



Section 106 Under Threat: Guidance for Advocates

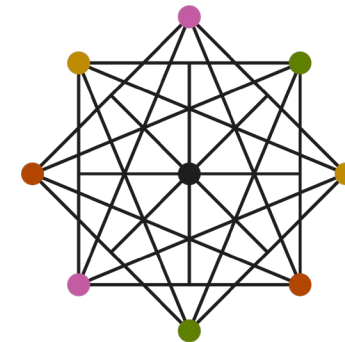
August 24, 2026

Featuring:

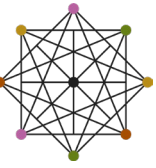
- Kim Trent, Executive Director, National Preservation Partners Network
- Chris Moore, Executive Director, Washington Trust for Historic Preservation
- Chris Cody, Senior Associate General Counsel, National Trust for Historic Preservation

Meeting the Moment: Defending Section 106

A GRASSROOTS ADVOCATE'S PLAYBOOK
AUGUST 24, 2026



**NATIONAL
PRESERVATION
PARTNERS
NETWORK**

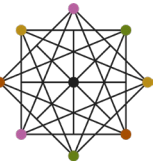


National Preservation Partners Network

- Advances the growth and effectiveness of the organized preservation movement through communication, education, training, and a common advocacy agenda.
- Membership-based, independent association of non-profit organizations from across the United States and Territories working in the broad field of historic preservation and heritage conservation.



Connected for what's next in preservation.



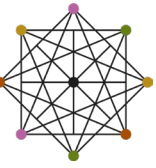
What the ACHP Is Proposing

PROCESS & CONSULTATION CHANGES

- Ends the “avoid, minimize, mitigate” standard — replaces it with a vague directive to merely “address” adverse effects
- Makes public comment optional, at each agency's own discretion
- Rolls back required Tribal consultation on Tribes' own cultural and sacred sites

SCOPE & OVERSIGHT CHANGES

- Cuts out state & local governments' right to be notified or comment
- Lets agencies self-certify their own “Section 106 Report” in place of independent review
- Exempts broad categories of federally connected projects from review entirely

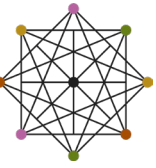


The Rulemaking Timeline: Where Things Stand

- **Jan 30, 2026** -- ACHP Vice Chairman Travis Voyles announces intent to revisit Section 106 regulations
- **Feb 12, 2026** -- ACHP announces a Section 106 Working Group; member groups request seats
- **Jul 17, 2026** -- Draft rewrite of 36 CFR Part 800 circulated to ACHP members
- **Jul 24, 2026** -- ACHP votes 16–5–2 to advance the proposal toward publication
- **NOW** -- The draft rule is under interagency review by the White House Office of Information and Regulatory Affairs (OIRA). Advocates can request a 30-minute meeting with OIRA to share concerns before the rule is finalized (cite RIN 3010-AA10) www.reginfo.gov/public/do/eo/neweomeeting
- **NEXT** -- After OIRA review, the Notice of Proposed Rulemaking (NPRM) is published in the Federal Register, opening a 30-day public comment window
- **FINAL** -- ACHP reviews public comments, may revise the rule as needed, and publishes a final regulation (effective 30 days later)

A Five-Point Grassroots Action Plan

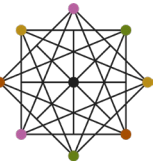
1. DOCUMENT LOCAL IMPACT
2. BUILD LOCAL COALITIONS
3. CONTACT ELECTED OFFICIALS
4. SUBMIT PUBLIC COMMENTS
5. USE MEDIA & SOCIAL



Action 1 of 5: Document Local Impact

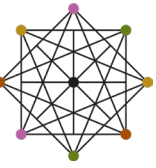
- **Collect and Share Success Stories --**
Document specific cases where Section 106 review improved or stopped a harmful project near you (e.g., cell-tower siting, road or pipeline projects, CDBG-funded projects). Ask your SHPO if you don't know.
- **Call Out Potential Future Losses –** Identify historic resources owned or funded by the federal government, adjacent to state or federal highways, near potential locations for data centers, cell towers and transmission lines, etc.





