

Dear Members of Congress:

The National Alliance of Preservation Commissions (NAPC) is the only national nonprofit dedicated to supporting more than 3,500 local historic preservation commissions across the country. Our members are your constituents: volunteer commissioners, local government staff, small business owners, and experienced professionals who have devoted themselves to protecting historic and cultural resources in their own communities.

We are writing to raise serious concerns about proposed revisions to the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) of 1966. On July 24, 2026, the Advisory Council on Historic Preservation (ACHP) voted to move forward with a Notice of Proposed Rulemaking (NPRM) to substantially revise 36 C.F.R. Part 800, the federal regulations that establish how agencies carry out their responsibilities under Section 106. Developed without meaningful public input, the proposed revisions would fundamentally reshape the Section 106 process and, in our view, dismantle a central premise of the NHPA: that **historic preservation serves the public interest**.

The proposed revisions represent a significant departure from the collaborative framework that has guided Section 106 for decades. These changes would eliminate the existing requirement that federal agencies must consult with the appropriate State Historic Preservation Office, local government and members of the public who could be affected by the project. While NAPC supports efforts to improve the efficiency and effectiveness of federal review, reforms should not come at the expense of accountability, meaningful consultation, or local representation.

Section 106 currently requires federal agencies to consider the effects of projects they carry out, fund, permit, license, or approve on historic properties. It provides the ACHP, Certified Local Governments (CLGs), State Historic Preservation Offices, Tribes, and the public a meaningful opportunity to weigh in before a final decision is made.

The draft revisions would fundamentally change that long-established balance:

- Consultation would become discretionary. Federal agencies would have greater authority to determine whether and how to involve affected communities and other stakeholders.
- Agencies could gain broad, self-administered exemptions. Agencies may have multiple avenues to exempt their own projects from traditional Section 106 review without public and local oversight or concurrence.
- Fewer projects could receive meaningful review. This could mean less consultation, fewer negotiated mitigation measures, and fewer opportunities for communities to shape decisions affecting their own historic and cultural resources.
- Significant resources could be excluded from consideration. Narrowing the types of properties and effects considered could disproportionately affect traditional cultural

properties and sacred sites, including landscapes whose significance depends on their setting, views, and atmosphere.

- Communities could learn about impacts only after it's too late. Reduced notice and consultation could leave previously unidentified resources, including sacred sites and burials, vulnerable to irreversible harm before communities have an opportunity to respond.
- The proposal redefines what a historic resource is. The current definition, which includes landscapes, archaeological sites, and natural elements like mountains and rivers has been accepted for decades.
- Communities should have substantial input to appropriate mitigation when cultural resources will be adversely affected.

These changes warrant the attention of Congress. Changes of this magnitude should be carefully examined to ensure they remain consistent with the purpose and intent of the NHPA.

This Is Not a Partisan Issue

Historic preservation has long enjoyed bipartisan support. The NHPA was enacted in 1966 with the recognition that America's historic and cultural resources serve the public interest.

For members of Congress concerned about local control, the proposed changes would move decision-making further away from affected communities and place greater discretion with federal agencies. For those focused on economic development, early coordination and predictable review can identify conflicts before they become costly delays. For members of Congress representing Tribal, rural, and culturally significant communities, narrowing the scope of review and consultation could place important resources at greater risk.

The proposed changes to Section 106 should concern you. They do not simply streamline the process, they risk removing local government, local knowledge, and local voices from decisions made by federal agencies.

Local Communities Deserve a Seat at the Table

The consequences of federal decisions are often felt most directly at the local level. Federal actions can affect historic neighborhoods, archaeological sites, cultural landscapes, sacred places, and other resources that define communities. Constituents in these communities should have an opportunity to weigh in on potential outcomes and have their voices heard.

This rule change would give federal agencies broad, self-administered discretion, with no concurrence required from local or state officials. It could also reduce opportunities for project coordination and consultation with the communities most directly affected by federal actions.

Local participation is not an obstacle to federal decision-making. **It is a resource that can help agencies identify concerns early, avoid unnecessary conflicts, and make better-informed decisions.**

Section 106 does not give local governments or consulting parties a veto over federal projects. It provides a process for ensuring that potential impacts are identified and considered before decisions become irreversible.

Our Request

NAPC supports reasonable reforms that improve efficiency while preserving meaningful collaboration and accountability. We respectfully ask members of Congress to:

- **Exercise oversight of this rulemaking** by requesting information and briefings from the ACHP and the Office of Information and Regulatory Affairs on the proposed revisions and their anticipated effects on local, Tribal, and public participation.
- **Encourage meaningful engagement** with Certified Local Governments, Tribes, State and Tribal Historic Preservation Offices, preservation commissions, and the public before the rule is finalized.
- **Consider a Congressional hearing or formal briefing** to allow affected stakeholders to explain the potential consequences of these changes.
- **Stand ready to take appropriate oversight or legislative action** if the final regulations do not preserve meaningful opportunities for local, Tribal, and public participation.

NAPC and our members stand ready to serve as a resource to you and your staff on this issue. Please do not hesitate to contact us.

Sincerely,



Abigail Christman
Board Chair, National Alliance of Preservation Commissions