October 16, 2026

The Honorable Senator Darline Graham
211 Russell Senate Office Building
Washington, DC 20510

Re: Permitting Reform and Section 106 of the National Historic Preservation Act

Dear Senator Graham:

We represent organizations working to protect and enhance the historic places and cultural heritage of South Carolina. From the Lowcountry, to the Midlands, to the Grand Strand, and the Upstate, we engage in this work mindful of the great legacy of our state in stewarding its remarkable and irreplaceable history.

We appeal to you today on a matter of immediate concern. The Bipartisan American Affordability and Jobs Act (the Act) proposes a deeply concerning rewrite of longstanding federal historic preservation law. **While the goal of the Act is to make federal projects more efficient, we believe it will have the opposite effect.** A new and highly convoluted process for evaluating the impact of federal projects on historic places will create confusion and put the tangible places that tell the history of South Carolina at risk.

One of the most significant changes would be to cut out the voices that help federal agencies avoid surprises during Section 106 review under the National Historic Preservation Act. Local organizations like ours are frequently relied upon by federal agencies to improve projects by minimizing harm to cherished historic places. Our demonstrated interest in South Carolina's history should be relied on to identify historic properties and reasonable planning measures to avoid harm.

The Act eviscerates the role of our groups and our partners in tribal communities in this process, threatening to deprive agencies of information that can create predictability during project implementation.

The Act not only cuts out community voices, **it will also result in direct harm to historic places.** It significantly reduces the scope of what types of projects qualify for review, introducing a vague new standard of projects where there is "substantial Federal control and responsibility." This term remains undefined and creates uncertainty as to which projects are actually subject to the Act.

Further, it significantly expands discretion for federal agencies to act despite expressed concerns from state governments for any plausible reason. Both sides of the aisle should be concerned about providing such a broad pathway for agency heads to justify the permanent loss of American history.

As demonstrated in the attached case studies from South Carolina, Section 106 has had many important successes over the years by requiring active engagement between federal agencies and

affected parties. These positive outcomes of the process from all regions of our state demonstrate how consultation is critical for finding win-win solutions that protect historic places.

Thank you for all you have done to protect, preserve, and celebrate South Carolina's history. We urge you to join us in opposing this harmful bill, which threatens to irreparably harm the places that are both critical to the identity of our communities and valuable as laboratories of learning for future generations.

Sincerely,

Brian Turner
President & CEO
Preservation Society of Charleston

James Stewart
President
Archaeological Society of South Carolina

Dr. Katherine Seeber
Owner
Carolina Community Arcaheology

Dr. Karen Y. Smith
President
Council of South Carolina Professional Archaeologists

Elizabeth W. Bush
President/Co-Founder
Daniel Island Historical Society

Djuanna Brockington
Executive Director
Gullah Geechee Cultural Heritage Corridor National Heritage Area

Queen Quet
Founder
Gullah/Geechee Sea Island Coalition

Linda Johnson
President, Board of Directors
Historic Aiken Foundation

Lise Sundrla
Executive Director
Historic Beaufort Foundation

Winslow Hastie
President & CEO
Historic Charleston Foundation

Suzanne Brooks
Executive Director
Historic Columbia

Jennifer Sandler
Executive Director
Historic Rock Hill

Dr. Russell Stall
Executive Director
Greenville County Historical Society

Dr. Anne Peden
Chair, Board of Directors
Piedmont Historical Preservation Society

Carter Hudgins, Sr.
Chair, Board of Directors
Preservation South Carolina

Joseph McGill
Founder and Executive Director
Slave Dwelling Project

Virginia Ellison
President
South Carolina History Network

Christopher Judge
State Archaeologist
South Carolina Institute of Archaeology and Anthropology

Cheryl M. Cail
Chief
Waccamaw Indian People

Dr Stéphanie Cretté
Director
Warren Lasch Conservation Center

Encl. Section 106 Success Stories from South Carolina



"The Section 106 process allowed the Courthouse to remain in its historic location and preserve the Four Corners of Law for our city and for all future generations. It is a marvelous process that, in this instance, helped preserve an important part of the city's history and antiquity, and allowed for important civic uses to remain located in the center of the city. The outcome could not have been better."