Action 2 of 5: Build Local Coalitions

- **Partner Up** -- Connect with your SHPO, THPO, Main Street programs, and neighborhood or preservation associations; you're stronger together.
- **Don't Forget Adjacent Constituencies** – Engage with architects, professional and academic bodies, historical societies, downtown development organizations/BIDs, local planning commissions, environmental and conservation groups, civic participation / open government groups, descendant communities, cultural heritage groups, and legal advocacy organizations.
- **Connect Local Coalitions to National & Statewide Efforts** -- Coordinate with national and statewide preservation organizations for the latest information, shared talking points and letter/email templates.
- **Encourage Locals to Join the Letter-Writing Goal** -- The National Trust is aiming for 250,000 letters to governors and Congress; every submission adds to the count and the impact. Let's flood the zone!



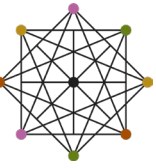
Action 3 of 5: Contact Your Elected Officials

Contact Your Governor & Legislators

- Explain, in your own words, how the proposed changes would affect historic properties and federally connected projects in your state.
- Governors carry weight in this process and can be strong allies if their constituents help them understand the stakes.
- Sign up for their newsletters and watch for town halls -- they're often the easiest opening to speak up in person.

Reach Out to Members of Congress

- Call or write your U.S. Representatives and Senators. During the current congressional recess, district offices are especially accessible -- consider requesting an in-person meeting.
 - House – Until August 31
 - Senate – Until September 14
- Invite legislators to visit a local historic site and be ready to speak to how it benefits the community -- a visit is memorable in a way a letter/email isn't.



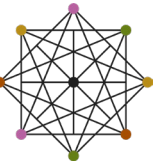
Action 3 of 5: Contact Your Elected Officials

Contact Your Mayor & Council

- Your community is where the impacts of these changes will ultimately be felt directly and most powerfully.
- Ask your local elected leaders to pass a resolution opposing the proposed changes to Section 106 and share it with your federal representatives.
- Ask your mayor and council to raise this issue with your state's Municipal League and the National League of Cities and call for action to protect communities from federal agency overreach.

Help Your Members Advocate with Local Elected Officials

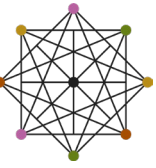
- Your members and supporters are connected to the broader community and can mobilize a broader coalition.
- Share information that is easily understandable to residents of your community. Skip the jargon.
- Provide compelling examples of local historic places that will be lost - or places that were saved - under Section 106.
- Images are powerful – use them.



Action 4 of 5: Submit Public Comments

DRAFT NOW. FILE THE MOMENT THE PUBLIC COMMENT PERIOD OPENS.

- Start drafting now -- formal comment only opens once the Notice of Proposed Rulemaking (NPRM) is published in the Federal Register (30-day window); advocates who wait to start writing may run out of time.
- Be specific and personal -- tie your comment to a real, named local project or property; specific stories carry more weight than general opposition.
- Name the mechanisms, not just the outcome -- reference the loss of the avoid/minimize/mitigate standard, the shift to optional public comment, and the rollback of Tribal consultation, etc.
- Encourage individual submissions -- volume matters, but so does substance; ask community members to each file their own comment rather than one group letter alone.



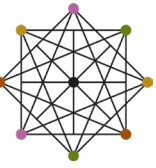
Action 5 of 5: Use Media & Storytelling

Legal and regulatory language rarely moves people.

- A named building, a neighborhood, or a family story does.
- **Customize Your Message** – Know the audience you are trying to reach and speak their language. Preservation is bi-partisan and the words you use will influence how you are heard.
- **Pitch Local News Outlets** -- Reporters respond to “hometown landmark at risk” angles; offer a specific site, a clear timeline, and a local voice to quote.
- **Post with Purpose** -- Share before/after examples and plain-language explanations; tag other national, local, and state preservation organizations and allied groups to widen your reach.
- **Lead with People, not Policy** – a beloved family home saved from a road project, a saved WWII-era site or Civil War battlefield, a protected Main Street block; concrete stories outperform abstract arguments
- **A Picture is Worth a Million Words These Days** -- Broadcast stations, streaming media, and social media love good visuals (i.e. a historic place or building). Give them what they want!

