



# **ADVISORY COUNCIL ON HISTORIC PRESERVATION FEBRUARY MEETING**

**FEBRUARY 12, 2026**



## SECTION 106 REGULATION REVIEW

### Office of General Counsel

**Introduction.** In accordance with the Trump Administration’s policy to review existing environmental review regulations, the Vice Chairman is directing the Members of the Advisory Council on Historic Preservation (ACHP) to carry out a review and consider potential revisions to the existing Section 106 regulations at 36 CFR Part 800. This effort was announced by the Vice Chairman in correspondence with Council Members on January 26, 2026.

The Members will be asked for their input on a strategy for further engagement with the Members and external stakeholders on this initiative; a process for moving potential revisions to the existing Section 106 regulations forward; and a proposed timeline for rulemaking action.

**Goals.** The Administration and Senate Energy and Natural Resource Committee members have provided input on challenges that stakeholders are encountering in the use of the current Section 106 regulations. The challenges they have identified include, but are not limited to, lengthy and protracted reviews; confusion on addressing indirect and cumulative effects; burdensome requirements for long, linear projects; difficulty reaching agreement on routine effects to historic properties; and the unnecessary delay to critical projects that serve the American people. It is also essential that the members themselves, using their own experiences, identify other areas for improvement.

The goal of this effort will be to consider how the Section 106 regulations might be modified, clarified, or streamlined to better accomplish the statutory objectives and requirements of the National Historic Preservation Act (NHPA). To inform this effort, Members should consider the following questions:

- 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?
- Is there any portions of the Section 106 regulations that are difficult to interpret or have become unnecessary, ineffective, or ill-advised? If so, please identifying them.
- Have the Section 106 regulations, or any portion thereof, become outdated? If so, how can they be modernized to better accomplish the statutory objectives of the NHPA?
- Can any new technologies be leveraged to modify or streamline the Section 106 regulations? If so, please identify them.



- What additional information should the ACHP collect regarding the Section 106 process? Should the collection of such data be directed in the regulations?
- Are the Section 106 regulations, or any portions thereof, inconsistent with any E.O.s or directives issued by the President? If so, what modifications would ensure consistency with the orders and applicable law?

**Next Steps.** The Vice Chairman intends to designate an ACHP workgroup to focus on the review of the Section 106 regulations and provide feedback to him and the broader membership as progress is made and developments occur between regularly scheduled business meetings. Members will be asked to consider:

- The composition and operations of this workgroup
- How they would like to be kept informed on this effort
- A timeline for completion

**Action needed.** Members will be asked to provide input at the business meeting on the questions posed above. They will also be asked to send written expressions of interest in participating in a ACHP committee to review the Section 106 regulations to the Vice Chairman, with a copy to Reid Nelson and Kelly Fanizzo, by February 20, 2026. Additionally, Members should provide any written feedback on the points and questions raised above to the Vice Chairman, copy to Reid Nelson and Kelly Fanizzo, by February 27, 2026. This feedback will be provided to the ACHP workgroup for review and consideration. ACHP staff will assist in facilitating this discussion and providing information to the Members.