



August 3, 2026

Dear Vice Chairman Voyles,

The National Alliance of Preservation Commissions (NAPC) appreciates the opportunity to provide comments regarding potential revisions to the Section 106 process. However, before responding to the Council's questions, we believe it is important to note that the process for developing these comments changed significantly during the comment period, limiting our ability to provide the comprehensive stakeholder feedback we had originally intended.

As an Observer to the Advisory Council on Historic Preservation (ACHP), NAPC took seriously the Council's initial request for comments due for submission by August 3 and immediately began a broad outreach effort to engage local preservation commissions and preservation professionals across the country. We solicited input from our Advisory Group and membership through surveys and planned to gather additional feedback from nearly 600 attendees at NAPC FORUM 2026, held July 22–26, in Minneapolis, MN. Here, Section 106 implementation and revision solutions were scheduled to be discussed with practitioners representing communities of all sizes through conference sessions and workshops, and convenings with members of local preservation commissions, nonprofits, as well as state, national and private sector partners.

The release of proposed revisions on July 17, followed by a call for an ACHP vote on these revisions on July 24, fundamentally altered the process and timeline under which NAPC had been conducting its outreach. Rather than allowing the originally requested stakeholder feedback to inform potential revisions, the revised schedule effectively shifted the focus to responding to this surprise call for a vote of the Council. As a result, the comments below reflect the feedback we were able to collect prior to and during this compressed timeframe and should not be viewed as the full breadth of input NAPC had intended to provide.

Even within these limitations, our outreach revealed consistent themes. Local preservation commissioners and practitioners generally did not identify the Section 106 regulations themselves as fundamentally flawed. Instead, they pointed to challenges involving implementation, staffing, consistency, training, transparency, and meaningful consultation as the areas most in need of improvement. The following comments summarize those recurring observations in response to the Council's questions.

Overall Observations

Perhaps the strongest finding from our outreach is that local preservation commissions generally do not believe the Section 106 regulations themselves are fundamentally broken. Rather, respondents consistently identified challenges associated with implementation, consistency, staffing, communication, and training.

Many respondents noted that successful Section 106 reviews occur where experienced federal agency staff, SHPO staff, consultants, Tribal Nations, and local governments engage collaboratively and in good faith. Conversely, projects are more likely to encounter conflict or delay when consultation is treated as a procedural requirement rather than a collaborative planning process.

Responses to ACHP Question Prompts

Could the Section 106 regulations be streamlined?

Yes, but streamlining should focus on improving efficiency without reducing meaningful consultation or weakening opportunities to identify, avoid, minimize, or mitigate adverse effects.

Our members generally supported:

- clearer timelines and expectations for consultation;
- improved coordination among federal agencies, SHPOs, Tribes, and local governments;
- earlier consultation before project designs become fixed;
- greater use of programmatic approaches where appropriate; and
- reducing duplicative reviews where multiple federal agencies are involved.

Respondents consistently cautioned that reducing consultation opportunities would not improve project delivery and would likely create additional conflict later in the process.

Are portions of the regulations difficult to interpret or ineffective?

The most frequently identified concern was not the regulatory language itself but inconsistent interpretation and application. Respondents described substantial variation among federal agencies, reviewers, SHPO offices, and consultants, resulting in uncertainty for applicants, local governments, and preservation commissions. Rather than substantially rewriting the regulations, respondents favored clearer national guidance, improved training, additional examples, and more consistent implementation.

Several respondents also noted that findings of adverse effect are sometimes treated as the end of project discussions rather than the beginning of collaborative problem solving, leading applicants to abandon projects instead of exploring alternatives.

Have portions of the regulations become outdated?

It was observed that aspects of the Section 106 process have not fully kept pace with contemporary preservation practice.

Comments included suggestions to:

- recognize broader community values alongside traditional architectural significance;
- improve consideration of context and neighborhood character;
- better integrate current planning practices without diminishing historic preservation goals.

At the same time, respondents generally expressed caution about reopening the regulations.

Can new technologies improve the process?

Overall, most people generally supported greater use of technology to improve efficiency and transparency.

Potential improvements include:

- GIS-based mapping and area of potential effects tools;
- digital project tracking;
- improved public access to consultation documents;
- expanded use of digital resource inventories; and
- electronic submission and review systems that reduce administrative burden while improving communication among consulting parties.

Technology should enhance transparency and coordination rather than replace consultation.

What additional information should ACHP collect?

Our members strongly support collecting better data on how the Section 106 process functions nationally.

Potential measures include:

- review timeframes by project type;
- sources of project delay;
- consultation participation by consulting party type;
- use of programmatic agreements;
- frequency and types of adverse effects;
- project modifications resulting from consultation;
- mitigation outcomes;
- staffing levels and workloads within SHPOs and federal agencies; and
- local government participation.

Such information would allow future discussions to be grounded in measurable outcomes rather than anecdotal experience.

Additional Observations

Across our survey responses and other observations, one message emerged repeatedly: the effectiveness of Section 106 depends far more on adequate staffing, training, consistency, transparency, and good-faith consultation than on substantial revisions to the regulations themselves.

Local preservation commissions continue to play a valuable role by contributing community knowledge, helping identify historic resources, and facilitating public engagement. Respondents emphasized that local governments should be engaged earlier and more consistently throughout the consultation process, particularly in communities that lack dedicated preservation staff.

NAPC appreciates the opportunity to provide these originally requested comments and remains committed to working collaboratively with the ACHP, federal agencies, SHPOs, Tribal Nations, and preservation partners to improve the effectiveness and efficiency of the Section 106 process while maintaining the statutory objectives of the National Historic Preservation Act.

We would welcome the opportunity to discuss these comments further and to continue providing the perspective of local preservation commissions as the Council considers future revisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Christman". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Abigail Christman
Board Chair, National Alliance of Preservation Commissions