



Historic Preservation Advisory Commission Regular Meeting

**807 Mountain Avenue
Berthoud, Colorado 80513
Monday, September 14, 2026, at 5:30 PM**

This is an **In-Person** meeting at the location and time noted above.

- 1. Roll Call**
- 2. Approval of Meeting Minutes**
 - A. Approval of Meeting Minutes, August 10, 2026
- 3. Public Comment Period**
- 4. Discussion Items**
 - B. Water Tower Grant update
 - C. Survey Grant update
 - D. October 3 Walking Tour updates
 - E. Membership Ordinance and recruitment update
 - F. Section 106 Update
- 5. Adjourn**

Town of Berthoud Historical Preservation Advisory Committee Regular Meeting

807 Mountain Avenue, Berthoud, CO 80513

Monday, August 10, 2026, at 5:30 PM

This was an in-person meeting at the location noted above; it was called to order at 5:34 PM

1. Roll Call

HPAC members present were Leslie Moore, John Balcastro, Lee Hardies, and Carri Grimditch. Staff liaison Bella Manzo was present, as was Board Liaison Trustee Karen Anderson, and Andrew Wayland, Berthoud Historical Society Museum Director.

2. Approval of Meeting Minutes

A. July 13, 2026 Meeting Minutes

A motion for approval of the minutes from July 13, 2026 was made by Lee Hardies, seconded by John Belcastro. The motion passed unanimously.

3. Public Comment Period

There was no public comment

4. Discussion Items

B. Action Plan

Bella Manzo provided updates on the status of items defined in the Preservation Plan Action Plan. She and Carri have time scheduled to work on their presentation to the Berthoud Historical Society (Strategy 4.1), and that she will be presenting progress on the Walking tour of Fickel Park and surrounding neighborhood (Strategy 4.6) later in the meeting. Chair Leslie Moore provided an update that she attended the most recent Main Street organization meeting (Strategy 4.1), and gave them general information on HPAC, its functions, and discussed future possibilities for collaboration with their group. These opportunities included a walking tour coinciding with next year's Flapjack Day event, as well as a member of HPAC on the a future Main Street design/aesthetic subcommittee. It was determined that for this year, HPAC would give Andrew Wayland coasters to give out on HPAC's behalf for the event.

C. Fall Walking Tour Planning

Bella Manzo provided a draft map of a walking route for the fall tour. The Committee generally liked the tour route, and determined that the best date for the tour of the options provided was October 3. The Committee determined that Bella Manzo and Carri Grimditch would take the tour start, Andrew Wayland would take the first stop, Chair Leslie Moore would take the third stop, Lee Hardies would take the fourth stop, and Bella and Andrew would close out the tour. Bella Manzo said that she would reach out to Joan Cullen to ask if she might take the second stop. Andrew Wayland said that he would offer similar research resources as those provided for the last tour to assist Committee members in creating their scripts for each stop. Members are to bring their scripts to the September meeting.

D. Draft Water Tower Sign Design

Bella Manzo shared a draft of the content and design for the water tower sign. The grant from the State Historic Fund is still under review. The Committee provided feedback on the sign design, and offered ideas on the sign title and ultimate location. The suggestion was made to include an element of the sign designed to engage children, and Bella Manzo said that she would incorporate that into the next draft.

E. Other Business

Bella shared that applications are still open for seats on HPAC, and to encourage others to apply. The application form is available on the Town website.

Andrew Wayland shared that the Berthoud Historical Society annual fundraiser will be held on Thursday, 8/20.

Trustee Karen Anderson shared that the Town of Berthoud Civic Academy applications are currently open, and provided information on this opportunity for the public to learn about multiple areas of Town operations and functions.

Trustee Karen Anderson also shared that the Berthoud Community Library District book sale will be Saturday, 8/15 from 10:00 AM to 1:00 PM.

5. Adjourn

A motion to adjourn was made by Carri Grimditch; the meeting adjourned at 6:34 PM.

Ordinance No. 1388
Series 2026

An Ordinance of the Town of Berthoud Amending Chapter 4 of the Berthoud Municipal Code by the Adoption of a New Section 4.9, titled "Boards and Commissions"

Whereas, the Board of Trustees has previously established several boards, commissions, and committees to perform specific duties pursuant to state law or as deemed necessary by the Board of Trustees; and

Whereas, the Board of Trustees desires consolidate the general procedures for the boards, commissions, and committees and to establish the purpose and specific procedures for each board, commission, and committee.