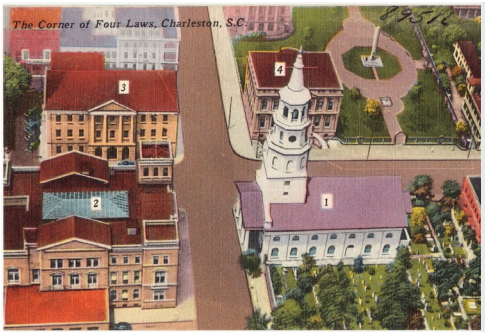
—JOSEPH P. RILEY JR.
Charleston Mayor, 1975-2016

Photos: Above, a view of Meeting and Broad streets (photo by Lauren Northup); Right, historic postcard of the Four Corners of Law (courtesy Boston Public Library); east and south sides of courthouse, 1963 (Louis I. Schwartz, photographer, courtesy HABS/Library of Congress Prints and Photographs Division)

106 SUCCESS STORY

ACHP Comment Helps Protect National Historic Landmark District

Charleston, South Carolina





THE STORY

Charleston, South Carolina, founded in 1670, was the cultural center of the antebellum South and is known for its rich collection of historic architecture spanning three centuries. The city adopted the country's first historic preservation ordinance in 1931, and most of the city center has been designated a National Historic Landmark (NHL) District. A focal point of the district is the intersection of Meeting and Broad streets, commonly referred to as the "Four Corners of Law," where each corner is anchored by a historic building representing an aspect of the law. They include St. Michael's Episcopal Church (1751-1761), also an NHL, which symbolizes ecclesiastical law; the Charleston County Courthouse (1790-1792); Charleston City Hall (1800-1804); and the U.S. Post Office and Courthouse (1896). Individually listed on the National Register of Historic Places, the U.S. Post Office and Courthouse is an excellent example of Second Renaissance Revival architecture.

THE PROJECT

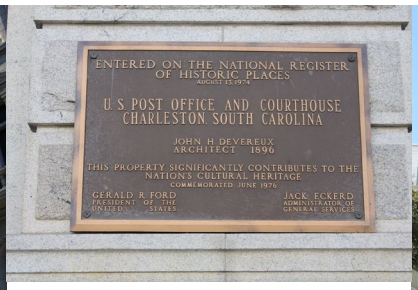
In 1980, the General Services Administration (GSA) announced plans to build an annex to the U.S. Post Office and Courthouse for the U.S. District Court for the District of South Carolina. The proposed site was an adjacent park. Due to growth in the court's program needs, the original plan for a 12,000-square-foot addition soon almost tripled in size, sparking significant local controversy. The large scale of the project and its modern design led to objections regarding visual effects to the courthouse and the surrounding NHL district, particularly the Four Corners of Law. Project opponents also raised concerns regarding the potential seismic impacts of construction to the foundations of nearby historic buildings, notably St. Michael's Church, and loss of part of the park.

THE 106 PROCESS

GSA, the federal agency carrying out the project, was responsible for conducting the Section 106 process under the National Historic Preservation Act. Section 106 requires that federal agencies identify historic properties and assess the effects on those properties of the projects they carry out, fund, or permit. Federal agencies also are

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Photos: Left, courthouse and St. Michael's Church (Flickr photo by Ken Lund); Above, National Register plaque; Right, new Courthouse Annex and courtyard

required to consult with parties that have an interest in the fate of historic properties when adverse effects are likely to ensue.

Consultation among GSA, the courts, the Advisory Council on Historic Preservation (ACHP), the South Carolina State Historic Preservation Officer, the City of Charleston, and the Historic Charleston Foundation led to some changes in the project's design, but when the parties could not reach agreement, consultation was terminated. In accordance with the Section 106 regulations, the ACHP membership convened in Charleston in December 1983 to review the case and hear public testimony. In its resulting comments to the GSA Administrator, the ACHP recommended that GSA re-examine its proposal, consider building on another nearby site, and undertake engineering studies to avoid damage to St. Michael's Church. In response, GSA informed the ACHP that it intended to proceed with the project on the original site but would modify its plans to be responsive to the ACHP's comments in certain respects, such as addressing seismic impacts to St. Michael's. Local opposition continued, however, leading to introduction of legislation in Congress to eliminate authorization of the project.

