

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE IOWA DEPARTMENT OF TRANSPORTATION,
THE IOWA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
IMPLEMENTATION OF FEDERAL-AID TRANSPORTATION PROJECTS IN THE
STATE OF IOWA**

WHEREAS, the Federal Highway Administration (FHWA), under the authority of 23 U.S.C. 101 et seq., implements the Federal-aid Highway Program (Program) in the State of Iowa by funding and approving state and locally sponsored transportation projects, activities, or programs, hereafter referred to as undertakings, that are administered by the Iowa Department of Transportation (Iowa DOT); and

WHEREAS, the Iowa FHWA Division Administrator is the "Agency Official" responsible for ensuring that the Federal-aid Highway Program in the State of Iowa complies with Section 106 of the National Historic Preservation Act (NHPA), as amended, and codified in its implementing regulations, 36 CFR Part 800, as amended (August 5, 2004); and

WHEREAS, the Iowa DOT, as authorized by Title 23 U.S.C. 302, administers undertakings throughout the State of Iowa that are carried out with FHWA financial assistance or require an FHWA permit or approval; and

WHEREAS, the Iowa DOT, to the extent practicable, is committed to the preservation and protection of the historic heritage of the State of Iowa in the design, construction, reconstruction, relocation, repair, and maintenance of roads, streets, and highways; and

WHEREAS, the responsibilities of the Iowa State Historic Preservation Officer (SHPO) under Section 106 of the NHPA and 36 CFR Part 800 are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within a specified period of time; and

WHEREAS, the FHWA has determined that implementation of the Program in Iowa may have an effect upon properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has

consulted with the SHPO and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR 800.14(b); and

WHEREAS, pursuant to the consultation conducted under 36 CFR 800.14(b), the signatories have developed this Programmatic Agreement (Agreement) in order to establish an efficient, effective, and streamlined program alternative for taking into account the effects of the Program on historic properties in Iowa and for affording the ACHP a reasonable opportunity to comment on undertakings covered by this agreement; and

WHEREAS, the FHWA has notified the public and Federally recognized Indian tribes (Tribes) with ancestral lands in Iowa about this Agreement, has requested their comments, and has taken any comments received into account; and

WHEREAS, the definitions listed in 36 CFR 800.16 are applicable to this agreement; and

WHEREAS, the Iowa DOT has participated in the consultation and has been invited to be a signatory to this Agreement;

NOW, THEREFORE, the FHWA, SHPO, ACHP, and Iowa DOT agree that the Program in Iowa shall be carried out in accordance with the following stipulations in order to take into account the effects of the Program on historic properties in Iowa and that these stipulations shall govern compliance of the Program with Section 106 of the NHPA until this Agreement expires or is terminated.

STIPULATIONS

The FHWA, assisted by Iowa DOT, will ensure that the following measures are carried out:

I. Purpose and Applicability

This Agreement sets forth the process by which the FHWA will meet its responsibilities under Section 106, 110(d), and 110(f) of the NHPA, with the assistance of Iowa DOT, for all FHWA undertakings implemented through the Iowa DOT. This Agreement establishes the basis for considering the effects of FHWA undertakings on historic properties and establishes alternative procedures to implement Section 106 for the review of such undertakings by the FHWA, Iowa DOT, SHPO, and ACHP.

II. Responsibilities of the FHWA and Iowa DOT

- A. In compliance with its responsibilities under the NHPA, and as a condition of its award of any assistance for, or permitting of, undertakings under the Federal-aid Highway Program, the FHWA shall require the Iowa DOT to carry out the requirements of this Agreement and applicable ACHP policies and guidelines for all transportation undertakings implemented through the Iowa DOT for which the FHWA is the lead agency pursuant to 36 CFR 800.2(a)(2) and 800.2(a)(4). Through this Agreement, the FHWA authorizes the Iowa DOT to initiate and, in most cases, conclude consultation with the SHPO and other consulting parties for purposes of compliance with Section 106 of the NHPA.
1. This authorization does not preclude the FHWA's right to intervene and take the lead in consultation among the Iowa DOT, SHPO, and other consulting parties; or to consult with Indian tribes on a government-to-government basis consistent with the provisions of Stipulation III. When the FHWA intervenes, it may either carry out consultation in accordance with the procedures in this Agreement or follow the procedures in 36 CFR Part 800.3 - 800.6.
 2. Because the FHWA is legally responsible for all findings and determinations made under this Agreement, no assistance or approval will be made by the FHWA if there are any unresolved consultation issues with the SHPO and other consulting parties. If the FHWA does not approve the outcome of consultation for a specific undertaking, the FHWA may require Iowa DOT to provide additional information or to perform additional consultation, or the FHWA may consult directly with the SHPO and other consulting parties, if any, to complete Section 106 review process to its satisfaction.
- B. Cooperating federal agencies who recognize the FHWA as the lead agency for an undertaking may fulfill their obligations under Section 106 of the NHPA according to 36 CFR 800.2(a)(2), provided that the FHWA and Iowa DOT follow the requirements of this Agreement and the cooperating Federal agency's undertaking does not have the potential to cause effects to historic properties beyond those considered by the FHWA and Iowa DOT.

- C. This Agreement shall not apply to undertakings that occur on or affect tribal lands as they are defined in Section 301(14) of the NHPA and 36 CFR 800.16(x). Tribal lands are all lands within the exterior boundaries of any Indian sovereign lands, and all dependent Indian communities. For such undertakings, the FHWA shall follow the procedures in 36 CFR Part 800.
- D. All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition of cultural resources (i.e., properties, usually greater than 50 years old, that are, or may be, eligible for listing in the NRHP) , or that involve the reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology, Architectural History, or History (published in 48 FR 44738-44739).
- E. The Iowa DOT shall employ personnel, in the Office of Location and Environment (OLE) or its successor designated by the Iowa DOT administration, with training, experience, or qualifications to apply the Secretary of the Interior's Standards for archaeology, history, and architectural history in consultation regarding an undertaking's effects on historic properties. Except on such occasions when the FHWA elects to consult directly with the SHPO or the ACHP, all consultation with the SHPO under this Agreement and decisions made under Stipulation VI shall be performed by the Iowa DOT OLE per Iowa DOT PPM 500.17.
- F. The Iowa DOT shall curate archaeological materials acquired under this Agreement at a facility (preferably in Iowa) meeting the standards of 36 CFR 79 and NRS Chapter 381, as appropriate. Collections curated from Federal lands will be subject to terms of the Archaeological Resources Protection Act (ARPA) permit.
- G. As the responsible federal agency, the FHWA shall conduct all formal consultation with the ACHP. Consultation with the ACHP shall follow procedures in 36 CFR 800 for consulting with the ACHP.