Now Therefore be it Ordained by the Board of Trustees of the Town of Berthoud as follows:

Section 1. Chapter 4 of the Berthoud Municipal Code is hereby amended by the addition of a new Section 4.9 to read as follows:

4.9 Boards and Commissions

4.9-1 – General Provisions

A. Definitions

For purposes of this Chapter 4.9, the following term shall have the following meaning:

Member means an appointed member of any Town board, commission or committee established by this Chapter.

B. Membership

1. All members shall be appointed by the Board of Trustees. Appointments shall occur in September of each year or as necessary to fill vacancies.

2. All members shall serve without compensation.

3. Except as provided in Section 4.9-2, the following applies:

a. All members must be a resident of the Town. If any member ceases to be a resident of the Town their position shall be deemed vacant.

b. No person may concurrently be a member of more than two boards, commissions, or committees.

c. Each member shall be appointed to serve a two (2) year term. The terms of members shall be staggered, and the Board of Trustees may prescribe a shorter term at any time if necessary to preserve the stagger in terms.

d. Any member may serve only three (3) consecutive terms on a board, commission or committee. If appointed to fill an unexpired term, that appointment will not count towards the three (3) consecutive terms. In the absence of sufficient applications to fill vacancies on a board, commission, or committee, the Board may make an exception and extend a term beyond the limitation identified above. Additionally, a member of one board, commission, or committee that has exceeded the term limit for that board, commission, or committee shall be allowed to apply for appointment to another board, commission, or committee for an additional three consecutive terms.

e. All members are subject to removal at any time by the Town Board. The Town Board may dissolve any board or commission at any time, at the sole discretion of the Town Board.

5. Vacancies shall be filled by the Board of Trustees. Any appointment to fill a vacancy shall be for the unexpired term of vacating member. A vacancy occurs upon death; resignation; incapacity of the member; ineligibility to qualify as a member of the board, commission, or committee; or when the member has had three (3) unexcused absences from regular meetings within a three-month period.

C. Meetings

1. All meetings shall be open to the public and governed by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*

2. A quorum for the conducting of business shall be a majority of the total number of appointed members of the board, commission, or committee, rounded up to the nearest whole.

3. Except when expressly stated otherwise, all actions shall be approved by a majority of those members present.

4. Boards, commissions, and committees shall establish a regular schedule of meeting dates, times, and locations for the upcoming year before December 31 of each year. In the absence of any business items a meeting may be cancelled. Special meetings may be scheduled throughout

the year to facilitate review of, and feedback on, specific items but should not be used as a substitute for regular meetings.

D. Officers

1. Each board, commission and committee shall elect a Chair, Vice Chair and Secretary from among its full membership at the first regular October meeting of the board, commission, or committee.
2. The Chair shall preside at all regular and special meetings of the board, commission, or committee, and shall decide all points of procedure. The Vice Chair shall assume the duties and responsibilities of the Chair in the Chair's absence. The secretary shall keep, or cause to be kept, all records including meeting minutes, of the board, commission, or committee and shall transmit all appropriate records to the Town Clerk.
3. The term of each officer shall be one (1) year or until the end of the member's term, whichever is less.
4. Officer vacancies shall be filled at the next regular meeting of the board, commission, or committee by election of the members. Officers elected to fill vacancies shall serve until the next regular election of officers.

E. Relationship to Town Board and Town staff

1. Town staff will be available to attend all board, commission, and committee meetings. No member shall direct or interfere with the work of any Town employee.
2. Only the Board of Trustees may appoint ad hoc committees from among the members of any board, commission, or committee.
3. Each board, commission, and committee shall annually prepare a written report by February 1 of each year which shall then be presented to the Board of Trustees at a public meeting. Except for the Planning Commission, the report shall include the proposed work or programs of the board, commission, or committee for the current year.
4. Following each regular municipal election, the Board of Trustees shall vote to appoint one (1) member from the Board of Trustees as a non-voting liaison member to each board, commission, or committee, except to the Planning Commission. The primary function of a Board liaison is to be a two-way communication vehicle to and from the Board of Trustees during the period between joint meetings of the Board and the board, commission, or committee. Board liaisons should attend board, commission, or committee meetings to listen to the proceedings and offer

input but should refrain from advocating for a particular position. Liaisons should also share a brief report of what the board, commission, or committee is working on during the Board Member Report portion of regular Board of Trustee meeting agendas.

