CANYON COUNTY COMMISSIONERS

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November 3, 2026

Advisory Council on Historic Preservation
401 F St. NW #308
Washington, D.C. 20001

Re: Section 106 of the National Historic Preservation Act

To Whom it May Concern:

The Canyon County (Idaho) Historic Preservation Commission (HPC), an advisory board appointed by the Canyon County Board of County Commissioners (BOCC), is committed to supporting the county's residents and protecting the community's historic and archaeological resources. As an experienced group of professionals with years of locally rooted knowledge, the HPC offers informed input on projects in Canyon County regarding historic preservation. As part of a Certified Local Government (CLG), the HPC frequently participates in the federally mandated Section 106 process.

The HPC wishes to provide the following comments regarding the Advisory Council on Historic Preservation's (ACHP) proposed regulation changes to implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

As Idaho Governor Brad Little stated in his August 7, 2026, letter (*please find attached*), the HPC strongly concurs with Governor Little that the proposed regulation changes "diminish the role of local governments and the public."

In the last few years, as growth has boomed in Canyon County, the HPC has successfully engaged in several Section 106 discussions that have benefited our County. In 2025, the Army Corps of Engineers and the Idaho State Historic Preservation Office (SHPO) initiated consultation regarding the Verbena Ranch subdivision in Caldwell, Idaho. With support from the Caldwell CLG, Canyon County pursued mitigation measures to address the adverse impacts to a historic irrigation canal. Canals, like the one negatively impacted by this development, represent a significant part of Canyon County's agricultural community and are still an important part of the community's irrigation infrastructure. As a result of the consultation process, historic farms and homesteads in the area immediately around the future Verbena Ranch subdivision are being documented to help preserve information on Canyon County's agricultural past. The consultation process proceeded swiftly and was completed with the expert support of the Idaho SHPO to the satisfaction of all involved parties.

Additionally, through cooperative Section 106 review of the state's Leading Idaho Bridge Program – federal and state organizations created a large bank of funds to mitigate for the loss of historic

bridges across Idaho. Through a competitive grant program, the Canyon County HPC received some of these funds to complete an engineering review of the historic Guffey Railroad Bridge near Melba. Constructed in 1897, the bridge is an iconic landmark that represents the county's historic relationship with mining, railroads, and agriculture. Without money from this mitigation bank, the County would not be able to hire highly qualified individuals to affirm the bridge's safety and make plans for its long-term preservation, and continued utilization by outdoor recreationists.

The input of local governments and the public are vital components of the National Historic Preservation Act. Without partnerships between the federal government, our local government and the public, our community can do little to protect the significant historic and archaeological resources we treasure. Among those are the many Indigenous and mining sites scattered along the Snake River Canyon – like those in the Black Butte-Guffey Butte Archaeological District – many of which lie on federal property. Such resources not only cement our heritage by teaching us about who we are and how our county developed, but they also offer significant economic benefits, via things like rehabilitation projects and heritage tourism.

To echo Governor Little, the Canyon County HPC asks that the Advisory Council "preserves the principles that have guided Section 106 for nearly 60 years," by requiring continued consultation from local governments and the public – among the Governor's other highlighted points with which the HPC fully support.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

cc: Nichole Schwend

Governor Brad Little
State Capitol :: Boise, Idaho 83720
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August 7, 2026

Advisory Council on Historic Preservation
401 F St. NW #308
Washington, D.C. 20001

Dear Members of the Advisory Council,

On behalf of the State of Idaho, I appreciate the opportunity to comment on the proposed revisions to the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800).

The State of Idaho supports efficient government, timely infrastructure development, responsible energy production, and regulatory processes that are predictable and transparent. We recognize the importance of continually evaluating federal regulations to improve efficiency. However, those objectives should not come at the expense of the cooperative federal-state partnership established by Congress in the National Historic Preservation Act (NHPA).

When Congress enacted the NHPA in 1966, it recognized that the preservation of our Nation's historic heritage is in the public interest and concluded that identifying and considering historic resources early in project planning would improve—not hinder—the planning and execution of federal projects. Congress further declared it to be the policy of the Federal Government to administer the national preservation program "in partnership with States, local governments, Indian tribes... and private organizations and individuals."

The proposed regulations represent a significant departure from Congress's intent. Rather than strengthening cooperation between federal agencies and the states, the proposal centralizes nearly every substantive decision within the federal agency while reducing the meaningful role of states, Tribal governments, local governments, and the public. Under the proposed framework, states would largely be cut out of the process. Instead, federal agencies would determine the scope of identification efforts, define the Area of Potential Effects, evaluate historic properties, determine whether adverse effects exist, decide whether mitigation is warranted, and ultimately issue their own Memorandum of Decision. While consulting parties may submit comments, federal agencies would no longer be expected to meaningfully resolve those concerns before proceeding.

