has assumed HUD environmental responsibilities pursuant to 24 CFR § 58 shall be implemented in accordance with the following stipulations and conditions in a timely manner and with the adequate resources in order to take into account the effects of these undertakings on historic properties.

STIPULATIONS

To the extent of its legal authority, and in coordination with SHPO, the REs, and taking into account the comments of consulting parties, IEDA will require that the following stipulations be implemented:

I. IEDA RESPONSIBILITIES

A. The IEDA shall designate staff to carry out the terms of this Programmatic Agreement, including an IEDA Historic Preservation Specialist (hereafter, IEDA HPS) who is determined to meet, in consultation with the SHPO, the Secretary of the Interior's Professional Qualifications Standards (https://www.nps.gov/history/local-law/arch_stnds_9.htm). IEDA shall ensure that that all guidance provided to the REs from the IEDA HPS shall meet the Secretary of the Interior's Standards and Guidelines for identification, evaluation and affects assessments and will be consistent with 24 CFR Part 58.

B. The IEDA HPS will consult with each RE to carry out the identification of historic properties and assessment of effects in accordance with 36CFR Sections 800.3 through 800.5. The IEDA HPS will coordinate consultation with the RE and the SHPO in the event that an undertaking will have an adverse effect.

C. The IEDA HPS shall ensure that all Section 106 documentation compiled by the RE is complete and accurate and meets or exceeds the standards outlined at 36 CFR 800.11 and is consistent with the ACHP's *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review(issued November 2011.)* The IEDA HPS may request additional information from the RE to ensure a complete submittal.

D. The IEDA HPS shall review the Section 106 documents provided by the RE and issue comments on the project. The IEDA HPS will either concur with the finding presented by the RE on the "Request for IEDA HPS Review" form or will provide comments back to the RE with reasons why they were unable to concur with the proposed finding. An undertaking may not commence until the IEDA HPS and the RE concur with a finding consistent with the NHPA.

E. The IEDA HPS, at their discretion, may consult with the SHPO on any eligibility evaluation or effects assessment prior to providing comments to the RE.

F. The IEDA HPS shall provide copies of any identification and evaluation documents prepared by the RE such as Iowa Site Inventory Forms (ISIFs) or Archaeological Investigation Reports to the SHPO for inclusion in the statewide inventory at a minimum of once a year, along with a summary of projects processed under this programmatic agreement per Federal reporting year which ends each September 30th providing reporting content to the SHPO no later than October 15th annually in accordance with Stipulation XII. A. of this agreement.

G. The IEDA HPS shall provide technical assistance to the RE when requested regarding all other historic preservation activities including but not limited to: Tribal Consultation, public notifications, lead agency agreements and consultation with the National Park Service (hereinafter, NPS) regarding effects to National Historic Landmarks.

H. IEDA will host regular training opportunities for REs to ensure compliance with this agreement and a working knowledge of the requirements of Section 106 particularly as they pertain to the identification and evaluation of historic properties and affects assessments. These trainings may be offered through webinars, onsite workshops, in coordination with statewide conferences or one-on-one as coordinated with REs.

I. In the event that the IEDA HPS is unable to comply with the above stipulations due to an extended absence or time in between filling this position, IEDA shall instruct the REs to consult directly with the SHPO in accordance to standard Section 106 consultation under 36 CFR § 800.3 (c)(3); however the RE may continue to apply the Programmatically Excluded Activities found in Appendix B of this agreement as they apply to eligible projects.

II. RE RESPONSIBILITIES

A. The RE shall ensure that all historic property investigations, evaluations, and data recovery efforts conducted pursuant to this agreement shall be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation; and shall be performed in a manner that is consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (36 CFR § 60, § 63 and § 65) and the guidance provided in the state-level *Guidelines for Archaeological Investigations in Iowa,* and all other federal or state standards as appropriate as indicated at 36 CFR § 800.4(b)(1). The RE shall use the HUD issued HP Fact Sheet #6 *When to do Archaeological Field Investigations*, Appendix D, as a guide and shall ensure that any required investigation and final archaeological reports resulting from data recovery are responsive to contemporary professional standards and to the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs* (42 FR 5377–5379).

B. The RE shall ensure that all documentation submitted to IEDA meets or exceeds the standards outlined at 36 CFR § 800.11 and is consistent with the ACHP's *Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review (issued November 2011).*

C. Pursuant to Section 304 of the NHPA (54 U.S.C. §307103) and Chapters 263B.10, 14, and 22.7(20) of the Iowa Code, the RE shall withhold from disclosure to the public, information relating to the location or character of historic resources and archaeological sites when it has been determined that disclosure of such information may create a substantial risk for harm, theft, or destruction to such resources or to the area or place where such resources are located.

D. The RE shall ensure that artifacts and records resulting from archaeological investigation made pursuant to this agreement shall be curated at a facility in the State of Iowa that meets or exceeds the Secretary of the Interior's Standards (36 CFR § 79).

E. The RE shall ensure that consultation for undertakings affecting historic buildings include discussion of the feasibility and practicality of the use of interim controls in lieu of full lead paint abatement as allowed at 24 CFR § 35.1330 provided that standards for abatement and clearance are determined by the RE to be achievable while taking into account any comments of the IEDA HPS and SHPO if applicable.

F. The RE shall consult directly with the National Park Service Midwest Regional Office in Omaha on all undertakings that may affect a National Historic Landmarks in accordance with 36 CFR § 800.10 (Special requirements for protecting National Historic Landmarks) and copy the IEDA HPS on such consultation.

G. The RE shall provide a letter of notification to IEDA when they intend to determine to enter into a lead federal agency agreement. The notification shall identify the undertaking, any federal agencies other than HUD, and the RE's lead or subordinate role under the agreement. IEDA must be included as a signatory of any such lead agency agreement, and all agreements should stipulate that the agency taking lead will identify all participating funding sources in their Section 106 consultation, if consultation is required.

H. The RE shall ensure that all documentation regarding Section 106 consultation is submitted to the IEDA HPS in a comprehensive packet as described in Stipulation VI. of this agreement.