At Risk: Our Historic Places and Your Voice

How a Change in Washington Could Reshape Moore County

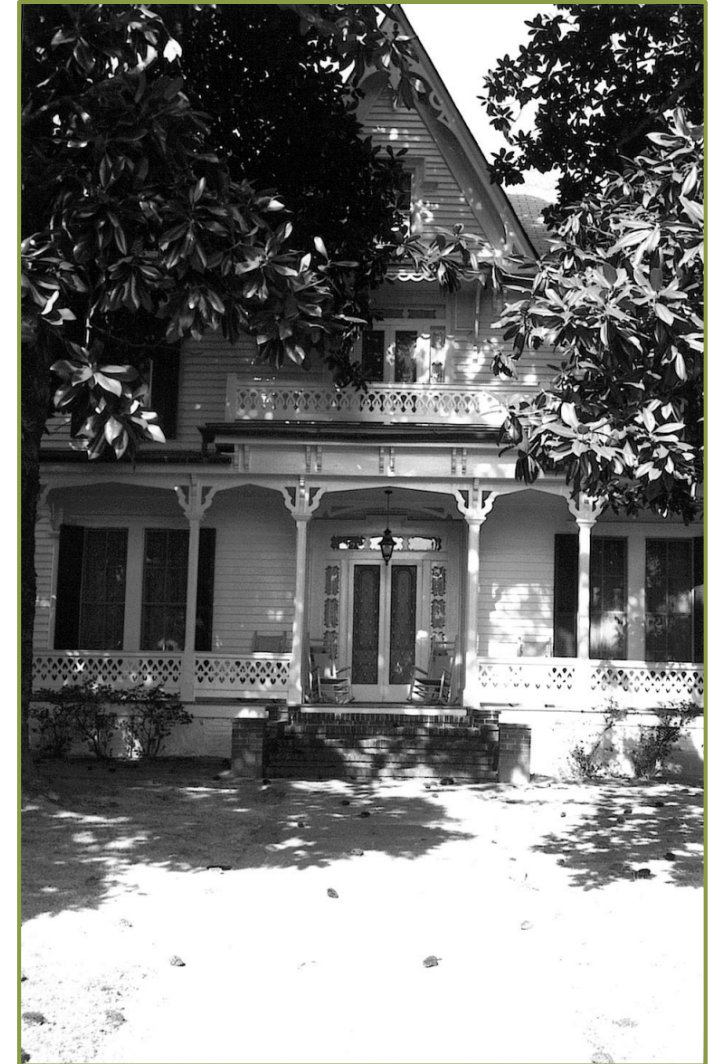


The Farmhouse That's Still Standing

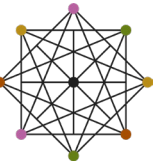
What it means for Moore County

Section 106 isn't abstract. The clearest way to understand what Section 106 protects is a story from our own backyard.

- In 1990, the state proposed widening US 1 into four lanes between Cameron and Vass. Before a federally funded project like that can move forward, someone first has to answer one question: is there anything in its path worth protecting? That question is the heart of Section 106.
- In Moore County, answering it took real work. The county courthouse burned in 1889, and the records burned with it. Local historians traced old deeds, interviewed families, and walked the land building by building to determine potential impacts. They documented eleven historic places along the route, among them the Leslie-Taylor Farmstead: an 1879 farmhouse with a wide wraparound porch, on land its family had held for over a century.
- It sat squarely in the path of one of the proposed routes, and the survey suggested the house and its outbuildings would be lost to the project. But Section 106 required that impact to be named in the open, rather than quietly existing on a drawing somewhere. Today, the farmhouse is still standing.