Recognizing the federal responsibility to minimize harm to NHLs, GSA ultimately decided to take another look at the proposal as recommended by the ACHP and consulted further with local preservationists, city and state officials, and judges from the U.S. District Court. This led to development of a new design that situated the annex differently on land purchased by the city, preserved the park, and screened the annex from the Four Corners of Law intersection. Based on this compromise, construction began in 1986, and the courthouse annex opened in 1988.

Consulting Parties:

- General Services Administration
- ACHP
- U.S. District Court for the District of South Carolina
- South Carolina State Historic Preservation Officer
- City of Charleston
- Historic Charleston Foundation

THE SUCCESS

The Courthouse Annex is widely viewed to be harmonious with the NHL historic district and the Four Corners of Law. Building upon this successful solution, when more courthouse space was needed in later years, GSA elected to renovate properties on Broad Street to obtain the additional space. The Section 106 process was the primary forum for public involvement and proved essential to informed federal decision making. The process elevated the community's concerns to the level of GSA's leadership and positively influenced the project. In the end, GSA's new design fully addressed the concerns raised in the ACHP comments. The Section 106 process helped maintain the integrity of the Charleston NHL District and the historic U.S. Post Office and Courthouse while meeting the needs of the federal judiciary.

For more about Section 106 and the ACHP go to **www.achp.gov**

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Preserving America's Heritage



"Through the project, the VA met its Section 106 responsibilities, and the information learned through the data recovery has contributed to a greater understanding of the Florence Stockade. It has also contributed to the broader effort to recognize, interpret, preserve, and protect the site and encourage visitation."

— **ELIZABETH M. JOHNSON**
Deputy South Carolina State Historic Preservation Officer

Photos: Above, the land for Florence National Cemetery was appropriated, and later purchased, from the estate of a local resident about a quarter-mile from the POW camp; Right, Florence National Cemetery observes Memorial Day, 2013; 161 Unknown U.S. Soldiers are interred in Florence National Cemetery. (photos courtesy Department of Veterans Affairs)

106 SUCCESS STORY

Uncovering Hidden Stories in a Confederate Prison

Florence National Cemetery, South Carolina





THE STORY

In September 1864, the Confederate Army built the Confederate States Military Prison or Florence Stockade to hold more than 12,000 captured United States military prisoners of war (POWs). Five months later, concerned that General William T. Sherman's advancing Army would free the POWs, the Confederates moved them and abandoned the camp. After the Civil War ended in 1865, a large burial site located on a nearby plantation, just outside the Stockade's boundaries, became the Florence National Cemetery. At its creation, the cemetery consisted of 16 trenches in which the approximately 2,300 POWs who had perished in the camp's brief span were interred. Florena Budwin, the first known female service member to be interred in a national cemetery, rests in a mass trench in Section D. Budwin had disguised herself as a man and joined the Union troops in order to accompany her husband. Captured in Charleston, South Carolina, she was brought to the Florence Stockade. When she fell ill, her identity was discovered and, once she recovered, Budwin served as a nurse at the Stockade until her death in January 1865. The earthworks of the Florence Stockade were listed in the National Register of Historic Places in 1980.

THE PROJECT

By the early 2000s, the Florence National Cemetery was full. The Department of Veterans Affairs (VA) National Cemetery Administration proposed a 10-acre expansion of the cemetery. As planned, the expansion was not expected to impact the site of the historic Stockade and seemed to pose no adverse effects to the historic property. However, the precise location of the Stockade was vague and had not been clearly identified.