I. The RE shall ensure that any change in scope of work identified after project approval and IEDA HPS consultation, will be submitted to the IEDA HPS who will work with the RE to determine if continued consultation in accordance with Stipulation VI of this agreement is required.

III. SHPO RESPONSIBILITIES

A. The SHPO shall be available to discuss with the IEDA HPS within a ten (10) day time frame from a request for consultation.

B. The SHPO will provide guidance on scopes of work when necessary to avoid adverse effects and in the preparation of agreement documents developed to avoid, minimize or resolve adverse effects to historic properties such as Memoranda of Agreement.

C. In the event that the IEDA HPS is unavailable to perform the duties stipulated above, per Stipulation I. H. of this agreement, the SHPO will resume standard Section 106 Review and consultation in accordance with 36 CFR § 800.3 (c)(3) until such time as the IEDA HPS can resume the duties outlined above in Stipulation I. A-G.

IV. ACHP RESPONSIBILITIES

A. The ACHP shall participate in cases requiring dispute resolution as required in Stipulation IX and in instances when the Criteria for ACHP Involvement in Reviewing Individual Section 106 Cases are met (36 CFR § 800, Appendix A).

V. EXCLUDED UNDERTAKINGS

A. The RE shall determine individual undertakings excluded from Section 106 review (no potential to affect historic properties) based on the following sets of criteria—those activities listed as exempt at 24 CFR § 58.34, or those categorically excluded not subject to review under 24 CFR § 58.35(b), or those excluded from Section 106 review under this programmatic agreement as further described in Appendix B of this agreement except in extraordinary circumstances (see 24 CFR § 58.2(a)(3)) in which a normally excluded activity may have a significant impact.

B. Undertakings cannot be segmented into activities that are excluded and activities that are not excluded. If the entire undertaking does not qualify for exclusion under the predefined criteria as described in Appendix B, then the entire undertaking must follow procedures for standard project review. Similarly, undertakings cannot be segmented according to funding streams or by any other agency action that is subject to Section 106 review (i.e., permit, license, assistance, etc.). If multiple agencies are funding different but integral elements of an undertaking and those elements cannot demonstrate independent utility, then each component must be considered part of a larger undertaking and the agencies should assign a lead agency to address their collective compliance responsibilities. Failure to assign a lead federal agency

will result in redundant effort and potential inefficiencies leading to project delays. If other agencies involved in the undertaking refuse to assign a lead under the programmatic agreement, then those agencies will need to consult on the ENTIRE undertaking, separately. The alternative procedures established in the programmatic agreement only apply when the CDBG RE is assigned the lead agency role.

C. For an undertaking determined by the RE to be excluded from Review, the RE shall document this determination by completing the *Excluded from Review, Project Determination* form (Appendix E). The RE shall include the form and supporting documentation with the project file and notify IEDA by mailing a copy to their office or uploading it to their on-line grant documents, in accordance with the annual CDBG Management Guide. The IEDA HPS shall review all *Excluded from Review, Project Determination* forms to ensure compliance with this agreement. The IEDA HPS may seek additional information from the RE, or may recommend the review be elevated to standard project review. Once the IEDA HPS has signed off on the determination that an undertaking is excluded from review, this concludes the RE's responsibilities for complying with Section 106 and this programmatic agreement for undertakings determined exempt from review.

D. If for any reason the RE cannot determine to exclude all activities of an undertaking from review, the RE shall submit the entire undertaking to IEDA for review as described in Stipulations II and VI. The resulting request for comment should nevertheless focus on the portions of the project with the potential to affect historic properties.

VI. STANDARD PROJECT REVIEW

A. Public and Consulting Party Involvement

1. The RE shall invite parties to consult on specific undertakings subject to review and not excluded by Stipulation V. Consulting parties include the RE, IEDA, SHPO, federally recognized Native American Indian Tribes with an interest in the area of the undertaking, Historic Preservation Commissions of a local government, individuals and organizations who, due to the nature of their legal or economic relation to the undertaking, or their concern with the undertaking's effects on historic properties demonstrate a legitimate interest, and the public, Appendix A (36 CFR § 800.2).

B. Identification and Evaluation of Historic Properties

1. Identify Historic Properties
   a. For each undertaking the RE shall determine and document an Area of Potential Effects (hereafter, APE) consistent with 36 CFR § 800.16(d).

   b. The RE shall examine sources of information on historic properties existing within the APE as a basic level of investigation. Sources of existing information **included but not limited to**: the National Register of Historic Places (hereinafter, NRHP), maintained by the Keeper of the National Register at the NPS on behalf of the Sectary of the Interior, the State Inventory of historic properties and results of previous evaluations in Iowa —the *Iowa Site Inventory*, maintained by the SHPO, local historical societies, local historic preservation commissions and *I-Sites Pro* Iowa Archaeological Sites and

Surveys Database maintained by the Office of the State Archaeologist (hereinafter, OSA) and provided through an Iowa Department of Transportation web portal as well as maps, recorded soil-sediment data, landform data, and property records where available for the APE on a case-by-case basis.

c. The RE shall seek input from consulting parties described in Stipulation VI.A.1 for information on land-use history of the APE and historic properties within the APE that may be affected.

d. Based on the nature and scope of the undertaking and analysis of the potential for the APE to contain historic properties, the RE will determine if they are persuaded by authoritative sources of information that there is a "likely" (36 CFR § 800.4(b)(1)) presence of National Register-eligible or listed properties within the APE or a portion of it that the project may affect National Register resources. When warranted, the RE may undertake field survey work to further its efforts to identify and evaluate historic properties with the APE or a portion of it.

2. Evaluate Historic Significance
   The RE shall determine the historic significance of resources within the APE through the application of the NRHP criteria at 36 CFR § 60 in accordance with 36 CFR § 800.4(c).

3. Results of Identification and Evaluation
   The RE shall submit documentation of the historic property identification efforts to IEDA for review and approval. Submittals should include a cover letter containing a detailed description of the undertaking, a *Request for Comment on a HUD Project* form, a map of the location of the undertaking and all other applicable supporting documentation requested on the form.