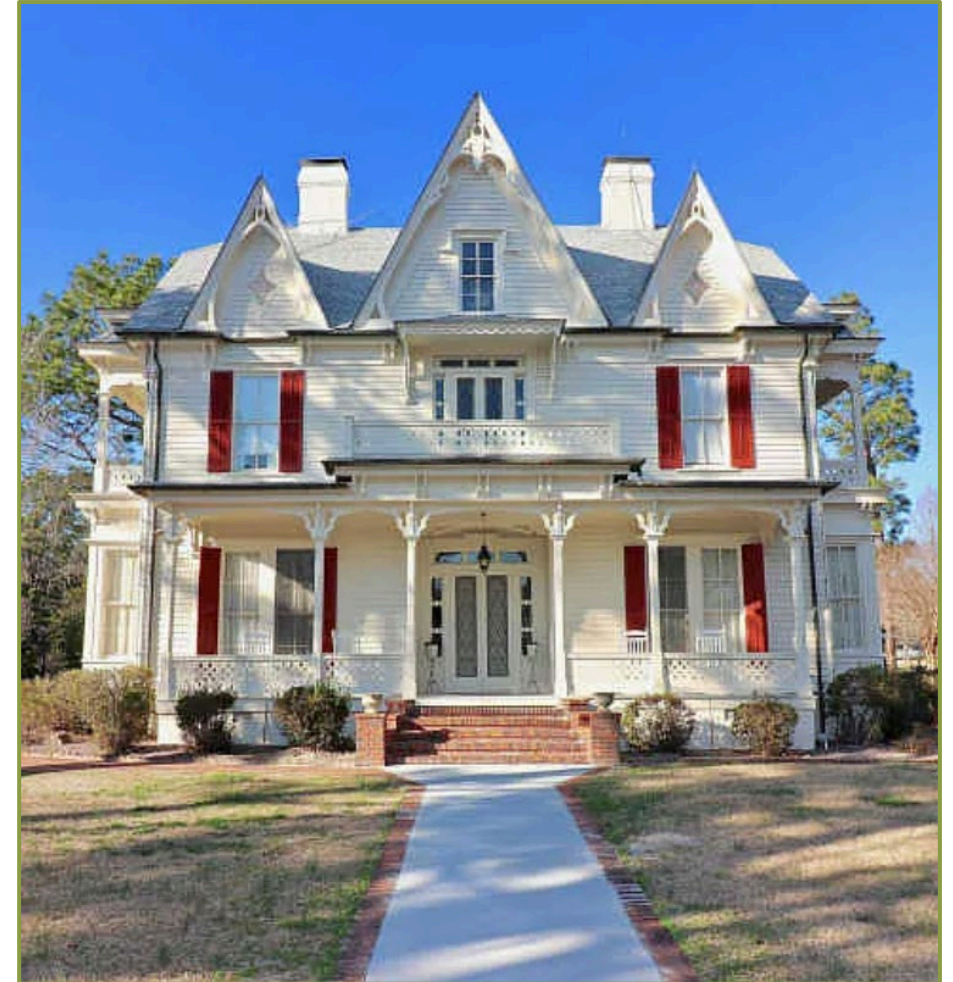


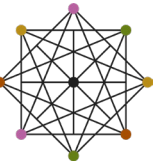
The Farmhouse That's Still Standing



- The two downtowns were never in the plans at all. Routing a four-lane highway through the historic hearts of Cameron or Vass was never a serious option because Section 106 had already required those places to be identified and weighed.
- That's the protection most people never see: not only the fights it wins, but the bad options it keeps off the table before anyone ever draws them.
- That is exactly what the rewrite puts at risk. Taken to the most extreme interpretation, the outcome could be severe. The designations would remain, but the requirement to honor or even acknowledge them falls away. In this case, a widening through downtown Cameron or Vass would only be inconvenient, not unthinkable.
- The Leslie-Taylor Farmhouse still stands because Section 106 required someone to look. Strip that requirement, and the next place in a highway's path may never even be found.

