WHALE

Waterfront Historic Area LeaguE

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August 17, 2026

The Honorable Maura Healey
Governor of Massachusetts
Massachusetts State House, Room 280
24 Beacon Street
Boston, MA 02133

Dear Governor Healey:

I write on behalf of the Waterfront Historic Area LeaguE, (WHALE) an historic preservation nonprofit and community development corporation founded in 1962 to protect and revitalize New Bedford's historic built environment. New Bedford is home to one of the most intact 19th-century whaling-era downtowns in the country, anchored by the New Bedford Whaling National Historical Park, and our organization has spent more than six decades working alongside federal, state, and local partners to keep that legacy standing and productive for the community. I am writing to urge you, in the strongest possible terms, to oppose the Advisory Council on Historic Preservation's (ACHP) proposed rewrite of the Section 106 regulations (36 C.F.R. Part 800) and to press the Council to withdraw or substantially revise this rulemaking.

On July 24, 2026, the ACHP voted 16–5, with two abstentions, to advance a Notice of Proposed Rulemaking that would fundamentally rewrite the regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the first comprehensive revision to those regulations in over two decades. This vote followed an unusually compressed and opaque process: council members were reportedly given only about a week to review a nearly complete draft, after the ACHP had itself resolved just weeks earlier to develop a public timeline and allow 60 days for member comment before any proposal was drafted. Neither step took place. The National Trust for Historic Preservation, the National Conference of State Historic Preservation Officers, and preservation, archaeological, and Tribal organizations nationwide have all opposed the proposal on both substantive and procedural grounds.

For sixty years, Section 106 has required federal agencies to consider the effects of their actions on historic properties before acting, and to do so in consultation with State Historic Preservation Offices, Tribal Historic Preservation Officers, local governments, and the public. That consultation process is not red tape, it is the mechanism that identifies problems early, before they become expensive litigation, and it has repeatedly produced better, not slower, outcomes for the agencies and applicants involved. The proposed regulations would gut it. Among the most alarming changes:

- Federal agencies would no longer be required to try to avoid or minimize damage to historic architecture, neighborhoods, and landscapes.
- State and local governments would lose the right to be notified, or even to comment, when a federal agency proposes to damage or destroy a historic place in their own jurisdiction.
- Public comment on federal historic preservation actions would become entirely optional, at the discretion of the agency taking the action.
- Federal agencies would no longer be required to consult with Native American Tribes or seek their expertise regarding their own significant cultural and historic resources.
- The definition of "historic property" would be narrowed so that significant cultural landscape features could fall outside the Act's protection entirely.
- Agencies would only have to consider direct, physical damage — not the reasonably foreseeable downstream consequences of their actions on historic properties.

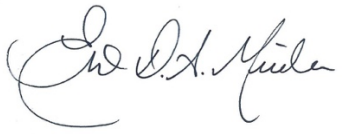
These changes would be felt acutely in Massachusetts, and especially in a city like New Bedford. Our historic community consists of hundreds of contributing structures federally designated National Historic Landmarks, a National Historical Park, and neighborhoods whose economic revitalization has depended directly on the kind of coordinated federal, state, and local review that Section 106 makes possible. Important local Section 106 projects include the U. S. Custom House, the oldest operating custom house in the country, roof replacement at the historic Bourne Building, part of the New Bedford Whaling Museum, New Bedford Harbor Super Fund site and more. The collaborative processes enabled by Section 106 produced outcomes that a weakened, optional, agency-discretion-only consultation process would make far less likely to replicate. Massachusetts' density of historic resources means our communities, our regional economies, and our sense of place have more to lose from this rulemaking than almost anywhere else in the country.

I respectfully ask that you: (1) formally urge the ACHP, in writing, to withdraw or substantially revise this proposal and to restore the collaborative timeline and member-comment process it had previously committed to; (2) press for a public comment period

sufficient to allow State Historic Preservation Offices, Tribal Historic Preservation Officers, local governments, and the public to meaningfully weigh in once the rule is published in the Federal Register; and (3) make clear to the Administration and to ACHP leadership that Congress expects the letter and spirit of the National Historic Preservation Act, including its consultation requirements, to be honored, not circumvented through regulation.

Thank you for your attention to this urgent matter. Historic preservation in New Bedford and across Massachusetts has thrived because of good-faith, collaborative relationships among federal, state, and local partners. This rulemaking puts those relationships directly at risk. I would welcome the opportunity to speak with you or your staff further, and to share more about the on-the-ground impact this proposal would have on our community's historic resources.

Respectfully,



Erin D. A. Miranda
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Waterfront Historic Area LeaguE (WHALE)
New Bedford, Massachusetts