C. Assessment of Effects and Resolution of Adverse Effects

1. If no historic properties are located within the APE or there are properties within the APE that will not be affected, the RE will submit to IEDA a finding of "no historic properties affected." If the IEDA HPS concurs with the RE's finding the RE's may proceed with the undertaking.

2. If historic properties will be affected by the undertaking but the effects do not meet the criteria of adverse effect outlined at 36 CFR § 800.5.(a)(1) or the RE chooses to modify the scope of work or the scale and nature of the undertaking to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties, the RE shall submit to IEDA a finding of "no adverse effect." If the IEDA HPS concurs with the RE's finding the RE's may proceed with the undertaking.

3. If the RE determines that the undertaking will result in "adverse effects" to one or more historic properties and the IEDA HPS concurs, the RE will submit consultation to the SHPO and any other identified interested parties in accordance with 36 CFR § 800.6 including consulting on ways to avoid, minimize or mitigate adverse effects on historic properties. Resolution of Adverse Effects shall trigger a standard section 106 process

including notification of the ACHP and the development and execution of Memoranda of Agreement, and will not be processed under the expedited procedure outlined in this agreement.

VII. UNANTICIPATED DISCOVERIES

A. *Human remains.* Iowa law protects all human burials regardless of historical age, sex, or cultural/ethnic affiliation. The RE shall observe the following procedures in the event that construction or project planning and testing, such as archaeological investigations, encounter human remains.

1. In the event that construction activities or project planning and testing, such as archeological investigations encounter human remains or burials, work shall cease in the area. The RE shall take appropriate steps to secure the site and notify officials at the Bioarchaeology Program at the OSA (Lara Noldner, 319-384-0740). The RE shall concurrently notify IEDA and the SHPO.

2. If the remains appear to be ancient (i.e., older than 150 years), the Bioarchaeology Program at OSA shall have jurisdiction in accordance with Chapter 263 of the Iowa Code. The RE will follow any procedures recommended or required by the OSA.

3. Human remains less than 150 years old are protected under Chapter 566 of the Iowa Code. In the event that project activities encounter human remains appearing less than 150 years in age, the RE shall notify the appropriate law enforcement authorities and the Iowa Department of Health.

B. *Archaeological material (non-mortuary related).* The RE shall observe the following procedures in the event that project activities encounter previously undetected non-mortuary-related archeological materials during project implementation or during project planning and testing, such as archaeological investigations.

1. All activities in the area of the resource shall cease immediately, appropriate steps shall be implemented to secure the site, IEDA and the SHPO shall be notified of the discovery.

2. A qualified archaeologist retained by IEDA or the RE will inspect the work site and determine the extent of the affected archeological resource within 48 hours of its discovery. Construction work may then continue in the area outside the archeological resource as it is defined by the archaeologist in consultation with the SHPO.

3. Before work can resume in the area of any unanticipated discovery, the RE must determine the NRHP eligibility of the archeological resource in consultation with the SHPO.

4. Upon a determination of eligibility, the RE shall submit a plan for avoidance, protection, recovery of information, or destruction without data recovery to the SHPO for review and comment. The RE will notify all consulting parties of the unanticipated discovery and provide the proposed treatment plan for their consideration. The SHPO and consulting parties will have seven (7) days to provide comments on the proposed treatment plan upon

receipt of the information. The RE may implement the proposed treatment plan if SHPO fails to respond within the allotted timeframe.

5. Work in the affected area shall resume upon either:

   a. The development and implementation of an appropriate data recovery plan, other recommended mitigation procedures, or agreement among the RE and the SHPO that the site does not warrant mitigation of adverse effects to a historic property; or,

   b. Agreement by SHPO and the RE that the newly located archeological materials are not eligible for inclusion on the NRHP.

C. *Post Review Discoveries upon Architectural Properties*. The REs shall ensure that the following procedures are observed in the event that post-review effects to buildings, objects, or districts are identified.

1. Work in the affected area shall cease and the RE shall notify IEDA and SHPO of the discovery.

2. An architectural historian retained by IEDA or the RE will inspect the work site and determine the extent and magnitude of the effects upon the property within 48 hours of its discovery. The RE shall provide the determination of effect and report of the consulting historian's findings to the SHPO who shall have seven (7) days to provide comments.

3. Upon assessment of adverse effect, the RE shall submit a plan for after-the-fact mitigation to the SHPO for review and comment. The RE will notify all consulting parties of the unanticipated discovery and provide the mitigation proposal for their consideration. The SHPO and consulting parties will have seven (7) days to provide comments on the mitigation proposal upon its receipt. The RE may implement the proposed mitigation plan if SHPO fails to respond within the allotted timeframe.

4. Work in the affected area shall resume upon either upon:

   a. Agreement by the RE and SHPO that the encountered properties are not eligible for listing in the NRHP; or,

   b. Agreement by the RE and SHPO that the effects are not adverse; or,

   c. The development and implementation of an appropriate mitigation plan, or agreement among the RE and the SHPO that the site does not warrant mitigation.

VIII. ANTICIPATORY ACTIONS

A. The RE shall ensure that consultation pursuant to Stipulation VI or other applicable stipulations of this agreement take place once a project assumes federal identity and shall be concluded prior to the commencement of that federal activity or the release of HUD funds to the undertaking (ie. Signing a construction contract, purchasing real property, or other choice

limiting activities). A federal identity is assumed once an RE submits an official application for HUD funds to IEDA or RE.

B. IEDA will not grant funding to any RE who, with intent to avoid the requirements of this Agreement, NHPA or NEPA, has intentionally significantly adversely affected a historic property to which the CDBG grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur. Under extraordinary circumstances, and after consulting with the ACHP, IEDA may determine that circumstances justify awarding such grant despite the adverse effects created or permitted by the RE, and will ensure that the RE completes consultation for the project pursuant to Stipulation VI or other applicable stipulations of this agreement as appropriate.

