

A Federal Rule Change Threatens Historic Places Nationwide

What's happening, why it matters everywhere, and what Denver's history teaches us — updated July 22, 2026

What Is Section 106?

For nearly 60 years, Section 106 has required federal agencies to identify historic places, weigh how their projects affect them, and consult with the people who know those places best before moving forward. It doesn't stop projects — it makes sure local voices are heard first.

What's Being Proposed

On July 17, 2026, the Advisory Council on Historic Preservation (ACHP) sent its members a sweeping rewrite of the Section 106 regulations (36 CFR Part 800), **with an email vote closing Friday, July 24**. If approved, the draft moves toward the Federal Register and a 30-day public comment period.

- **Public participation becomes optional** — agencies may not even notify the public a project is happening
- **Consultation with SHPOs, Tribes, and local governments, including Denver, narrows to "seek and consider," not negotiate** — many federally funded projects, including grants, could skip review entirely
- **"Historic property" would exclude mountains, valleys, and cultural landscapes without compact, built structures** — threatening Traditional Cultural Properties
- **Agencies would decide whether Section 106 applies at all, and decide for themselves whether their own projects cause harm** — only physical damage, as they define it, would count

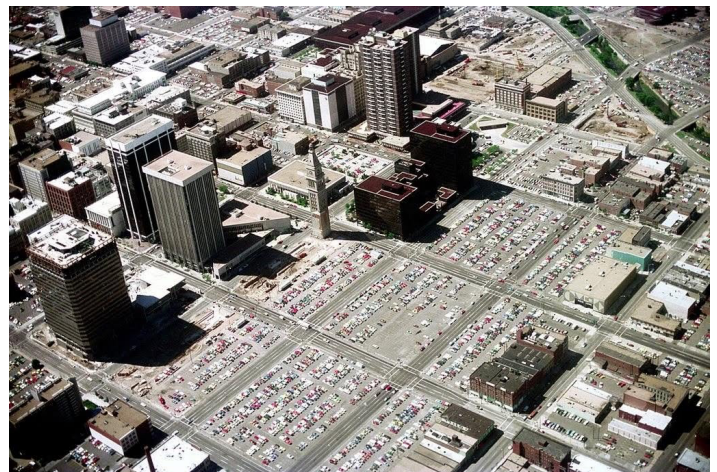
Why This Matters Here, Not Just in Washington

National coverage has focused on projects in Washington, D.C., but the places most likely to be permanently affected aren't in Washington — they're here. Denver's own history shows exactly what that looks like.

DOWNTOWN DENVER: THE SKYLINE PROJECT



Downtown Denver, 16th St. & Daniels & Fisher Tower, c. 1922–1930
Harry M. Rhoads / Western History & Genealogy Dept., Denver Public Library



Aerial of Downtown Denver, 1976
Nick DeWolf / Courtesy the Nick DeWolf Foundation

In 1967, Denver voters approved clearing 27 blocks of downtown — about 120 acres — much of it with federal money, right as the National Historic Preservation Act was being signed into law, before Section 106 had any teeth. For years, this is what was left where historic buildings once stood. Two more Denver examples, and a place Section 106 protected, are on the back.

Denver: What's at Stake

What happens without these guardrails — and what they've protected — in one American city



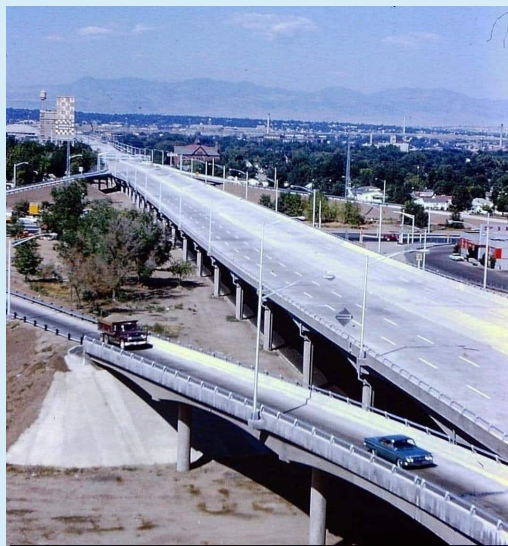
AURARIA NEIGHBORHOOD



St. Cajetan's Catholic Church amid demolition, Auraria, 1973,
Denver Public Library

Beginning in 1969, federal HUD funds cleared 38 blocks of Denver's oldest neighborhood — hundreds of families and businesses — to build the Auraria Campus. Residents organized to fight it and lost anyway. Only one block survives today, Ninth Street Park, which was saved by Historic Denver.

GLOBEVILLE, ELYRIA & SWANSEA



Newly opened Interstate 70 through Denver, 1965
"I Grew Up in Colorado" Facebook Page

Between 1960 and 1964, construction of Interstate 70 destroyed dozens of homes and divided these neighborhoods, despite organized opposition from residents. Nearly 60 years later, a \$1.3 billion project completed in 2022 began repairing the damage with a cap park reconnecting the community.

None of this went through anything like today's Section 106 process... That's the point.

And What Section 106 Has Protected

DENVER UNION STATION



Can you imagine Denver without Union Station? Its redevelopment moved forward with \$300 million in federal financing and a Federal Transit Administration-led Section 106 review. The Great Hall, original ironwork, and staircases survive inside a fully modern transit hub — proof the two aren't opposites.

WHAT YOU CAN DO NOW

1. Email achp@achp.gov or call (202) 517-0200 before Friday. Reference the draft 36 CFR Part 800 revisions.
2. Contact [Sen. Michael Bennet](#), [Sen. John Hickenlooper](#), and [Rep. Diana DeGette](#) (most of Denver).
3. Tell [Denver's Mayor](#), [your City Council member](#), [the Governor](#), and [the Attorney General's office](#) this matters.

SOURCES: [ACHP announcement](#) | [Draft regulations](#) | [NCSHPO analysis](#)