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ACHP Votes to Amend Section 106 Regulations for the First Time in Over Two Decades



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On July 24, 2026, the Advisory Council on Historic Preservation (ACHP) voted to move forward with a Notice of Proposed Rulemaking to revise its regulations implementing Section 106 of the National Historic Preservation Act (NHPA), 36 C.F.R. Part 800 et seq. This would be the first substantive update to these regulations in more than two decades.

Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and to consult with relevant parties—such as ACHP, State Historic Preservation Officers, tribes, and other stakeholders—depending on the circumstances and type of undertaking involved. While the review is intended to ensure that federal projects account for their impacts on historic and cultural resources, the current process has long drawn criticism from project sponsors citing concerns such as timing, and lack of predictability in the process. It has also been a frequent source of litigation, creating delay and legal exposure for projects following receipt of necessary regulatory authorizations.

The stated objectives in the forthcoming rules include streamlining the Section 106 process, mirroring recent amendments to other environmental review frameworks, such as those made to the National Environmental Policy Act (NEPA) review process.

The draft regulations are not yet publicly available, as they remain under review by the White House Office of Management and Budget and the Office of Information and Regulatory Affairs. Once the Notice of Proposed Regulation is published in the Federal Register, the public will have 30 days to submit comments.

We will be closely tracking this rulemaking and plan to submit comments during the public comment period. If you have questions or would like to participate in the comment process, please reach out.

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