IX. DISPUTE RESOLUTION

A. IEDA shall represent itself and RE petitioning singly or as a group in all dispute resolution situations.

B. Should any signatory to this agreement or RE (represented by IEDA) object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, IEDA shall consult with the SHPO and any such party to resolve the objection.

C. If IEDA determines that such objection cannot be resolved, then the IEDA will:

1. Forward all documentation relevant to the dispute, including the IEDA's proposed resolution, to the ACHP. The ACHP shall provide the IEDA with its advice on the resolution of the objection within fifteen (15) days of receiving adequate documentation.

2. If the ACHP does not provide its advice regarding the dispute within the fifteen (15) day period, then the IEDA may make a final decision on the dispute and proceed accordingly.

3. Prior to reaching such a final decision, IEDA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the agreement, and provide them and the ACHP with a copy of such written response. IEDA's final decision on the dispute will be provided on a schedule compatible with all internal and external review, as may be determined necessary by IEDA.

4. The responsibilities of the PA signatories to carry out all other actions subject to the terms of this agreement that are not the subject of the dispute remain unchanged.

X. AMENDMENT

A. IEDA shall represent itself and the RE petitioning singly or as a group in all requests for amendments to this agreement.

B. Any of the signatories to this programmatic agreement, or RE (represented by IEDA), may request with appropriate justification that IEDA should amend any or all of its articles subsequent to this programmatic agreement's execution, whereupon IEDA will notify the other signatories who will consult in accordance with 36 CFR § 800.13, to consider such amendment.

Prior to reaching a final decision on the amendment, IEDA must notify the ACHP of its intent to amend the programmatic agreement and invite the ACHP's review and comment. The amendment will be effective on the date an executed copy (signed by all of the signatories) is filed with the ACHP. IEDA shall provide copies of the amended programmatic agreement to the signatories.

C. Revisions to the appendices shall not require notification of and review by the ACHP. However, SHPO must agree to any such changes and IEDA shall provide the ACHP with file copies of finalized versions that reflect all revisions.

XI. TERMINATION AND DURATION

A. The IEDA shall represent itself and all RE when the latter petition as a unanimous body to terminate this agreement.

B. If any signatory to this agreement or RE (represented by IEDA) determines that its terms will not or cannot be carried out, that party shall immediately notify IEDA. The IEDA will then consult with the other signatories to attempt to develop an amendment per Stipulation X or other form of resolution. If within thirty (30) days resolution through amendment or other means cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

C. Once the agreement is terminated or becomes null and void and until a new agreement is executed, work on undertakings subject to this programmatic agreement shall proceed to follow the standard Section 106 process (36 CFR § 800, Subpart B) including for SHPO Review all projects with no exclusions allowed only by this programmatic agreement. IEDA must then execute a new agreement pursuant to 36 CFR § 800.6, or, request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. IEDA shall notify the signatories as to the course of action it will pursue.

D. This agreement will become null and void five (5) years from the date of its execution. Prior to such time, the term of duration may be extended by filing an amendment with the ACHP in accordance with Stipulation X.

XII. MONITORING AND REPORTING

A. By October 15 of each year, the IEDA shall submit an annual report to SHPO for review and comment on certain program activities that occurred through September 30 of the previous year, per the federal fiscal reporting period. The report will include a summary of all projects reviewed by the IEDA HPS, those projects with documentation collected under Stipulation I. F of this agreement, all projects excluded from SHPO review and indicate which exclusion of this agreement the projects qualified for, a summary of legal agreements executed during the reporting period, and update on agreed upon mitigation measures, and suggestions, if any, for additional actions that could be considered for inclusion as Specific Excluded Activities in Appendix B. Supporting documentation will be available to the SHPO upon written request. From time to time, the SHPO may review files for the entire range of activities subject to Section 106 review to verify that IEDA is properly implementing the terms of the Agreement.

XIII. EXECUTION OF THE AGREEMENT

A. This agreement is considered executed after signatures by IEDA and SHPO have been provided to the ACHP, and the ACHP signs the agreement. Execution of this agreement by the ACHP and the implementation of its terms evidences that the IEDA and the several recipient RE have taken into account program effects on historic properties and have afforded the SHPO and ACHP an opportunity to comment.

SIGNATORIES

Iowa Economic Development Authority

By:_____ Date: 8-1-16
Tim Waddell, Division Administrator

State Historic Preservation Officer

By:_____ Date: 01 AUG 2016
Steve King, Deputy State Historic Preservation Officer

Advisory Council on Historic Preservation

By:_____ Date: 8/23/16
John M. Fowler, Executive Director

CONCURRING PARTIES

Office of the State Archaeologist

By:_____ Date: 7/29/16
John Doershuk, State Archaeologist

Preservation Iowa

By:_____ Date: 7/27/16
Caleb Giesel, Executive Director

APPENDICES

Appendix A. CONSULTING PARTIES

Appendix B. PROGRAMMATICALLY EXCLUDED ACTIVITIES FOR SECTION 106 REVIEW UNDER THE PROGRAMMATIC AGREEMENT AND EXEMPT FROM REVIEW, PROJECT DETERMINATION FORM

Appendix C. PROCESS and DECISION-MAKING CHART

Appendix D. HP FACT SHEET #6 *When to do Archaeological Field Investigation*

Appendix E. AUTHORIZATION FOR ALTERNATE SIGNATORY

Appendix F. REQUEST FOR COMMENT ON A HUD PROJECT

Appendix G. GLOSSARY

CONSULTING PARTIES
List of Tribal Notifications*

Apache Tribe of Oklahoma
Bob Komardley, Chairman
PO Box 1330
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(405) 247-9493, (405) 247-2763

Ho-Chunk Nation of Wisconsin
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William Quackenbush, THPO
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BQuackenbush@ho-chunk.com

Iowa Tribe of Kansas and Nebraska
Gary Pratt, Chairperson
3345 B Thrasher Rd. #8
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Lance Foster, THPO
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Iowa Tribe of Oklahoma
Bobby Walkup, Chairman
335588 E 750 Rd
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Eagle McClellen
Tribal Council Member
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emcclellan@iowanation.org