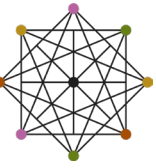
<https://www.pinespreservation.org/section106>





Key Resources

- **Advisory Council on Historic Preservation** -- achp.gov -- official docket text and rulemaking update
- **Cultural Heritage Partners** -- culturalheritagepartners.com/defend-section-106/ -- law and policy firm tracking the rulemaking and representing affected communities.
- **National Alliance of Preservation Commissions (NAPC)** -- napcommissions.org -- education, training, and advocacy support for local preservation commissions
- **National Association of THPOs (NATHPO)** -- nathpo.org/ -- support for Tribal historic preservation programs and Tribal consultation guidance
- **National Conference of SHPOs (NCSHPO)** -- ncshpo.org -- plain-language rulemaking tracker and FAQs
- **National Preservation Partners Network (NPPN)** -- prespartners.org -- national network connecting statewide and local nonprofit preservation organizations
- **National Trust for Historic Preservation** -- savingplaces.org/section106 -- action center, letter templates, and one-pagers
- **Preservation Action** -- preservationaction.org -- the national grassroots lobby dedicated to federal preservation policy



Crisis = Opportunity

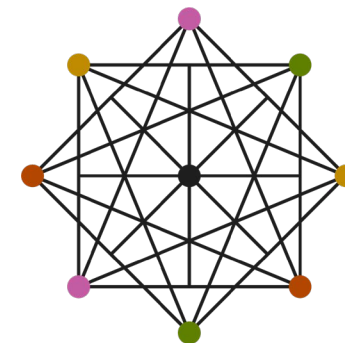
- This fight is shifting from the courts to the streets - where we have the advantage.
- Preservation is a basic American value – everyone has a historic place that holds meaning for them. So, they’re already preservationists. We just need to remind them and engage them in our efforts.
- This fight has lifted historic preservation into the national spotlight and the national consciousness again.
- This crisis is our opportunity – win or lose - to strengthen our movement and save more of the places that matter to all Americans. Let’s not waste it.

It is our moment. Let’s meet it.



Thank you!

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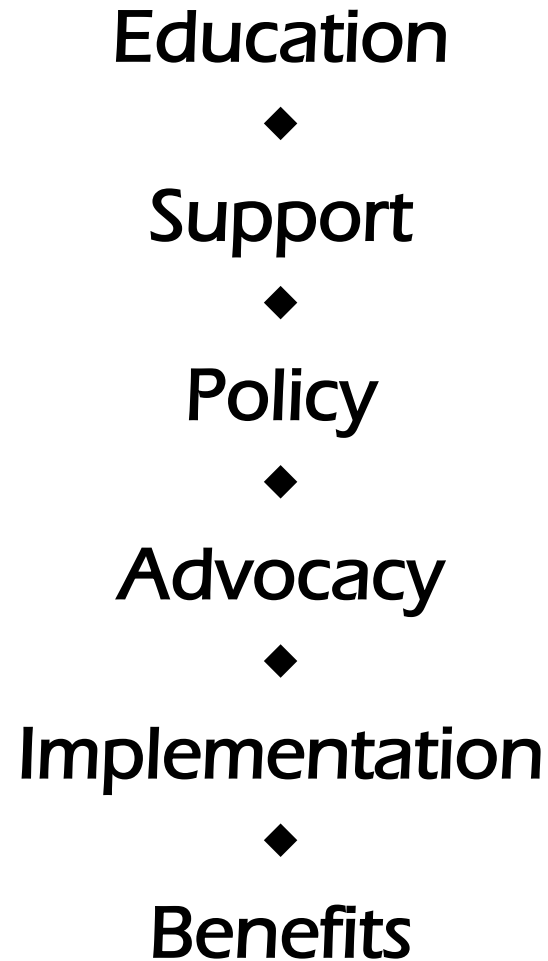


**NATIONAL
PRESERVATION
PARTNERS
NETWORK**



We partner with communities to preserve,
share, and shape the future of historic places in
Washington State.

