



## SOCIETY FOR AMERICAN ARCHAEOLOGY

**Testimony of the Society for American Archaeology  
Before the Senate Energy and Natural Resources Committee  
Regarding the Section 106 Consultation Process  
Under the National Historic Preservation Act**

**October 29, 2025**

The Society for American Archaeology (SAA) appreciates this opportunity to present testimony on the consultation process under the National Historic Preservation Act (NHPA). The Section 106 review procedure and its requirement for consultation is the mechanism by which the foundational law of historic preservation in the United States—the NHPA—functions. The facts show that the reviews are carried out efficiently, with an overwhelming number of undertakings having no adverse impact on historic properties. In addition, when the surveys are carried out properly, the projects that do impact historic resources are seldom delayed during the construction phase because those issues are dealt with during the planning process. This ensures that infrastructure development can proceed in a timely manner while preserving and protecting irreplaceable heritage for future generations.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 6,000 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

### **The Section 106 process**

The NHPA is the cornerstone legislation for preserving the historic, prehistoric, and traditional cultural places loved and revered by the people of this nation. It was passed in 1966 because Congress recognized (in Section 1 of the law) that “the spirit and direction of the Nation are founded upon and reflected in its historic

heritage,” and that “historic properties significant to the Nation’s heritage are being lost and substantially altered, often inadvertently, with increasing frequency.”

Congress went on to assert in this first section of the statute that “the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.”

The method by which the authors of the bill achieved this vision was to require federal agencies to have procedures (under Section 106 of the Act-) for identifying historic properties impacted by federal or federally sponsored undertakings and evaluating their eligibility for listing in the National Register of Historic Places (NR). The NHPA further requires that agencies’ procedures for Section 106 include consultation with State Historic Preservation Offices (SHPOs), local governments, Tribal Historic Preservation Offices (THPOs), and others to take into account any adverse effects on properties listed in the NR or found through the Section 106 process to be eligible for listing on the NR.

Once research and ground surveys are completed, if the agency, the SHPO, or THPO agree on the eligibility of a property, then that property is treated as eligible or not eligible. If a property is determined eligible, it simply means that project planners must consider the effects of the undertaking on that property. It does **not** mean that the undertaking cannot proceed or that the property must be preserved. It simply means that undertakings can be altered or redesigned, if reasonably possible, so that the damage to an NR eligible historic property or properties is minimized, mitigated, or avoided. If doing so is not reasonably possible, the undertaking can proceed following thorough documentation of the historic property before it is damaged or destroyed.

### **Consultation is the key**

The consultation requirement for identification of historic properties and evaluation of their NR eligibility is the critical component of the Section 106 process. For federal agencies to consider the effects of their actions on historic properties during project planning, they need to know what historic resources are located within the area. This identification and determination of historic properties within a project’s scope of work cannot take place without consultation.

It is the SHPOs, THPOs, local groups and governments that are best positioned to know and understand the historic resources in their areas. In fact, the NHPA was written in the way it was precisely to ensure that these voices were heard during the planning and construction of federal undertakings. Prior to 1966, federal

planners would design and build infrastructure and other projects with little or no input from state, tribal, or residents, resulting in the irretrievable loss of historic and cultural resources. The NHPA was designed to avoid this outcome and to ensure accountability to resources important to taxpayers who ultimately fund federal undertakings.

### **The data show that the Section 106 process is working**

In Utah from 2020 to 2024 the SHPO reviewed 8,088 undertakings. Of these, 7,036 were by consensus determination classified as *No Historic Properties Affected*, allowing these undertakings to be approved by federal agencies. In Montana, over the past five years 4,408 undertakings have been reviewed, with only 98 resulting in a finding of adverse effect. In Arizona in 2024 the SHPO reviewed 1,451 undertakings. Just 24—less than 2%—required additional measures such as memoranda of understanding to resolve adverse effects.

At the national level the picture is similar. Between 2001 and 2021, more than 4.2 million undertakings took place in the 50 US states, the District of Columbia, the five territories, and three freely associated states. Of those, about 3.3 million, or more than 78%, were found to not have NR eligible properties or to have no adverse effect. These data clearly demonstrate that Section 106 is functioning as intended, with most undertakings cleared quickly.

While SHPOs and THPOs are meeting their 30-day review timelines, inadequate funding and the recent withholding of FY 2025 Historic Preservation Fund (HPF) appropriations by the administration have pushed these offices to their limit. They rely upon HPF grants for the federal share of their operating budgets. Further, many THPOs are still one-person offices that also run cultural and language education programs. Their workload is significant and growing. The HPF's authorization expired in 2023, and in addition funding for SHPOs and THPOs has not kept pace with inflation. Reauthorization by Congress and an increase of the HPF appropriations to \$250 million per year is vital if SHPOs and THPOs are to continue their consultation work.

### **Projects that do adversely impact historic properties are not delayed by Section 106 consultation**

In those 20 years between 2001 and 2021, about 457,000 federal undertakings were found to include an NR eligible property or to have an adverse effect on that property. Most of these undertakings were altered or redesigned so that damage to

the historic resources was avoided or mitigated. Those modifications were carried out in direct consultation with SHPOs and THPOs in an expeditious fashion. Of the millions of total Section 106 undertakings during that time, **less than 0.5%** required the creation of a formal agreement document among the relevant SHPO, federal agency, affected Native American tribes, project proponent, local jurisdictions and communities, and other interested public groups in order to resolve the project's harmful effects on significant historic properties.