THE 106 PROCESS

Immediately after ground clearing began in 2005, the Friends of the Florence Stockade contacted the VA and the South Carolina State Historic Preservation Officer (SHPO) with concerns about potential disturbance of the Stockade site. The VA was in charge of

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Photos: Above, in 1998, the cemetery was listed in the National Register of Historic Places; Right, the cemetery is also the final resting place for Florena Budwin, the bride of a captain from Pennsylvania who disguised herself as a man and donned a uniform, hoping to find her husband. (photos courtesy Department of Veterans Affairs)

conducting Section 106 of the National Historic Preservation Act which requires federal agencies to identify historic properties and assess the effects of the projects they carry out, fund, or permit on such properties. Federal agencies are required to consult with parties that have an interest in the fate of the property when adverse effects are likely to ensue.

Responding to the concerns, the VA and SHPO organized archaeological data recovery to identify the exact location of the Stockade and any resources or human remains yet unknown. Among the findings were 372 previously unrecorded features, such as fencing boundaries, poles, and some burials, which brought the known total of features and artifacts to 6,056. Based on this discovery, VA and the SHPO entered into a Memorandum of Agreement (MOA) to document the site, address further excavation plans, and interpret the site for the public. The required archaeological documentation of the Stockade and surrounding area provided a rare opportunity to examine a relatively undisturbed Confederate POW camp, which led to developing a "Teaching with Historic Places" lesson plan with the National Park Service, and the Stockade Trail and Memorial Park that includes a walking tour with historical displays. The MOA also required all human remains to be reinterred within the expansion site or another appropriate location.

Consulting Parties:

Department of Veterans Affairs: National Cemetery Administration

South Carolina State Historic Preservation Officer

Friends of Florence Stockade

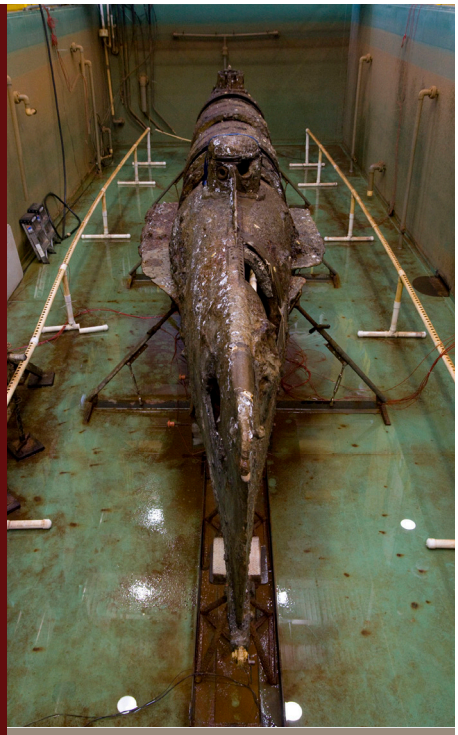
THE SUCCESS

Working with the community to preserve the story and remaining elements of this unique southern internment camp contributed to greater understanding of a Civil War-era POW camp and provided one of the first professional studies of daily camp life. The information collected resulted in the online lesson plan "Comfortable Camps? Archeology of the Confederate Guard Camp at the Florence Stockade," www.nps.gov/nr/twhp/wwwlps/lessons/142Florence/142FlorenceStockade.htm demonstrating the importance of archaeological investigations as an educational tool. In addition, the investigations at the Stockade led to the identification and reburial of Union soldiers found in the trench graves, important not only for the deceased but also for the living relatives.

For more about Section 106 and the ACHP go to **www.achp.gov**

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Preserving America's Heritage



"Ultimately, *Hunley*'s recovery represents a model of federal, state, and private sector united in service to an archaeological resource of extraordinary importance. ... Cooperation, focused on preservation, has produced tangible results and placed this treasure of American and world history in the hands of generations to come."

