

**PROGRAMMATIC AGREEMENT AMONG
THE IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT,
IOWA STATE HISTORIC PRESERVATION OFFICER,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
IN RESPONSE TO IOWA'S STATEWIDE
NATURAL DISASTERS OF 2008**

WHEREAS, numerous cities and counties in the State of Iowa experienced catastrophic damage during natural disaster events that occurred in the year 2008 (see Appendix A); and,

WHEREAS, the U.S. Department of Housing and Urban Development (hereinafter, HUD) has allocated supplemental Community Development Block Grant funds (hereinafter, CDBG) to the Iowa Department of Economic Development (hereinafter, IDED) under the Supplemental Appropriations Act (Public Law 110-252) for the purposes of disaster relief and any supplemental appropriations intended for 2008 disaster recovery; and,

WHEREAS, HUD has unique statutory authority to delegate its environmental compliance responsibilities promulgated at 24 CFR Part 58 to State, tribal, and local governments (hereinafter, Responsible Entities or REs), including obligations under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. §§ 470 *et seq.*, hereinafter, Act) and its implementing regulations 36 CFR Part 800; and,

WHEREAS, IDED, in keeping with its agency mandate to administer the equitable distribution of supplemental CDBG funding to eligible entitlement and non-entitlement REs and to maintain regulatory oversight of the REs once funds have been awarded, hereby represents all REs in the formulation and signatory execution of this agreement and in any future amendments thereto; and,

WHEREAS, upon acceptance of supplemental funding all REs, pursuant to 24 CFR Part 58, 36 CFR Part 800, and other relevant legislation, bind themselves to the roles, responsibilities, and terms of this agreement and its appendices; and,

WHEREAS, IDED, on behalf of the REs, has consulted with the Iowa State Historic Preservation Officer (hereinafter, SHPO) and the Advisory Council on Historic Preservation (hereinafter, ACHP) and has determined that certain disaster recovery actions (hereinafter, Undertakings) enabled by supplemental CDBG funding program have the potential to cause effects to historic properties while others do not; and,

WHEREAS, given the magnitude of Iowa's recovery effort and the immediate need for governmental assistance, IDED, SHPO, and ACHP have agreed that consultation and compliance for undertakings enabled by supplemental CDBG funding program should be addressed programmatically and in accordance with procedures outlined in this agreement and its attachments in order to affectively and expeditiously meet regulatory obligations; and,

WHEREAS, IDED, SHPO, and ACHP encourage REs to enter into lead federal agency agreements pursuant to 36 CFR Part 800.2(a)(2) when such an agreement is mutually advantageous and of net benefit to the ultimate recipient of federal aid; and,

WHEREAS, IDED has contacted federally recognized tribes (Appendix B) on behalf of the REs, notifying them of HUD's involvement in Iowa's disaster recovery, of the collective desire and intent of the signatories to address section 106 compliance programmatically, to notify them of the types of undertakings pursued under the disaster recovery program and to solicit their views on which types of undertakings may have potential to affect properties of interest to them and how they wish to be consulted upon them, and finally to review and comment upon the programmatic agreement in the capacity of a concurring party; and,

WHEREAS, IDED, SHPO, and ACHP agree that the REs will identify other interested parties including but not limited to Certified Local Governments (hereinafter CLGs) and initiate consultation with them on a case-by-case basis, and the REs shall involve the Public by disseminating information about those undertakings and their effects on historic properties in a proper and timely fashion and will seek public participation by utilizing HUD procedures for soliciting public involvement found at 24 CFR Part 58.43; 58.45-46; 58.59 and other applicable sections of that part.

NOW THEREFORE, Iowa Department of Economic Development on behalf of the Responsible Entities, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation as signatories, agree that, upon execution of this Programmatic Agreement, the disaster recovery undertakings enabled by supplemental CDBG funds shall be implemented in accordance with the following stipulations and conditions in a timely manner and with adequate resources in order to take into account the effects of these undertakings on historic properties.

STIPULATIONS

I. IDED RESPONSIBILITIES

- A. IDED shall represent the REs in the administrative functions of this Agreement, particularly in its formulation and signatory execution, amendment, dispute resolution, termination, and period review (see Stipulations IV.D. and VI-X, below).
- B. IDED shall require all REs by contract to follow the requirements set forth in this programmatic agreement.
- C. IDED shall serve as the primary technical assistance contact for the REs in matters concerning the interpretation of this agreement and the routine execution of its terms. IDED, at their discretion, may consult directly with the SHPO and ACHP when issues of a complex nature arise.
- D. IDED shall employ the professional support staff necessary to fulfill its obligations under Stipulation I.A-B.
- E. In accordance with Stipulation IX, IDED shall monitor the RE's compliance with the terms of this agreement and shall compile an annual report detailing the types and

numbers of projects involving consultation with the SHPO-and those that are excluded from SHPO review. IDED shall ensure that the criteria for exclusion from SHPO review, as outlined in Appendix C, are being applied accurately and consistently.

II. RESPONSIBILITIES OF THE REs.

- A. The REs shall ensure that the procedures for project-specific consultation, historic properties identification and evaluation, assessment of effects, mitigation of adverse effects, and treatment of historic properties are implemented in accordance with procedures outlined in Appendix C.I.
- B. The RE's shall ensure that appropriate interim controls, as allowed by 24 CFR Part 35.1330, shall be implemented in lieu of full lead-based paint abatement in all historic properties when such procedures are deemed by the RE and the SHPO to be practicable and feasible."
- C. The REs shall ensure that all historic properties investigations, evaluations, and data recovery efforts conducted pursuant to this agreement shall be performed by or under the direct supervision of an individual that meets the Secretary of the Interior's Qualifications Standards (48 FR 44738-9, September 29, 1983); and, shall be performed in a manner that is consistent with Secretary of the Interior's Standards and the *Guidelines for Archaeological Investigations in Iowa*, and all other federal or State standards as appropriate.
- D. The REs shall ensure that documentation submitted to SHPO for review meets or exceeds the standards outlined at 36 CFR 800.11. The documentation standards with examples of submittals are attached as Appendix D. Pursuant to Section 304 of the Act (16 U.S.C. 470w-3) and Chapter 22 7(22) of the Iowa Code, the REs shall withhold from disclosure to the public, information relating to the location or character of historic resources when it has been determined that disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.
- E. The REs shall ensure that all archeological reports resulting from actions pursuant to this agreement shall be responsive to contemporary professional standards and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Program (42 FR 5377-79). Precise location data should be provided only in a separate appendix if it appears that release of such data could jeopardize archeological deposits.
- F. The REs shall ensure that artifacts and records resulting from historic properties 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 Interiors Standards (36 CFR Part 79).
- G. The REs shall consult directly with the SHPO and National Park Service (hereinafter NPS) on all undertakings involving National Historic Landmarks in accordance with 36 CFR 800.10.
- H. The REs shall provide letter notification to IDED and SHPO of its intent to enter into a lead federal agency agreement. The notification shall specifically identify the HUD

undertaking, partnering agencies, and indicate the REs lead or subordinate role under the agreement.

- I. The RE's shall invite the participation of consulting parties. This applies to all undertakings with the exception of those that are exempt under HUD regulations (24 CFR Part 58.34) or are 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), and those exempt from SHPO review as itemized at Part 2 of Section I, Appendix C. Parties that have a consultative roll in the Section 106 process include, but are not limited to the following: Federally recognized Indian tribes, representatives of local governments, county and municipal historic preservation commissions including those established under the Certified Local Governments program, the Public, and 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.

III. RESPONSIBILITIES OF SHPO AND ACHP

- A. SHPO shall comment on all undertakings designated for their review in a timely and efficient manner and in accordance with procedures outlined in Appendix C. I.
- B. ACHP shall participate in cases in which dispute resolution among parties is required as indicated in Stipulation VI, below and in instances when the criteria for Council Involvement in Reviewing Individual section 106 cases (36 CFR 800, Appendix A) are met.

IV. TIMING OF CONSULTATION

- A. *Consultation on Flood Recovery Projects.* The REs shall ensure that consultation pursuant to this agreement has been completed prior to the approval of any individual or block grant.
- B. *Retroactive Review of Categorically Excluded Activities.* There is no SHPO consultation for categorically excluded activities listed in Appendix C.II that are begun prior to grant approval. The RE shall cite the applicable exclusion within the environmental document and proceed as directed by 24 CFR Part 58.
- C. *Retroactive Consultation and Resolution of Adverse Effects on Previously Documented Historic Properties.* The REs shall consult directly with the SHPO and other consulting parties to resolve adverse effects caused by recovery actions implemented by grant recipients prior to the approval of a grant. Reversal of the effects to restore National Register eligibility shall be the preferred mitigation strategy when judged to be prudent and feasible. The REs and SHPO shall consider other approaches to mitigation when reversal is not an option including allowance under Stipulation IV.D., below.
- D. *Retroactive Consultation and Resolution of Adverse Effects on Undocumented Historic Properties.* The signatories to this agreement recognize the inevitability of adverse effects on undocumented historic properties caused by actions taken by recipients prior

to grant approval. The SHPO and IDED on behalf of the REs have agreed to devise acceptable mitigation for the collective, unidentified adverse effects within one year of the execution of this agreement. The final terms shall be memorialized in a Letter of Agreement among the SHPO and IDED.

V. UNANTICIPATED DISCOVERIES

- A. *Human remains.* Iowa law protects all human burials regardless of their historical age, sex, or cultural/ethnic affiliation. The REs shall ensure that the following procedures are observed in the event that human remains are encountered during construction or archaeological investigations.
1. In the event that human remains or burials are encountered during archeological investigations or construction activities, work shall cease in the area, appropriate steps shall be taken to secure the site, and officials at the Burials Program at the University of Iowa - Office of the State Archaeologist (OSA, Shirley Schermer, 319-384-0740) and the SHPO shall be notified.
 2. If the remains appear to be ancient (i.e., older than 150 years), the Burials Program at OSA shall have jurisdiction to ensure that the appropriate procedures in accordance with Chapter 263 of the Iowa Code are observed.
 3. Human remains less than 150 years old are protected under Chapter 566 of the Iowa Code. In the event that human remains appearing less than 150 years in age are encountered the REs shall ensure that appropriate law enforcement authorities and the Iowa Department of Health are notified.
- B. *Archaeological material (non-mortuary related).* The REs shall ensure that the following procedures are observed in the event that previously undetected non-mortuary-related archeological materials are encountered.
1. All activities in the area of the resource shall cease immediately, appropriate steps shall be implemented to secure the site, and the SHPO shall be notified of the discovery.
 2. An archaeologist retained by IDED 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) calendar 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; or,
- b. Agreement by SHPO and the RE that the newly located archeological materials are not eligible for inclusion on the NRHP.

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

1. Work in the affected area shall cease and the RE shall notify IDED and SHPO of the discovery.
2. An architectural historian retained by IDED 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 its determination of effect and report of the consulting historian's findings to the SHPO who shall have 7 working 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) calendar 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 effects are not adverse; or,
 - b. The development and implementation of an appropriate mitigation plan, or agreement among the RE and the SHPO that the site does not warrant mitigation.

VI. DISPUTE RESOLUTION.

- A. IDED shall represent itself and REs petitioning singly or as a group in all dispute resolution situations.
- B. Should any signatory to this agreement or RE (represented by IDED) object at any

time to any actions proposed or the manner in which the terms of this agreement are implemented, IDED shall consult with such party to resolve the objection.

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

1. Forward all documentation relevant to the dispute, including the IDED's proposed resolution, to the Council. The Council shall provide the IDED with its advice on the resolution of the objection within fifteen (15) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, IDED shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Council and/or signatories and provide them with a copy of this written response. IDED will then proceed according to its final decision.
2. If the Council does not provide its advice regarding the dispute within the fifteen (15) day period, then the IDED may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, IDED 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 Council with a copy of such written response. IDED'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 IDED.
3. 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.

VII. AMENDMENT

- A. IDED shall represent itself and REs petitioning singly or as a group in all requests for amendments to this agreement.
- B. Any of the signatories to this Agreement, or REs represented by IDED, may request that any or all of its articles be amended subsequent to the Agreement's execution, whereupon the other signatories will consult in accordance with 36 CFR Part 800.13, to consider such amendment. IDED must notify the Council of its intent to amend the Agreement and invite the Council's review and comment. The amendment will be effective on the date a copy signed by all of the signatories is filed with the Council. IDED shall ensure that copies of the amended Agreement are provided to all of the signatories.
- C. Revisions to the appendices shall not require notification of and review by the Council. However IDED shall ensure that the Council is provided file copies of finalized versions that reflect all revisions.

VIII. TERMINATION AND DURATION

- A. IDED shall represent itself and all REs when the latter petition as a unanimous body to terminate this agreement.

- B. If any signatory to this agreement determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above 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 prior to work continuing on undertakings referenced in this PA, IDEED must either execute a new agreement pursuant to 36 CFR § 800.6, or, request, take into account, and respond to the comments of the Council under 36 CFR § 800.7. IDEED shall notify the signatories as to the course of action it will pursue.
- D. This agreement will become void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, IDEED may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation VII, above.

IX. PERIOD REVIEW

IDEED shall monitor the RE's full compliance with this agreement and shall provide the SHPO with an annual report by January 1, 2010, and once every year thereafter while this Agreement remains in effect. The report shall account for projects that are both excluded from and subject to SHPO review and will include individual project numbers and names, level of historic property investigation, historic properties identified, and determinations of effect.

X. EXECUTION OF THE AGREEMENT

Execution of this agreement by IDED on behalf of HUD's recipient Responsible Entities, the Iowa State Historic Preservation Officer, and the Advisory Council on Historic Preservation and the implementation of its terms evidence that HUD has taken into account program effects on historic properties and has afforded the SHPO and Council an opportunity to comment.

