



**SOCIETY *for*
HISTORICAL
ARCHAEOLOGY**

March 6, 2026

Mr. Travis Voyles
Vice Chairman
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

Re. Advisory Council on Historic Preservation's Review of the Implementing Regulations for Section 106 of the National Historic Preservation Act

Dear Mr. Voyles:

The Society for Historical Archaeology (SHA) appreciates this opportunity to offer initial comments to the Advisory Council on Historic Preservation (ACHP) in response to your February 12, 2026 request to ACHP members to review 36 CFR Part 800, the regulations for Section 106 of the National Historic Preservation Act (NHPA). The SHA is the largest scholarly organization focused on the archaeology of the modern world (A.D. 1400-present). Our diverse membership includes historic preservation specialists who prepare cultural resources assessments for compliance with federal, state, and local laws and regulations; and those employed within federal and state agencies involved with and responsible for regulatory reviews. Our members are aware of the current examination of the federal Section 106 process, and they are invested in the outcome of ACHP's review of the regulations. Our knowledge, applied experiences, and perspective will be beneficial to the ACHP as you move forward on this review.

Below, we have addressed the questions you posed to ACHP members during the February 12th Business Meeting:

Could the Section 106 regulations, or any portion thereof, be streamlined to more effectively achieve the statutory objectives of the NHPA? If so, what changes should be made?

Section 106 applies only to undertakings with a federal nexus and ensures these projects consider potential effects to the United States's irreplaceable cultural and historical heritage. Despite being an effective preservation tool for over four decades, many myths persist regarding its effectiveness in project development. For example, the perception that the Section 106 process delays project delivery is not true. The majority of projects are reviewed by State Historic Preservation Offices (SHPOs) within the timelines required by the Section 106 regulations. In addition, numerous Section 106 undertakings are exempt from review by SHPOs and other Section 106 consulting parties through the use of statewide Section 106 programmatic agreements and ACHP program comments. Further, of the millions of Section 106 undertakings over the past two decades, less than 0.5% resulted in an adverse effect on historic properties.

Indeed, these regulations have been informing the project development process for decades, resulting in avoidance or minimization of irreversible damage to our shared heritage.

Section 106 is the backbone of historic preservation in the United States but is reliant on sufficient appropriations through the Historic Preservation Fund (HPF) to work effectively. HPF funding of SHPOs and Tribal Historic Preservation Offices (THPOs) provides for staffing and training to perform the required agency reviews within defined timelines. Additionally, federal agencies must have adequate funding for qualified staff. Often, the federal agencies who are ultimately responsible for Section 106 undertakings lack resources to respond to project proponent needs and requests. In addition, agencies and applicants for federal funding, permits, and licenses often fail to implement the Section 106 process during early project planning, thereby resulting in delays unfairly blamed on the regulations. Informed project initiation coupled with early appropriate SHPO/THPO(s) consultation and sufficient agency staffing will avoid project delays affecting project schedules and budgets.

The SHA will communicate with the ACHP in the near future on specific changes that can be made to the Section 106 regulations that would streamline the review process and incentivize the early consideration of historic properties during project development, including the consideration of these historic and cultural resources in early planning prior to formally initiating both Section 106 and National Environmental Policy Act (NEPA) reviews.

Are there any portions of the Section 106 regulations that are difficult to interpret or have become unnecessary, ineffective, or ill-advised? If so, please identify them.

Section 106 would benefit from a one-federal-agency approach when there are multiple agencies involved in a project. In other words, projects should designate one lead agency, as required under the Fixing America's Surface Transportation Act (FAST Act). This will identify a single point of contact for correspondence and material submissions, and will ensure that private sector project proponents, SHPOs, THPOs, and other consulting parties will not have to address multiple sets of agency procedures and policies. We also suggest standardizing timelines for federal agency responses, and for the resolution of adverse effects on historic properties. This standardization allows transparency in the process and predictable project scheduling. Finally, we recommend consistent interpretation of the Section 106 regulations across agencies so that project proponents can accurately estimate their costs and project delivery timelines. In the near future, the SHA will provide the ACHP with specific changes to the regulations that will address these issues.

Can any new technologies be leveraged to modify or streamline the Section 106 regulations? If so, please identify them.

Several, but not all, SHPOs have historic preservation Geographic Information Systems (GIS) and other databases that serve as the foundation for efficient Section 106 reviews. As a result, a few states can provide their review comments on federal undertakings to federal agencies within a matter of days. For example, the Washington State SHPO responds to Section 106 project review submittals between 2.7 days and one business week using the state's historic preservation GIS and database technology for analysis and communication with federal agencies. These state GIS

and databases are also used by some federal and state agencies, and non-federal and state project proponents during early project planning to identify known locations of significant historic and cultural sites that have the potential to impact project delivery schedules and budgets. These data allow planners to design projects to avoid or minimize impacts on these important sites prior to and during the initiation of Section 106 and NEPA reviews. Unfortunately, the use of these databases in early project planning is not widespread. In addition, SHPOs/THPOs do not have consistent funding to update and maintain cultural resources databases and electronic submission systems.

In subsequent communications, the SHA will provide the ACHP recommendations on incentivizing federal agencies and applicants for federal funds, licenses and permits to use these databases and other technologies, especially during early planning. We recommend, however, that these databases remain held and managed at the state level. Attempts at national centralization by the ACHP or other federal agencies will result in the use of inaccurate and out-of-date historic preservation data, in addition to increased bureaucracy given several high quality, successful, state-specific historic preservation databases and submission systems already exist.

We appreciate the opportunity to provide these preliminary comments to the ACHP and look forward to further discussion of this important review of the Section 106 regulations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Audrey Horning', with a stylized flourish extending to the right.

Audrey Horning
President, Society for Historical Archaeology

Cc: Reid Nelson and Kelly Fanizzo