III. Government-to-Government Consultation with Tribes

- A. The FHWA shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with

Tribes pursuant to the NHPA. Notwithstanding any other provision of this stipulation, the FHWA shall honor the request of any Tribe for government-to-government consultation regarding an undertaking covered by this Agreement.

- B. The FHWA has delegated the initiation of tribal consultation to the Iowa DOT unless individual Tribes do not agree to alternate procedures.
- C. In accordance with 36 CFR 800.3(f)(2), any Tribes that might attach religious and cultural significance to historic properties in the area of potential effects shall be identified by Iowa DOT and invited to be consulting parties (See Appendix A).
- D. Iowa DOT shall ensure that consultation with interested Tribes is initiated early in the project planning process to identify cultural, confidential, or other concerns, and to allow adequate time for consideration.
- E. Iowa DOT shall ensure that consultation continues with interested Tribes throughout the Section 106 review process prescribed by this Agreement whenever such Tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking.

IV. Participation of Other Consulting Parties and the Public

- A. In addition to the previously named consulting parties, the following agencies, groups and individuals may be identified as "consulting parties," (in accordance with Section 800.2(c) and current federal transportation legislation and regulations) and can be involved as "participating or cooperating agencies" for some projects as situations dictate. These additional consulting parties may be identified by the FHWA, Iowa DOT, or SHPO, or they will be considered if they send a letter of request:
 - 1. Designated representatives of local (city or county) units of government, such as the county board of supervisors, county or city engineers, a historic preservation commission, or other executive groups with jurisdiction are entitled to participate in consultation;
 - 2. Local units of government if they are the applicant for federal aid are also entitled to participate in consultation.

3. Private associations, groups, or individuals having an interest by reason of expertise in the subject area or by reason of ownership or affiliation with a historic property likely to be affected by projects may be invited to be consulting parties upon request, as situations dictate;

B. Public Involvement

1. Section 800.2(d) states that the views of the Public are essential to informed Federal decision making in the Section 106 process. Public involvement in planning and implementing undertakings covered by this Agreement shall be governed by the FHWA's and Iowa DOT's environmental compliance procedures. Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.2(d)(1-2), 800.3(e), and 800.11(c)(1 and 3) as well as public involvement regulations in 23 CFR 771.111 and 23 CFR 450.
2. Project sponsors shall continue, through opportunities afforded by their current Public Involvement Procedures, to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, and the likely interest of the public regarding the effects on historic properties, to remain consistent with the intent of 36 CFR Part 800, as amended.
3. For those actions that do not routinely require public review and comment (e.g., certain activities classified as Categorical Exclusions under the National Environmental Policy Act (NEPA)), appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of historic properties, and the undertaking's potential impacts on them.

V. Projects Requiring No SHPO Review

A. Undertakings with No Potential to Cause Effects

1. Some undertakings by their very nature have no potential to cause effects on historic properties. Appendix B identifies such qualified undertakings.
2. The FHWA and Iowa DOT have no further compliance obligations under this Agreement or Section 106 of the National Historic Preservation Act for the undertakings listed in Appendix B.

3. If an undertaking listed in Appendix B is combined with a project having the potential to cause effects to historic properties this finding of effect would not qualify.

B. Minor Projects

1. All Minor Projects

- a. Minor projects are those undertakings that can have the potential to affect historic properties, but following appropriate screening by qualified OLE staff, may be determined to require no further SHPO review or consultation under this Agreement.

- b. Minor projects can fall into two categories: those with or those without Cultural Resource Investigations.

- c. For a project to be considered a Minor Project it must meet ALL of the following requirements:

- (1) the project must be a stand-alone project and not part of a larger project that may have an unknown potential to cause effects to cultural resources; and
- (2) the project is on a transportation facility within existing right of way or with minor right of way acquisition (such as the small parcels needed at the corners of intersection improvements, culvert extensions, or other projects listed in Appendix C, sections A.1.a and A.1.b); and
- (3) the project has no known public controversy based on historic preservation issues; and
- (4) a review of the project by the Iowa DOT Cultural Resources Staff results in a finding of No Historic Properties Affected for projects listed in Appendix C or a finding of No Adverse Effect to Historic Properties for projects listed in Appendix D .

d. Project Consultation

The FHWA and Iowa DOT are responsible for all necessary project consultation for the Minor Projects program with the Tribes, and other interested parties and the public, even where projects may require no SHPO review.

2. Minor Projects with No Cultural Resource Investigations Required

- a. Minor Projects meeting one or more of the qualifying criteria in Appendix C will not require any cultural resources investigations.

- b. Minor Projects meeting one or more of these criteria will not be reviewed by the SHPO on a case by case basis, but will be reviewable through the annual report provided under this Agreement.

3. Minor Projects with Cultural Resource Investigations

- a. When a cultural resource investigation is completed and no cultural resources are located within the direct or indirect Area of Potential Effects or a historic property is identified, but the Iowa DOT determines that either that there are no effects to historic properties or that the effects are Not Adverse as defined in Appendix D, the project will be treated as a Minor Project.

- (1) A copy of the cultural resources survey report will be sent to the SHPO for their files. The SHPO will acknowledge receipt by issuing a Review and Compliance number to the Iowa DOT, but no review will be needed.

- b. When a cultural resource investigation has been completed and one or more cultural resource is located within the direct or indirect Area of Potential Effects, the project will not be treated as a Minor Project unless the effects on it are Not Adverse as defined in Appendix D. The project will then follow the standard Section 106 process either in accordance with Stipulation VI of this Agreement or with 36 CFR 800.

4. Minor Projects Program Administration

a. Annual Report

- (1) On an annual basis, three months after the end of the state fiscal year, Iowa DOT shall compile a complete Report of Minor Projects and submit it to the FHWA and the SHPO.

- (2) This report shall include the following information for each project: the county, Iowa DOT project name and number, type of undertaking, level of investigation, and consultation measures.