Sac & Fox Nation of Missouri in Kansas and Nebraska
Edmore Green, Chairperson
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egreen@sacandfoxcasino.com

Gary Bahr, Secretary
305 N. Main St.
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gbahr@sacandfoxcasino.com

Sac & Fox Nation, Oklahoma
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chief@sacandfoxnation-nsn.gov

Sandra Massey, NAGPRA Rep.
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wahnesh@yahoo.com

Sac & Fox Tribe of the Mississippi in Iowa
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chair.council@msn.com

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***Source:** HUD, OCP&D Environmental Planning Division. BE ADVISED: Some of the tribal contact information may be out-of-date. Please verify contact persons and mailing addresses prior to initiating consultation. Tribal websites, The Office of the State Archaeologist Bioarchaeology Director, state historic preservation officers, or HUD field environmental staff are all potential resources. http://egis.hud.gov/tdat/Query.aspx?state=Iowa

CONSULTING PARTIES: SIGNATORY, CONCURRING OR INVITED

(this is a list of parties included in the execution of this agreement. Many of these parties may also be involved in consultation on individual undertakings, and additional parties may be identified specifically for an individual undertaking.

Signatory Parties

Iowa Economic Development Authority, Community Development Division
Iowa State Historic Preservation Officer
Advisory Council on Historic Preservation

Concurring Parties

Iowa Office of the State Archaeologist
Preservation Iowa

Consulting Parties

Native American Tribes as indicated above
Iowa State Association of Counties
National Trust for Historic Preservation
Iowa League of Cities

American Planning Association, Iowa Chapter
Iowa Councils of Governments and Regional Planning Agencies
Iowa Association of Regional Councils
Private CDBG Grant Administration Service Providers:
- Anderson Consulting, Inc
- MSA
- PlanScape Partners - Enerjyn
- Pathfinders R C & D, Inc.
- Simmering-Cory, Inc.

Certified Local Government Contact List, including only Non-Entitlement Communities
https://iowaculture.gov/sites/default/files/History%20-%20Preservation%20-%20Certified%20Local%20Governments%20-%20Benefits%20-%20Community%20List%20%28PDF%29.pdf
City and County Historic Preservation Commissions
Local organizations with an interest in the undertaking such as historical societies, museums, etc.

Plans for Public Involvement

The notice and invitation to comment on certain undertakings will include a PDF notice for the above groups to post, and IEDA will follow the state's HUD Citizen Participation Plan, including publishing a public notice, hosting a public hearing and making the agreement available on IEDA's website.

APPENDIX B

PROGRAMMATICALLY EXCLUDED ACTIVITIES

In addition to projects and activities that are either exempt under HUD regulations (24 CFR Part 58.34) or may be categorically excluded as being not subject to review of the laws listed at 24 CFR Part 58.5 in accordance with 24 CFR Part 58.35(b), the signatories agree that the following types of activities do not have the potential to cause adverse effects on historic properties, assuming such historic properties are present, and therefore the Responsible Entity has no further obligations under Section 106 once appropriately documented with the IEDA HPS.

Section 1. ***Administrative Costs and Non –Brick and Mortar Financial Assistance***
The RE will document how the project meets these excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

a. IEDA activities including equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs associated with construction or expansion of existing operations where physical improvements, if any, will be limited to those listed in Sections 2 and 3, below;
b. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payments assistance, interest buydowns, interim mortgage assistance, and similar activities that result in the transfer of title where no change in use will occur and physical improvements, if any, will be limited to those listed in Sections 2 and 3, below;
c. Building acquisition where physical improvements, if any, will be limited to those listed in Sections 2 and 3, below.

Section 2. ***Undertakings Involving Ground Disturbance***

Non-Specific Activities
If the project will **NOT** involve buildings, districts, objects, structures, defined sites, or cultural landscapes that are 50 years or age or older and not listed in or previously determined eligible for the NRHP in the Area of Potential Effects; there are no triangle sites within ¼ mile of the APE; **AND** either of the following conditions is met, the SHPO does not need to review the project regardless of activity. The RE will document how the project meets the qualifying criteria on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

Qualifying Criteria:

a. Previously Surveyed - The Area of Potential Effects (APE) was intensively surveyed after 1999 for the purposes of a previous Section 106 review and determined by the federal agency not to contain archaeological sites that are NRHP-listed, eligible, or unevaluated, and this finding was accepted by the Iowa SHPO. This requires consultation with Office of the State Archaeologist or *I-SitesPro* online databases to determine.

b. Profoundly Disturbed - The APE has been profoundly disturbed. *Profound disturbance* as it relates to the APE occurs when a past activity or activities have physically altered the *three-dimensional* APE of an undertaking *in its entirety* to the point where there is no potential for an archaeologically significant property to remain.

Specific Excluded Activities

When the following ground disturbing activities are proposed for any project locations not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO or ACHP, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below). The RE will document how the project meets these specific excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