SIGNATORIES:

Iowa Department of Economic Development (IDED)

BY: Henry Manning Date: 1/16/09
Henry Manning, CDBG Program Team Leader

BY: Terry Vestal Date: 1/16/09
Terry Vestal, Housing Team Leader

State Historic Preservation Office (SHPO)

BY: Barbara A. Mitchell Date: 16 Jan 2009
Barbara A. Mitchell, Deputy State Historic Preservation Officer

Advisory Council on Historic Preservation (ACHP)

BY: John M. Fowler Date: 1/23/09
John M. Fowler, Executive Director

CONCURRING PARTIES

Iowa Historic Preservation Alliance

BY: _____ Date: _____
Rod Scott, Chairman

CONCURRING PARTIES

University of Iowa, Office of the State Archaeologist

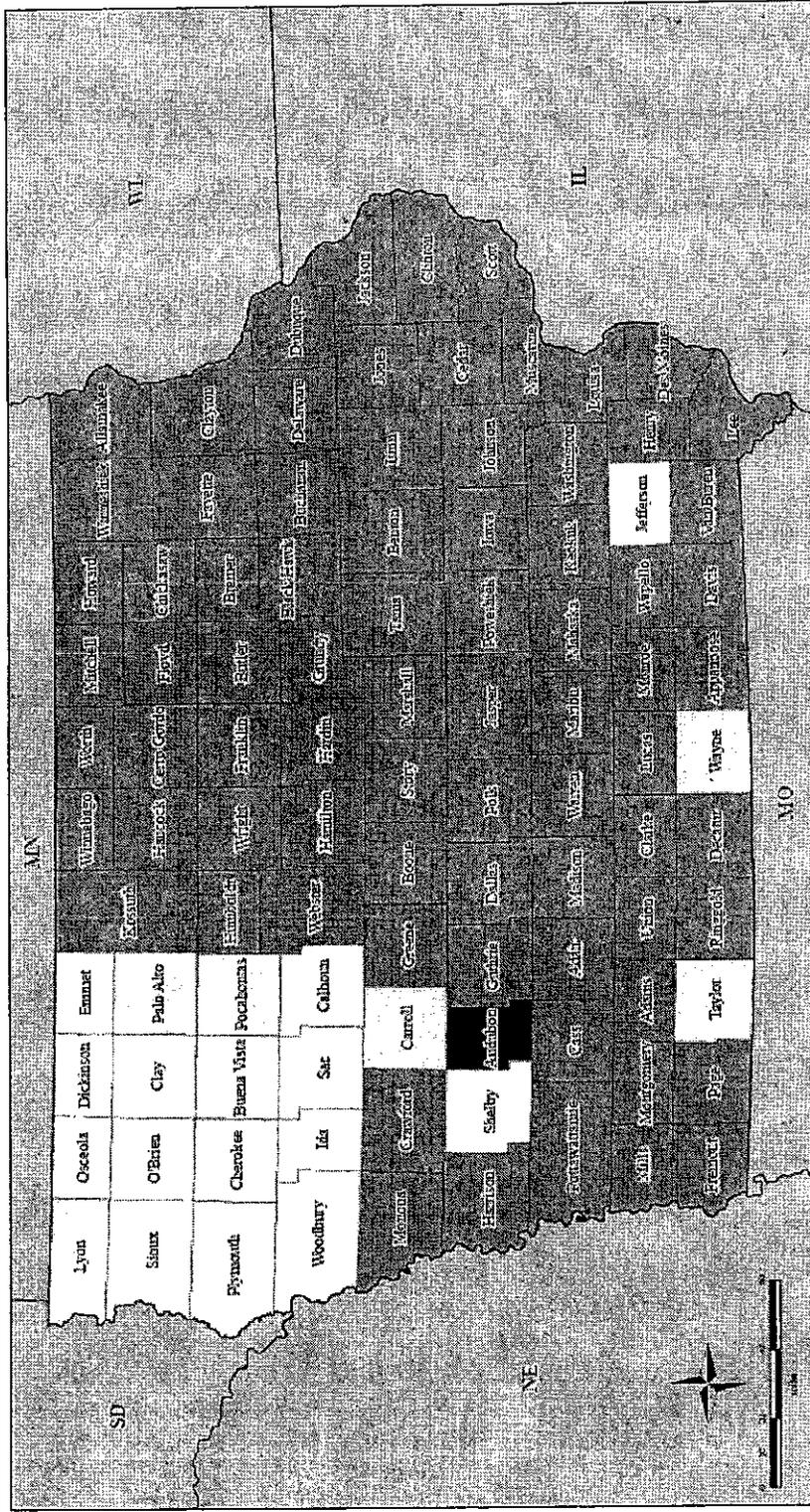
BY: _____ Date: _____
John Doershuk, State Archaeologist

CONCURRING PARTIES

National Trust for Historic Preservation

BY: _____ Date: _____
Royce Yeater, Director, Midwest Office

APPENDIX A
FEMA-1763-DR, Iowa
Disaster Declaration as of 08/26/2008

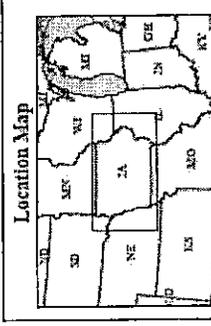


FEMA
 Federal Emergency Management Agency
 725 Mapping & Analytics Center
 Washington, DC
 08/26/08 - 02:42 PM EDT
 Source: Disaster Federal Registry Notice
 Amendment No. 19 - 08/26/2008

Legend

- Designated Counties
- No Designation
- Public Assistance
- Individual Assistance
- Individual Assistance and Public Assistance

All counties are eligible for Federal Assistance



MapID 08761336E50E26034538qprod

APPENDIX B
List of Tribes Notified

- | | | | |
|----|--|---------|--|
| A. | Flandreau Santee Sioux Ex. Com.
Attn: Mr. Leonard Eller
P.O. Box 283
Flandreau, SD 57028 | I. | Sac & Fox Nation in Kansas
Attn: Ms. Freida Perkins
305 North Main Street
Reserve |
| B. | HO-Chunk Nation
Attn: Mr. George W. Garvin
W9814 Airport Road, P.O. Box 667
Black river Falls, WI 54615 | K. | Sac & Fox Tribe of the Mississippi in Iowa
Attn: Mr. Johnathan Buffalo
349 Meskwaki Road
Tama, IA 52339 |
| B. | HO-Chunk Nation
Attn: Mr. Troy Swallow
W9814 Airport Road, P.O. Box 667
Black River Falls, WI 54615 | L. | Santee Sioux Tribe of Nebraska
Attn: Mr. Roger Trudell
425 Frazier Ave N, suite 2
Niobrara, NE 6876 |
| B. | HO-Chunk Nation
Attn: Mr. George R. Lewis
W9814 Airport Road, P.O. Box 667
Black River Falls, WI 54615 | M. | Sisseton-Wahpeton Dakota Nation
Attn: Mr. James "JC" Crawford
P.O. Box 509
Agency Village, SD 57262 |
| C. | Iowa Tribe of Kansas & Nebraska
Attn: Mr. Louis De Roin
3345 B Thrasher Road
White Cloud, KS 66094 | N. | Spirit Lake Tribal Council
Attn: Mr. Valentino White
P.O. Box 359
Fort Totten, ND 58335 |
| D. | Iowa Tribe of Oklahoma
Attn: E. Bernadette Huber
RR 1, Box 721
Perkins, OK 74059 | O. | Upper Sioux Community of MN
Attn: Mr. Tom V. Ross
P.O. Box 147
Granite Falls, MN 56241 |
| E. | Lower Sioux Indian Com. Council
Attn: Ms. Ann Larsen
39527 RES Highway 1, Box 308
Morton, MN 56270 | P. | Winnebago Tribal Council
Attn: Mr. David Lee Smith
LPTC P.O. Box 270
Winnebago, NE 68071 |
| F. | Omaha Tribal Council
Attn: Mr. Donald grant
P.O. Box 368
Macy, NE 68039 | Yankton | Sioux Tribal Business & Claims Committee
Attn: Ms. Madonna Archambeau
P.O. Box 248
Marty, SD 57361 |
| G. | Otoe-Missouri Tribe of Indians
Attn: Ms. Mildred Hudson
612 South 9 th Street
Ponca City, OK 74601 | S. | Sac & Fox Nation of Oklahoma
Attn: Ms. Kay Rhoads
Route 2, Box 246
Stroud, OK 74079 |
| H. | Prairie Island Community Council
Attn: Ms. Doreen Hagen
5636 Sturgeon Lake Road
Welch, MN 55089 | T. | Sac & Fox Nation of Missouri
Attn: Mr. Edmore Green
Rural Route 1, Box 60
Reserve, KS 66434 |

APPENDIX C

Part I. PROCEDURES FOR PROJECT REVIEW (See Chart 1).

The process for standard project reviews covered under this agreement has been distilled down to the four principal steps discussed below. Other steps may be involved depending on the nature, location, and complexity of the project and the types of historic properties involved. The objective here is to establish a streamlined review process that utilizes standardized protocols and documentation. Deviation from these when unnecessary may slow and complicate what is intended to be a straightforward and seamless procedure. Occasionally, exceptions will appear. However, these will be dealt with on a case-by-case basis.

The Historic Preservation Specialists (HPS) at the Iowa Department of Economic Development will serve as the primary point of contact for the RE's for routine technical assistance and shall provide quality control of documentation through pre-review screening. IDED at its discretion may defer to or consult with the SHPO, HUD, or ACHP in complex procedural matters.

STEP 1. DETERMINE IF THE ACTION IS EXCLUDED FROM SECTION 106 REVIEW.

The signatories have agreed that certain defined and undefined activities have no potential to affect historic properties and therefore may be excluded from further consideration under Section 106.

The first step in the review process is to determine whether or not a project is excluded from review. For the purposes of this agreement, excluded activities fall into three categories. The first are itemized in Part II, Section 1, below, and comprise activities relating to administrative costs and non-brick and mortar financial assistance. These activities by their nature have no potential to cause effects. The second category is discussed in Part II, section 2 below, and includes undertakings involving earthmoving. The third category, covered in Part II, section 3, includes activities involving architectural and other historical resources.

The last two categories include both specific and non-specific activities. Specific excluded activities are those that by their *nature* have no potential to adversely affect historic properties, for example, the re-lining of water and/or sewer pipes and caulking and weather stripping. A non-specific excluded activity could be any action that, by its *circumstances*, has no potential to affect historic properties. A project must meet certain pre-defined criteria in order to qualify as a non-specific project exclusion. For example, any activity involving a building of any type that is less than 50 years in age and that does not involve earthmoving satisfies the non-specific exclusion on criteria under Section 3. Similarly, the construction of a new water treatment plant involving no buildings, districts, objects, structures, sites, or landscapes greater than 50-years in age, and located in an area that has been profoundly disturbed by past earthmoving activities, such as borrowing, satisfies the non-specific exclusion criteria under Section 2.

If a project qualifies as an excluded activity, then the Responsible Entity (RE) shall document his/her findings by completing the EXCLUDED FROM SHPO REVIEW, PROJECT DETERMINATION FORM (Appendix D – Exhibit A) and attaching it to the project's environmental assessment document. A copy of this form shall be submitted to IDED's Historic Preservation Specialist for compliance monitoring and record keeping purposes. This concludes the RE's responsibilities for complying with the terms of the programmatic agreement. If the project *does not* fulfill the exclusion

criteria under Sections 1 -3, then the Responsible Entity shall proceed to Step 2 of the process. Decision-making charts are included in Sections 2 and 3 to assist the RE in determining the exclusion status of a project. The RE should direct any questions regarding the completion of Step 1 to IDED's HPS.

STEP 2. DEFINE THE PROJECT SCOPE AND DETERMINE THE PROJECT AREA OF POTENTIAL EFFECTS (APE).

It is important to properly define the scope of the undertaking in its entirety at the very outset to ensure that all the review and compliance obligations are met in a timely and efficient manner. Incomplete or inaccurate project scoping can extend the consultation process unnecessarily resulting in project delays and cost overruns. Additionally, comprehensive project scoping is critical in accurately defining the project area of potential effects.

The rules governing the Section 106 process define 'Area of Potential Effects' or APE as, "...the geographical area or areas within which an undertaking may directly or indirectly cause alterations in the character of use of historic properties, if any such properties exist. The areas 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' [36CFR Part 800.16(d)].

The area of potential effects is three dimensional meaning that it has length, width, and depth. Defining the APE is very important because it establishes the physical parameters for historic properties identification procedures outlined in Step 3. In many cases, the APE will be quite localized, and, depending on the scope of the project, will include just the area directly affected by the project activities. One example would be property lines or lot boundaries in instances of infill construction or house rehabilitation when planned activities are confined by those physical boundaries.

In other instances, however, the APE may be defined in larger terms to include neighborhoods, districts, or other areas with arbitrary, non-physically boundaries - once again, depending on the scope of the undertaking. For instance, the footprint of a new telecommunication facility is relatively small so its potential for direct physical impacts on historic properties is correspondingly small. However, its potential to cause indirect, adverse, visual effects on historic properties that lie beyond its footprint, lot line, or property line is far greater and increases in magnitude with its height and relative proximity to those historic properties.

The APE of a project must encompass the areas of any activity or ancillary project whose construction, while not federally funded, is integrally connected to the federally funded undertaking and which could not exist but-for the federal undertaking. For instance, a road built by a developer within a subdivision using private funds, becomes a federal undertaking when that developer accepts federal funds to construct a bridge connecting the two sections of the road, because the road would not exist without the bridge. Privately funded actions executed in anticipation of a federal undertaking may also become part of the undertaking. For instance, the privately funded demolition of a building to make way for a new building whose construction is federally funded becomes part of the federal undertaking.

For routine projects, the RE should direct any questions regarding the completion of Step 2 to IDED's HPS. The RE and IDED's HPS are encouraged to consult directly with the SHPO early in the planning process when scoping complex or multiple-phase projects and when defining their APEs.

STEP 3. IDENTIFY AND EVALUATE HISTORIC PROPERTIES WITHIN THE PROJECT APE AND ASSESS PROJECT EFFECTS.

Once the scope and APE of an undertaking have been defined, the RE must investigate for the presence of historic properties within the APE. Historic property means ‘...any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places...’ [36 CFR Part 800.16(l)]. The location of a project, along with its scope and its magnitude to cause effects on historic properties should be taken into account when determining level of investigation pursued.

Records review is the most basic level of investigation and in some instances may be all that is necessary to confirm the presence/absence of historic properties within the APE. The RE is advised to consult *I-SitesPro Archaeological Sites and Surveys Databases* maintained by the University of Iowa, Office of the State Archaeologist (OSA) to determine if all or part of the APE has been previously surveyed and if there are any recorded sites present. Access to *I-SitesPro* is restricted to professional archaeologists holding a licensing agreement with the OSA. However, the results of a site file search may be obtained for a fee by applying directly to the OSA Site File Manager.

The RE should also consult the *Iowa Site Inventory* maintained by the State Historic Preservation Office. The *Iowa Site Inventory* contains information on over 140,000 rural and municipal properties and districts in the State of Iowa. The *Inventory* may provide information regarding the age, history, and National Register eligibility status on a particular property or district under consideration.

At this point the RE should also be seeking input from other parties that may have a particular interest in the undertaking and may have information to offer regarding the history of the APE and any historic properties that may be affected within. Potential consulting parties include, but are not limited to, Native American Tribes or other ethnic groups or organizations, historic preservation commissions of certified local governments, local historical and genealogical societies, local governing bodies, and the public at large.