- (3) This report will be reviewed by the FHWA and the SHPO, and if there are objections regarding the manner in which the terms of this Agreement are being carried out, the FHWA and Iowa DOT will proceed in accordance with Stipulation X.C.

b. Minor Projects Documentation

- (1) Any Minor Project finding shall be documented with a clearance memo from qualified OLE staff to the project sponsor or manager and other appropriate parties.
- (2) The memo will include the name of the individual who made the finding of effect, the date of the finding, and it will reference a review of one or more of the following documentation materials:
 - (a) project concept statement
 - (b) design plans
 - (c) project area photos and descriptions
 - (d) the report for any cultural investigations completed
- (3) A record will be kept of the finding in accordance with Stipulation X.A.

c. Project Determination

Following the terms of this Agreement, the SHPO concurs that the FHWA and Iowa DOT determination of effect for Minor Projects listed in Appendix C is **No Historic Properties Affected, and minor Projects listed in Appendix D is No Adverse Effect.**

d. Appendix Revisions

The undertakings listed in Appendix B, Appendix C, and Appendix D may be revised from time to time. Any changes to Appendix B, C, or D must be agreed upon in writing by the signatories to this Agreement. Such changes shall not require an amendment to this Agreement per Stipulation X.D.2. However, Iowa DOT will provide the signatories with an electronic copy of the revised appendix or appendices prior to implementing any agreed upon changes.

VI. THE SECTION 106 PROCESS

For all undertakings that are not handled as Minor Projects under Stipulation V of this agreement, Iowa DOT shall use the following process:

A. Initiation of the Section 106 Process

1. Establish the undertaking – that it is an action with federal involvement.
 - a. Actions not directly related to the undertaking by contractors, suppliers, etc.
 - (1) The Iowa DOT will follow guidance issued by the FHWA on December 28, 1987, and any revisions to such guidance that are made during the term of this Agreement, regarding contractor selected sites for material, disposal or other activities

related to the construction of a Federal-aid highway projects. This guidance and legal opinion states that these are independent actions unrelated to the Federal Highway undertaking.

(2) This does not relieve the contractor(s) of any responsibility they may have for compliance with other federal or state environmental regulations. Upon request, the Iowa DOT may provide advice regarding compliance with an applicable regulation.

2. No Potential to Cause Effect – if the Iowa DOT determines that the action is a type of activity with no potential to cause effects to historic properties (Appendix B), the agency official has no further obligations under Section 106.
3. Plan to involve the public for Iowa DOT projects and guide local governments in public involvement for their federal aid projects: see Stipulation IV.B.
4. Identify consulting parties, including Tribes, as appropriate.
5. Ensure that consulting parties are contacted early in project development and afforded an opportunity to share their views on the identification of historic properties, findings of effect, and measures proposed to avoid, minimize and mitigate adverse effects on historic properties, subject to special requirements for tribal consultation as specified in Stipulation III.

B. Identification of Historic Properties

The Iowa DOT shall guide local officials for their FHWA funded projects in the following:

1. Pursuant to 36 CFR 800.4(a), make a determination of the scope of identification efforts including the undertaking's Area of Potential Effects (APE). Project study areas will be consistent with NEPA study areas and can include multiple alternates so that the APE may be indeterminate until potential environmental and social effects of the various alternates have been considered, comments have been received from the public and other agencies, and a preferred alternate is identified.

2. Consistent with 36 CFR 800.4(b)&(c), information will be gathered through cultural resource surveys or other appropriate methods to identify and evaluate any properties eligible for listing in the National Register of Historic Places that may be affected by the undertaking.
3. Identification of Historic Properties shall follow the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23), and should be consistent with guidance, methodologies, protocols that the FHWA, Iowa DOT, and Iowa SHPO agree should be used to identify historic properties.
4. Qualifications of consultants engaged to assist in preparation of materials for use in the Section 106 review process shall be evaluated and reviewed by the Iowa DOT Cultural Resources staff to ensure that consultant meet relevant qualifications.

C Evaluating Historic Significance

The Iowa DOT shall evaluate the historic significance of identified cultural resources in accordance with 36 CFR 800.4(c), and shall make appropriate findings regarding eligibility.

D Results of Identification and Evaluation Efforts

1. The Iowa DOT shall present the results of identification and evaluation surveys to the Iowa SHPO, participating Indian tribes and any other consulting parties for review provided the Minor Projects process does not apply. The reviewing parties shall have 30 days from receipt to comment. If the SHPO does not respond within that time period, and no other party objects, the Iowa DOT may proceed to the next step of the review process.
2. If the results of identification and evaluation surveys conclude that no cultural resources are found to be present in the APE, Iowa DOT will review Stipulations V.2.B to determine if the project may be processed as a Minor Project.
3. Agreements regarding evaluation of historic properties, and any disagreements thereto, shall be governed by 36 CFR 800.4(c)(2), except that in the event of a disagreement:
 - a. The Iowa DOT shall first attempt to resolve the disagreement through consultation with the disagreeing party.

- b. If the disagreement cannot be resolved through informal consultation, the Iowa DOT shall notify the FHWA, whereupon the Iowa DOT, FHWA, SHPO, and any involved consulting party shall consult to resolve the disagreement in accordance with a time frame to be specified by the FHWA.
- c. If the disagreement is not resolved, the FHWA shall notify the ACHP and refer the issue to the Keeper of the National Register to obtain a determination of eligibility.

E. Finding of Effect

1. No Effect

- a. If the Iowa DOT finds there are historic properties present within the APE, but the undertaking will have no effect on them as defined in 36 CFR 800.16(i), the Iowa DOT shall make a finding of "no historic properties affected" in accordance with 36 CFR 800.4(d)(1). The Iowa DOT shall submit its finding of effect and supporting documentation to consulting parties, including the SHPO, for comment.
- b. Actions that are considered Minor Projects, as described in Appendices C and D, will follow the process outlined in Stipulation V.
- c. The Iowa DOT shall make the documentation available for public inspection prior to approving the undertaking. If the Iowa DOT receives no responses within 30 calendar days, it may proceed.

2. No Adverse Effect

- a. The Iowa DOT shall make a finding of "no adverse effect" if none of the undertaking's anticipated effects meet the Criteria of Adverse Effect under 36 CFR 800.5(a)(1), or if the Iowa DOT imposes conditions that will avoid adverse effects to historic properties.
- b. The Iowa DOT shall submit its finding of effect and supporting documentation to all consulting parties for comment, including the SHPO and Tribes, as applicable.