a. Photoscopic pictures of water and/or sewer pipe.
b. Re-lining of non-historic water and/or sewer pipe (i.e., polyvinyl, fiber cement, and other composite or plastic pipe; clay pipe less than 24 inches in diameter, post-WPA pre-cast concrete pipe and boxes).
c. Point repairs of water and/or sewer pipe.
d. Hydrant replacements.
e. Manhole cover replacements.
f. New/replacement service lines and related appurtenances involving boring or slit trenches up to one (1) foot in width and up to 100 feet in length, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
g. Equipment replacement, purchase, removal, and/or installation.
h. Disturbances confined to the current footprint of an existing facility compound, such as water and/or sewer treatment plants, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts.
i. Directional boring of utility lines without sending and receiving pits, if no known NRHP listed, eligible, or unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
j. Connecting pits relating to directional boring for utility lines no bigger than 10 feet by 10 feet, if no known NRHP listed, eligible, or known but unevaluated properties, including sites and historic districts, are within the APE and no triangle sites are within ¼ mile of the APE.
k. In-place replacement of non-historic water and/or sewer mains (i.e., polyvinyl, fiber cement and other generic composite or plastic pipe; clay pipe less than 24 inches in diameter, post-WPA pre-cast concrete pipe and boxes), if no known NRHP listed, eligible, or known but unevaluated properties, including sites and historic districts, are within or immediately adjacent to the APE.
l. Replacement of wells in existing well fields.
m. Test boring/well sites to determine soil suitability, if no recorded archeological sites are within or immediately adjacent to the APE
n. Replacement of concrete or asphalt sidewalks.
o. Replacement of water towers on the same parcel when that parcel is less than one (1) acre in size, if water tower to be demolished is less than 50 years old and the new tower is not more than a 10% increase in capacity or an increase of more than 20 feet in height as compared to the existing water tower.
p. Utility upgrades without new ground disturbance.
q. Parking lot rehabilitation or construction of less than one (1) acre in size, without the installation of storm drains or other related below-ground appurtenances 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.
r. Replacement of overhead conductor cable.
s. Resurfacing and/or rehabilitation of existing concrete sidewalks and curbs and concrete or asphalt roads, drives, or entries where there will be no change in the existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the NRHP.*
t. Conversion of an existing gravel road to concrete or asphalt where there will be no change in the existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the NRHP.*
u. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where there will be no change in the existing horizontal and vertical alignment of an

existing right of way. *This does not apply to roads found eligible for listing on the NRHP.*

v. Demolition of non-historic buildings when all activity is confined to the current footprint of the original construction, which includes a presumed builder's trench extending three (3) feet beyond the existing foundation/footing, and, when ground surface conditions are stable enough to support the weight and movement of heavy equipment on bare ground or on temporary mats without sinking into the ground, rutting the ground surface, or resulting in any form of earthmoving at the demolition site.

Section 3. *Undertakings Involving Architectural/Historical Resources*

Non-Specific Excluded Activities

If any of the following conditions are met, SHPO does not need to review the architectural portion of a project regardless of activity. The RE will document how the project meets the qualifying criteria on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

Qualifying Criteria:

a. Less than 50 - The Project will involve a building of any type that is less than 50 years old and that is not listed in or previously determined eligible for the NRHP, and does not convey the level of exceptional significance to be considered eligible for the NRHP under Criteria Consideration G (individually or as a contributing component to a historic district).

b. Previous Evaluation - The Area of Potential Effect (APE) has been surveyed by a professional historian or architectural historian within the last 5 years, determined not to contain historic properties, and the finding was accepted by the Iowa SHPO. Please note this does not include properties simply added to the Iowa Site Inventory within 5 years. The property must have been signed off as being "not eligible" by SHPO staff.

Specific Excluded Activities

When the following activities are proposed for any architectural properties not meeting the Qualifying Criteria, they will be considered excluded from further review by the SHPO, because the activities have limited potential to adversely affect historic properties (some exceptions noted in *italics* below). The RE will document how the project meets these specific excluded activities on an *Excluded from SHPO Review Form* for submittal to the IEDA HPS.

1. Exterior Rehabilitation
   a. Caulking and weather stripping in a color complementary to the adjacent surfaces
   b. Scraping, extremely low-pressure (less than 100 psi) washing, and/or repainting of exterior cladding. *This does not apply to destructive surface preparation treatments, such as water blasting, sand or other particle blasting, power sanding, or chemical cleaning.*
   c. Repair or in-kind replacement of windows (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the extant or known historic windows; glazing will be clear, non-reflective, and without tint; window sashes will not be clad with aluminum or synthetic material), as follows *(this does not apply to the replacement of existing archaic, decorative, or architectural/structural glass)*:
      i. Repair, scrape, paint, and re-glaze existing windows.
      ii. Repair or in-kind replacement of window sash, glass, and/or hardware, including jam tracks. Consideration should be given first to identifying ways to repair rather than replace damaged historic materials.
      iii. Repair or in-kind replacement of damaged and non-operable transoms. Consideration should be given first to repair rather than replacement of damaged historic materials.

d. 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.
e. Repair or in-kind replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing) of the following features *(consideration should be given first to identifying ways to repair rather than replace damaged historic materials)*:
   i. Porches — railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments.
   ii. Roofs.
   iii. Siding.
   iv. Exterior architectural details and features.
   v. Doors, including cellar/bulkhead doors.
   vi. Gutters and downspouts.
f. Repair or reconstruction of concrete/masonry walls, parapets, chimneys, or cornices, provided any new masonry or mortar matches the color, strength, composition, rake, and joint width of existing walls, and no power tools are used on historic materials. *(Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at http://www.nps.gov/history/hps/tps/briefs/brief02.htm.)*
g. Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
h. Construction or replacement of wheelchair ramps, provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
i. Installation of temporary wheelchair ramps on any façade.
j. Substantial repair or in-kind replacement of signs or awnings. *This does not apply to historic sign—painted, neon, or otherwise.*

2. Interior Rehabilitation
   a. Non-destructive or concealed testing for damage assessment or identification of hazardous materials (e.g., lead paint, asbestos, etc.).
   b. Scraping and repainting of interior trim.
   c. Plumbing repair/replacement, including pipes and fixtures when no structural alteration is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
   d. HVAC system repair, replacement, and/or cleaning, including furnaces, pipes, ducts, radiators, or other HVAC units when no structural alteration or exposed new ductwork is involved. *This does not apply to historic fixtures, which must be repaired for this allowance to apply.*
   e. Repair or replacement of electrical wiring, including switches and receptacles. *This Allowance does not apply to installing exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*
   f. Repair or replacement of interior fire detection, fire suppression, or security alarm systems. *This Allowance does not apply to exposed systems such as surface mounted wiring, conduits, or piping where replacement will affect significant interior features.*
   g. Restroom improvements for handicapped accessibility, provided the work is contained within existing restroom and significant interior materials and features (e.g., historic trim or architectural details) are not altered.
   h. Repair or in-kind replacement of interior floors, walls, and ceilings. This applies to the repair of interior finishes, including plaster and wallboard, provided the repair is restricted to the damaged area and does not affect adjacent materials. *This does not apply to historic architectural finishes such as decorative plaster or plaster substrates for decorative materials such as wainscoting, murals, gold leaf, etc.*
   i. Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are covered and all historic trimwork is reinstalled.
   j. Installation of insulation in ceilings, attic spaces, and crawl spaces. *This does not apply to the installation of urea formaldehyde foam insulation or any other insulation containing water.*

k. Installation of insulation in wall spaces, provided an appropriate interior vapor barrier or vapor barrier paint is used and historic exterior clapboards are removed and reinstalled carefully. *This does not apply to the installation of urea formaldehyde foam insulation or any other thermal wall insulation containing water.*
l. Repair or pouring of concrete cellar floor in an existing cellar.
m. Repair or replacement of cabinets and countertops. *Historic "built-in" cabinets must be repaired for this to apply.*