Project proponents often find that it is in their best interest to retain the services of a professional historic preservation consultant to conduct the records review, also known as a reconnaissance-level survey, and compile a report detailing their findings and recommendations on whether or not additional investigation is warranted. The next level of investigation, known as an intensive level survey, involves a field investigation component where the consulting archaeologist, architect, or historian performs an on-the-ground inspection of the APE. There are instances where the project proponent may find it to be more cost-effective to by-pass the reconnaissance survey and order an intensive-level survey at the outset. The RE should seek the opinion of IDED’s HPS when determining the appropriate level of investigation.

Once the historic properties investigation has been completed and the results are known, the RE must make a determination of effect and then prepare a documentation submittal to support that determination. The submittal will include a copy of all archaeological or architectural survey reports completed for the project, descriptions of the project scope and APE, and a description of the impacts including depths of excavations. It will also include a completed REQUEST FOR SHPO COMMENT ON PROJECT form (Appendix D – Exhibit B) with attachments. For projects involving existing buildings, structures, and districts, the submittal must include a completed IOWA SITE INVENTORY form for each within the APE (Appendix D – Exhibit C). Any questions regarding the preparation of a submittal packet should be directed to IDED’s HPS.

The completed submittal is sent to the IDED HPS for pre-review screening, who then forwards it to the SHPO for 30-day review and comment if it is found to be complete (For an example, See Appendix D – Exhibit D). The submittal is returned to the RE if it is found to be incomplete or is otherwise unacceptable along with instructions on how to correct the deficiency. The revised submittal is then returned to IDED HPS for final vetting and delivery to SHPO.

In cases where the RE has determined that there are no historic properties present within the APE or when there are no effects on historic properties and the SHPO concurs, then the RE shall document his/her finding and attach it to the project's environmental assessment document, concluding the Section 106 process.

If historic properties will be affected by project activities, then the RE must apply the Criteria of Adverse Effect as defined at 36 CFR Part 800.5 in order to determine their magnitude. The RE is encouraged to consult directly with the IDED HPS when assessing project effects on historic properties. If, having taken into account the results of unbiased professional assessments and comments by other consulting parties, the RE concludes that the project will result in no adverse effects, then he/she shall prepare a documentation packet supporting that determination and submit it to the IDED HPS for pre-review screening and delivery to SHPO for 30-day review. If the SHPO concurs, the RE shall document his/her finding and attach it to the project's environmental assessment document, concluding the 106 process.

If the RE concludes that the project will result in adverse effects, then he/she must proceed to Step 4 in the process.

If the SHPO disagrees with the RE's definition of the project scope or APE or with the RE's finding of effect, no matter what it might be, then the RE and SHPO shall appeal to IDED to seek resolution under Stipulation VI of the programmatic agreement.

STEP 4. RESOLVE ADVERSE EFFECTS & IMPLEMENTATION OF MITIGATION MEASURES

The majority of projects covered under this agreement will not advance to Step 4. However, some will. If at the conclusion of Step 3 the RE determines that the project will result in adverse effects on historic properties, then measures must be implemented to avoid, minimize, or mitigate those effects. This will involve the direct consultation of the SHPO, the RE, the Applicant, the University of Iowa – Office of the State Archaeologist, Iowa Historic Preservation Alliance, the National Trust for Historic Preservation and other consulting parties such as Tribes or a local Historic Preservation Commission.

It is impossible to suggest stock mitigation strategies here owing to the diversity of projects covered under this agreement, the incalculable degree of their effects, and the variety of historic properties that might be involved. Cases involving adverse effects of necessity must be handled individually and based upon their own merits.

In some instances, it may be possible to redesign the project to avoid historic properties altogether or to reduce the level of effects to a degree that they are no longer adverse. Other cases may require a more involved approach to the mitigation of effects -- such as architectural documentation or archaeological data recovery -- when avoidance or design alternatives are judged to be impractical, unfeasible, or

undesirable. Timely and inclusive consultation invites diverse points of view and potential for a broad range of alternatives including thoughtful consideration to the merits and weaknesses of each.

Once the the RE, IDED and SHPO have consulted with all interested parties and the RE, IDED, and SHPO have agreed upon the most appropriate measures to address project adverse effects, they shall be formalized in a Letter of Agreement (LOA) drafted by the RE with the assistance of the IDED HPS and signed by the RE, IDED, and SHPO. Once the LOA has been executed, the mitigation measures shall be implemented according to the terms of the LOA. Copies of the fully executed LOA shall be provided to all of the signatory parties. The RE's Section 106 compliance obligations will have been met upon successful implementation of the mitigation measures as stipulated by the LOA.

Part II. CATEGORICALLY EXCLUDED ACTIVITIES

In addition to projects and activities that are either exempt under HUD regulations (24 CFR Part 58.34) or are 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.

Section 1. Administrative Costs and Non –Brick and Mortar Financial Assistance

- a. Economic development activities including equipment purchase, inventory financing, interest subsidy, operating expenses, and similar costs on associated with construction or expansion of existing operations where physical improvements, if any, will be limited to those listed in Excluded Activity 3.1—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 Excluded Activities 3.1 –3, below;
- c. Building acquisition where physical improvements, if any, will be limited to those listed in Excluded Activity 3.1 – 3, below.

Section 2. Undertakings Involving Ground Disturbance (see Chart 2)

Non-Specific Activities.

If the project will **NOT** involve buildings, districts, objects, structures, sites, or landscapes that are 50 years or age or older in the Area of Potential Effects, **AND** either of the following conditions is met, SHPO does not need to review the project regardless of activity. Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form for submittal to IDED.

Qualifying Criteria:

- a. The Area of Potential Effects (APE) was intensively surveyed after 1989, determined by the federal agency not to contain historic properties, 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. 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):

- a. Photoscopic pictures of water and/or sewer pipe.
- b. Re-lining of water and/or sewer pipe.
- 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.
- 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.
- i. Directional boring of utility lines without sending and receiving pits.
- j. Connecting pits relating to directional boring for utility lines no bigger than 10 feet by 10 feet.
- k. In-place replacement of water and/or sewer mains, if no known National Register of Historic Places listed or eligible properties, including sites and historic districts, are within the Area of Potential Effects.
- l. Wells in existing well fields.
- m. Test boring/well sites to determine soil suitability, if no recorded archeological sites are in the vicinity.
- 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 land disturbance.
- q. Parking lot rehabilitation or construction of less than one (1) 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.
- r. Overhead power line replacement.

- s. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*
- t. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*
- u. 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. *This does not apply to roads found eligible for listing on the National Register of Historic Places.*

Section 3. Undertakings Involving Architectural/Historical Resources (see Chart 3)

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. Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form for submittal to IDED.

Qualifying Criteria:

- a. The Project will involve a building of any type that is less than 50 years old.
- b. The Area of Potential Effect (APE) has been intensively surveyed by a professional historian or architectural historian within the last 10 years, determined not to contain historic properties, and the finding was accepted by the Iowa SHPO.
- c. The APE was subject to a reconnaissance survey conducted by a professional historian or architectural historian as a result of the 2008 natural disasters (e.g., those surveys conducted through the Iowa Homeland Security and Emergency Management for FEMA undertakings), determined not to contain historic properties, and the Iowa SHPO accepted the finding.
- d. The Project will involve a building that has been reviewed by the SHPO within the last 10 years and found to be “not eligible” for listing on the National Register of Historic Places.

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). Document how the project meets the qualifying criteria on an Excluded from SHPO Review Form for submittal to IDED.

1. Exterior Rehabilitation

- a. Caulking and weather stripping in a color complementary to the adjacent surfaces
- a. 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.*
- b. 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), 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.
- c. 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.
- d. 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.
- e. 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>.)*
- f. Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or removable in the future.
- g. Construction or replacement of wheelchair ramps, provided the ramps are on secondary façades and will not directly impact the material fabric of the building.
- h. Installation of temporary wheelchair ramps on any façade.
- i. 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. Plumbing rehabilitation/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.*
- c. HVAC system rehabilitation, 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.*
- d. Electrical wiring, including switches and receptacles. *This Allowance does not apply to exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*

- e. Replacement of interior fire detection, fire suppression, or security alarm systems. *This Allowance does not apply to exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*
 - f. Restroom improvements for handicapped accessibility, provided the work is contained within existing restroom and significant interior features (e.g., historic trim or architectural details) are not altered.
 - g. 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 murals, gold leaf, etc.*
 - h. Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are being covered.
 - i. Installation of insulation in ceilings, attic spaces, and crawl spaces.
 - j. 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.*
 - k. Repair or pouring of concrete cellar floor in an existing cellar.
 - l. 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>.)*

APPENDIX D

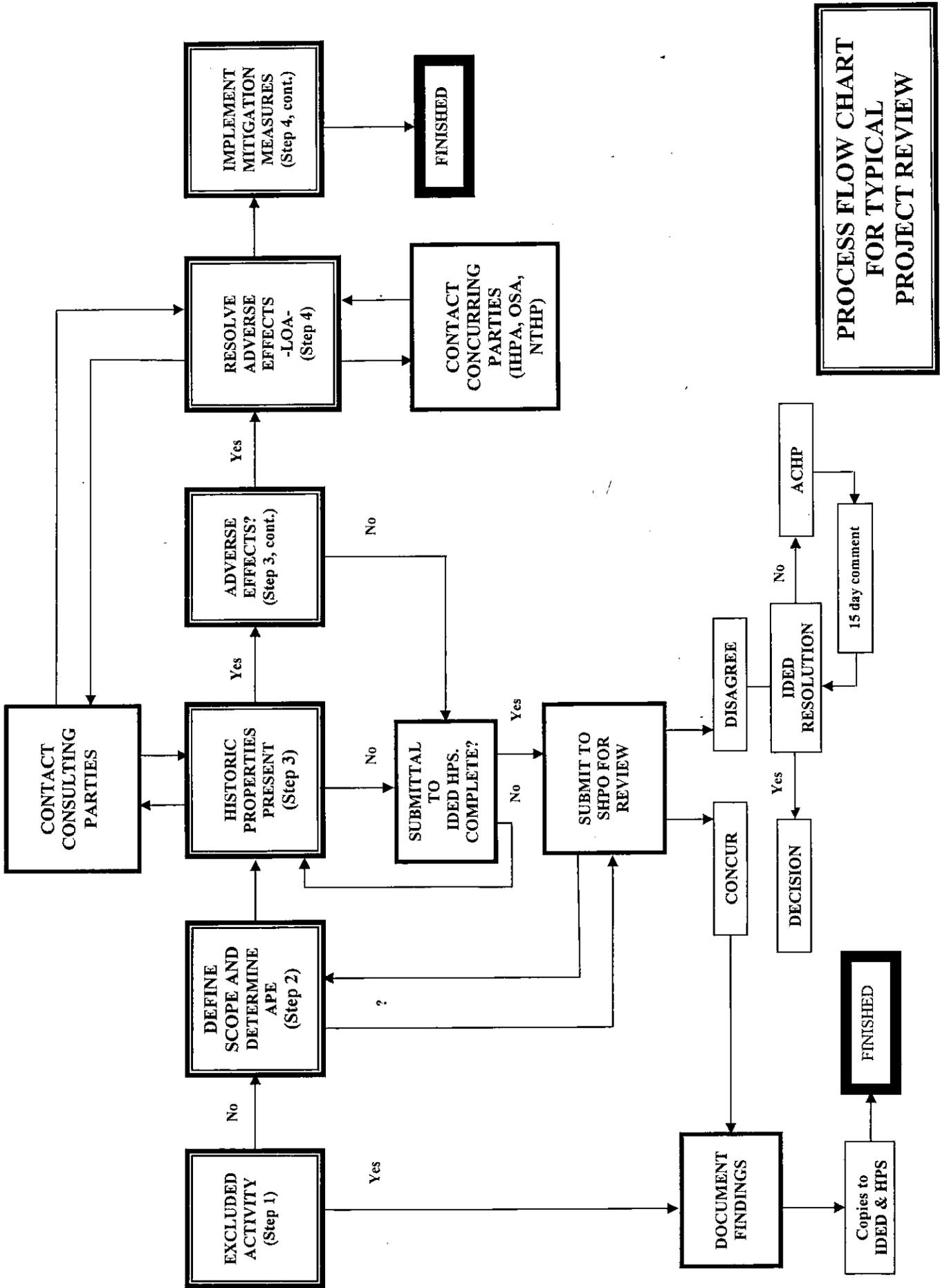
Exhibit A. FLOW AND DECISION-MAKING CHARTS.