- c. If the SHPO or another consulting party objects within 30 calendar days of receipt of an Iowa DOT finding of no adverse effect, the Iowa DOT will notify FHWA. The FHWA will either consult to resolve the objection or request the ACHP to review the finding pursuant 36 CFR 800.5(c)(2).
- d. For a given project, the Iowa DOT may simultaneously request the SHPO concurrence and the comments of any other consulting parties on identification of properties, findings of eligibility, and finding of effect for an action pursuant to 36 CFR sections 800.3 through 800.5.
 - (1) This is provided any consulting parties and the public are afforded an adequate opportunity to express their views pursuant to 36 CFR 800.2(d).
 - (2) If the SHPO fails to comment on the multiple findings contained in a submission within 30 calendar days of receipt, and no other party objects to the findings, the Iowa DOT may proceed with the next step of the review process.

3. Adverse Effect

- a. Where adverse effects, as defined by the Criteria of Adverse Effect set forth in 36 CFR 800.5(a), cannot be avoided, the Iowa DOT shall make a finding of "adverse effect."
- b. Prior to any finding of adverse effect, the FHWA and the Iowa DOT shall consult with Tribes that may ascribe traditional cultural and religious significance to affected historic properties, and may consult either formally or informally with the SHPO regarding application of the criteria of adverse effect.
- c. The Iowa DOT shall inform consulting parties of the finding of adverse effect.

F. Resolution of Adverse Effect

- 1. When a finding of adverse effect has been made by the Iowa DOT, the Iowa DOT shall, in consultation with the FHWA, the SHPO, and other consulting parties, evaluate alternatives or modifications to the project that would avoid, minimize, or mitigate adverse effects on historic properties. The Iowa DOT shall propose measures that will be used to resolve adverse effects as follows:

- a. If (within right of way acquired for a project) alternatives or modifications can be made to the project that will minimize (partial site avoidance) an adverse effect with data recovery for affected portions of the site with active protective measures or a preservation plan, such measures will be stipulated in a Memorandum of Agreement (MOA),
- b. If a plan for partial avoidance and protection measures or preservation cannot be found for a site on land that is acquired for project construction, Standard Treatments that do not require the preparation of a MOA or a notice to the ACHP may be used (see Appendix E).
 - (1) The use of a standard treatment in Appendix E must be agreed upon by the SHPO and FHWA.
 - (2) If another consulting party objects to the application of standard treatments, ~~the Iowa DOT, the FHWA, shall provide the SHPO with the information about the consulting party's objection and if the SHPO objects to the use of standard treatments,~~ Iowa DOT and the FHWA will proceed in accordance with Stipulation X.C of this agreement.
2. Information shall be made available to the public, including the documentation specified in 36 CFR 800.11(e), subject to the confidentiality provisions listed in 36 CFR 800.11(c) and Iowa Code 263B.10 and 22.7(20). The Iowa DOT will consult with the FHWA, the SHPO, and other consulting parties as needed when making confidentiality decisions.
3. Opportunities shall be provided for members of the public to express their views on resolving adverse effects of the project through the established public involvement processes.
4. FHWA must submit a copy of the SHPO's concurrence in use of the standard treatment along with summary documentation specified in 36 CFR 800.11(f) to the ACHP, with a copy to other consulting parties, if any, prior to approving the undertaking.
5. If standard treatments are not being used, the FHWA will notify the ACHP of the finding of adverse effect, pursuant to 36 CFR 800.6(a)(1), and that a MOA will be prepared to resolve the adverse effects. The

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Iowa DOT will provide supporting documentation in accordance with 36 CFR 800.11(e).

- a. The ACHP shall advise the agency and the consulting parties whether it will participate within 15 days of receipt of notice.
 - b. If the ACHP fails to respond with 15 days of receipt of notice, the Iowa DOT may assume the ACHP will not participate.
6. If standard treatments are not being used, and after considering the views of consulting parties and the public, if the FHWA, Iowa DOT, SHPO (and the ACHP if it has chosen to participate [pursuant to 36 CFR 800 appendix A]) agree on how the adverse effects will be resolved, they shall execute a MOA pursuant to 36 CFR 800.6(c).
 7. If the Iowa DOT determines that an undertaking may adversely affect a National Historic Landmark, the Iowa DOT will notify the FHWA, who shall request the SHPO, the ACHP, and the Secretary of the Interior, as well as any other consulting parties, to participate in consultation to resolve any adverse effects, pursuant to 36 CFR 800.10.
 8. Once the MOA is finalized, a copy shall be provided to each signatory and concurring party, and the MOA will be filed with the ACHP, along with the documentation specified in 36 CFR 800.11(f). The measures to resolve adverse effects shall then be incorporated into the undertaking, and the undertaking may be implemented. This completes the Section 106 process.
 9. Resolving Objections
 - a. If the FHWA, SHPO, and Iowa DOT are unable to agree on measures to resolve the adverse effects of an undertaking pursuant to this stipulation, then FHWA shall invite the ACHP to participate in the resolution process pursuant to 36 CFR 800.6(b)(2).
 - b. If the parties fail to agree to measures to resolve the adverse effects, the FHWA, SHPO, or ACHP may terminate consultation pursuant to 36 CFR 800.7(a). Upon termination, the signatories shall comply with the remaining requirements of 36 CFR 800.7.

VII. EMERGENCY SITUATIONS

- A. For the purposes of this Agreement, emergencies are defined as occurrences that require expedited repairs to a transportation system or facility that are necessary to a) protect the life, safety, or health of the public; b) minimize the extent of damage to the transportation system or facilities; c) protect remaining transportation facilities; or d) restore essential traffic.
- B. These repairs can occur regardless of funding category, and regardless of declarations made by federal, state, or local agencies. The Iowa DOT may take immediate remedial action without waiting for comment if such action is necessary to prevent further escalation of the emergency by the circumstances causing it.
- C. If the emergency repair to an Iowa DOT managed transportation facility could affect historic properties, the Iowa DOT shall notify the SHPO, FHWA, and Tribes, within 24 hours, when feasible. If possible, the SHPO and any Tribe that may attach religious and cultural significance to historic properties likely to be affected will be given at least 72 hours to respond.
- D. For projects where the repair must be made within the first 30 days of the occurrence of the event that caused the emergency or the declaration of the emergency by an appropriate authority, the processing of environmental documentation will happen concurrently or after the fact. In these cases, the Iowa DOT will comply with the procedures in Stipulation V or VI of this Agreement to the extent possible, but the reviews will likely be conducted after the emergency work is completed.
- E. For projects taking longer than 30 days for repair, the Iowa DOT will comply with the procedures in Stipulation V or VI.
- F. Any written notification of an emergency action provided to the SHPO or Indian tribes shall be clearly and prominently marked as an emergency notification, and shall include a brief explanation of how the action meets the requirements for emergency as defined herein. The notice shall also include a brief description of the eligibility and/or significance of the resource(s) involved, the nature, effect, and anticipated effect of the emergency action on the resource(s), and the anticipated time frame available for comment.