6 Steps For Success



Beverly Bridge

Intersection of Policy and Advocacy



Beverly Bridge

Intersection of Policy and Advocacy

- Part of a historic route known as the **Milwaukee Road** rail line spanning the country.
- In 1980, the state purchased the right of way for a recreational trail: the cross-state **Palouse To Cascades Trail**.
- Due to damage from a fire and maintenance needs, bridge had been **inaccessible since 2014**.
- Represented the largest gap in the cross-state trail.
- Partners included the Palouse to Cascades Trail Coalition, the John Wayne Pioneer Wagons and Riders, the Cascade Rail Foundation, Washington State Parks Recreation Commission



Beverly Bridge

Intersection of Policy and Advocacy

Section 106 initiated for the replacement of three bridges owned by BNSF along the Columbia River.



Beverly Bridge

Intersection of Policy and Advocacy

- Mitigation included \$125,000 for the Washington Trust to conduct a **rehabilitation study for the Beverly Bridge**
- Study determined **rehabilitation costs** for use as a recreational bridge **to be near \$5M.**
- State Parks included these costs as part of their **capital budget request in 2019.**
- The legislature **included funding** in the 2019-21 biennium.
- The project completed in 2022



Section 106 = Saving the Beverly Bridge



Change IS coming!

How do we manage it?

Issues

- Congress has concerns over the perceived ease with which litigation can be initiated.
- It is not just the National Historic Preservation Act: the narrative targets many environmental laws.
- 106 reform will not be standalone – it is likely to be part of a larger streamlining effort.

Attributes

- Section 106 is already very efficient. Protracted litigation is an outlier.
 - The vast majority of 106 consultations result in 'No Adverse Effect.'
- As technology continues to improve, so does the ability to respond.
- 106 is flexible, allowing for creative solutions.

Part of the Solution

Considerations for reform:

- Designate one federal agency to manage complex undertakings
- Assign a lead SHPO for multi-state undertakings
- Expand digitization and shared cultural-resource data
- Allow community-benefit funding and private agreements as mitigation tools
- Use mediators or facilitators on large, complicated projects
- Increase federal cultural-resource staffing (DOGE has resulted in markedly less efficiency...)
- Encourage energy and mining interests to hire internal cultural resources experts

**Amidst it all, we
still need to
illustrate what is
at stake.**

View of Lake Crescent from
Storm King Mountain, Olympic
National Park





National Trust *for*
Historic Preservation®

Federal Advocacy Opportunities



Zablocki VAMC, Milwaukee, WI



Desert View Watchtower, Grand Canyon National Park, AZ



Deluxe Theater, Houston, TX

AUGUST 24, 2026

CHRIS CODY

SENIOR ASSOCIATE GENERAL COUNSEL

Current Status

- ACHP's proposed rules are under review by the Office of Information and Regulatory Affairs (OIRA)
- OIRA has up to 90 days to review proposed rules
- OIRA has begun meeting with outside parties
- To request a meeting, go to:

www.reginfo.gov/public/do/eo/neweomeeting

Use RIN 3010-AA10



Century Building, Chicago, IL

What Happens Next

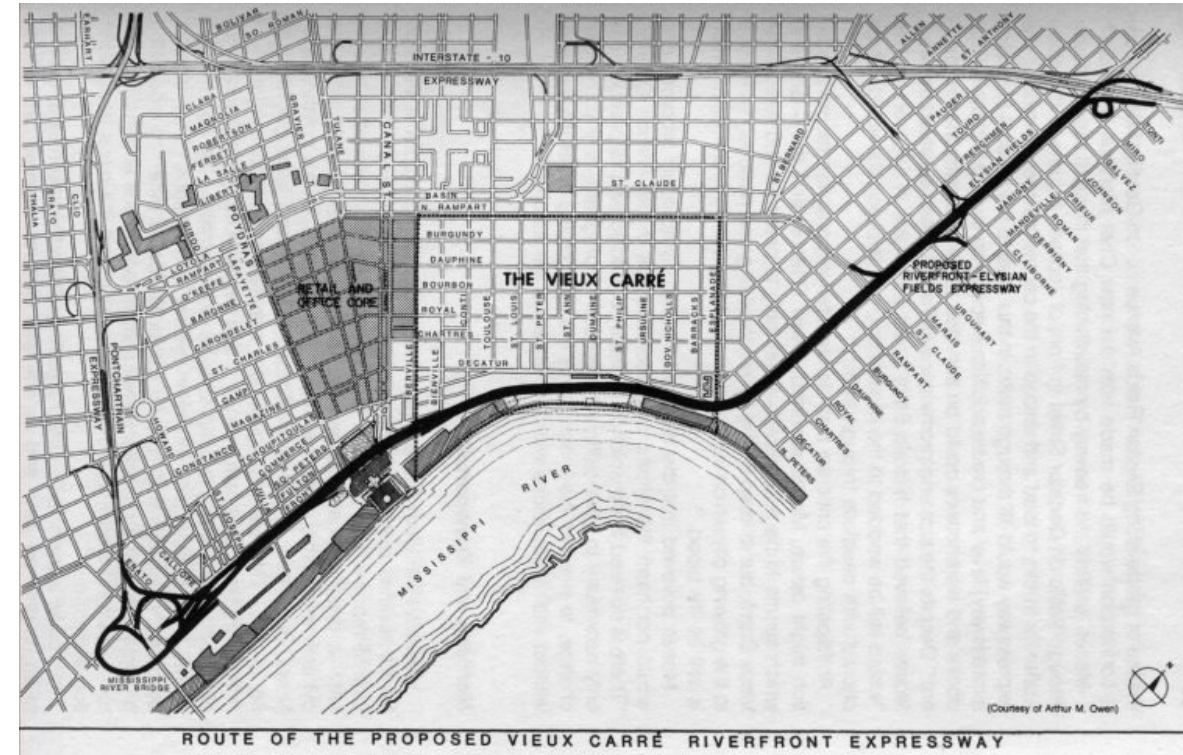
- After resolving OIRA and interagency comments on the proposed rule, the ACHP will publish a Notice of Proposed Rulemaking (NPRM) in the Federal Register
- The public will then have 30-60 days to comment on the proposed rules
- Be on the lookout for instructions on how to comment from the National Trust and other preservation advocates!!!



Federal Courthouse (demolished 1965), Chicago, IL

What Else is Happening?

- Intense Congressional interest in NHPA and Section 106
- Likely legal challenges if new rules adopted
- Ongoing Section 106 consultations continue under existing regulations
- Preservation advocates are collecting case studies



Proposed Riverfront Expressway, New Orleans, LA

What Can I Do?

- Contact your Congressional delegation
 - Advocate both in district and in DC
 - Build relationships with staff
 - Identify federal advocacy pathways
 - Educate new advocates
 - Activate existing advocates
- Prepare to fight
 - Case studies
 - Litigation coalition
 - Fundraising
- Prepare your community
 - Update your state laws
 - Update your local laws



Madison National Historic Landmark District, Madison, IN



Question and Answer

Please submit questions in the Q&A function located at the bottom of your zoom screen



Upcoming Webinar

Legislative Update: Key Preservation Priorities on the Hill
September 17, 2026, 2:00pm eastern

For More Information, visit:
SavingPlaces.org/upcoming-webinars

A collage of architectural and historical images in shades of blue, red, and beige, surrounding a central dark blue area with white text. The images include a snowflake-like pattern, a sphinx head, a circular medallion, a window with a jagged frame, red foliage, a brick wall, a decorative tile, a brick wall, a circular architectural element, a patterned floor, a tunnel with arches, a patterned floor, a red patterned wall, a red patterned wall, a stone archway, a stone wall, a stained glass window, a stone relief, a square frame, and a red patterned wall.

**Join us
Virtually**

WASHINGTON, DC OR ONLINE
SEPT. 22-24

**NATIONAL
PRESERVATION
SUMMIT'26**

<https://savingplaces.org/summit>

National Preservation Law Conference

October 19, 2026 | 8:30 PM- 5:30 PM ET



Washington D.C. and Online
<https://savingplaces.org/law-conference>

Thank You!

Questions? Please contact:

FORUM@SAVINGPLACES.ORG



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Historic Preservation®