5. The Board liaison member's term shall be two (2) years with eligibility for subsequent two-year terms for so long as the individual is a Trustee or the Mayor. Board liaisons are expected to miss no more than three (3) regular meetings of the respective board, commission, or committee.

6. Board liaisons serve at the pleasure of the Board of Trustees and may be removed at any time, for any reason, by a majority vote of the Board of Trustees.

7. Each board, commission and committee shall adopt bylaws, which shall be approved by the Board of Trustees prior to adoption.

4.9-2 – Specific Boards, Commissions and Committees

A. Planning Commission

1. Pursuant to Title 31, Article 23, Part 2, the Planning Commission for the Town of Berthoud is hereby established. The Planning Commission shall consist of seven (7) members. No member of the Planning Commission may be a member of the Board of Trustees; a member of any other Town board, commission or committee; or a Town employee. Each member shall be appointed to serve a three (3) year term.

2. The Planning Commission has the following purposes:

a. To prepare and refer to the Board of Trustees for approval and adoption a master plan as defined under Colorado law.

b. To perform all functions designated by this code and Colorado law, except those functions reserved to the Board of Trustees.

c. To study and recommend amendments to the Town's zoning maps to the Board of Trustees.

d. To study and recommend appropriate zoning classifications for all annexations to the Town.

e. To exchange information with other governmental agencies charged with planning and zoning responsibilities.

f. To annually update the "three-mile area" plan as required by C.R.S. § 31-12-105.

3. Following notice and an opportunity to be heard, the Board of Trustees may remove any member of the Planning Commission for inefficiency, neglect of duty, malfeasance, or any other basis provided by Colorado law.

B. Parks, Open Space, Recreation, and Trails (PORT) Committee

1. The Parks, Open Space, Recreation, and Trails (PORT) Committee is hereby established. The PORT Committee shall consist of seven (7) members.

2. Under the direction of the Board of Trustees, the PORT Committee works in conjunction with the Parks, Open Space, and Recreation Departments to recommend policies, programs and projects to the Board designed to foster diversity and utilization of the parks, open space, trails, and recreation assets of the community.

3. The PORT Committee shall provide recommendations to the Town regarding:

- a. Development and utilization of Parks and Recreation amenities;
- b. Areas that should be preserved as open space;
- c. The establishment of bikeways and trail systems;
- d. New areas for parks;
- e. Completion or updating of parks master plans;
- f. Upgrading of the existing parks facilities; and
- g. Ideas to increase parks and open space utilization.

C. Tree Advisory Committee

1. The Tree Advisory Committee is hereby established. The Tree Advisory Committee shall consist of seven (7) members.

2. Under the direction of the Board of Trustees, the Tree Advisory Committee works in conjunction with the Town Arborist to coordinate volunteer activities related to the tasks listed in subsection (3) below, manage and maintain Berthoud's Tree City USA standing; develop grant opportunities related to its tasks listed subsection (3) below; develop and operate annual activities related to Arbor Day; develop a tree inventory for the community; and maintain a community forestry management plan.

3. The Tree Advisory Committee shall make recommendations to Town staff regarding:

a. Policies, rules, regulations and specifications concerning tree augmentation; and

b. Trimming, spraying, removal, planting, purchase, disposition, pruning, preservation and protection of trees, shrubs, vines, hedges and other plants upon any public right-of-way or other Town property.

D. Historic Preservation Advisory Committee

1. The Historic Preservation Advisory Committee ("HPAC") is hereby established. The Historic Preservation Advisory Committee shall consist of seven (7) members. The qualifications of the HPAC members shall be in accordance with applicable law.

2. Under the direction of the Board of Trustees, HPAC works in conjunction with the Community Development Department to recommend policies, programs and projects to the Board designed to preserve the historic heritage and character of the Town while harmonizing such preservation with economic development.

3. The HPAC shall perform all duties designated by the Board of Trustees in Chapter 30, Section 10 of this Code.

E. Youth Advisory Commission

1. The Youth Advisory Commission (YAC) is hereby established. The YAC shall consist of seven members, all of whom shall be full-time students residing in Berthoud and at least thirteen years of age. The terms for the members shall be set for each applicant based on age and availability and shall be no more than two years in length.