VIII. POST-REVIEW DISCOVERIES

A. Planning for Subsequent Discoveries

1. If unusual circumstances, such as the possible existence of historic properties under existing pavement or structures, prevent completion of the Iowa DOT's identification efforts in accordance with Stipulation VI, the Iowa DOT shall develop a plan for discovery of such properties in consultation with the FHWA and SHPO. Implementation of the plan as originally proposed, or modified as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR 800.4-6. The plan may be executed as a signed agreement between the FHWA, Iowa DOT and SHPO (and the ACHP should they choose to participate) as a means of expediting review time for assessment of effects to any historic properties.

B. Discoveries Without Prior Planning

1. If previously unidentified cultural resources, or unanticipated effects to historic properties, are discovered after the Iowa DOT has completed its review under this Agreement, that portion of the project will stop immediately as outlined in Iowa DOT Standard Specification 2102.03J.
2. No further construction in the area of discovery will proceed until the requirements of 36 CFR 800.13 have been satisfied, including consultation with Tribes that may attach traditional cultural and religious significance to the discovered property.
3. The Iowa DOT will consult with the FHWA, SHPO and Tribes, as appropriate, to record, document, and evaluate the NRHP eligibility of the property and the project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property.
4. If the FHWA, the SHPO, or a Tribe fails to file an objection with the Iowa DOT within 72 hours to the Iowa DOT's plan for addressing the discovery, the Iowa DOT may carry out the requirements of 36 CFR 800.13 on behalf of the FHWA, and the ACHP does not need to be notified.

IX. TREATMENT OF HUMAN REMAINS

- A. The FHWA and Iowa DOT are committed and will make every effort to protect and preserve all cemeteries, including prehistoric graves, during transportation construction and maintenance activities. The Office of the State Archaeologist (OSA) has statutory authority over all burials, both prehistoric and historic, that are more than 150 years in age. The following steps are to be taken any time human burials are unearthed, or other artifacts associated with mortuary features are found during project construction or maintenance activities in Iowa:
1. Standard Specification 2012.03J stipulates that upon discovery of human remains, including unclassified bone, during construction, work shall immediately cease in the area. Appropriate steps shall be taken to secure the site, and officials with the FHWA, the OSA Burials Program, SHPO, and appropriate Tribes will be notified within 24 hours via email, fax, or telephone. Law enforcement officials and/or the medical examiner shall be notified in accordance with Section 523I.316 of the Iowa Code.
 2. The parties will confer at the site to identify the discovery and if determined to be human remains of American Indian ancestry, determine the likely project impacts if left in place, and the most appropriate avoidance, minimization, or mitigation measure(s) for dealing with the discovery.
 3. If the human remains appear to be ancient (i.e. older than 150 years) the OSA Burials Program shall have jurisdiction to ensure that the appropriate procedures in accordance with Chapters 263B and 716.5 of Iowa Code are observed.
 4. Human remains less than 150 years are protected under Chapters 113.34, 144.34, 523I.316, and 716.5 of the Iowa Code. In the event that human remains less than 150 years in age are encountered the FHWA, and Iowa DOT will ensure that the appropriate law enforcement and Iowa Department of Public Health authorities are notified and appropriate procedures are observed.
 5. In addition to stipulation "B" above, before work can resume in the area of any unanticipated discovery, the FHWA and Iowa DOT will determine the NRHP eligibility of the archaeological resource in consultation with the SHPO.

- B. The FHWA does not have any responsibilities under the Native American Graves Protection and Repatriation Act (NAGPRA) because it neither owns lands in the state of Iowa nor does it act as a museum as it is defined in NAGPRA. If human remains or funerary items are discovered during a DOT project on lands owned by another federal agency, the DOT will notify said agency and it shall have jurisdiction.

X. ADMINISTRATIVE STIPULATIONS

A. Documentation

1. All documentation that supports findings and determinations made under this Agreement shall be consistent with 36 CFR 800.11, and any applicable guidelines.
2. Documentation prepared by local agencies or their consultants in support of such findings shall be submitted to the Iowa DOT for review and approval. The Iowa DOT shall not transmit to the FHWA or SHPO any documentation that has not been reviewed and approved by qualified OLE staff.
3. All documentation prepared under this Agreement shall be kept on record at the Iowa DOT and made available to consulting parties and the public at their request, consistent with applicable confidentiality requirements [as described in 36 CFR 800.11(c)].
4. For projects processed as Minor Projects, reports and forms will be submitted to SHPO, in accordance with Stipulation V(2).

B. Monitoring Implementation of this Agreement

1. The FHWA, SHPO, and ACHP may review activities carried out pursuant to this Agreement. The Iowa DOT shall facilitate this review by compiling specific categories of information to document the effectiveness of the Agreement and by making this information available on an annual basis to the FHWA, SHPO, and ACHP ~~if they request it~~ in the form of a report. Categories of information may include, but are not limited to, a summary of actions taken under the Agreement, including all findings and determinations, accomplishments, public objections, and inadvertent effects or foreclosures. The range and type of information included by the Iowa DOT in the report and the manner in which this information is

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JMC 12/11/12
MJD 12/12/12
JFB 1/10/13
DWJ 1/10/13

organized and presented must be such that it facilitates the ability of the reviewing parties to assess accurately the degree to which the Agreement and its manner of implementation constitute an efficient and effective program alternative under 36 CFR 800, and to determine whether this Agreement should remain in effect, and if so, whether and how it could be improved through appropriate amendment.

2. The Iowa DOT shall prepare the report of these findings annually following execution of this Agreement. The initial report shall be prepared following completion of the first full state fiscal year under this Agreement. Iowa DOT shall submit the annual report to the FHWA and SHPO no later than three (3) months following the end of the state fiscal year (June 30).
3. The Iowa DOT, FHWA, and SHPO will continue to schedule regular Cultural Interchange Team meetings and will use these meetings as a forum to evaluate the Agreement, to suggest revisions to its provisions, and to evaluate the quality of the resource identification and protection activities carried out under the Agreement.
4. In conjunction with the review of the reports prepared by the Iowa DOT pursuant to this Stipulation, the signatory parties shall consult to review the overall effectiveness and benefits of the Agreement, determine if its requirements are being met, decide if amendments to the Agreement are warranted, review the reporting format and categories for adequacy, and identify any other actions that may be needed in order to take into account the effects of the Program on historic properties in Iowa.
5. If any signatory party determines that the Iowa DOT is not meeting its responsibilities under this Agreement, that signatory shall inform the Iowa DOT of its concern(s) and suggest measures to be taken to resolve the matter.