### **Protecting historic properties through Section 106 creates economic growth**

Americans value their history, and the growth of heritage tourism demonstrates that fact. People visit archaeological and historic sites. Since 1908, Mesa Verde National Park has hosted about 37 million visitors. Since 1934 Gettysburg National Military Park has been visited by more than 136 million people. Since 1983 the San Antonio Missions National Historic Park has been visited by more than 42 million people, easily exceeding an average of one million visitors a year since its inception. This means money and jobs for the local communities in which these historic sites reside. According to one recent report by Astute Analytica<sup>i</sup>, heritage tourism in the United States generated \$125.2 billion in 2023. The table at the end of our testimony demonstrating archaeological site visit revenue and job creation in Arizona is taken from an April 2025 article by former SAA president Dr. Jeffrey Altschul in *Popular Archaeology*<sup>ii</sup>. It is Section 106 reviews that help identify and preserve such places for tourism activity.

A great example of how Section 106 can work to the benefit of both the economy and historic preservation is the Little Rock River Port in Arkansas. This location, according to state and local sources, has a rich history that includes precontact and historic archaeological sites. It is also a major location for economic growth, with many companies building production facilities and creating jobs for Arkansans. One of these companies, which builds composite wood decking material, chose a location in the port that contained the oldest recorded archaeological site in the county as well as the remains of a historic plantation. The Section 106 consultation process involved the United States Army Corps of Engineers, the Little Rock River Port, the Arkansas Historic Preservation Program and State Historic Preservation Office, the Arkansas Archeological Survey, and several tribal partners, particularly the Quapaw Nation. Extensive archaeological investigations of the site were conducted, and certain features of the site, including precontact Native American mounds, were preserved. The company in question was still able to build on the

site. There is a display of the project and its cultural resources discoveries in the Little Rock River Port headquarters.

### **Section 106 reviews also create jobs**

The committee also needs to be aware of the employment ramifications of this issue. The cultural resource management industry is composed of hundreds of businesses that generate more than \$1.2 billion per year and employ over 20,000 people. These are the private sector firms and personnel that conduct most of the Section 106 surveys. Their work directly supports the consultation process between agencies, SHPOs, THPOs, and local governments.

In conclusion, the SAA strongly supports the NHPA, Section 106, and the consultation process that makes it all possible. This system is efficient and effective. When it is carried out properly, Section 106 enhances project delivery by ensuring that progress is not interrupted by the inadvertent discovery of historic resources during construction. This saves the taxpayer time and money, generates economic development, and facilitates infrastructure deployment and other growth, all while still preserving our historic resources.

Table 1. Visitation rates, economic output, and jobs created by National Park Service Units in Arizona (2023-2024). Statistics for visitation are for 2024 (NPS 2025); economic output and jobs are for 2023 (Flyr and Koontz 2024).

| <b><u>Park (NP), Monument (NM), Historic Site (NHS), or Memorial (NMem)</u></b> | <b><u>Visitors</u></b> | <b><u>Economic Output</u></b> | <b><u>Jobs</u></b> |
|---------------------------------------------------------------------------------|------------------------|-------------------------------|--------------------|
| <b>Archaeological or Historical</b>                                             |                        |                               |                    |
| Wupatki NM                                                                      | 220,205                | \$18,743,000                  | 190                |
| Canyon de Chelly NM                                                             | 387,433                | \$53,029,000                  | 574                |
| Tuzigoot NM                                                                     | 108,283                | \$10,543,000                  | 93                 |
| Montezuma Castle NM                                                             | 379,967                | \$37,554,000                  | 332                |
| Tonto NM                                                                        | 30,840                 | \$3,221,000                   | 28                 |
| Casa Grande NM                                                                  | 104,429                | \$11,527,000                  | 102                |
| Fort Bowie NHS                                                                  | 8,483                  | \$382,000                     | 4                  |
| Tumacacori NM                                                                   | 35,256                 | \$3,309,000                   | 33                 |
| Hubbell Trading Post NM                                                         | 46,419                 | \$4,301,000                   | 49                 |
| Walnut Creek NM                                                                 | 187,205                | \$12,072,000                  | 126                |
| Coronado NMem                                                                   | 164,246                | \$12,311,000                  | 123                |
| Total                                                                           | 1,672,766              | \$166,992,000                 | 1654               |
| <b>Natural</b>                                                                  |                        |                               |                    |
| Pipe Spring NM                                                                  | 24,530                 | \$2,038,000                   | 22                 |
| Grand Canyon NP (GCNP)                                                          | 4,919,163              | \$1,022,191,000               | 10,600             |
| Navajo NM                                                                       | 58,442                 | \$2,606,000                   | 37                 |
| Sunset Crater Volcano NM                                                        | 73,260                 | \$6,451,000                   | 67                 |
| Petrified Forest NP                                                             | 559,254                | \$43,596,000                  | 451                |
| Organ Pipe NM                                                                   | 182,612                | \$18,754,000                  | 164                |
| Saguaro NP                                                                      | 946,369                | \$112,857,000                 | 982                |
| Chiricahua NM                                                                   | 71,390                 | \$4,561,000                   | 51                 |
| Total                                                                           | 8,507,786              | \$1,380,046,000               | 14,028             |
|                                                                                 |                        |                               |                    |
| Excluding GCNP                                                                  | 3,588,623              | \$357,855,000                 | 3,608              |
| Percentage of Arch and His with GCNP                                            | 19.7                   | 12.1                          | 11.8               |
| Percentage of Arch and His without GCNP                                         | 46.6                   | 46.7                          | 45.8               |

---

<sup>i</sup> <https://www.astuteanalytica.com/industry-report/heritage-tourism-market>

<sup>ii</sup> <https://popular-archaeology.com/article/in-defense-of-section-106-of-the-national-historic-preservation-act/>