



National Trust *for*
Historic Preservation®

July 21, 2026

Travis Voyles, Vice and Acting Chair
Advisory Council on Historic Preservation (ACHP)
401 F Street NW, Room 308
Washington, DC 20001

Dear Vice-Chairman Voyles,

On behalf of the National Trust for Historic Preservation and as a statutory voting member of the Advisory Council on Historic Preservation (ACHP), I write to share our opposition to the proposed revisions to the regulations implementing Section 106 of the National Historic Preservation Act and the process that has led to this requested vote.

At the ACHP's business meeting on Thursday, June 4, Council members agreed, after a lengthy discussion, for ACHP staff to develop a specific timeline for considering amendments to the Section 106 regulations, and for Council members to submit written comments by Monday, August 3.

Instead of following that approved process, Council members have been given only one week, without any advance notice, to vote on a set of draft regulations that would dramatically diminish the effectiveness of Section 106 and the current legal protections for historic and cultural places. It appears that ACHP staff and Council members, including the National Trust, had virtually no involvement in the development of this proposal, nor opportunity to participate in this dramatic revision of the regulations.

The National Trust strongly objects to the proposed regulations as sent to Council members on Friday, July 17, and their devastating effects on the protection of the nation's historic and cultural resources. Our unique Congressional mandate to "facilitate public participation" in historic preservation also compels us to oppose these draft regulations, which would dramatically reduce or eliminate public participation in the Section 106 review process. These revisions would eliminate the capacity of Americans across the United States to voice their concerns about federal undertakings impacting their communities and the historic places they value.

Because it represents such a dramatic departure from longstanding practice, including the highly successful partnership with tribal, state, and local governments that has been a hallmark of the Section 106 process for decades, this proposal is likely to cause widespread chaos and confusion, and would curtail the consultation process that has led to thousands of win-win outcomes around the country. This proposal is also highly vulnerable to legal challenge because of numerous inconsistencies with the statutory requirements of the National Historic Preservation Act.

The damaging changes include among other things, the following:

- Federal agencies would no longer be required to try to avoid or minimize damage to America's historic architecture, neighborhoods, and landscapes.
- State and local governments would no longer have the right to be notified or have the opportunity to comment when federal agencies propose to damage or destroy historic places within their jurisdiction.
- The public's opportunity to comment on federal historic preservation policies or actions would now be entirely optional, at the discretion of the federal agency.
- The federal government would no longer be required to consult with Native American tribes or seek their expertise regarding their own significant cultural resources.
- Significant cultural landscape features would no longer be considered historic properties, so federal agencies would no longer be required to take into account any adverse effects to significant places, even places as significant as the Grand Canyon.
- Federal agencies would no longer be required to consider the reasonably foreseeable consequences of their actions on historic properties, other than direct actions that physically damage the properties.

As noted above, the ACHP's adoption of these proposed regulations would be inconsistent with the National Historic Preservation Act and would violate the Council's own rules and procedures. The proposed changes are also internally inconsistent and riddled with errors, likely to cause enormous regulatory confusion.

We again express our strong opposition to these proposed revisions to the Section 106 regulations and urge the Council to withdraw them. We will be voting No on these proposed regulations.

We welcome the opportunity to discuss this further with you and the other Council members and staff, and we have reached out to schedule time for you to meet with Brent Leggs, President and CEO of the National Trust.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel
National Trust for Historic Preservation

cc: ACHP Members
Reid Nelson, Executive Director, ACHP
Kelly Fanizzo, General Counsel, ACHP