2. The YAC may establish its own bylaws and procedures for nomination of candidates and conduct of meetings.

3. The Board of Trustees may from time to time appoint adult supervisors, staff support, and Board liaisons as may be necessary or desirable to further the purposes of the Commission.

4. The purpose of the YAC shall be to identify issues in the community that concern and relate to the youth in the community. The YAC may provide such advice to the Board of Trustees as it deems appropriate, but at a minimum shall prepare an annual statement setting forth the issues concerning and relating to youth and suggesting actions to be taken by the Board of Trustees and others.

F. Public Art Advisory Committee

1. The Public Art Advisory Committee (PAAC) is hereby established. The PAAC shall consist of seven (7) members.

2. PAAC shall work in conjunction with the Community Development Department to recommend annual public art priorities and projects aligned with the Public Art Master Plan, review any community requests/recommendations related to public art, review available funding and budgets, recommend projects to the Town Board for approval, serve as ambassadors for public art within the community, and promote public art opportunities and completed projects.

3. Under the direction of the Board of Trustees, PAAC shall make recommendations to the Town Administrator and/or Town Board regarding public art projects and artists, and annual priorities.

Section 2. Section 30-10-102 of the Berthoud Municipal Code is amended to read as follows:

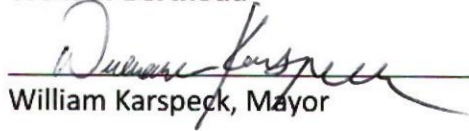
The Town of Berthoud recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. To further this goal, the Town has established a Historic Preservation Advisory Committee.

Section 3. Severability. If any provision of this Ordinance is determined to be invalid for any reason, such determination shall not affect the validity of the remaining provisions of this Ordinance, and the Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof irrespective of the fact that any one or more provisions may be declared invalid.

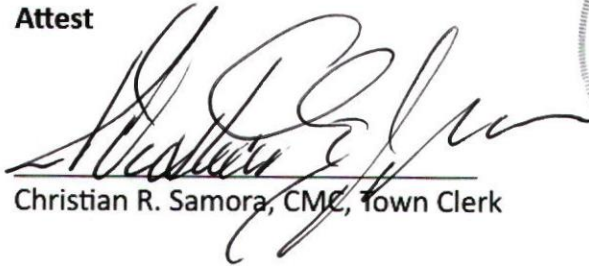
Section 4. Repeal. Ordinances 920, 1145, and 1241 are hereby repealed. Any other existing ordinances or provisions thereof inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Introduced, approved and adopted this 11 day of August, 2026.

Town of Berthoud


William Karspeck, Mayor

Attest


Christian R. Samora, CMC, Town Clerk





Story

History Colorado Board Responds to Changes Proposed for National Historic Preservation Act

JUL 23, 2026

The Advisory Council on Historic Preservation, the independent US federal agency charged with promoting the preservation of the nation's diverse historic resources, is considering a fast-moving draft rule that would make significant changes to the Section 106 consultation process of the National Historic Preservation Act.

Section 106 requires federal agencies to consult and consider negative effects to historic resources in the path of proposed projects. The Council's proposed changes are sweeping, including consolidating decision-making authority at the federal level, weakening consultation with state and Tribal governments and local communities, and reducing what is considered "historic" in ways that will exclude traditional cultural places and threaten rural historic districts.

In response to this news, the Board of Directors for History Colorado, home to the state's preservation programs, has released this statement:

The draft revisions from the Advisory Council on Historic Preservation erode the shared national intention of the National

Historic Preservation Act, which is our commitment to preserve the places that are important to the American people.

Congress specifically passed the National Historic Preservation Act as a collaboration among federal, state, Tribal governments, and local communities with the understanding that those who are closest to these sites and resources have the most knowledge and should be consulted.

The proposed revisions undermine the right of Tribes, states, local governments, descendant communities, and the public to have a say in how federal projects impact the places where Americans live.

Whether you live in an urban or rural community, local decision-making and including local voices is a core Colorado value. Yet, the

clearest objective of these revisions is to weaken opportunities for public input about what history we preserve and what impacts our communities.