3. Site Improvements
   a. Repair or in-kind replacement of driveways, parking lots, and walkways, although consideration should be given first to repair rather than replacement of damaged historic materials whenever feasible.
   b. Repair or in-kind replacement of non-historic landscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
   c. Repair or in-kind replacement of fencing and other exterior retaining or freestanding walls, provided masonry and mortar matches the color, strength, composition, rake, and joint width of historic wall and no power tools are used on historic materials. *(Work on historic masonry must follow the guidance provided in Preservation "Brief #2: Repointing Mortar Joints in Historic Masonry Buildings," currently found online at http://www.nps.gov/history/hps/tps/briefs/brief02.htm.)*

Excluded from Review, Project Determination Form

After referencing Appendix B of the Programmatic Agreement (PA) to verify that the project activity does not need further review, use this form to document compliance with the Section 106 of the NHPA. This form will be submitted to IEDA either with your Request for Release of Funds (RROF) or individually per building as applicable.

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

- Start Environmental Review
- See if the project is exempt from further review by referencing Appendix B of the PA..
- If the project activity meets either the Qualifying Criteria or the Specific Excluded Activities, fill out this form and include it in your environmental review record or upload it to iowagrants.gov as applicable.
- Use the "When to Consult with Tribes Under Section 106" included in the PA to determine if Tribal consultation is required. If so, mail letters to tribes; you must still do this even if your project activity meets and exemption under this PA.
- 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 Review, Project Determination Form.*

NOTE: You must still solicit comment about the project from the Native American Tribes even if your project activity is exempt from further review.

Recipient Name: **Contract Number:**
Recipient Address:

For information on this request, contact:
Contact Name: **Contact Phone Number:**

Project Description (provide a brief description of the actual scope of work not just "housing rehab")

Project Address (Street, City, Zip): **Project County:**

Reason Project Activity is Excluded from Review (use Appendix B of the PA):
Section 1, 2 or 3:
Qualifying Criteria a. or b.:
OR
Specific Excluded Activity (include which specific activity):
Notes:
(include date of construction)

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

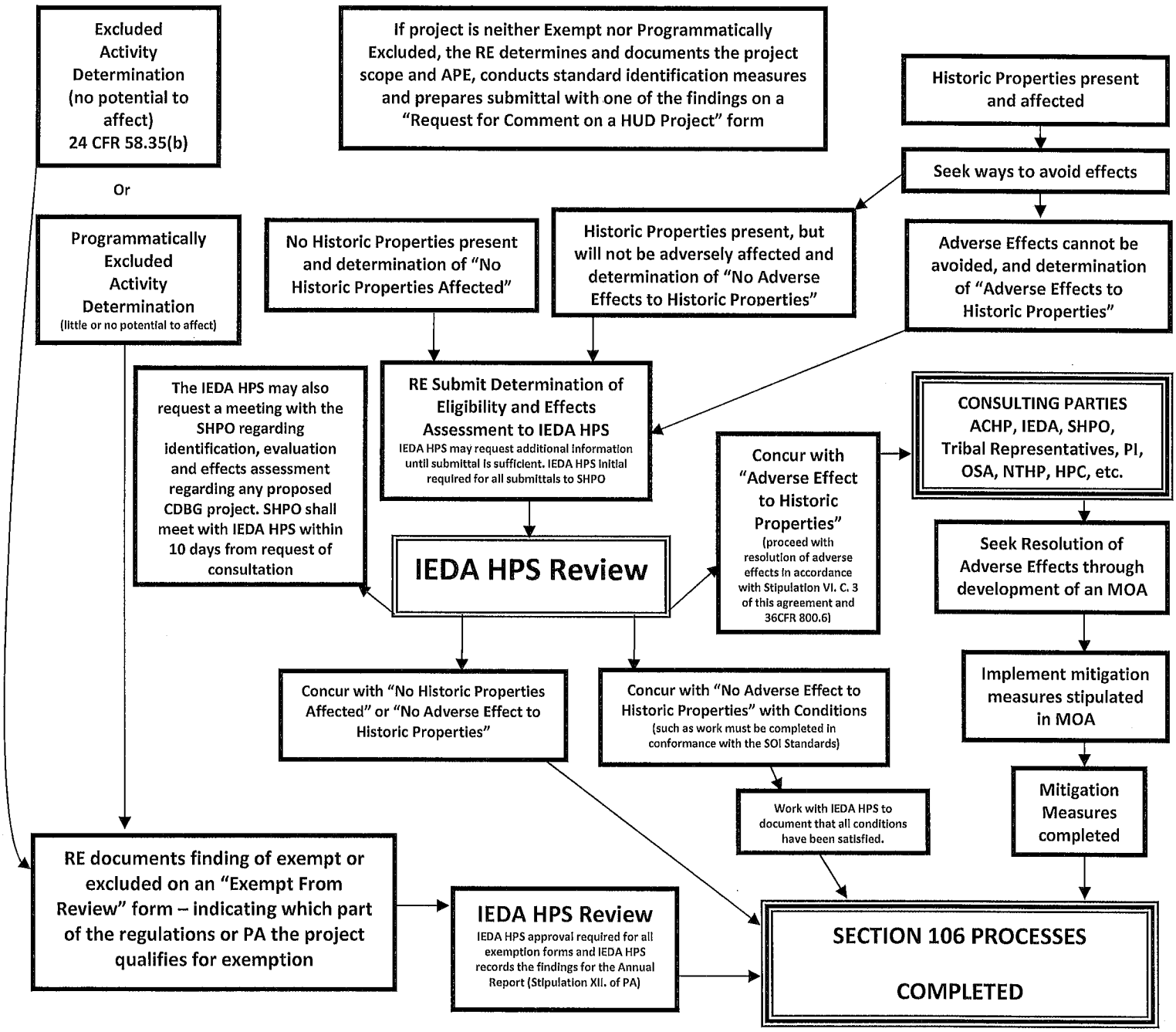
Applicant Certification:
As the duly designated certifying official of the recipient, I also certify that: I am authorized to and do consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.

