

Landfill Expansions/Siting 567 IAC 113.6(2) Location Restrictions. h. Cultural Resources

Federal law requires all federal agency to comply with Section 106 of the National Historic Preservation of 1966 (16 U.S.C. 470 et seq.) and its implementing regulations 36 CFR Part 800 (revised). Therefore, any landfill activity subject to the provisions of 567 IAC.6(2) that will draw upon federal funds, assistance, licenses or permits will also need to comply with pertinent federal rules and regulations including the National Historic Preservation Act. Typically, permits through the U.S. Army Corps of Engineers trigger compliance with Section 106 for landfill expansion projects. In these instances, consultation with the Iowa State Historic Preservation Office (SHPO) must be coordinated through the Corps. The same would apply in cases where federal funds or other forms of federal assistance are used. In instances where there is no federal jurisdiction, the DNR permitting officer will coordinate a state-level review with the SHPO.

The process is summarized as follows:

1. The applicant must begin by petitioning the COE for a determination of jurisdiction is involved (for example wetlands, stream alteration/filling/dredging/crossings/dams, construction in flood plains, etc.).
2. If the project falls within federal jurisdiction, the COE (or other sponsoring federal agency) will review the cultural resource requirements, coordinate consultation with the SHPO, and if a joint application (with the Iowa DNR) is required this triggers an environmental review for threatened and endangered species (this will also then satisfy IAC 113.6(2)"g" for landfill siting).
3. If the project does not fall with federal purview, SHPO will conduct a state-level review after receiving a request and documentation submittal from DNR. Under a state-level review, the SHPO will not begin the process until requested by DNR. Therefore, it is essential that DNR be notified at the earliest opportunity to ensure a timely review. Applicants must provide the DNR permitting officer with a project area map (preferable a 7.5 minute USGS topographic quad with the expansion area clearly marked); legal description including section, township and range; relevant historic and current aerial photographs; a description of current land use; and, if known, past land use. The project area map should outline the areas that may have been previously studied including the SHPO assigned project number (R&C# in the upper right portion of SHPO correspondence) and new areas of interest. Include at least one copy of all archaeological and/or cultural resources surveys that may have been completed for the proposed expansion. The DNR will then forward to SHPO with a request for consultation using [E-SHPO](#).
4. In addition, if project is non-federal jurisdictional, the permit holder will need to contact the DNR's Land and Waters Bureau to request a review of records for threatened and endangered species (to satisfy IAC 113.6(2)"g").