Especially as we reflect on the important anniversaries of this year – America’s 250th and Colorado’s 150th, we cannot support any effort that devalues the voices of Colorado communities and Tribal nations, imperils the irreplaceable places that form our heritage and culture, dismisses the knowledge of Tribes and descendants, and betrays our obligations to preserve the important history of our nation.

As the Advisory Council on Historic Preservation approaches the deadline of their unassembled vote by 5 pm this Friday, July 24, we urge Council members to not move forward on any revisions that dilute or detract from direct and

meaningful consultation with states, Tribes, and local governments – engaging the voices and expertise of those most directly impacted.



Historic places in Colorado, including Petroglyphs in Dominguez Canyon Wilderness, the Crawford Building, Bent's Old Fort, and Piñon Canyon. History Colorado Collection.



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NEWS: COLORADO HISTORY

Proposed changes to rules that protect historic sites ignite pushback in Colorado

Most people have never heard of Section 106 of the National Historic Preservation Act. Here's why it matters.



Kevin Simpson

4:05 AM MDT on Aug 18, 2026



Rebecca Goodwin was teaching a training session a few weeks ago at a conference for the **National Alliance of Preservation Commissions** in Minneapolis when she heard the news: Proposed revisions to federal rules designed to protect historic sites from potentially harmful projects threatened to shrink the sites themselves and cut state, local and tribal input.

For Goodwin, the preservation officer for Otero County in southeastern Colorado who also serves on the NAPC board, thoughts and fears turned immediately to the vulnerability of her region's expansive historic canvas — the **Santa Fe Trail**, **Sand Creek**, **Bent's Old Fort**, **Boggsville**, **Amache**, even historic small-town post offices on the **National Register of Historic Places**, like La Junta and Rocky Ford.

“It will impact historic resources in the cities and the urban areas,” Goodwin said. “But I think some of the highest risk areas are more rural areas. I think there's going to be a lot of irreversible loss and damage while this plays out, unless something very drastic happens.”

The proposed changes — they would reimagine Section 106 of the 1966 National Historic Preservation Act — would effectively alter 60 years of collaboration. Consultation with organizations and officials charged with protecting cultural landmarks against damage from projects permitted or funded by the federal government, from infrastructure to energy and many things in between, would be discretionary. Decision-making power would reside almost solely with federal agencies.

News of the draft rewrite leaked around mid-July after it was distributed to members of the **Advisory Council on Historic Preservation**. On July 24, a week after Goodwin first heard news of the plan, the council voted to move forward the proposal.

As originally written, Section 106 defines a review process that includes state, local and tribal officials to determine whether a federally backed project would cause “adverse effects” to National Register-eligible historic properties and consider measures to avoid or minimize harm.

For instance, two communications tower projects in Otero County recently triggered Section 106, as they had to be approved by the Federal Communications Commission and they involved adverse effects on the Santa Fe Trail.

On one proposed tower near the Iron Spring historic district, a company worked with preservationists to try to locate the tower out of the direct sightlines of the trail. Although the agreed-upon location wasn't perfect, the result minimized harm and mitigated the impact by providing funding for an interpretive project.

Another structure, a cell tower on private land, couldn't effectively be relocated and still provide adequate coverage, but the company provided funding for another project related to the Santa Fe Trail. In both cases, the process pulled together "consulting parties" and reached a resolution.

Over the last five years, the number of new Section 106 consultations in Colorado has fluctuated from a high of 1,900 in 2021 to 1,512 in 2025. In each year, on average, fewer than 2% of those required resolution through mitigation. Nearly all were resolved without completing the prescribed four-step process.

The proposed changes by the advisory council, a majority of whom are presidential appointees, essentially replace the four-step framework with a single-step process that ensures federal control.

They would create a narrower definition of "historic properties"; remove the necessity of consulting with state and local governments whose jurisdictions might be affected by proposed projects; and weaken explicit requirements to consult with Native American tribes. Public participation in reviewing proposed projects would happen only at the discretion of federal agencies.

"One of the things that I think is the most important about the National Historic Preservation Act, as it is written, is that it truly is this collaboration across the federal government, state, tribal governments, local communities," said Dawn DiPrince, president and CEO of History Colorado and also the state's historic preservation officer. "And it does recognize this idea that those who are closest, whether geographically or culturally to a place, know it best. And what the revisions do is just take the heart of that away."