Exhibit B. EXCLUDED FROM SHPO REVIEW, PROJECT DETERMINATION FORM

Exhibit C. REQUEST FOR SHPO COMMENT ON PROJECT FORM

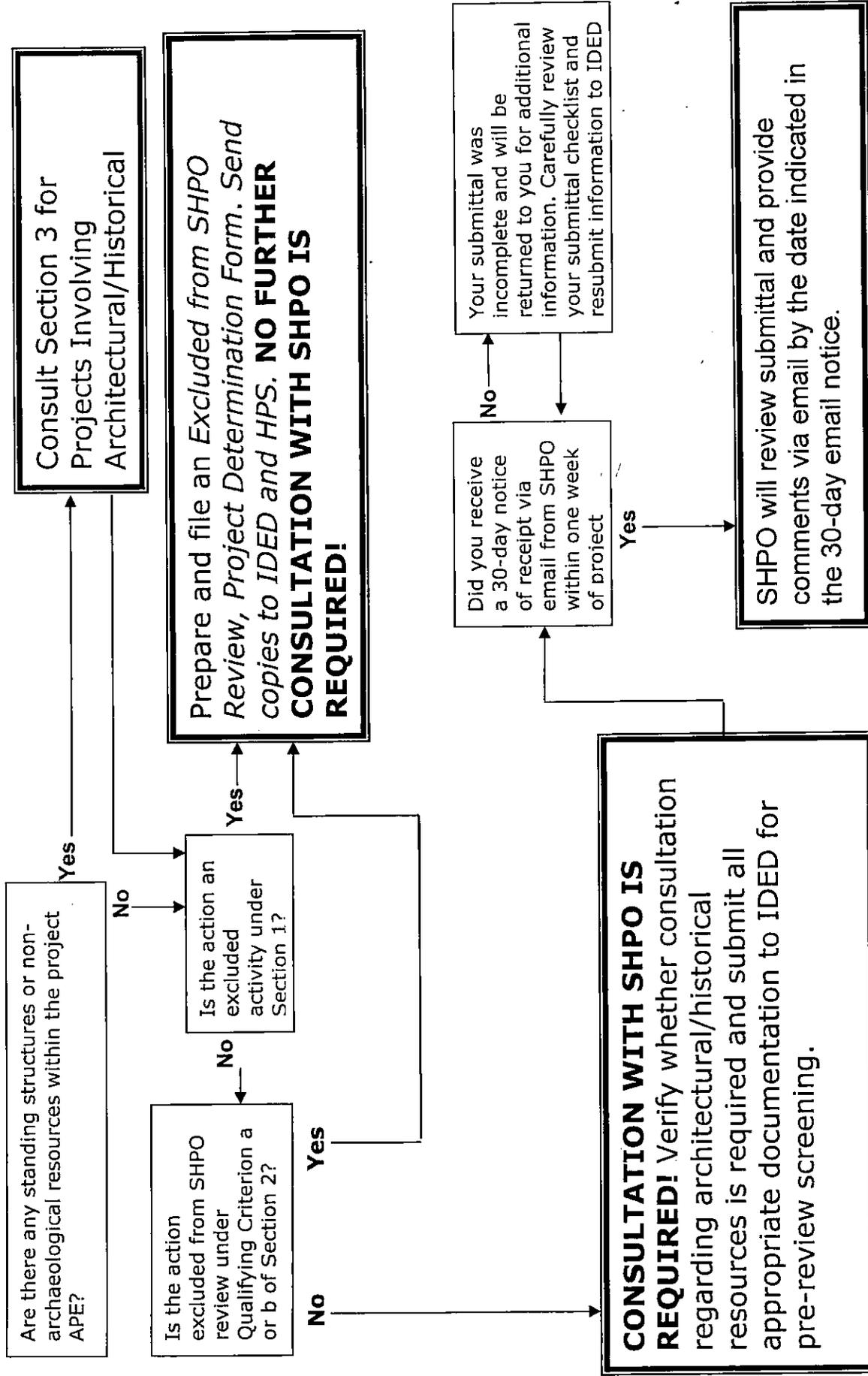
Exhibit D. IOWA SITE INVENTORY FORM

Exhibit E. EXAMPLE OF COMPLETED DOCUMENT SUBMITTAL

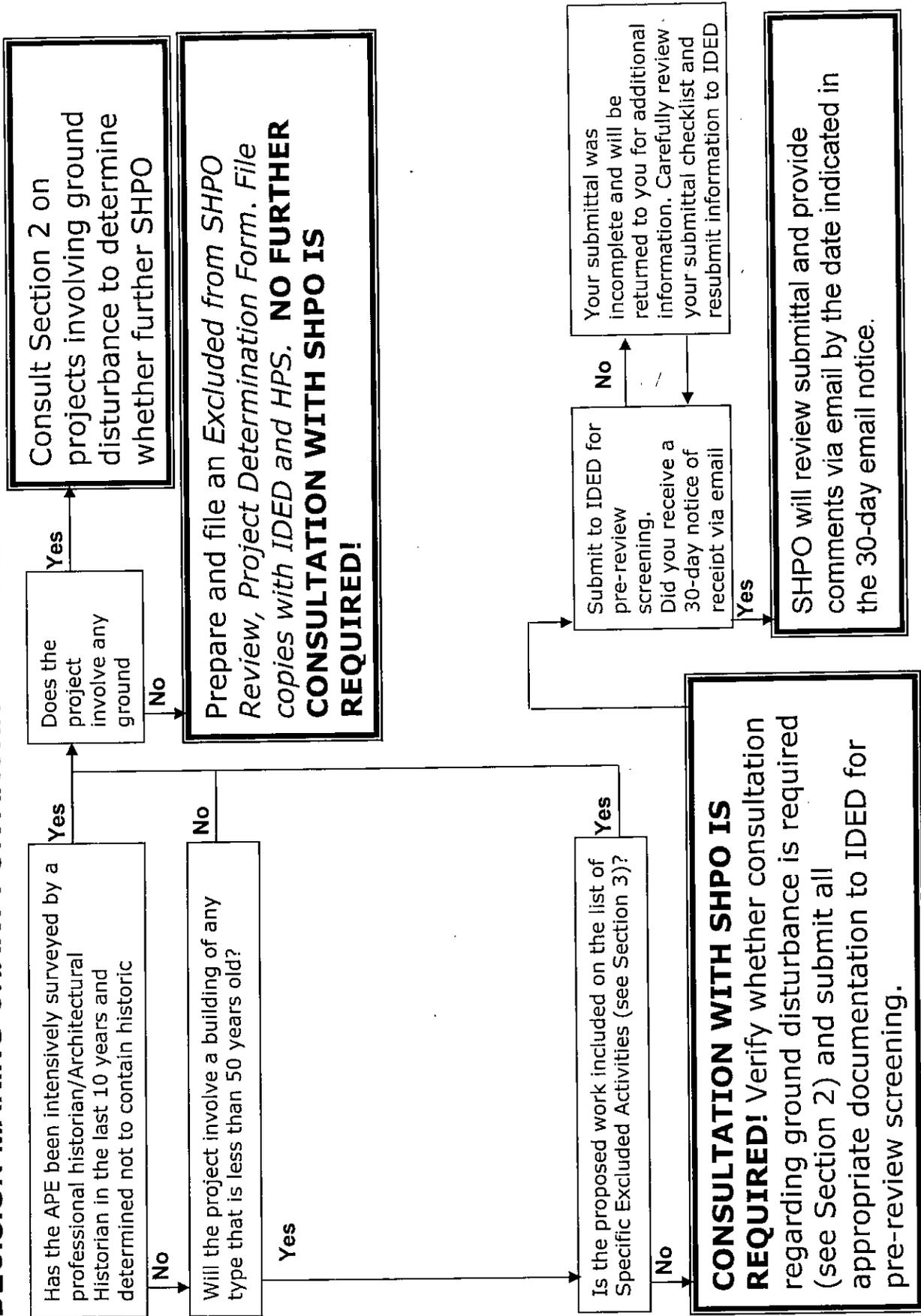


**PROCESS FLOW CHART
FOR TYPICAL
PROJECT REVIEW**

DECISION-MAKING CHART FOR ACTIVITIES INVOLVING EARTHMOVING



DECISION-MAKING CHART FOR ARCHITECTURAL / HISTORICAL RESOURCES



Excluded from SHPO Review, Project Determination Form

After referencing Part II. Categorically Excluded Activities of the Natural Disasters of 2008 Programmatic Agreement between Iowa Department of Economic Development and the Iowa State Historic Preservation Officer, 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 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 Part II. Categorically Excluded Activities of the Natural Disasters of 2008 Programmatic Agreement between Iowa Department of Economic Development and the Iowa State Historic Preservation Officer
- If the project activity is included fill out this form and include it in your environmental review record.
- Complete the rest of the Environmental Review

Recipient Name:
Recipient Address:

Contract Number:

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 Part II. Categorically Excluded Activities of the Natural Disasters of 2008 Programmatic Agreement between Iowa Department of Economic Development and the Iowa State Historic Preservation Officer.

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

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. 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: _____ 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 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

Site Inventory Form
State Historical Society of Iowa
 (November 1, 2004)

State Inventory No. _____ New Supplemental
 Part of a district with known boundaries (enter inventory no.) _____
 Relationship: Contributing Noncontributing
 Contributes to a potential district with yet unknown boundaries
 National Register Status:(any that apply) Listed De-listed NHL DOE
 9-Digit SHPO Review & Compliance (R&C) Number _____
 Non-Extant (enter year) _____

1. Name of Property

historic name _____
 other names/site number _____

2. Location

street & number _____
 city or town _____ vicinity, county _____
 Legal Description:(If Rural) Township Name _____ Township No. _____ Range No. _____ Section _____ Quarter of Quarter _____
 (If Urban) Subdivision _____ Block(s) _____ Lot(s) _____

3. State/Federal Agency Certification [Skip this Section]

4. National Park Service Certification [Skip this Section]

5. Classification

Category of Property (Check only one box)	Number of Resources within Property	
	If Non-Eligible Property	If Eligible Property, enter number of:
<input type="checkbox"/> building(s)	Enter number of:	Contributing Noncontributing
<input type="checkbox"/> district	— buildings	— buildings
<input type="checkbox"/> site	— sites	— sites
<input type="checkbox"/> structure	— structures	— structures
<input type="checkbox"/> object	— objects	— objects
	— Total	— Total

Name of related project report or multiple property study (Enter "N/A" if the property is not part of a multiple property examination).
 Title _____ Historical Architectural Data Base Number _____

6. Function or Use

Historic Functions (Enter categories from instructions)

Current Functions (Enter categories from instructions)

7. Description

Architectural Classification (Enter categories from instructions)

Materials (Enter categories from instructions)

 foundation _____
 walls _____
 roof _____
 other _____

Narrative Description (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

8. Statement of Significance

Applicable National Register Criteria (Mark "x" representing your opinion of eligibility after applying relevant National Register criteria)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> More Research Recommended	A	Property is associated with significant events.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> More Research Recommended	B	Property is associated with the lives of significant persons.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> More Research Recommended	C	Property has distinctive architectural characteristics.
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> More Research Recommended	D	Property yields significant information in archaeology or history.

County _____
City _____

Address _____

Site Number _____
District Number _____

Criteria Considerations

- A Owned by a religious institution or used for religious purposes.
- B Removed from its original location.
- C A birthplace or grave.
- D A cemetery

- E A reconstructed building, object, or structure.
- F A commemorative property.
- G Less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance (Enter categories from instructions)

Significant Dates

Construction date _____ check if circa or estimated date
Other dates, including renovation _____

Significant Person

(Complete if National Register Criterion B is marked above)

Architect/Builder

Architect _____

Builder _____

Narrative Statement of Significance (X SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

9. Major Bibliographical References

Bibliography See continuation sheet for citations of the books, articles, and other sources used in preparing this form

10. Geographic Data

UTM References (OPTIONAL)

Zone	Easting	Northing	Zone	Easting	Northing
1	_____	_____	2	_____	_____
3	_____	_____	4	_____	_____

See continuation sheet for additional UTM references or comments

11. Form Prepared By

name/title _____

organization _____

date _____

street & number _____

telephone _____

city or town _____

state _____

zip code _____

ADDITIONAL DOCUMENTATION (Submit the following items with the completed form)

FOR ALL PROPERTIES

- Map:** showing the property's location in a town/city or township.
- Site plan:** showing position of buildings and structures on the site in relation to public road(s).
- Photographs:** representative black and white photos. If the photos are taken as part of a survey for which the Society is to be curator of the negatives or color slides, a photo/catalog sheet needs to be included with the negatives/slides and the following needs to be provided below on this particular inventory site:

Roll/slide sheet # _____	Frame/slot # _____	Date Taken _____
Roll/slide sheet # _____	Frame/slot # _____	Date Taken _____
Roll/slide sheet # _____	Frame/slot # _____	Date Taken _____

- See continuation sheet or attached *photo & slide catalog sheet* for list of photo roll or slide entries.
- Photos/illustrations without negatives are also in this site inventory file.

FOR CERTAIN KINDS OF PROPERTIES, INCLUDE THE FOLLOWING AS WELL

- Farmstead & District:** (List of structures and buildings, known or estimated year built, and contributing or noncontributing status)
- Barn:**
 - A sketch of the frame/truss configuration in the form of drawing a typical middle bent of the barn.
 - A photograph of the loft showing the frame configuration along one side.
 - A sketch floor plan of the interior space arrangements along with the barn's exterior dimensions in feet.

State Historic Preservation Office (SHPO) Use Only Below This Line

Concur with above survey opinion on National Register eligibility: Yes No More Research Recommended
 This is a locally designated property or part of a locally designated district.

Comments: _____

Evaluated by (name/title): _____ Date: _____

Iowa Department of Cultural Affairs
State Historical Society of Iowa
Iowa Site Inventory Form

Site Number
Related District Number

Continuation Sheet

Page _____

Name of Property

County

Address

City

EXAMPLE SUBMITTAL - Architectural



Putting the "Fun" back in Government!

432 Eisenaugen Avenue, Suite 45, Zoar, Iowa 55555
p. 319.334.9000 f. 319.334.9001

March 18, 2005

State Historical Society of Iowa
State Historic Preservation Office
600 E Locust St
Des Moines. IA 50319

Re: Request for Comment on Smith House, 1230 Main Avenue, Clearly
CDBG Grant #04-HSG-001

To Whom It May Concern:

Enclosed is a Request for SHPO Comment on a Project Form and associated information for 1230 Main Avenue in Clearly, Iowa. This house on the property is to be rehabilitated using CDBG grant funds awarded to the City of Clearly, through the Iowa Department of Economic Development. This is the fifth of ten houses to be rehabilitated as part of this project.

The Area of Potential Effects (APE) for this undertaking is confined to the building parcel: Original Town, Block 10, Lot 10 (see attached map). The property includes the circa 1920 house with an attached garage (built circa 1950).

Rehabilitation of the house will include:

- replacement vinyl windows and steel doors,
- new vinyl siding,
- new composition shingle roofing,
- new interior flooring,
- mechanical improvements,
- new plumbing and electrical improvements.

Full project specifications are attached as part of this submittal. Although city sidewalks and the property's driveway will be replaced, these actions are included on the Exempt Activities list for ground disturbance within the PMOU. No other ground disturbance is planned as part of this undertaking.

A list of previously recorded properties within Clearly was obtained from SHPO Inventory Coordinator Berry Bennett on January 3, 2005. No Clearly properties are currently listed in or considered eligible for listing in the National Register of Historic Places. No previous site information is available for 1230 Main Avenue and none of the surrounding properties has been found eligible (please see attached database report).

Exhibit D.



Putting the "Fun" back in Government!

432 Eisenaugen Avenue, Suite 45, Zoar, Iowa 55555
p. 319.334.9000 f. 319.334.9001

An Iowa Site Inventory Form was completed, including photographs and locational maps (see attached). The Clear County assessor's card was photocopied (see attached). In addition, Clear County Historic Preservation Commission staff member, Ms. Linda Pillar, and Clearly Historical Society historian, Mr. Kristoffer Memoir, were invited to provide comment on this project on March 4, 2005. After visiting the property, neither feels the property has sufficient historical or architectural significance or integrity to make it eligible for individual listing on the National Register. They agree that the neighborhood does not appear to be a potential historic district.

Since the property does not appear to meet any of the National Register criteria, the area does not appear to be part of a historic district, no historic properties are within the APE, and the only ground disturbance planned is considered an Exempt Activity, it is concluded that **No Historic Properties will be Affected** by the undertaking.

We look forward to receiving your concurrence with this finding in the coming weeks. If you have any questions, please contact me at (319) 334-9080 or BevD@funcog.com.

Sincerely,

Bev Doright

Beverly Doright, Housing Administrator
FunCOG

enc.

