Joint Letter from the Governor of Arizona and the Leaders of Arizona Tribal Nations

October 12, 2026

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

RE: Proposed Revisions to 36 C.F.R. Part 800, Protection of Historic Properties

To the Members of the Advisory Council on Historic Preservation:

We write on behalf of the State of Arizona and sovereign Tribal Nations within the state to express our strong opposition to the proposed regulatory revisions implementing Section 106 of the National Historic Preservation Act that the Council approved in July 2026 and that are now under review by the Office of Information and Regulatory Affairs (OIRA). We respectfully ask the Council to withdraw this proposal and conduct meaningful government-to-government consultation with the states and Tribal Nations who carry out this work every day.

Arizona is home to 22 federally recognized Tribal Nations, and much of our state is federal and Tribal land. Federal decisions help protect and preserve Arizona's cultural history. Section 106 is an important tool to ensure that sacred places, ancestral sites, and the landmarks of our communities are considered before a project moves forward. It does not stop projects. It helps agencies make better decisions sooner.

Moreover, the Section 106 process does not significantly delay projects. Nationally, about 98 percent of the roughly 120,000 projects reviewed each year are completed without adverse effects. The Arizona State Historic Preservation Office averages 22 days to finish a review when it receives a complete submission. It handles more than 2,500 undertakings a year with a staff of seven. Project delays are often the result of late consultation, incomplete information, and underfunded federal, state, and Tribal offices. This proposal fixes none of those issues.

This proposal would remove Arizona's voice from decisions about Arizona's places. As drafted, it would:

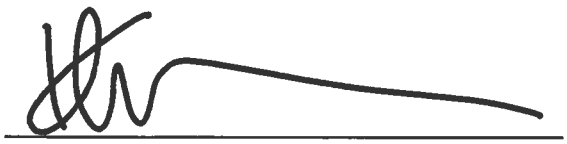
- exclude broad categories of federal actions from review altogether, including programs administered by states under delegated federal authority, such as the Arizona Department of Transportation's federal-aid highway program, and actions covered by National Environmental Policy Act (NEPA) categorical exclusions;
- exclude mountains, springs, rivers, and cultural landscapes from the definition of historic property, even those considered sacred to Arizona's Tribal Nations;
- remove recognition of government-to-government consultation, Tribal sovereignty, treaty rights, and the special expertise of Tribal Nations in identifying places of religious and cultural significance;
- stop considering visual, audible, atmospheric, indirect, and cumulative effects, which are often the very harms that damage sacred places and historic neighborhoods;
- restrict states, Tribal Nations, and local governments to commenting on an agency's finished analysis, make public participation optional, and replace negotiated agreements with decisions made by federal agencies alone.

The process to revise Section 106 has fallen short of the partnership the law requires. In June, the Council committed to a schedule and a period for member input. Instead, members received a near-complete rewrite with one week to vote. Changes of this size to a sixty-year-old partnership between the federal government, states, and Tribal Nations deserve meaningful Tribal consultation under Executive Order 13175 and genuine engagement with the states.

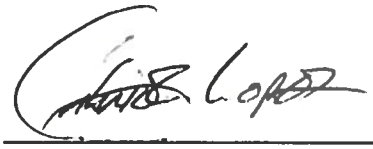
Better options already exist. Arizona supports faster and more predictable reviews. The tools to achieve that are already in the current regulations: programmatic agreements, exemptions for routine work, early coordination, and adequate staffing and funding for State and Tribal Historic Preservation Offices. Arizona already uses programmatic agreements to process more than a thousand projects a year through batch consultation. We would welcome the chance to build on that work together.

Arizona's history cannot be rebuilt once it is lost. We urge the Council to withdraw this proposal and to work with the states and Tribal Nations on targeted reforms that deliver projects efficiently and still honor the partnership Congress established. If the proposal is published in the Federal Register, we intend to submit formal comments, and we ask that this letter be included in the rulemaking record.

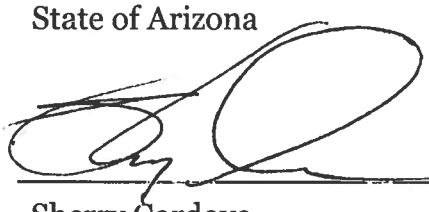
Sincerely,



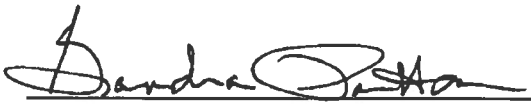
Katie Hobbs
Governor
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Gabriel Lopez
Chairman
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Sherry Cordova
Chairwoman
Cocopah Tribe



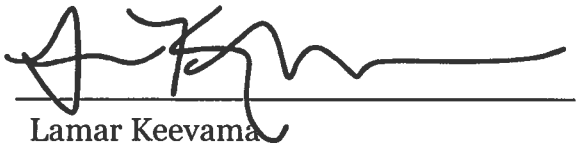
Sandra Pattea
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Fort McDowell Yavapai Nation



Jonathan Koteen
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Fort Yuma Quechan Tribe



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