Replicas of a guard tower and barracks at the Amache National Historic Site near Granada, Colorado, are shown in this Feb. 3, 2021 photo. The internment camp held 7,000 Japanese-Americans prisoner between 1942-1945. (Mike Sweeney, Special to The Colorado Sun)

A question of “local control”

In many ways, she added, the controversy boils down to an issue of local control, which she described as “part of the Colorado ethos.” Of particular concern is a portion of the revisions that would require that historic properties be “geographically compact.” That language could exclude broad natural and cultural landscapes like the Sand Creek Massacre National Historic Site, for instance, that encompasses nearly 20 square miles — or vast swaths of park or forest land.

“We think that is a threat to rural historic districts or some of our bigger cultural landscapes,” DiPrince said. “And it’s hard for me to say this, but sometimes these things get written with an East Coast lens, and this is definitely not something that would be the right fit for Colorado or the American West.”

Xcel Energy, whose massive Colorado’s Power Pathways project across the Eastern Plains threatened to infringe on viewsheds at the Sand Creek Massacre National Historic Site, **altered the route of transmission lines** after accepting Cheyenne and Arapaho tribal input.

But that project didn't trigger a Section 106 review because it didn't fall under federal jurisdiction.

Additionally, Otero County's Goodwin noted that a separate transmission line project that would have impacted the Santa Fe Trail also had no federal connection and therefore didn't fall under Section 106, though the local community was engaged in the process.

"I would say that that's not the norm, unfortunately," she said.

Although a wide array of organizations have registered their opposition to the proposed changes, the idea of revisiting Section 106 isn't new. Even some preservationists say that, after 60 years, it could use some revision.

Goodwin suggested that "there's some reasonable streamlining that could be done," particularly on smaller projects, and that she had expected discussions to ensue. But with the sudden appearance of the draft revisions, and the council vote the following week, any chance for broad discussion, she said, "just went out the window almost instantly."

Earlier this summer, the Institute for Progress, a Washington, D.C.-based, nonpartisan public policy think tank, published a report titled, **"Reforming Section 106 of the National Historic Preservation Act."** The piece described Section 106, as written, as "a modest procedural check on hasty decisionmaking" that has in practice become "a substantive burden on building infrastructure of all kinds."

Noting that only a small portion of federal undertakings subject to the NHPA are judged to adversely impact historic properties, the report says that key energy and infrastructure projects tend to be disproportionately represented. The result has been increased delays and costs while reviews and legal challenges continue for years.

"Historic properties are part of the heritage of our country and shouldn't be altered or damaged without a federal agency understanding that's what they're doing," said Ben Schiffman, a senior technology fellow at IFP and co-author of the report. "And that's all well and good. But the problem is that the process, as it has evolved over these many years, has created particular difficulties for certain types of infrastructure, including the clean energy infrastructure that we need to have enough electricity for everyone and to respond to other challenges.

"It's not only energy projects," Schiffman added. "It's flood control projects. It's roads. It's anything we're building in the physical world. NHPA can have the potential to slow it down

and add cost without a very significant countervailing benefit to the historic resource that it's meant to protect.”

Schifman said he's reluctant to comment on proposed changes to Section 106 that are “so preliminary,” but acknowledges that they contain elements he likes and some he feels could be “somewhat counterproductive.”

“I understand why the historic preservationists are upset about the proposed changes to the regulation,” he said. “They're a very significant change in the way that the NHPA has been administered for many, many years — and there are reasons for preservationists to push back against those.”



Historical reenactors outside Bent's Old Fort National Historic Site near LaJunta, Colorado. (National Park Service photo)

Western projects reflect the issues

The controversy over the Section 106 changes has, in some ways, merged with the ongoing legal battles over the limits of historic preservation. The IFP report notes one case in point: the extensive battle over the **SunZia Southwest Transmission Project**, a key 500-mile, high-voltage line that links wind power generated in New Mexico to customers across the region.

Although construction has been completed, the project remains the subject of complex litigation as Arizona’s federal court addresses Section 106 questions over whether an entire valley could be listed as historic rather than specific archeological sites.

“I don’t think there’s anything conceptually off about saying we have a very large historic property,” Schiffman said. “The problem comes in when you try to assess mitigation. How do you mitigate an effect on a property that’s 500 square miles? That becomes, practically, incredibly difficult to do.”