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. 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: Mary Smith House
- b. Property Street & Number: 1230 Main Avenue
- c. County: Clear County City: Clearly Zip: 50000
- d. Lead Federal Agency: HUD Agency Project No: CDBG Grant 05-HSG-001
- e. Federal Funding Program/Permit: CDBG If HUD; check one: 24 CFR Part 50 or 24 CFR Part 58
- f. Contact Person on Project: Bev Dorigt, Housing Administrator, FunCOG
 Contact Address: 432 Eisenaugen Avenue, Suite 45 City: Zoar State: Iowa Zip: 55555
 e-mail: bevd@funcog.com Phone: (319) 334-9080

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: circa 1920 house, garage attached circa 1950
 - 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: Bev Dorigt Date: March 18, 2005
 Type name and title below → Beverly Dorigt, Housing Administrator

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
 version 03.01.05

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 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:

January 3, 2005

Sincerely,

Elizabeth Booster, Mayor

Liz. Booster

Agency Official (Chief Elected Official)

Beverly Dought, Housing Administrator

Bev Dought

[Name and title of] Signatory #1

Farfel Mittelschmerz, Community Development Specialist

F. MZ.

[Name and title of] Signatory #2

[Name and title of] Signatory #3

Prudence Heady, City Clerk

Prudence Heady

[Name and title of] Witness

Clearly

10-00077 - Clearly Depot

N 5th St

Consultant - 1982 Not Evaluated

10-00078 - House

N 5th St N. 5th St and 3rd Ave. N

SHPO - 1990 Not Eligible

10-00079 - First Church of Christ Scientist

10 N 6th St

SHPO - 1990 Not Eligible

10-00700 - Lincoln Elementary School

306 S 8th St

10-00080 - House

9th St S. of 100 9th St.

SHPO - 1990 Not Eligible

10-00081 - Hotel

223 Main Ave

SHPO - 1990 Not Eligible

10-00082 - House

1204 Main Ave

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00083 - House

1400 Main Ave Main and 14th Sts.

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00084 - House

1421 Main Ave W. of 1421 Main Ave

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00085 - House

1500 Main Ave

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00086 - House

1814 Main Ave

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00088 - The Oak House

N Shore Dr

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

10-00089 - House

200 N Shore Dr

Consultant - 1990 Not Eligible

SHPO - 1990 Not Eligible

Site Inventory Form

State Historical Society of Iowa
(March 2005))

State Inventory No. _____ New Supplemental
 Part of a district with known boundaries (enter inventory no.) _____
 Relationship: Contributing Noncontributing
 Contributes to a potential district with yet unknown boundaries
 National Register Status:(any that apply) Listed De-listed NHL DOE
 9-Digit SHPO Review & Compliance (R&C) Number _____
 Non-Extant (enter year) _____

1. Name of Property

historic name _____
 other names/site number Mary Smith House

2. Location

street & number 1230 Main Avenue
 city or town Clearly vicinity, county Clear County
 Legal Description: (If Rural) Township Name _____ Township No. _____ Range No. _____ Section _____ Quarter _____ of Quarter _____
 (If Urban) Subdivision Original Town Block(s) 10 Lot(s) 10

3. State/Federal Agency Certification [Skip this Section]

4. National Park Service Certification [Skip this Section]

5. Classification

Category of Property (Check only one box)	Number of Resources within Property		
	If Non-Eligible Property	If Eligible Property, enter number of:	
	Enter number of:	Contributing	Noncontributing
<input checked="" type="checkbox"/> building(s)	<u>2</u> buildings	—	— buildings
<input type="checkbox"/> district	— sites	—	— sites
<input type="checkbox"/> site	— structures	—	— structures
<input type="checkbox"/> structure	— objects	—	— objects
<input type="checkbox"/> object	<u>2</u> Total	—	— Total

Name of related project report or multiple property study (Enter "N/A" if the property is not part of a multiple property examination).
 Title _____ Historical Architectural Data Base Number _____

6. Function or Use

Historic Functions (Enter categories from instructions)	Current Functions (Enter categories from instructions)
<u>01A01 – single dwelling</u>	<u>01A01 – single dwelling</u>
_____	_____
_____	_____

7. Description

Architectural Classification (Enter categories from instructions)	Materials (Enter categories from instructions)
<u>09A09 – Cross-gable roof</u>	foundation <u>10A – concrete block</u>
<u>07E01 – Bungalow</u>	walls <u>03 – Brick, 08B – rolled asphalt</u>
_____	roof <u>08A – asphalt shingles</u>
_____	other _____

Narrative Description (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

8. Statement of Significance

Applicable National Register Criteria (Mark "x" representing your opinion of eligibility after applying relevant National Register criteria)

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More Research Recommended	A Property is associated with significant events.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More Research Recommended	B Property is associated with the lives of significant persons.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More Research Recommended	C Property has distinctive architectural characteristics.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> More Research Recommended	D Property yields significant information in archaeology or history.

Exhibit D

County Clear County
City Clearly, Iowa

Address 1230 Main Avenue

Site Number
District Number

Criteria Considerations

- A Owned by a religious institution or used for religious purposes.
- B Removed from its original location.
- C A birthplace or grave.
- D A cemetery.
- E A reconstructed building, object, or structure.
- F A commemorative property.
- G Less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance (Enter categories from instructions)

Significant Dates

Construction date
1920 check if circa or estimated date
Other dates, including renovation
circa 1950 attached garage

Significant Person

(Complete if National Register Criterion B is marked above)

Architect/Builder

Architect

Builder

Narrative Statement of Significance (SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED)

9. Major Bibliographical References

Bibliography See continuation sheet for citations of the books, articles, and other sources used in preparing this form

10. Geographic Data

UTM References (OPTIONAL)

Zone	Easting	Northing	Zone	Easting	Northing
1	_____	_____	2	_____	_____
3	_____	_____	4	_____	_____

See continuation sheet for additional UTM references or comments

11. Form Prepared By

name/title Bev Doright, Housing Administrator date March 4, 2005
organization FunCOG telephone 319-334-9080
street & number 432 Eisenaugen Avenue, Suite 45 state Iowa zip code 55555
city or town Zoar

ADDITIONAL DOCUMENTATION (Submit the following items with the completed form)

FOR ALL PROPERTIES

- Map:** showing the property's location in a town/city or township.
- Site plan:** showing position of buildings and structures on the site in relation to public road(s).
- Photographs:** representative black and white photos. If the photos are taken as part of a survey for which the Society is to be curator of the negatives or color slides, a photo/catalog sheet needs to be included with the negatives/slides and the following needs to be provided below on this particular inventory site:

Roll/slide sheet #	_____	Frame/slot #	_____	Date Taken	_____
Roll/slide sheet #	_____	Frame/slot #	_____	Date Taken	_____
Roll/slide sheet #	_____	Frame/slot #	_____	Date Taken	_____

- See continuation sheet or attached photo & slide catalog sheet for list of photo roll or slide entries.
- Photos/illustrations without negatives are also in this site inventory file.

FOR CERTAIN KINDS OF PROPERTIES, INCLUDE THE FOLLOWING AS WELL

- Farmstead & District:** (List of structures and buildings, known or estimated year built, and contributing or noncontributing status)
- Barn:**
 - A sketch of the frame/truss configuration in the form of drawing a typical middle bent of the barn.
 - A photograph of the loft showing the frame configuration along one side.
 - A sketch floor plan of the interior space arrangements along with the barn's exterior dimensions in feet.

State Historic Preservation Office (SHPO) Use Only Below This Line

Concur with above survey opinion on National Register eligibility: Yes No More Research Recommended
 This is a locally designated property or part of a locally designated district.

Comments: _____

Evaluated by (name/title): _____ Date: _____

Iowa Site Inventory Form Continuation Sheet

Page 3

Mary Smith House	Clear County
Name of Property	County
1230 Main Avenue	Clearly
Address	City

NARRATIVE DESCRIPTION

The house, built circa 1920, is a story-and-a-half frame building with brick cladding up to the top of the first floor. The upper half-story is currently clad with rolled asphalt with a brick pattern. However, the original wood cladding is intact underneath this modern alteration. The cross-gable roof has clipped gables on the front and back, and an open eave with exposed rafter tails. There is a partial-width front entry vestibule and a rear entry with a gabled overhang.

A small, one-car garage (built circa 1950) is tucked in under the eave on the north side of the house; it extends beyond the back wall plane. The garage is clad with a wood fiberboard or hardboard with a wide exposure.

Alterations

The house has been substantially altered since it was built. While the attached garage is over 50 years old, other alterations have seriously compromised the integrity of the building. All of the original windows have been replaced with vinyl sash and most of the window openings have been partially blocked in with brick. In addition, the roof has been replaced or covered with asphalt composition shingles and the upper-half-story clapboards are covered with rolled asphalt. The interior has also been modified and retains none of its original woodwork or flooring.

STATEMENT OF SIGNIFICANCE

The property does not appear to be eligible under any of the National Register criteria. While the house represents a typical early- to mid-twentieth century bungalow type, it has numerous alterations that have diminished its integrity, most notably the bricking in of window openings and replacement of window sash. No information was found on any of the previous homeowners that would indicate any was significant.

Further, the neighborhood is not likely a historic district. While there is a rather impressive house next door to the south, beyond that is a bridge. To the north and across the street from the subject property are mid to late-20th century commercial properties.

Therefore, the property is not eligible for listing on the National Register of Historic Places, either individually or as part of a historic district.

Exhibit D:

Iowa Department of Cultural Affairs
State Historical Society of Iowa

**Iowa Site Inventory Form
Continuation Sheet**

Site Number ____

Related District Number ____

Page 4

Mary Smith House	Clear County
Name of Property	County
1230 Main Avenue	Clearly
Address	City



Front of 1230 Main Avenue, facing northwest

~~Exhibit D.~~

Iowa Department of Cultural Affairs
State Historical Society of Iowa

Iowa Site Inventory Form Continuation Sheet

Site Number ____

Related District Number ____

Page 5

Mary Smith House
Name of Property
1230 Main Avenue
Address

Clear County
County
Clearly
City



Rear of 1230 Main Avenue, facing southeast

~~Exhibit D.~~

Iowa Department of Cultural Affairs
State Historical Society of Iowa

Iowa Site Inventory Form Continuation Sheet

Site Number ____

Related District Number ____

Page 6

Mary Smith House	Clear County
Name of Property	County
1230 Main Avenue	Clearly
Address	City



Streetscape view up Main Avenue, facing north-northwest

~~Exhibit D.~~

Iowa Department of Cultural Affairs
State Historical Society of Iowa

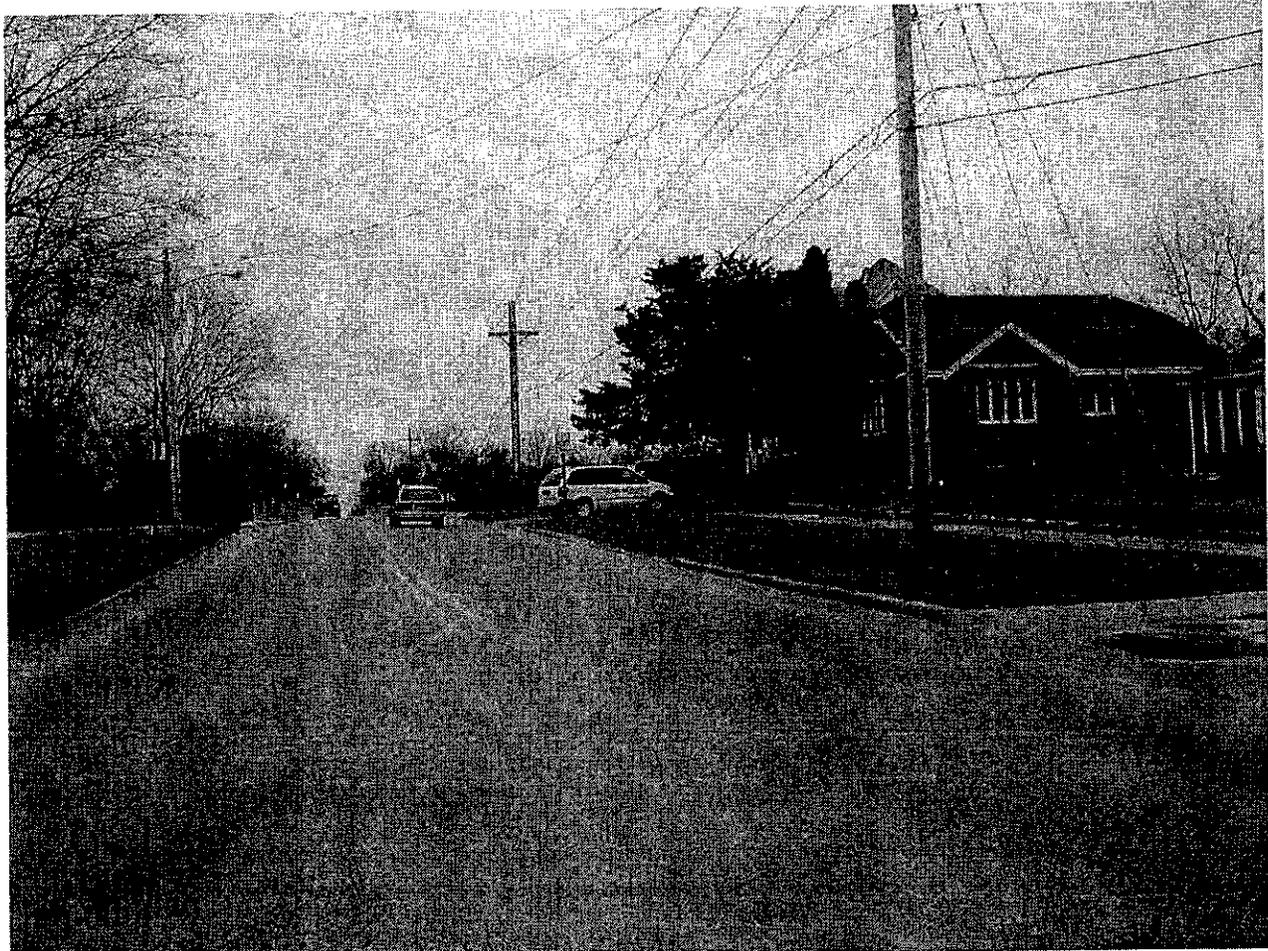
Iowa Site Inventory Form Continuation Sheet

Site Number ____

Related District Number ____

Page 7

Mary Smith House	Clear County
Name of Property	County
1230 Main Avenue	Clearly
Address	City



Streetscape view down Main Avenue, facing south-southwest.