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C. Resolving Objections to Implementation of this Agreement

1. Should any signatory party submit a written objection to the Iowa DOT or the FHWA regarding the manner in which the terms of this Agreement are carried out, the FHWA will immediately notify the other signatory parties of the objection and proceed to consult with the objecting party to resolve the objection. The FHWA will honor the

request of any signatory party to participate in the consultation and will take any comments provided by such parties into account. The FHWA shall establish a reasonable time frame for such consultations.

2. If the objection is resolved through consultation, the FHWA may authorize the disputed action to proceed in accordance with the terms of such resolution.
3. If after initiating such consultation, the FHWA determines that the objection cannot be resolved through consultation, the FHWA, with the cooperation of the Iowa DOT, shall forward all documentation relevant to the objection to the ACHP and other signatory parties, including the FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 - a. Advise the FHWA that the ACHP concurs with FHWA's proposed response to the objection, whereupon the FHWA will respond to the objection accordingly; or
 - b. Provide the FHWA with recommendations, which the FHWA shall take into account in reaching a final decision regarding its response to the objection; or
 - c. Notify the FHWA that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4) and proceed to refer the objection and comment. In this event, the FHWA shall ensure that the Agency Official is prepared to take the resulting comments into account in accordance with 36 CFR 800.7(c)(4).
4. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, the FHWA may assume the ACHP's concurrence in its proposed response to the objection.
5. The FHWA shall take into account any ACHP recommendation or comment and any comments from the other signatory parties to this Agreement in reaching a final decision regarding the objection. The FHWA's responsibility to carry out all actions under this Agreement that are not the subject of the objection shall remain unchanged.

6. The FHWA shall provide all other signatory parties to this Agreement with a written copy of its final decision regarding any objection addressed pursuant to this Stipulation.
7. The FHWA may authorize any action subject to objection under this Stipulation to proceed, provided the objection has been resolved in accordance with the terms of this Stipulation.
8. At any time during implementation of the terms of this Agreement, should any consulting party or member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify the FHWA. The FHWA shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to the FHWA. The FHWA shall establish a reasonable time frame for this comment period. The FHWA shall consider the objection, and in reaching its decision, the FHWA will take all comments from the other parties into account.

Within 15 days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. The FHWA will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. The FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, the FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision [this pertains to the program implementation].

D. Amendment

1. Any signatory party to this Agreement may at any time propose amendments, whereupon all signatory parties shall consult to consider such amendment. This Agreement may be amended only upon written concurrence of all signatory parties.
2. Each attachment to this Agreement may be individually amended through consultation of the signatory parties without requiring amendment of the Agreement, unless the signatory parties through such consultation decide otherwise.

E. Termination

1. Any signatory party may terminate this agreement. If this Agreement is not amended as provided for in Stipulation X(D), or if any signatory party proposes termination of this Agreement for other reasons, the party proposing termination shall notify the other signatory parties in writing, explain the reasons for proposing termination, and consult with the other parties for no more than 30 days to seek alternatives to termination.
2. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this Agreement by promptly notifying the other parties in writing.
4. Should this Agreement be terminated, the FHWA would carry out the requirements of 36 CFR Part 800 for individual undertakings.
5. Beginning with the date of termination, the FHWA shall ensure that until and unless a new Agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 CFR 800.4-800.6.

F. Confidentiality

All parties to this Agreement acknowledge that information about historic properties, potential historic properties, or properties considered historic for purposes of this Agreement are or may be subject to the provisions of Section 304 of NHPA and the Iowa Code 263B.10 and 22.7(20). These statutes allow the Iowa DOT to withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Iowa DOT determines that disclosure may 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or 3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement will ensure that all actions and documentation prescribed by this Agreement are, where necessary, consistent with the above noted requirements.

G. Duration of Agreement

This Agreement shall remain in effect for a period of five (5) years after the date it takes effect, unless it is terminated prior to that time. Ninety days prior to the conclusion of the five year period, the Iowa DOT will notify all parties in writing. If there are no objections from the signatory parties, the term of the Agreement will automatically be extended for an additional three years up to a limit of 21 years. If any party objects to extending the Agreement, or proposes amendments, the Iowa DOT will consult with the parties to consider amendments or other actions to avoid termination.

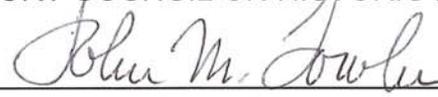
Execution and implementation of this agreement evidence that the FHWA has delegated certain Section 106 responsibilities to the Iowa DOT, and has afforded the ACHP a reasonable opportunity to comment on the Program and its individual undertakings in Iowa; that the FHWA has taken into account the effects of the program and its individual undertakings on historic properties, and that the FHWA has complied with Section 106 of the NHPA and 36 CFR 800 for the Program and its individual undertakings.

SIGNATORIES:

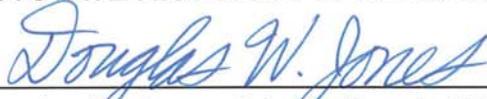
FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 10/25/12
Lubin Quinones, ~~PE~~, Iowa Division Administrator

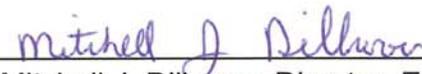
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 12/11/12
John M. Fowler, Executive Director

IOWA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 10/18/2012
Douglas W. Jones, Interim Deputy SHPO

IOWA DEPARTMENT OF TRANSPORTATION

By:  Date: 10/12/12
Mitchell J. Dillavou, Director, Engineering Bureau

CONCURRING PARTY:

UNIVERSITY OF IOWA – OFFICE OF THE STATE ARCHAEOLOGIST

By:  Date: 10-16-2012
Dr. John F. Doershuk, State Archaeologist and Director

Appendix A: List of Tribes

The FHWA and Iowa DOT identified and invited the following Tribes to be consulting parties to this Agreement and any joint FHWA and Iowa DOT undertakings.