— DAVID L. CONLIN
Hunley *Recovery Field Manager*

Photos: Above, the submarine in its conservation tank; Right, the raising of the *Hunley*. (photos courtesy Friends of the Hunley)

106 SUCCESS STORY

The Confederate Submarine *H.L. Hunley*: Completing the Journey

Charleston, South Carolina



THE STORY

With Southern ports blockaded during the Civil War, New Orleans businessman Horace L. Hunley bankrolled development of a secret weapon–a submarine. Named for its promoter, the "torpedo-boat" *H.L. Hunley* was sent to the besieged port of Charleston, South Carolina, where it succeeded in sinking the USS *Housatonic*. This was the first time in history that a submarine sank an enemy warship, a feat that helped earn the *Hunley* its later listing on the National Register of Historic Places. It would prove, however, to be the *Hunley*'s last battle–the submarine never returned to shore. The mystery of its fate launched more than 130 years of speculation, searching, and competing claims to have located the vessel. In 1995, the location of the *Hunley* was confirmed definitively, and, almost immediately, controversy ensued over ownership and how the submarine should be managed for future generations.

THE PROJECT

Federal law states that the General Services Administration (GSA) is responsible for sunken Confederate vessels. Despite this, the states of South Carolina and Alabama (where the vessel was built) argued that they should control the *Hunley*. Eventually, an agreement was brokered wherein the federal government retained title, and South Carolina (represented by the South Carolina Hunley Commission) was given custody of the vessel in perpetuity. With that issue resolved, attention turned to future treatment. Most parties agreed that an effort should be made to recover the *Hunley,* both to protect it from looters and permit scientific study. But how to do so without risking harm to the submarine?

THE 106 PROCESS

The Navy, which assumed principal management responsibility for the *Hunley* from GSA, was responsible for conducting the Section 106 process under the National Historic

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Photos: Left, the funeral processional for the *Hunley* crew; Right, engraved gold coin found with the captain's remains on the ship. It proves true the legend that he carried a coin which had once saved his life by deflecting a bullet in the Battle of Shiloh. (photos courtesy Friends of the Hunley)

Preservation Act. Section 106 requires that federal agencies identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies also are required to consult with parties that have an interest in the fate of the property when adverse effects are likely to ensue. In the case of the *Hunley,* the Navy and the consulting parties had to address several key issues: security for the wreck site; techniques and standards for recovery and conservation; treatment of the remains of the crew; and future curation and exhibition of the submarine and its artifacts. Recognizing completion of the *Hunley* project would be years away, the Section 106 consultation process provided a framework for the Navy to make future decisions that would ensure thorough coordination and transparency. The Navy established an oversight committee to review recovery and treatment proposals and agreed to provide abstracts of such proposals to interested organizations for review and comment. These and other provisions were embodied in a Programmatic Agreement in 1996.

Consulting Parties:

Department of the Navy

General Services Administration

ACHP

South Carolina State Historic Preservation Office

South Carolina Hunley Commission

THE SUCCESS

Using the process set forth in the Programmatic Agreement, the Navy and the Hunley Commission chose an innovative recovery scheme that called for rigging a hammock of straps below the submarine and attaching them to a truss that could be lifted to the surface. The plan worked exactly as intended and, in August 2000, the *Hunley* was raised from the seabed and transported to a nearby custom-fitted conservation center. The subsequent excavation of the silt-laden interior of the submarine revealed the remains of the crew and a treasure trove of associated artifacts, including a fabled lucky gold piece that tradition held had been carried by *Hunley* commander Lt. George Dixon. Following burial of the crew with military honors, conservation efforts are proceeding on the excavated artifacts as well as the hull of the submarine itself. As this work proceeds, more than a half million visitors have come to see the *Hunley* in its conservation tank. In 2002, the team responsible for raising the *Hunley* became the first recipient of the joint National Trust for Historic Preservation/ACHP Award for Federal Partnerships in Historic Preservation.

For more about Section 106 and the ACHP go to **www.achp.gov**

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Preserving America's Heritage



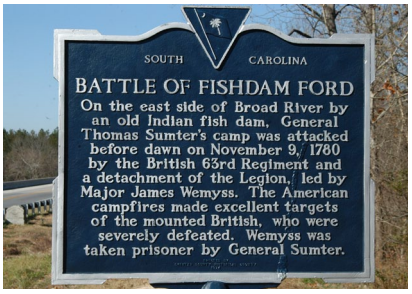
"This is a great example of people and agencies working together on many levels of federal, state, and local government. Preserving this land through a purchase agreement was clearly the right thing to do. It is a savings to taxpayers, a benefit to local motorists who will use the new bridge much sooner than had we gone the excavation route, and, of course, it is also a treasured resource for historians."