Iowa Department of Cultural Affairs
State Historical Society of Iowa
Iowa Site Inventory Form
Continuation Sheet

Site Number ___
Related District Number ___

Page 8

Mary Smith House	Clear County
Name of Property	County
1230 Main Avenue	Clearly
Address	City

MAP OF CLEARLY, IOWA



Property Record Card (V) (Working Parcel) Clear County Assessor Tue, 03/04/2005 3:31 PM Page 1

PDF+PIN: 001+821819304019000 Deed: SMITH, MARY L. Map Area: MAQ SE Checks/Tags: HL, 07/26/1989
 Address: 1230 MAIN AVENUE Contract: Route: 000-000-000 Lister/Date: --, 05/20-1998
 City: CLEARLY Tax Dist: 82 CLEARLY CITY Review/Date: --, 05/20-1998
 URBAN/RESIDENTIAL DBA: Plat Page: 18-19F Entry Status: Inspected
 Legal: ORIGINAL TOWN LOT 10 BLK 10

Land										
Land Basis	Front	Rear	Side 1	Side 2	R. Lot	SF	Acres	Depth Factor	EFF	Qual./Land
FF Main	64.00	64.00	120.00	120.00	0.00			1.00	64.00	R-180
Sub total						7,680.00	0.176			
Grand total						7,680.00	0.176			

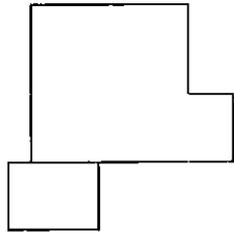
Sales									
Building Permits									
	Date	Number	\$ Amount	Reason	Type	Appraised	B or R	ST. Equalized	Prior YR: 2004
					Land	\$11,500	\$0	\$0	\$11,500
					Dwlg	\$27,000	\$0	\$0	\$27,500
					Impr		\$0	\$0	\$0
					Total	\$39,000	\$0	\$0	\$39,000

Res. Structure									
Plumbing									
Occ. Code	Ttl Rooms Above #	6 Bedrooms Above #	2 Full Bath	1 Addition	Garage	1 of 1			
101	Single-Family / Owner Occupied	0	0	1	Year Built	Att. Frame			
Year Built	1920				W x L	14' x 24'			
EFA / EFYr.	80 / 1920				Area (SF)	336			
Arch. Dsgn.	N/A				Year Built	1950			
Style	1 1/2 Story Frame				EFA	50			
Area (SF)	806				EFA Year	1950			
Condition	Below Normal				Condition	Poor			
Basement	Full				Bsmt (SF)	None			
No Bsmt Fir	0				Qtrs Over	None			
Heat	Yes				Qtrs Over (SF)				
AC	No				Qtrs AC (SF)				
					See other pages.				
					Door Opnrs				
					Bsmt Stalls				

Exhibit D-

Attic	None	Jennair	BI Stereo (Spkrs Only)	Fbgl's Service Sink		
PDF+PIN: 001+821819304019000						
Prior Year	Comment	Parcel Type	Value Type	Land Value	Dwelling Value	Total Value
2004		Working	Appraised	\$11,500	\$27,500	\$39,000
					Improvement Value	Ni&F Value
					\$0	\$0

Tue, 03/04/2005, 3:31 PM Page 2



EXAMPLE SUBMITTAL - Archaeology



Putting the "Fun" back in Government!

Farfel Mittelschmerz, Community Development Specialist

October 19, 2004

Mr. John Gault, Archaeologist
Iowa State Historic Preservation Office
600 East Locust Street
Des Moines, Iowa 50319-02090

Dear Mr. Gault,

On behalf of the City of Zoar and the Zoar Wastewater Consortium, FUNCOG is submitting this letter and the attached documents regarding the Zoar Consolidated Wastewater Project (Project) for your review. The Project will receive federal funding through the Community Development Block Grant Program (CDBG) and the State Revolving Loan Fund Program (SRF) thereby invoking compliance with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Mayor Marvin Tripphammer, the HUD Recipient and Responsible Entity for the purpose of Section 106 compliance, has agreed to assume the role of Lead Agency Official (36 CFR 800.2(a)(2)).

Project Purpose and Need

In 2003, the City of Zoar Iowa received a substantial grant through the Iowa Economic Initiative Program (IEIP) enabling it to stimulate the local economy by bringing perspective business ventures into the community. Earlier this year, the City finalized its negotiations with *Chef Antoine's Southern Fried Ghd's* to move its headquarters and primary manufacturing facility from Tierra Del Fuego to Zoar. The commencement of production in August brought 2,000 new jobs to the community.

Its recently acquired title of *GLIB CAPITAL OF THE WORLD* has resulted in an unforeseen windfall for Zoar and for Iowa. The relocation of *Chef Antoine's* also necessitated the relocation of the Glib Research and Development Center, which is now housed at the new Antoine Gestaldi Research Laboratory at Georg Von Podobrad College. International students and scientists alike are emigrating to Zoar and the surrounding area to pursue their research. As a result, the population of Zoar has increased from 1,500 to 15,000 in the last six months.

This unexpected population increase has placed a tremendous strain on Zoar's existing wastewater processing and treatment facility, which is currently operating at maximum capacity. Failures occur daily and the City has resorted to pumping excess waste into railway tankers for later processing. The City is now under an Administrative Order directing it to implement measures to update its obsolete facility and increase its capacity (Letter from Lee Gabriel to Mayor Tripphammer, October 1, 2004).

Project Location and Scope, and Definition of Project Area of Potential Effects (APE)

The City has retained a local engineering firm (ACME Engineering, Inc.) to design a new wastewater treatment system that will be located 2 miles south of town in Sections 18 and 19, T83N-R11W. The new system will consist of four principal components: a Lift Station, 36" inch force main, waste treatment facility, and lagoons with 12" inch outfall occupying a total of 83 acres.

FUNCOG
432 Eisenaugen Ave Suite 45
Zoar, IA 55555
Email: farfel@irdcyc.com
Phone: (319)334-9087
FAX: (319)335-9087

FIGURE 1A. COVER LETTER (PAGE 1)



Putting the "Fun" back in Government!
Farfel Mittelschmerz, Community Development Specialist

1. *Lift Station.* The new Lift Station will be located on a 2 acre parcel on the north side of 88th Avenue in the SE 1/4, of SE 1/4, of SW 1/4, of SW 1/4 of Section 18, T83N-R11W. The station will accept waste from two existing feeder lines that lie within the public road right-of-way on the north side of 88th Avenue. A 100 foot by 100 foot one story structure will house a 40 x 40 x 10 (deep) foot transfer pit. Building footings will extend to a depth of 6 feet. The Lift Station will be powered by an electric service drop from a nearby utility pole located on the south side of 88th Avenue.
2. *Force Main.* The 36" force main will connect to the lift station on its south side. The line will be directional bored under 88th Avenue to avoid disrupting local traffic. Sending and receiving pits will be necessary on 20 ft x 20 ft sending and receiving pits will be required on both sides of 88th Street to accomplish the road crossing. However most of this excavation will be confined to the road ditches, which are unusually wide and deep. The force main will be installed on the west side of 79th Street along a 50 foot wide, private easement in the NW and SW 1/4s, of NW 1/4 of Section 19, T83N-R11W. The utility trench will be 50 feet in width at the top and 6 feet in width at the bottom. It will be 8 feet in depth at its exit from the Lift Station to and grade to a maximum of 15 feet in depth at its connection with the Grinder Station. The total length of the force main corridor is 2,640 linear feet with a total area of 3.1 acres.
3. *Waste Treatment Facility.* The new treatment facility will occupy a 38-acre parcel in the NE 1/4 of SW 1/4 of Section 19, T83N-R11W. It will consist of a 150-foot x 100-foot raw sewage Grinding Station building; a 150-foot x 100-foot Chemical Treatment Building, two 250,000 gallon Holding Tanks, delivery and transfer piping, and other appurtenances. Soil correction will be required across the entire site to a depth of 4 feet. Borrow for the construction of lagoon berms will be taken from a 25-acre area located in the southwest corner of the Treatment Facility grounds.
4. *Lagoons and outfall.* Two 1 Million Gallon aerated lagoons will be construct in the SE 1/4 of SW 1/4 of Section 19 and will occupy an area of 38 acres. Borrow for the construction of the berms will be taken from a 25-acre area located in the southwest corner of the Treatment Facility grounds. Excavation will extend to a total depth of 2 feet below the surface. Treated water will be discharged into Brown Trout Creek through a 12" line. Excavation for the outfall pipe will occur along a private easement 1,320 feet long by 50 feet wide. The trench will be 10 feet wide at the top, 4 feet wide at the bottom, and 6 feet deep at its east-end grading to a maximum depth of 8 feet at its west-end.

Historic Property Identification

Archaeology:

An archaeological site file search was conducted by the Office of the State Archaeologist to determine whether any previously reported sites or survey areas exist within the project APE. Four prehistoric sites (13CD34-13CD37) are located within the area of potential effects. All are described as prehistoric artifact scatters, one, 13CD34, possesses an historic component associated with a razed farmstead dating from 1880s - 1920s. Their significance has not been determined and none have been evaluated for their eligibility to the National Register of Historic Places.

The City of Zoar entered into a contractual agreement with the Department of Antiquities and Fine Arts at Georg Von Podobrad College to conduct a Phase I archaeological survey of the project APE. A copy of GVP's final report is enclosed for your review. Dr. Danforth Haversham, Principal Investigator, found that all three sites had been profoundly disturbed by past road building activities and aggregate mining associated with

FUNCOG

432 Eisenaugen Ave Suite 45

Zoar, IA 55555

Email : farfel@3rdex.com

Phone: (319)334-9087

FAX: (319)335-9087

FIGURE 1B. COVER LETTER PAGE 2



Putting the "Fun" back in Government!
Parfel Mittelschmerz, Community Development Specialist

United Arms Production Plant in Zoar. Dr. Haversham concluded that none of these sites were eligible for listing in the National Register of Historic Places, owing to their compromised integrity and limited research potential.

Architecture

There are five standing structures situated within the area of potential effects and all will be demolished as part of this undertaking. Two are ranch homes constructed in the mid-1960s, two are garages built at the same time, and one is pole barn constructed in the 1970s. There are also a number of grain storage bins that will be removed prior to construction. None meet the basic 50-year age criteria for National Register consideration.

One structure meeting the 50-year age criteria is situated immediately adjacent to the project boundaries on the north side of 79th Street. Upon the advice of Dr. Haversham, the City retained Mr. I.M. Wright, Architectural Historian at the Department of Architectural, George Von Podébrad College to evaluate the architectural and historical significance of this structure. Mr. Wright concluded that the Helmut Schmitzer School house (now named Hunter School), while eligible for listing in the National Register under criterion C, will not be adversely affected by the construction or visual presence of the proposed facility. Mr. Wright's letter report is included for your consideration along with the completed Iowa Site Inventory forms.

Based upon the results of GVC's archaeological and architectural surveys, the Responsible Entity has concluded that this undertaking will result in no adverse effects to historic properties (see Section III, Request For SHPO Comment). On behalf of the City, FUNCOG requests that the SHPO review of this determination and the supporting documentation and provide its response within 30-days of its receipt of this submittal.

Thank you for your consideration in this matter and do not hesitate to contact me at (319) 334-9087 if you have any questions or require additional information.

Sincerely,

Parfel Mittelschmerz, Community Development Specialist
FUNCOG

Cc: Mayor Marvin Tripphammer
Rube Goldberg, P.E., ACME Engineering
Lee Gabriel, Review Engineer, Wastewater Section, IDNR
Newton Armbruster, Manager - CDBG Program, IDED

FUNCOG
432 Eisenaugen Ave Suite 45
Zoar, IA 55555
Email: parfel@3ideve.com
Phone: (319)334-9087
FAX: (319)335-9087

FIGURE 1B. COVER LETTER (PAGE 3)

PLEASE NOTE: The Request for SHPO Comment on a HUD Project form has been revised slightly since this example was made.

REQUEST FOR SHPO COMMENT ON A HUD PROJECT

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

Instructions for completing this form are available on-line at www.iowahistory.org/preservation under "Review and Compliance". If you have questions while completing the form, please reference the on-line instructions and FAQ's first.

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.

I. GENERAL INFORMATION

- a. Project name and/or Property Owner: Zoar Consolidated Wastewater Project
b. Property Street & Number: 666 79th Street
c. County: Cedar City: Zoar Zip: 55556
d. Federal Agency: HUD/EPA Agency Project No: 05-WS-0001 / SRF-05-0001
e. Federal Funding Program/Permit: CDBG / SRF If HUD; check one: [] 24 CFR Part 50 or [X] 24 CFR Part 58
f. [] Entitlement City [X] Non-Entitlement Community
g. Contact Person on Project: Farfel Mittelschmerz, Community Development Specialist
Contact Address: FUNCOG, 432 Eisenhagen Avenue, Suite 45 City: Zoar State: IA Zip: 55555
e-mail: farfel@3rdave.com Phone: (319) 334-9087

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.

- Checked box: Archaeology
- 7.5 min Quad U.S.G.S. (1-mile radius) with quad name and APE outlined
- 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 project area
- OSA site file search, Phase IA, or Phase I
- Number of acres in project: 83
- Legal location: Section(s) 18 & 19 Township(s) 83N Range(s) 11W
Unchecked box: Architecture
- Date of original construction for the building
- Previous site information available
- Updated or new Iowa site inventory form
- Clear photos of property and surrounding area
- Location map (no bigger than 11x17) with APE clearly defined
- Copy of county or city assessor's card record
- 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)

- Unchecked box: No historic properties will be affected
Checked box: No Adverse Effect to a historic property
Unchecked box: Adverse Effect to a historic property

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: [Signature] Date: 10/19/04
Type name and title below -> The Honorable, Marvin Tripphammer, Mayor

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

FIGURE 2. REQUEST FOR SHPO COMMENT ON PROJECT FORM

Exhibit D.

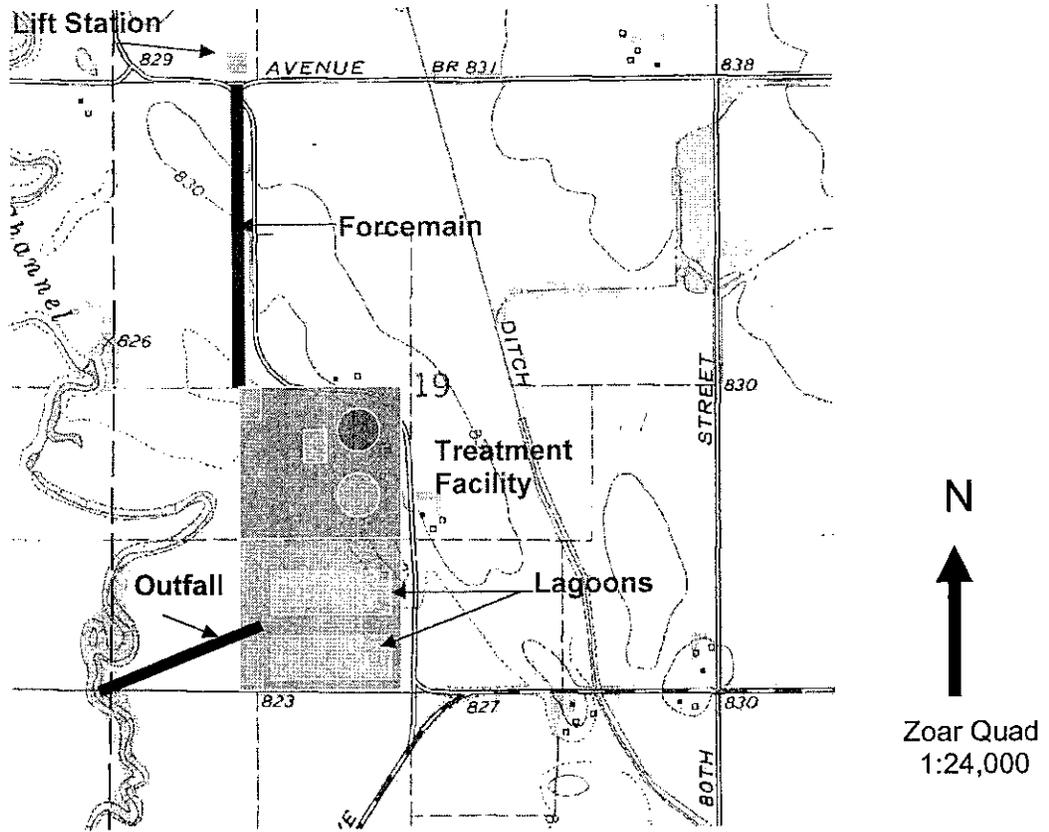


FIGURE 3. 7.5 MIN U.S.G.S. QUAD MAP WITH APE DELINIATED.