Ensuring that Idaho's values and historic ways of life are reflected in federal decision-making is essential. Nearly 70 percent of Idaho is federally managed, and—like most Western states—Idaho is significantly affected by actions taken by the BLM and the Forest Service. For decades, the Governor's Office and Idaho's natural resource agencies have fully engaged in federal processes that influence the state's citizens and resources. This includes asserting state primacy in matters of clean air and water, water rights, and wildlife management.

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Section 106 of the NHPA has always recognized the important role of states in federal decision-making. Federal agencies depend on state-level expertise to ensure historic places and resources are fully considered. Limiting that role undermines the intent of the NHPA and runs counter to the values of this administration, which has emphasized states' rights and meaningful state participation—especially for western states that are disproportionately affected by federal actions.

The State of Idaho is concerned that this approach reduces transparency and accountability by concentrating nearly all decision-making authority within a single federal agency. Good government depends upon meaningful checks and balances, particularly when federal actions affect resources that belong to the people of the states. Congress assigned State Historic Preservation Officers an active role in advising federal agencies and consulting on undertakings because local expertise strengthens federal decision-making—not because it delays it.

Equally concerning is the impact these changes may have on regulatory certainty. The stated objective of the proposed rule is to improve efficiency. However, eliminating meaningful consultation does not eliminate disagreement; it simply shifts disagreement later in the project lifecycle, when options are more limited and costs are significantly higher. Early consultation allows concerns to be identified while alternatives remain available, reducing the likelihood of project redesign, litigation, permitting delays, and public opposition after major investments have already been made. Regulatory certainty is achieved by resolving issues early—not by limiting participation in the planning process. This concern has also been raised by other preservation organizations, which argue that reducing consultation could ultimately increase business risk rather than decrease it.

Idaho has experienced firsthand the benefits of meaningful consultation under the existing regulations.

The Lava Ridge Wind Project demonstrated the importance of collaboration among federal agencies, state agencies, Tribal governments, local governments, affected landowners, and the public. The Section 106 process provided an opportunity for concerns regarding nationally significant historic properties, Tribal cultural resources, and local communities to be fully considered before federal decisions were made. Regardless of one's position on the project itself, the process reflected Congress's intent that decisions affecting historic resources should be informed by the people and communities most directly affected.

Likewise, consultation regarding the Yankee Fork Gold Dredge demonstrated that Section 106 is not simply a procedural requirement but a collaborative planning tool. Through consultation and negotiated agreement, the parties developed practical mitigation measures that balanced project objectives with stewardship of one of Idaho's most significant historic mining landscapes. The project illustrates that consultation does not prevent development—it helps produce better, more durable outcomes.

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The State of Idaho is also concerned that the proposed regulations diminish the role of local governments and the public. Idaho communities possess invaluable knowledge about the historic places, cultural landscapes, and archaeological resources that define their communities. The existing Section 106 process recognizes that local knowledge improves federal decision-making. Reducing opportunities for meaningful participation risks overlooking information that federal agencies simply do not possess.

The State also questions whether these proposed revisions are consistent with the cooperative federalism embodied in the National Historic Preservation Act. Congress established a framework in which federal agencies would consult with states, Tribes, local governments, and the public before making decisions affecting historic properties. If that balance is to be fundamentally altered, such a policy decision should come from Congress rather than through administrative regulation.

The State of Idaho respectfully urges the Advisory Council to preserve the principles that have guided Section 106 implementation for nearly sixty years by:

- maintaining meaningful consultation with State Historic Preservation Officers, Tribal governments, local governments, and the public;
- retaining negotiated Memoranda of Agreement as the primary means of resolving adverse effects;
- preserving the Advisory Council's independent role in resolving significant disputes;
- ensuring that regulatory reforms improve efficiency without sacrificing accountability or transparency; and
- maintaining the federal-state partnership envisioned by Congress in the National Historic Preservation Act.

Idaho supports responsible development, efficient permitting, and sound stewardship of our shared heritage. These objectives are not mutually exclusive. The existing Section 106 framework has demonstrated that collaboration among federal agencies, states, Tribes, local governments, applicants, and the public leads to better-informed decisions, greater public confidence, and more durable project outcomes.

Thank you for your consideration of these comments.

Sincerely,



Governor Brad Little
State of Idaho