—BOB L. LEE
Division Administrator, FHWA South Carolina Division Office, South Carolina Historic Preservation Awards ceremony, March 28, 2006

106 SUCCESS STORY

Routine Bridge Replacement Saves Revolutionary War Battlefield

Chester County, South Carolina





THE STORY

In the pre-contact period, Native Americans dammed a low water crossing on the Broad River with rocks to build a fish weir for catching fish. In the 1700s, the Great Wagon Road and the Broad River were major transportation routes in South Carolina, and the weir became an important landmark serving as a meeting place and river crossing. Upstream of the weir were the supposed remains of the Fish Dam Ford Battlefield, the site of an important American victory over the British in November 1780. The location of the Fish Dam Ford Battlefield had been lost over time when an upstream ferry diverted the road away from the ford and the battlefield. The fish weir was listed on the National Register of Historic Places in 1973.

THE PROJECT

The Broad River Bridge is the only river crossing for 30 miles along South Carolina Route 72 (SC 72), and in 2003, the South Carolina Department of Transportation (SCDOT) deemed it functionally deficient. A new bridge site was selected to avoid the assumed remains of the Revolutionary War battlefield and the fish weir. However, detailed archaeological investigations revealed an intact portion of the battlefield under several feet of sediment on the proposed new bridge site. The proposed bridge would destroy the battlefield.

THE 106 PROCESS

The Federal Highway Administration (FHWA) was the federal agency funding this project and was responsible for conducting the Section 106 review process under the National Historic Preservation Act, which requires agencies to identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Federal agencies also are required to consult with parties that have an interest in the historic property when adverse effects may occur.

Although the new bridge would be designed to minimize impacts to the newly identified battlefield site, adverse impacts to the site could not be avoided. SCDOT consulted with FHWA and the South Carolina State Historic Preservation Officer (SHPO) to enter into a Memorandum of Agreement to create a mitigation plan for the site. The Catawba

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Photos: Above, Fishdam Ford weir on the Broad River (by Charles R. Robbins Jr., HMdb.org); Right, Battle of Fishdam Ford marker (by Michael Sean Nix, HMdb.org fish dam weir (photo courtesy FHWA)





Photos: From left, the Broad River, SC (photo courtesy NOAA); Monument to the Battle of Fishdam Ford, located on the east bank of the Broad River, (by Washuotaku, Wikipedia)

Indian Nation was involved in the Section 106 process and provided review of the Archaeological Study. The first plan called for acquiring 30 acres for mitigation and excavating the site for data recovery. Faced with more than 7 feet of alluvial river sediment accumulated over the past 250 years, excavation would be difficult and time consuming with an estimated cost of $2 million. The consulting parties developed an alternative mitigation plan to purchase the entire historic 143 acre site outright along with a buffer for additional site protection. This plan would provide the battlefield permanent protection and be less costly than conducting invasive excavations in deep soil. The South Carolina Department of Natural Resources (DNR) agreed to manage the land through its Heritage Preservation Program, and the U.S. Forest Service agreed to monitor activity on the site adjacent to Sumter National Forest. Using federal-aid bridge replacement funds supplemented with Transportation Enhancement funds, SCDOT purchased the site from a private citizen and turned it over to DNR in June 2005. SCDOT worked with the SHPO to include period design elements to the replacement bridge in order to maintain the character of the district. The new bridge is located downstream from the old bridge and next to the battlefield site.