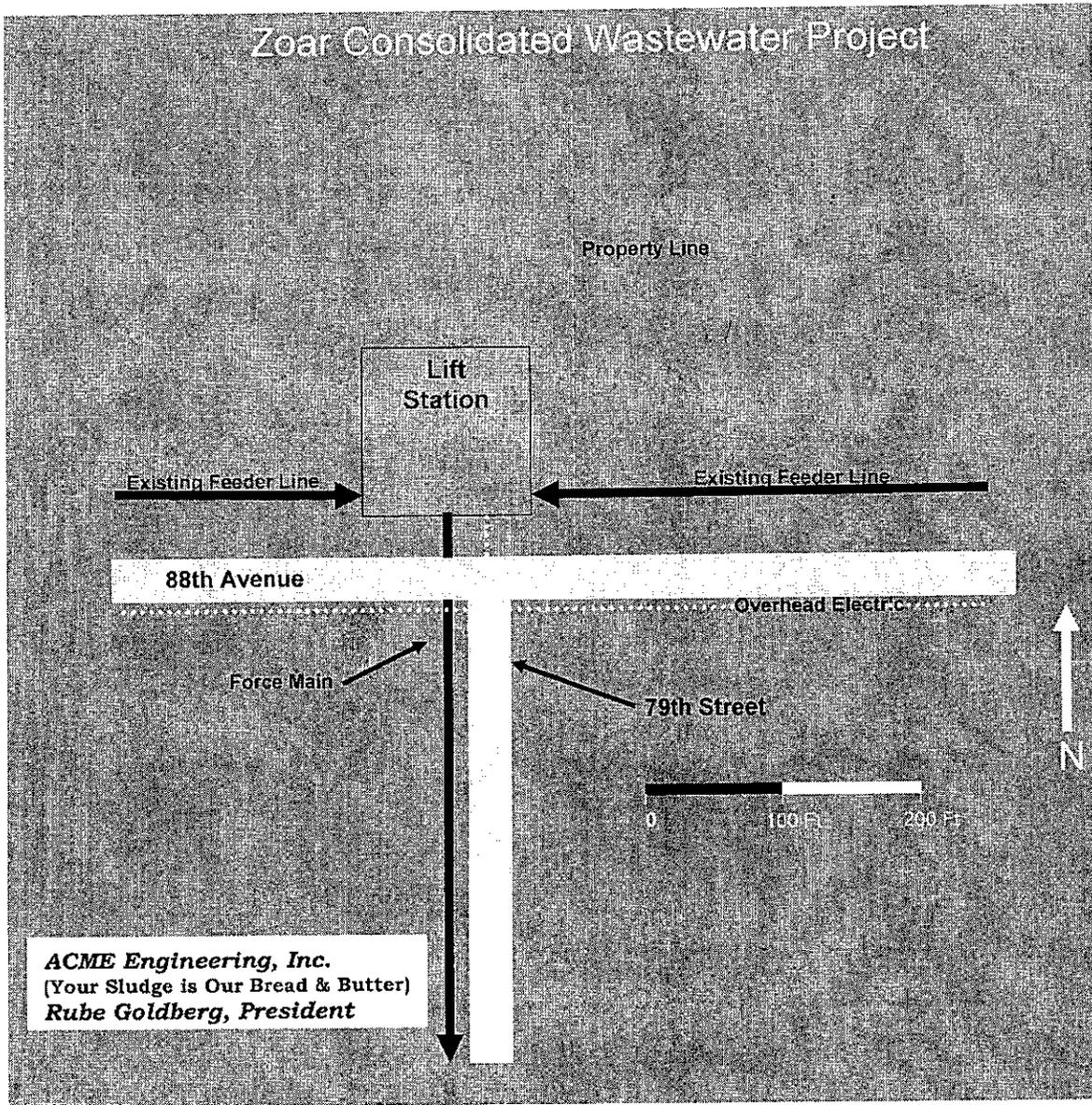


FIGURE 4A. SITE PLAN

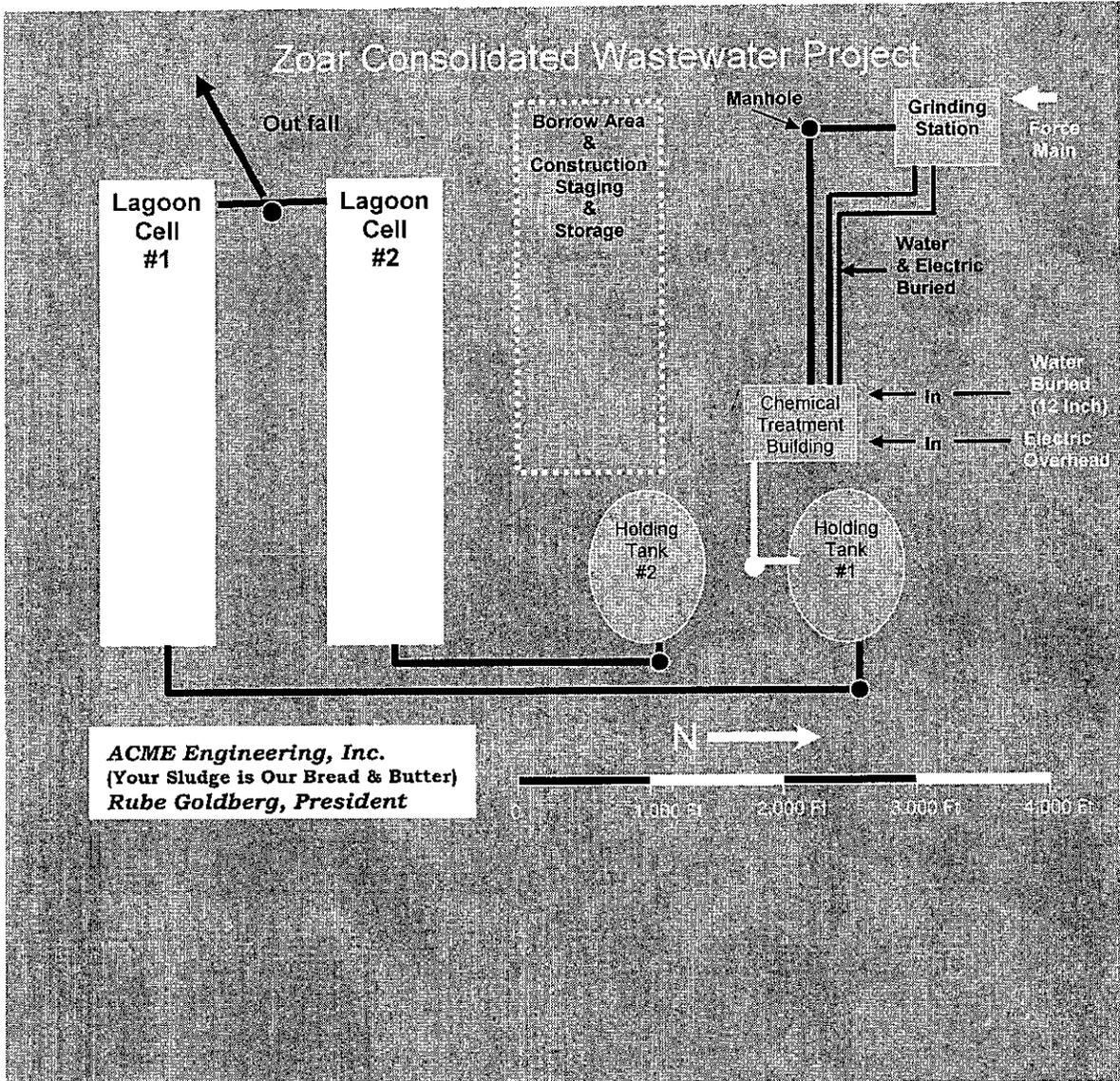


FIGURE 4B. SITE PLAN

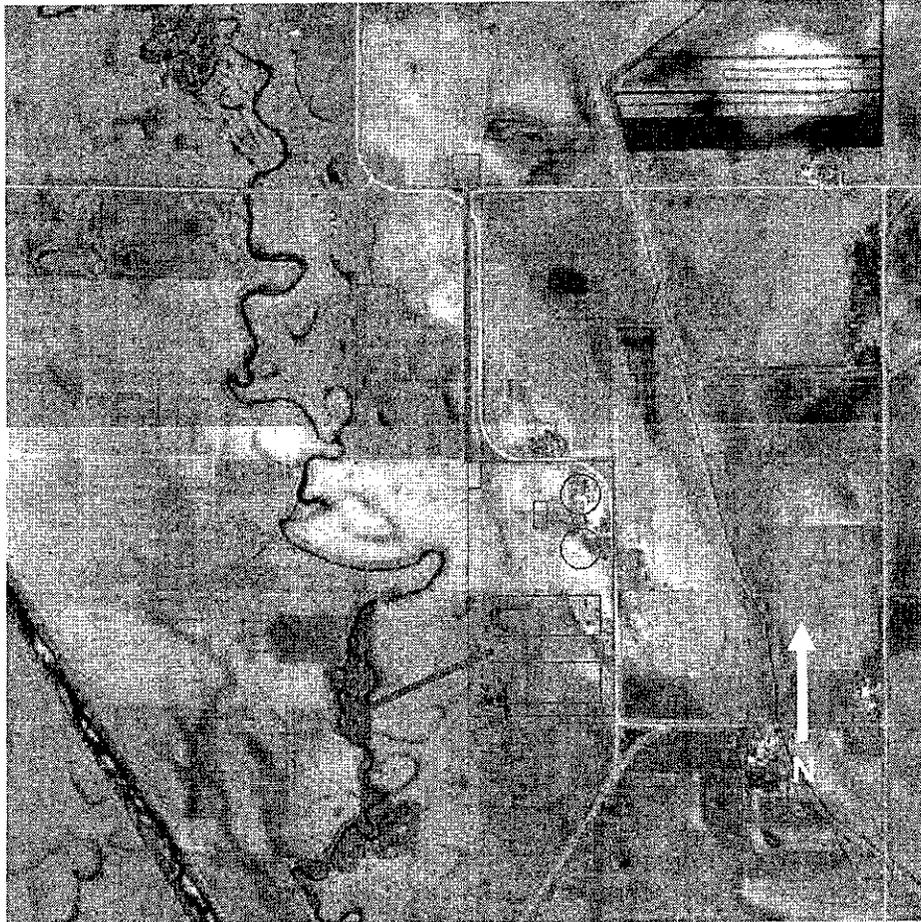


FIGURE 5. AERIAL PHOTOGRAPH OF APE

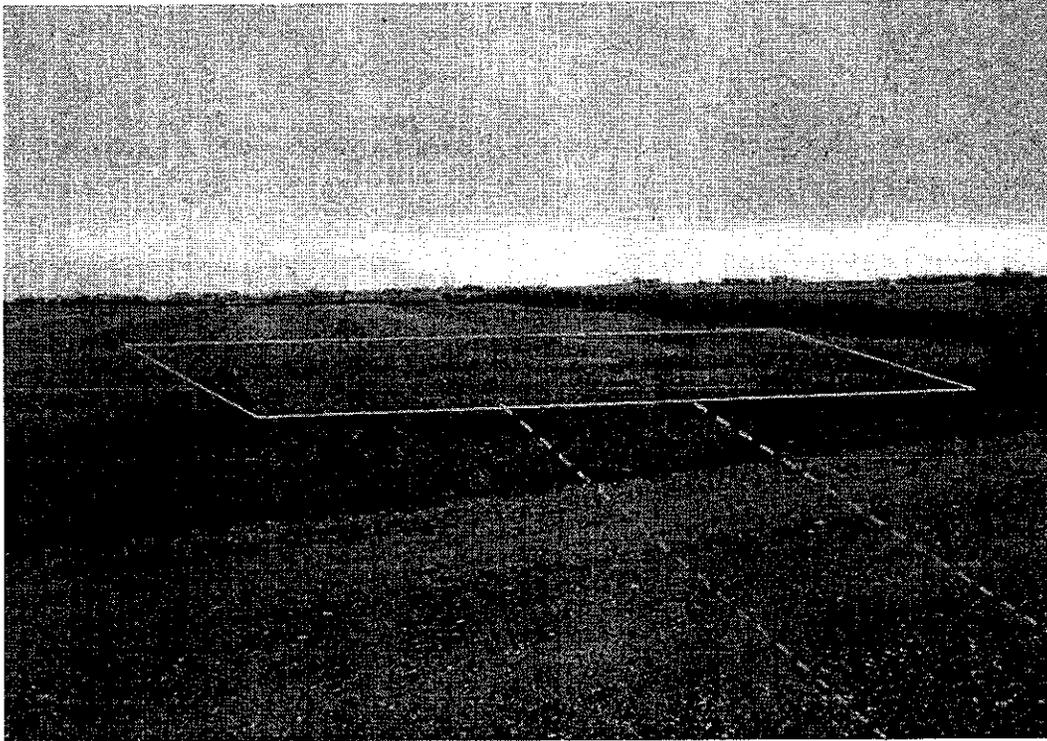


PHOTO #1: LIFT STATION SITE
LOOKING NORTH FROM 88TH AVE

FIGURE 6. PHOTOGRAPH OF APE

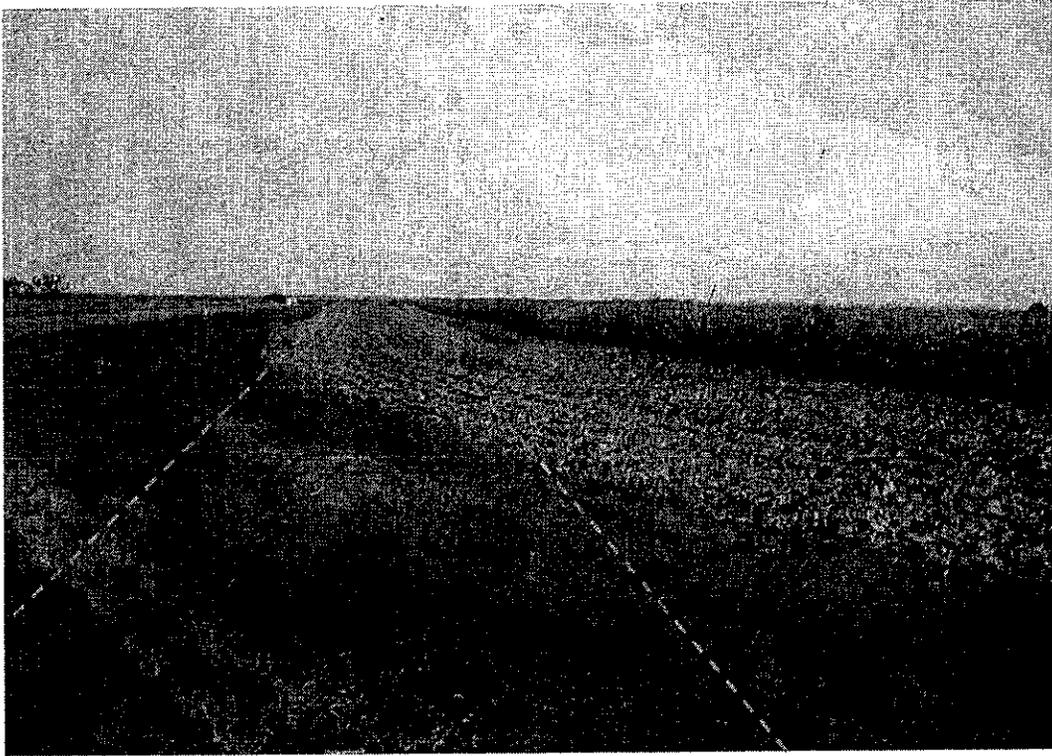


PHOTO #2: FORCE MAIN CORRIDOR
LOOKING SOUTH FROM 88TH AVE

FIGURE 7. PHOTOGRAPH OF APE

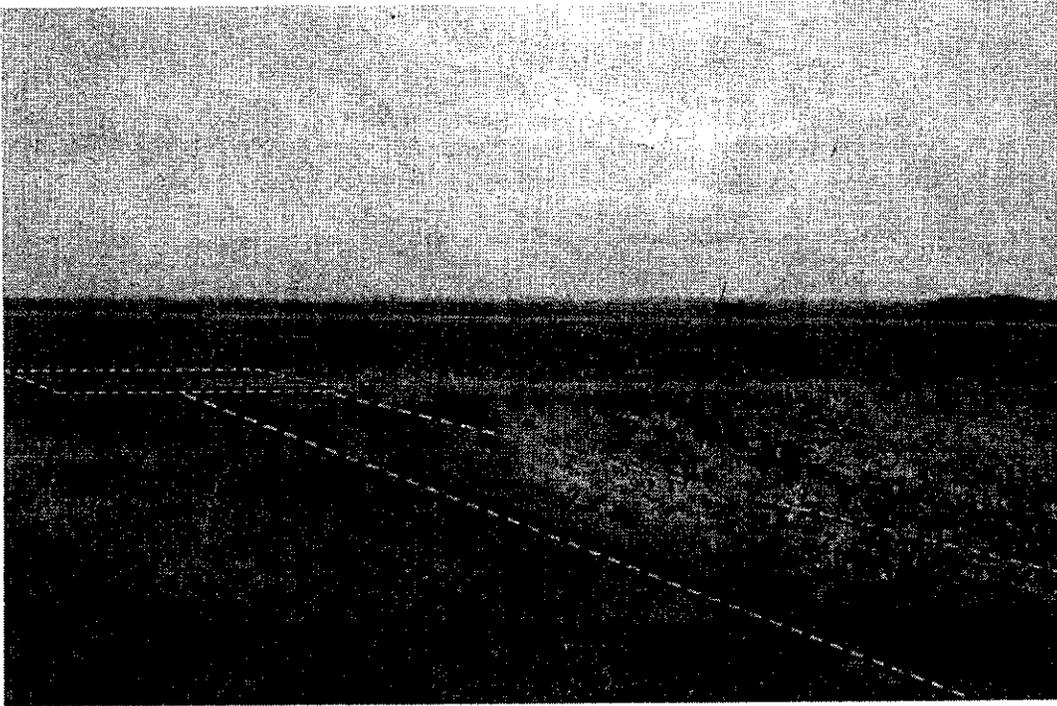


PHOTO #3: FORCE MAIN CORRIDOR AND GRINDER STATION
LOOKING SOUTH FROM 79TH STREET

FIGURE 8. PHOTOGRAPH OF APE

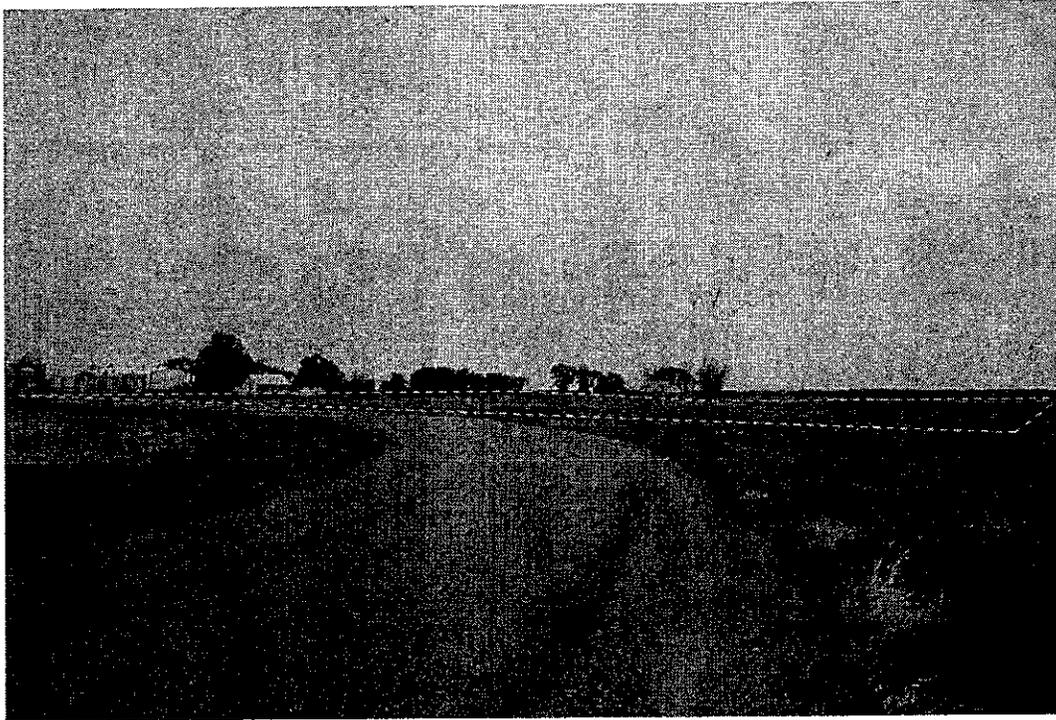


PHOTO #4: WASTEWATER TREATMENT PLANT SITE
LOOKING SOUTHEAST FROM 79TH STREET

FIGURE 9. PHOTOGRAPH OF APE



PHOTO #6: LAGOON SITE
LOOKING WEST FROM 79TH STREET

FIGURE 10. PHOTOGRAPH OF APE



OFFICE OF THE STATE ARCHAEOLOGIST

700 Clinton Street Building
Iowa City, Iowa 52242
319-384-0732 Fax 319-384-0768
osa@iowa.edu
www.uiowa.edu/osa

Friday, October 22, 2004

Farfel Mittelschuerz
FUNCOG
423 Eisenaugen Ave. Suite 45
Zoar, IA 55555

Ref: CD Cedar

Iowa Site File Search No. 2004XXX

Dear Farfel :

I have conducted a search of the Iowa Site File for archaeological sites recorded within one mile of the project areas described in your request for search on 10/18/2004. This area is within T83N-R11W Sections 18, 19.

Our records indicate that four archaeological sites have been reported to the OSA within or very near the project locations. No other sites have been recorded within one mile of the project area. Other archaeological sites may be present at or near the project location but have not been discovered or reported to the OSA.

A summary of information is included with this letter along with a map of site locations and previously surveyed areas.

If you have not already done so, you may wish to consult with the State Historic Preservation Office (SHPO) to determine whether an archaeological survey may be needed. In the event that previously unidentified archaeological resources are discovered during ground disturbing activities on projects complying with Section 106 of the National Historic Preservation Act or other applicable federal and state laws, construction work should cease in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. The responsible federal or state agency and State Historic Preservation Office should be immediately notified and consulted about the discovery.

If during the course of construction or earthmoving signs of a human burial are encountered, those activities should be stopped at once and the Office of the State Archaeologist should be contacted immediately. Human burials may potentially include bone, ashes, or subterranean structures with or without overlying mound structures. All human burials in the state of Iowa are legally protected under Chapters 263B, 566, and 716 of the Iowa Code.