_____ _____
Signature of the Certifying Officer of Applicant, Date

_____
Print Name and Title of Certifying Officer of Applicant

APPENDIX C

SECTION 106 REVIEW PROCESS FOR TYPICAL PROJECTS*



*Technical Assistance from IEDA HPS may be sought at any point in the process. This chart does not address post review discoveries, monitoring findings, annual reporting, dispute resolution, and other unusual circumstances. Any other portions of Environmental Review are not considered here.

HP FACT SHEET #6:

WHEN TO DO ARCHAEOLOGICAL FIELD INVESTIGATIONS

HUD offers the following guidance on when to do professional archaeological field investigations. It is applicable to both Part 50 and Part 58 programs. It meets the "reasonable and good faith effort" requirement to identify historic properties, per 36 CFR § 800.4(b).

- Archaeological field investigations and related work should be approved only when HUD or the Responsible Entity (RE) *is persuaded* by authoritative sources of information that there is a "likely" (§ 800.4(b)(1)) presence of National Register-eligible or -listed properties within the project site and that the project may affect National Register resources.
- Authoritative sources of information include, but are not limited to, reports, studies, surveys, predictive models, National Register data, and/or tribal input. These data must demonstrate that the project site contains or is reasonably adjacent to archaeological sites that meet National Register criteria.
- The SHPO/THPO and other qualified persons may provide such information. The information should indicate a close and direct relationship between such previously discovered sites and the project site. It should also indicate the likelihood that National Register resources will be affected. Archaeological field investigation in such cases would help determine the presence of resources on site and provide the basis for establishing their significance and the project effects on them.
- For urban areas, it is reasonable to consider the project site relationship only to such off-project archeological sites that are immediately adjacent to the project site.
- In the case of projects for new developments in areas not previously developed or disturbed, a somewhat more distant site or ring of sites may be considered as relevant to the project site. But still, in this scenario, HUD or the RE *must be persuaded* that documented archaeology sites outside the APE are reasonably close enough to the project site to establish a likely relationship and so warrant a professional field investigation on the project site.
- HUD or the RE should generally not honor a request for a professional archaeological field investigation without specific justification or solely on grounds that previous surveys have never been conducted in the area. HUD or the RE may turn down such requests as an unjustifiable public expense, particularly where private or non-federal lands are involved.

This guidance is supported further by the Advisory Council on Historic Preservation's 2007 *Policy Statement on Affordable Housing and Historic Preservation* (72 FR 7387-7389), Implementation Principle #8, that limits archaeological field investigations in certain situations.

Implementation Principle #8:

"Archeological investigations ***should be avoided*** for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance" *(emphasis added)*.

NEED ADDITIONAL HELP?
CONTACT YOUR LOCAL HUD ENVIRONMENTAL OFFICER.

Source: Office of Environment and Energy, Environmental Planning Division, CPD, May 2009

AUTHORIZATION FOR ALTERNATE SIGNATORIES FOR SECTION 106 COMPLIANCE FORMS

CDBG Grant Administrators or City Clerks may now sign the Section 106 Compliance Forms including the *Exempt from Review Project Determination Form* and the *Request for Comment on a HUD Project* form. In order to take advantage of this opportunity, the Agency Official/CEO must sign this form and have it witnessed. The CEO 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/CEO is still legally responsible for all findings and determinations made on their behalf by the signatory.

Once signed, submit this form with your Section 106 compliance documentation.

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 Comment* form or the Exempt from Review Project Determination From, 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) signature

_____ _____
[Name and Title of] Signatory # 1 Signature of Signatory #1

_____ _____
[Name and Title of] Signatory # 2 Signature of Signatory #2

_____ _____
[Name and Title of] Witness Signature of Witness

REQUEST FOR COMMENT ON A HUD PROJECT*

☐ **This is a new submittal**
☐ **This is more information relating to a previous submittal**

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: _____ CDBG Contract No: _____
e. Federal Funding Program: CDBG 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 http://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 http://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)*
- ☐ 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
- ☐ Location map (no bigger than 11x17) with APE clearly defined (Quad map or city plat map)
- ☐ Copy of county or city assessor's card record or other appropriate property information
- ☐ 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.)

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

Submit one copy with *each* property for which comment is requested. Please print or type.
Return with full Section 106 Compliance Documents to the IEDA HPS at: 200 East Grand Ave., Des Moines, IA 50309

*This form may be replaced by an electronic submission process, which would collect the same information.

GLOSSARY

ACHP - Advisory Council on Historic Preservation

APE – Area of Potential Effects

CDBG – Community Development Block Grant

CEO – Chief Elected Official

CFR – Code of Federal Regulation

HPC – Historic Preservation Commission

HUD – Federal Department of Housing and Urban Development

IEDA – Iowa Economic Development Authority

IEDA HPS – Iowa Economic Development Authority Historic Preservation Specialist

ISIF – Iowa Site Inventory Form

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NPS – National Park Service

NRHP – National Register of Historic Places

NTHP – National Trust for Historic Preservation

OSA – Office of the State Archaeologist

PA – Programmatic Agreement

RE – Responsible Entity

RROF – Request for Release of Funds

SHPO – State Historic Preservation Office(r)

SOI – Secretary of the Interior

THPO – Tribal Historic Preservation Officer

U.S.C. – United States Code