Citizen Potawatomi Nation
1601 S. Gordon Cooper Dr.
Shawnee, Oklahoma 74801

Delaware Nation
P. O. Box 825
Anadarko, OK 73005

Delaware Tribe of Indians
170 NE Barbara
Bartlesville, OK 74006

Flandreau Santee Sioux
P. O. Box 283
Flandreau, SD 57028

Ho-Chunk Nation
W9814 Airport Rd.
P. O. Box 677
Black River Falls, WI 54615

Iowa Tribe of Kansas and Nebraska
3345 Thrasher Road
White Cloud, KS 66094

Iowa Tribe of Oklahoma
R.R.1, Box 721
Perkins, OK 74059

Kickapoo Tribe in Kansas
1107 Goldfinch Road
Horton, KS 66349

Kickapoo Tribe of Oklahoma
407 N. Hwy 102
P. O. Box 70
McCloud, OK 74851

Kickapoo Traditional Tribe of Texas
HC 1, Box 9700
Eagle Pass, TX 78852

Lower Sioux Indian Community
39527 Res. Hwy 1
P. O. Box 308
Morton, MN 56270

Miami Tribe of Oklahoma
202 S. Eight Tribes Trail
Miami, OK 74355

Osage Nation
627 Grandview
P. O. Box 779
Pawhuska, Oklahoma 74056

Omaha Tribe of Nebraska
P. O. Box 368
Macy, NE 68039

Otoe-Missouria Tribe
8151 Hwy 177
Red Rock, OK 74651

Pawnee Nation of Oklahoma
P. O. Box 470
Pawnee, OK 74058

Peoria Tribe of Indians of Oklahoma
118 S. Eight Tribes Trail
P. O. Box 1527
Miami, Oklahoma 74355

Ponca Tribe of Nebraska
P. O. Box 288,
Niobrara, NE 68760

Ponca Tribe of Oklahoma
20 White Eagle Drive
Ponca City, OK 74601

Prairie Band Potawatomi Nation
16281 Q Road
Mayetta, Kansas 66509-8970

Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, MN 55089

Sac and Fox Tribe of the Mississippi in
Iowa
349 Meskwaki Road
Tama, IA 52339

Sac and Fox Nation of Missouri in Kansas
305 N. Main Street
Reserve, KS 66434-9723

Sac and Fox Nation in
Oklahoma
920883 S. Hwy 99
Stroud, OK 74079

Santee Sioux Nation
108 Spirit Lake Avenue West
Niobrara, NE 68760-7219

Shakopee Mdewakanton Sioux Community
2330 Sioux Trail N.W.
Prior Lake, MN 55372

Sisseton - Wahpeton Oyate
P. O. Box 509
Agency Village, SD 57262

Spirit Lake Tribe
P. O. Box 359
Fort Totten, ND 58335

Three Affiliated Tribes - Mandan, Hidatsa &
Arikara
404 Frontage Road,
New Town, ND 58763

Upper Sioux Community
P. O. Box 147
5722 Traverse Lane
Granite Falls, MN 56241-0147

Winnebago Tribe of Nebraska
100 Bluff Street
P. O. Box 687
Winnebago, NE 68071

Yankton Sioux Tribe
P. O. Box 248
Marty, SD 57361-024

Appendix B

I. Undertakings with No Potential to Cause Effect

A. Qualifying Criteria:

1. A non-construction undertaking that does not lead to, or is a part of, construction activity and therefore, has no potential to cause effects on historic properties.

B. Sample Projects Excluded from Review

1. Funding for Planning Studies, Corridor Management Plans, and Preliminary Engineering
2. Grants for training, education, and research programs
3. Publications
4. Purchase of equipment or materials

Appendix C

I. Minor Projects Resulting in No Historic Properties Affected

A. Projects Involving Ground Disturbance

1. One or more of the following Qualifying Criteria must be met for a project to be considered a Minor Project exempted from SHPO review:
 - a. The Area of Potential Effect (APE) is entirely contained within the existing public right-of-way, and no historic properties are known to be present within or near the APE;
 - b. The APE is entirely contained within areas that can be documented as being profoundly disturbed and no historic properties are known to be present within the APE. *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;
 - c. The APE was surveyed for cultural resources after 1989 and determined to contain none of significance and has received SHPO concurrence;
 - d. The APE is documented as exhibiting slope that exceeds 15 percent, and no historic properties are known to be present within or near the APE;
 - e. The APE measures less than two acres, and is entirely contained by soils mapped as historic alluvium or post-settlement alluvium, and no historic properties are known to be present within or near the APE;
 - f. The project will include the removal and or installation of utilities or facilities whereby a utility trench can be appropriately assessed. This allowance accounts for the existing facility plus three feet. No historic properties are known to be present within or near the APE;
2. Examples of Ground Disturbance Projects when one or more Qualifying Criteria are met:
 - a. Resurfacing, restoration, and rehabilitation, including minor roadway widening, milled rumble strips, patching, intersection modifications
 - b. Bridge replacements, and rehabilitation involving substructure replacements, widening, pier replacements, stabilizations, approach repair
 - c. Culvert extensions, new build, replacements, or repairs

- d. Grading, including slide repair, debris removal, fencing, rip-rap, sub-drains, median work
 - e. Traffic safety improvements, including signing, lighting, guardrails, railroad warning devices, traffic signals, pavement marking, utility repairs
 - f. Installation of bicycle and pedestrian facilities
 - g. Noise wall installation
 - h. Highway rest area or weigh scale improvements
 - i. Landscaping, including tree or shrub planting, seeding, mowing, clearing and grubbing, vegetation management
 - j. Erosion control, silt fencing
 - k. Maintenance measures, including scour filling, sealing, deposit removal, stabilization measures
- B. Projects Involving Built Environment for properties (structures, buildings, objects, sites, districts) not On or Eligible for the National Register
- 1. One or more of the following Qualifying Criteria must be met for the project to be considered a Minor Project exempted from SHPO review:
 - a. Work within the existing alignment including exposed brick streets and no historic properties are known to be present within the APE;
 - b. Routine maintenance, stabilization, and protective activities and no historic properties are known to be present within the APE;
 - c. Road surface modifications and rehabilitation and no historic properties are known to be present within the APE;
 - 2. Examples of projects involving the Built Environment when one or more Qualifying Criteria are met:
 - a. Removal of accumulated debris – which includes the removal of harmful or otherwise undesirable deposits of dirt, stains, coatings, efflorescence (salts) and pollutants in a manner that does the least amount of harm to the surface being treated;
 - b. Routine maintenance such as mending the material of a structure or object;
 - c. Limited paint removal, and re-application;
 - d. Electrical work, plumbing work, heating and cooling work which are not visible from the exterior of the building;
 - e. Replacement of deteriorated stairs;
 - f. Replacement of siding, porches, doors, roofs, windows, balustrades, trim
 - g. Caulking;