Should you need more information about a particular site, you may write to me including the appropriate site number in your request. Since every county has a different series of site numbers, be sure to include the full trinomial site designation in you request. This designation takes the form of 13.XY### where XY is the county abbreviation and ### is the order in which site reports are received for a given county.

The information in this letter is intended to assist you in fulfilling any local, state, or federal laws and regulations related to archaeological sites concerning historic preservation such as Section 106 of the National Historic Preservation Act and to assist avoidance of any burial sites potentially located within the subject area. Prior to any federal undertaking, all archaeological sites should be evaluated for their National Register eligibility. Federal undertakings include but are not limited to projects receiving any federal financial support, technical assistance, licenses, or permits received by private landowners or permits received by private landowners or federal, state, or local governments. The State Historical Preservation Officer (SHPO) would need to be contacted for details about the final determination of significance for any site to be affected by a federal undertaking. This letter is not meant to confirm or deny that any applicable requirements have been met.

Sincerely,

Colleen Eck
Site Records Manager
enclosure

FIGURE 11. RESULTS OF OSA SITE FILE SEARCH (LETTER)

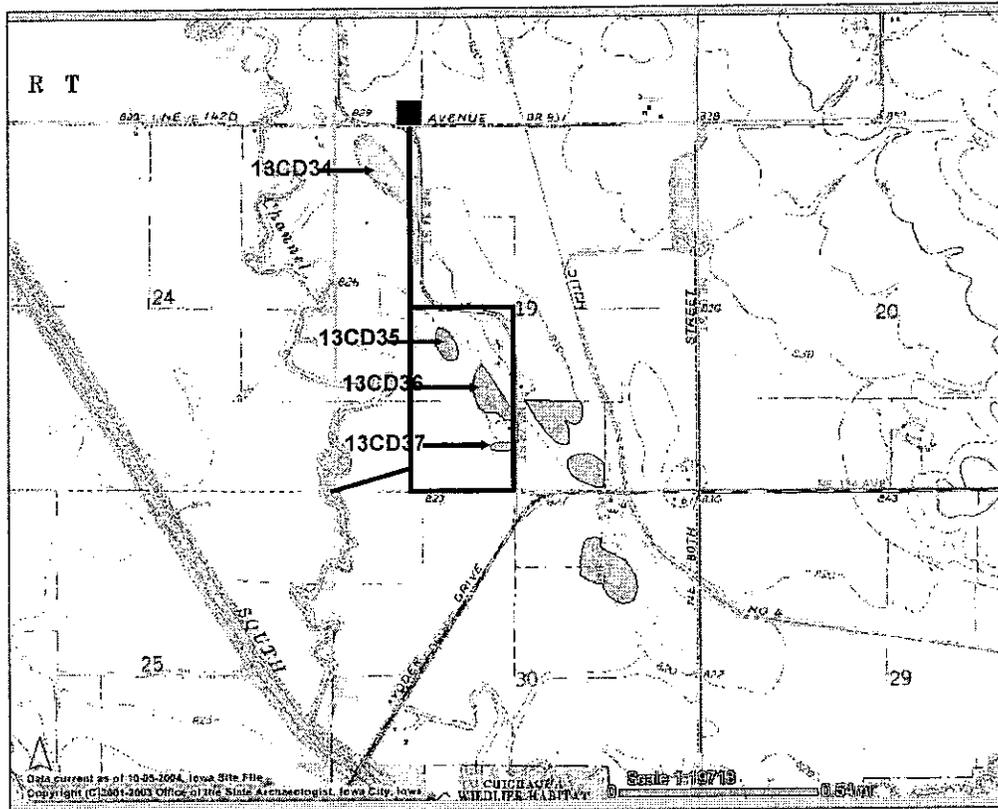


FIGURE 12. RESULTS OF OSA SITE FILE SEARCH (MAP)

*Phase I Archaeological Survey
Of
The Zoar Consolidated Wastewater Project Site
(Sections 18 & 19, T83N-R11W)*

OCT 21 2004

"PLOTTED"



Prepared for
The City of Zoar,
Zoar Wastewater Consortium
&
ACME Engineering, Inc.

By
Adele Cavalier
&
Dr. Danforth Haversham
(Principal Investigator)

Dept. Of Antiquities and Fine Arts
Georg Von Pödebrad College
Old Main
Lovely Banks of the Cedar Ave.
Zoar, Iowa 55555

Project #: CDBG 05-WS-0001 /
SRF-05-0001

October 16, 2004

FIGURE 13. PHASE I ARCHAEOLOGICAL SURVEY REPORT

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

CDBG Recipient: ___ City of Zoar CDBG Contract Number: ___ 05-WS-0001

SRF Recipient: ___ City of Zoar SRF Loan Number: ___ SRF-05-0001

Type of Project: ___ Wastewater Treatment Location of Project: ___ Zoar, Iowa

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 State Revolving Loan Fund Program, 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:

Lee Gabriel Sept 27, 2004
IDNR Representative and Title (Lee Gabriel, P.E.) Date

Marvin Tripphammer 9-28-04
CDBG Recipient Chief Elected Official and Title (Marvin Tripphammer, Mayor) Date

Newton Ambrewster 9/27/04
IDED CDBG Program Manager (Newton Ambrewster) Date

F. M. Z. Sept 27/04
CDBG Grant Administrator (Farfel Mirelschmerz, FUNCOG) Date

The signed form must be included as an attachment to the Lead Federal Agency's project documentation submittal to the Iowa State Historic Preservation Officer (SHPO).

FIGURE 14. LEAD FEDERAL AGENCY DESIGNATION FORM