

The Advisory Council on Historic Preservation (ACHP) has proposed a Program Comment on Accessible, Climate-Resilient, Connected Communities that has the potential to impact the Section 106 process. In this document, the National Alliance of Preservation Commissions (NAPC) defines the Section 106 process, briefly explains the local commission's role in Section 106, interprets the proposed [Program Comment](#), and discusses how it might affect local commissions.

What is Section 106?

Section 106 is part of the [National Historic Preservation Act of 1966](#) (NHPA) which requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties.

Section 106 often is discussed in conjunction with cellular towers, transportation and housing projects. It also includes transmission lines, pipelines, federal land management decisions, railroad improvements, military training (on base or outside) and many other types of undertakings.

Section 106 review encourages but does not mandate preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions.

Learn More Here:

<https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106>

What is the local commission's role in Section 106?

As part of Section 106, the federal agency must identify potential consulting parties, including the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), local governments, applicants for federal assistance, interested parties, and the public.

The agency must invite parties to participate in consultation and provide basic information about the undertaking to all parties. In some cases, the federal Advisory Council on Historic Preservation (ACHP) will also participate in consultation.

A local commission knows more about the historic resources in their community than anyone. If federal agencies know from the onset there are potential adverse effects from an undertaking, they are more likely to adjust then rather than when issues are raised at the end of the process.

SHPO compliance staff are often overloaded, understaffed, and unable to make site visits. A local representative may add continuity to the process. In addition, local commissions may know of historic records and where to access them.

What is a Program Comment?

A Program Comment is a type of Program Alternative. Program Alternatives allow federal agencies a more flexible approach to ensure the requirements of Section 106 review are achieved and historic preservation concerns are balanced with other federal mission requirements and needs.

There are five (5) types of Program Alternatives:

- Programmatic Agreement, including Prototype Programmatic Agreement
- Exempted Categories
- Standard Treatment
- Program Comment
- Alternate Procedure

What does the ACHP's Program Comment propose?

The goal of the current ACHP Program Comment is to accelerate historic preservation review timelines for federal projects related to housing, climate-smart buildings, and climate-friendly transportation. They include:

- Allowing certain sitework and façade projects to proceed with limited or no review, simplifying routine maintenance and care of existing buildings as well as speeding climate resiliency upgrades.
- Allowing the installation of certain solar panels on historic buildings involved in federal government projects without further historic preservation review.
- Facilitating the electrification of historic buildings by exempting or streamlining reviews for mechanical and electrical system upgrades, including retrofits and installations of new all-electric energy-efficient appliances and building systems, including heat pumps.
- Broadening the scope of building envelope energy efficiency improvements, including replacement windows, doors, and insulation, without further historic preservation review.
- Facilitating pedestrian, bicycle, micromobility, and public transit projects.

How does the proposed Program Comment affect local commissions?

While the effort to streamline certain aspects of reviews is valuable, NAPC is concerned that the broad scope of the proposed changes has the potential to limit the ability of local communities to participate in the Section 106 process. Local governments use the consultation process to provide information related to historic resources, balance undertaking needs with local preservation priorities, and ensure that the impacted public has a voice in our government. For some communities, the Section 106 process is their only opportunity to participate in projects that impact local resources. Local consultation has traditionally helped identify eligible cultural resources that might otherwise be overlooked.

NAPC is also concerned that this Program Comment could create confusion between federal and local level reviews. Under the proposed Program Comment, some reviews would be limited to the building façade and the replacement of windows and doors would be exempt. However, most local commissions with design review have purview over any proposed changes to a building's exterior, including door and window replacements. Alternately, commissions in rural areas may be less focused on design review, while placing great emphasis on protecting archaeological resources, linear resources (for instance national historic trails), and cultural/working landscapes.

How do I provide feedback on the proposed Program Comment?

Given the potential far-reaching impacts of the proposed changes, NAPC believes it is important that communities have an opportunity to inform the draft. We want to hear from you! NAPC invites you to participate in the public comment period and discuss how this Program Comment will impact preservation at the local level. The public comment period is open until October 9th and additional information can be found here: https://www.achp.gov/program_alternatives/program_comment/PCs_2024