- h. Floor refinishing;
- i. Interior wall replacement, including crack repair;
- j. Anchoring of masonry walls and floor systems so long as anchors are imbedded and concealed from exterior view;
- k. Reconstruction- repair of parapets, chimneys and cornices;
- l. Temporary bracing or shoring as part of stabilizations or foundations;
- m. Repair to or replacement of ceiling systems;
- n. Brick street repair not in a historic district on or eligible for the National Register;
- o. Stabilization –including acts or processes of applying measures designed to reestablish a weather resistant structure and restoring the structure stability of an unsafe or deteriorated bridge or culvert while maintaining the essential form as it exists at present. These tasks include reinforcement of load bearing members accomplished in such a manor so as to detract as little as possible from the property's original appearance, and arresting the deterioration of material that might otherwise be subject to structural failure;
- p. Protection – involving the least degree of intervention and, being preparatory to other work, includes such measure as installation of temporary fencing, emergency utility repairs, security lighting, protective sheeting, alarm systems and other short-term protective measures, and seasonal debris removal, without causing damage to historic materials;

Appendix D

I. Minor Projects Resulting in No Adverse Effect on Historic Properties

A. One or more of the following Qualifying Criteria must be met for the project to be considered a Minor Project exempted from SHPO review:

1. Routine maintenance, stabilization, and protective activities on NRHP listed or eligible structures, activities will follow *The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, and *The Secretary of Interior's Standards for Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*;
2. Road surface modifications and rehabilitation with low vibration potential to adjacent historic properties or moderate vibration potential with defined protective measures included in construction plan notes;

B. Examples of projects involving the Built Environment when one or more Qualifying Criteria are met:

1. Removal of accumulated debris – which includes the removal of harmful or otherwise undesirable deposits of dirt, stains, coatings, efflorescence (salts) and pollutants in a manner that does the least amount of harm to the surface being treated;
2. Routine maintenance – which includes historic construction material through treatments such as mending the material of a structure or object where materials are kept **in-kind** such as;
 - a. Limited paint removal, and re-application;
 - b. Electrical work, plumbing work, heating and cooling work which are not visible from the exterior of the building;
 - c. Replacement of deteriorated stairs;
 - d. Replacement of siding, porches, doors, roofs, windows, balustrades, trim
 - e. Caulking;
 - f. Floor refinishing;
 - g. Interior wall replacement, including crack repair;
 - h. Anchoring of masonry walls and floor systems so long as anchors are imbedded and concealed from exterior view;
 - i. Reconstruction- repair of parapets, chimneys and cornices;
 - j. Temporary bracing or shoring as part of stabilizations or foundations;
 - k. Repair to or replacement of ceiling systems;
 - l. Brick street repair

- m. Stabilization –including acts or processes of applying measures designed to reestablish a weather resistant structure and restoring the structure stability of an unsafe or deteriorated bridge or culvert while maintaining the essential form as it exists at present. These tasks include reinforcement of load bearing members accomplished in such a manor so as to detract as little as possible from the property's original appearance, and arresting the deterioration of material that might otherwise be subject to structural failure;
- n. Protection – involving the least degree of intervention and, being preparatory to other work, includes such measure as installation of temporary fencing, emergency utility repairs, security lighting, protective sheeting, alarm systems and other short-term protective measures, and seasonal debris removal, without causing damage to historic materials;

Appendix E

I. Standard Treatments

The use of standard treatments provides a means for the FHWA, Iowa DOT, and SHPO to establish methods for treatment of specific categories of historic properties in Iowa according to 36 CFR 800.14(d). The following standard treatments will be followed for types of historic properties identified below. A specific treatment plan will be tailored to each historic property on a case-by-case basis. All treatment plans will be developed by a person or persons meeting or exceeding the *Secretary of the Interior's Professional Qualification Standards*. Upon development of treatments for a specific historic property, a plan will be provided by the Iowa DOT, to the FHWA, SHPO, and other consulting parties for a period of 30 days from receipt. At the end of that period comments will be collected by the FHWA and Iowa DOT and considered for entry into the final treatment plan.

A. Standard treatments for archaeological sites:

1. The treatment plan for archaeological sites will include but not be limited to data recovery plan that:
 - a. Is consistent with the *Secretary of the Interior's Standard's for the Treatment of Historic Properties* and the *Advisory Council on Historic Preservation's; Section 106 Archaeology Guidance* (<http://www.achp.gov/archguide/>).
 - b. Discusses what is known about the site from previous research;
 - c. Addresses research questions important to the advancement of knowledge regarding this type of property within appropriate contexts;
 - d. Defines methodology of the data recovery, and post-field analysis and reporting;
 - e. Describes post-field data management and curation plans;
 - f. Prepares for discovery of human remains;
 - g. Provides for a report that meets the Department of the Interior's *Format Standards for Final Reports of Data Recovery Programs*;
2. A timeline of data recovery including an invitation to consulting parties to visit the site; upon the SHPO's final site visit, project completeness and concurrence will be discussed;
3. A site management plan will be provided to the SHPO following the final site visit whereby concurrence with the site treatment will be sought;

4. A proposal to involve the public where appropriate or other appropriate measures for public presentation;
 5. The data recovery report will address the National Register eligibility status of any remaining portions of the site;
 6. Acceptance of the final data recovery report by the SHPO will conclude the treatment plan, barring any uncompleted plan tasks.
- B. Standard treatments for the built environment (structures, buildings, objects, sites, districts):
1. The treatment plan for the historic property will include but not be limited to:
 - a. Complete documentation of the historic property; including appropriately completed site forms;
 - a. All documentation will be consistent with the "*Iowa Historic Property Study*" series for the appropriate property type (e.g. Bridge, House, Barn);
 - b. All documentation will be consistent with the *Secretary of the Interior's Standards for Architectural and Engineering Documentation*;
 - c. The SHPO's review of final photos and field measurements so that the project may be allowed to proceed during report writing and printing.
 - d. A proposal for development of a public benefit document or other appropriate measures for public presentation;