Consulting Parties:

FHWA

South Carolina State Historic Preservation Officer

South Carolina Department of Transportation

THE SUCCESS

This creative effort between state and federal agencies allowed SCDOT and FHWA to fulfill their Section 106 responsibilities and resulted in preserving the battlefield site while meeting current transportation needs. Purchasing the battlefield site was also a financial success. The excavation of the site would have cost more than $2 million and would have significantly extended the project schedule, impacting motorists on SC 72. Acquiring the site resulted in savings of $1.5 million.

The combined state and federal agencies' effort in South Carolina illustrates the positive effects of teamwork and innovative thinking when addressing transportation and historic preservation in the Section106 process. The citizens of South Carolina have a safe, new bridge, tax dollars saved, a historic battlefield protected, and a new tourism site. Likewise, the Broad River Bridge project has built ongoing partnerships. SCDOT now conducts more innovative mitigation beyond traditional documentation of historic resources, producing maps, brochures, and kiosks as part of historic driving tours. The involvement of the South Carolina Departments of Tourism and Parks and Recreation has promoted public access to historic sites associated with the state's Revolutionary War and transportation history. It is fitting that SCDOT and the South Carolina Division of FHWA received the 2006 South Carolina Historic Preservation Honor award for preserving a piece of South Carolina and American history.

For more about Section 106 and the ACHP go to **www.achp.gov**

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Preserving America's Heritage

Saluda Hydroelectric Project / Lake Murray (2006–2010)

South Carolina Electric and Gas (SCE&G) applied to the Federal Energy Regulatory Commission (FERC) for a new license to operate its hydroelectric plant on Lake Murray. As part of the Section 106 consultation process, SCE&G worked with the SHPO, FERC, Catawba Indian Nation, and other interested parties to identify historic properties in the project area. Consultation led to a year-long excavation of the Tree House Site, one of the oldest human occupations in the Southeast, a permanent exhibit at Saluda Shoals Park, and an online booklet on the history of Lake Murray Dam and the Tree House Site.

The Tree House Site

The Tree House Site (38LX531) is located along the lower Saluda River, approximately one mile downstream from the Lake Murray Dam. The site was discovered in April 2006 during a Phase I archaeological survey conducted as part of SCE&G's application for a new license for the Saluda Hydroelectric Project. Initial Phase I and subsequent Phase II investigations indicated that the site contained deeply buried archaeological deposits representing more than 10,000 years of human occupation.

To address the adverse effects of erosion on the portion of the site located on private property, SCE&G, FERC, the SHPO, and the Catawba Indian Nation THPO reached an agreement to undertake Phase III data recovery investigations. The resulting excavation became one of the largest and most logistically challenging archaeological projects ever conducted in South Carolina.

The Tree House Site is a large, well-preserved, deeply stratified archaeological site with prehistoric occupations dating from approximately 13,500 to 700 years ago. Data recovery investigations included the excavation of approximately 200 square meters to depths of up to 3.65 meters. Archaeologists recovered more than 37,000 artifacts and documented 80 pits, hearths, and post features. The excavations also revealed the remains of a Middle Woodland Period structure, dating approximately 2,500 to 1,500 years ago, as well as possible Early and Middle Archaic structures dating approximately 10,000 to 5,500 years ago. The latter structures are among the oldest known structures ever identified in South Carolina.

Consultation and Public Benefits

The Section 106 consultation process extended beyond archaeological data recovery to include efforts to preserve and share the history and significance of the site with the

public. Project outcomes included a permanent exhibit at Saluda Shoals Park and an online booklet interpreting the history of Lake Murray Dam and the Tree House Site.

The project also received recognition from the Catawba Indian Nation for SCE&G's commitment to archaeological preservation. Wenonah G. Haire, DMD, Tribal Historic Preservation Officer for the Catawba Indian Nation, noted:

"It is our opinion that they [SCE&G] went above and beyond the call of their legal responsibilities of Section 106 of the National Historic Preservation Act in covering the costs for obtaining this extremely important data from the site."

Hilton Head Airport, Beaufort County (2012-2013)

Beaufort County, under the oversight of the Federal Aviation Administration (FAA), undertook a project to improve safety at the Hilton Head Island Airport by extending the runway and runway safety zone. Before work began, Beaufort County and the FAA sponsored an archaeological survey of the project area. Archaeologists found evidence a portion of the Freedman's community of Mitchelville (Site 38BU2301) that was eligible for the National Register.