Another **controversy in the West involves oil and gas drilling near New Mexico’s Chaco Culture National Historical Park**, whose 10-mile buffer limits are under review to possibly be rolled back. While preservationists cite the threat to cultural resources and Indigenous sovereignty, others — including some tribal landowners who receive royalties from energy extraction — argue that restrictions infringe on economic opportunity.

Michaela Pavlat, associate director of Indigenous engagement with the National Parks Conservation Association and a citizen of the Sault Ste. Marie Tribe of Chippewa Indians, appreciates the cultural value of Chaco Canyon site. The idea of having energy infrastructure bumping up against it “makes me sick to think about. It’s heartbreaking” she said — even though there may be room to revisit Section 106.

“We evolve as a nation,” Pavlat said, “and as tribal sovereignty evolves, technology evolves, there are opportunities to improve processes. This is not it.

“I see a fierce fight ahead,” she added. “And we are not stopping.”

History Colorado, others speak out

The changes advanced by the advisory council are currently under review by the White House Office of Information and Regulatory Affairs. After that, a notice of proposed rulemaking will be published in the **Federal Register**, triggering a 30-day public comment window before the advisory council holds a final vote.

An array of historic preservation advocacy groups has mobilized to encourage robust public comment. And in an unusual move, History Colorado’s board of directors last month **issued a statement responding** to the proposed changes.

“Whether you live in an urban or rural community, local decision-making and including local voices is a core Colorado value,” the statement said in part. “Yet, the clearest objective

of these revisions is to weaken opportunities for public input about what history we preserve and what impacts our communities.”

DiPrince noted that the statement “was not something we asked for them to do,” but that the board, and the preservation community at large, have felt compelled to speak out.

“This spans the divides,” she said. “Preservation always has been both urban and rural, both Democratic and Republican. There are just ways in which this gets at something deep within us, touches us in a way that overcomes those other external divisions. And that is what we’ve really seen in this moment.”

READ MORE

As Xcel electrifies the Eastern Plains, how close is too close to the Sand Creek Massacre site?

4:05 AM MST on Dec 8, 2021

Visitors to Colorado historic sites urged to report “negative” information about America, per order

4:10 AM MDT on Jun 18, 2025

Two Colorado historic sites fear they could become anti-diversity targets amid federal firings

4:05 AM MST on Feb 27, 2025

For some in the historic preservation space, the proposed changes to Section 106 seem of a piece with President Donald Trump’s executive order from May 20, 2025, **“Restoring Truth and Sanity to American History,”** said Elleni Sclavenitis, executive director of the Sand Creek Massacre Foundation. That order, critics argue, effectively seeks to whitewash darker chapters of the nation’s history, in part by excising the narratives of marginalized groups.

Tribal input was key to the formation of the National Historic Site near Eads, dedicated in 2007. For instance, consultation with the tribes — along with historians and archeologists and others — helped determine the precise landscape where the massacre took place.

Historians and archeologists brought maps, metal detecting devices and other means to the process. Tribal experts contributed traditional knowledge and oral histories to pinpoint the location of the 1864 Cheyenne and Arapaho encampment, where about 230 people, mostly

women, children and elders, were killed by forces under the command of Col. John Chivington.

Changes to Section 106 that would minimize tribal input in protecting sacred sites, Sclavenitis noted, echo the current administration's attacks on historic sites on other fronts.

"Sand Creek wouldn't be what it is today without the consultation process with the tribes," she said. "This removes those protections and those obligations to tribal voices."

The foundation has **issued its own statement** on the Section 106 changes, which includes a call to action during the public comment period.

"Our board is led by tribal descendants of the survivors of Sand Creek, and there is not a lot of fear there," Sclavenitis said. "There's really a conviction in continuing to stand for the truth, and that's what the Cheyenne and Arapaho tribes have done for so long. There's a long history there of standing by beliefs and tradition and values."

DiPrince anticipates that the proposed revisions will be enacted in spite of opposition, but that lawsuits challenging the changes will follow — and, she believes, ultimately will succeed. But the broader concern revolves around what happens while courts consider the issue.

"When we talk about historic preservation, we're talking about things that are irreplaceable, and so you know that in the meantime we are losing things that we will not get back," she said. "I think eventually we will prevail, but things will be lost along the way."