To mitigate adverse effects, Beaufort County completed archaeological data recovery, created an exhibit and video documentary - *Finding Freedom's Home: Archaeology at Mitchelville*, and created a website.

Mitchelville

Mitchelville was the first self-governed Freedmen's community in the United States. During the Civil War and subsequent occupation, residents worked for the army. When the army left Hilton Head Island in 1868, most jobs left with it, and Mitchelville soon declined. By 1880, the community had ceased to function as a town. By the mid-1950s, only Hilton Head Island's older residents remembered Mitchelville.

In the late 1980s, Dr. Michael Trinkley identified remnants of Mitchelville and recorded them as an archaeological site. He conducted the first archaeological investigations and comprehensive study of the community in 1986. The site was subsequently listed on the National Register of Historic Places in 1988.

In 2012, archaeologist Scott Butler identified a portion of Mitchelville adjacent to the Hilton Head Island Airport runway and recorded it as archaeological site 38BU2301. Because the project required extending the runway safety zone, archaeological investigations were undertaken to recover important information about Mitchelville before construction began.

Archaeological Data Recovery and Public Interpretation

Archaeologists conducted extensive excavations at Site 38BU2301, recovering 85 features and more than 20,000 artifacts. The site may contain evidence of some of the last houses constructed in Mitchelville, possibly dating as late as 1864 or 1865, when military officials ordered all refugee families still living in the encampment to move to the village.

To mitigate the adverse effects of the airport improvements, Beaufort County completed archaeological data recovery and ensured that the resulting information was analyzed, documented, and interpreted. The project also included the creation of the exhibit and

video documentary *Finding Freedom's Home: Archaeology at Mitchelville*, as well as a public website that makes the project's findings accessible to a broader audience.

The archaeological data and artifacts recovered during the project were analyzed and interpreted, with the results documented in a written report made available to researchers and the public through the South Carolina Department of Archives and History in Columbia and the *Finding Freedom's Home* website.



2013 Governor Henry McMaster at Michelville

PROTECTIONS FOR HISTORIC PROPERTIES AT RISK

"*Every project excluded from Section 106 is a project in which historic properties may never be identified, effects may never be evaluated, alternatives may never be considered, and opportunities to avoid or minimize harm may never be explored.*" -NCSHPO

A proposed rewrite of federal regulations (36 C.F.R 800) diminishes South Carolinians' ability to make decisions about their state's irreplaceable historic properties.

Historic places that South Carolinians value are now at risk, as proposed federal regulations will drastically diminish the consultation process established by Section 106 of the National Historic Preservation Act of 1966. This law created a review process that ensures effects of federally funded, permitted, and licensed projects ("undertakings") on historic resources are considered with input from states, local governments, federal tribes, and the public. For sixty years, the process has balanced responsible development and growth with contributions of historic places to South Carolina. Section 106 brings federal agencies, states, Tribes, local governments, applicants, and the public together to identify practical solutions before decisions are finalized.

The Advisory Council on Historic Preservation has proposed regulatory changes that would fundamentally change how the federal government identifies, considers, and resolves impacts on historic and cultural resources. The proposal shifts authority away from a collaborative process in favor of unilateral federal agency control without public input.

The proposed regulations would significantly reduce public participation, weaken the role of consulting parties, and shift greater decision-making authority to federal agencies.

Key changes:

1. State and local governments lose the right to be notified and the opportunity to comment when federal agencies propose to damage or destroy historic places in their jurisdiction.
2. Public opportunity to comment on federal actions that might affect historic places becomes optional, at the discretion of the federal agency.
3. Federal agencies are not required to avoid or minimize damage to historic places.
4. Narrowed definition of historic properties. Federal agencies decide what is historic and significant, with little or no state and public input.
5. Excludes broad categories of federally connected actions from review and leaves decisions about projects to review up to federal agencies.
6. Replaces collaborative consultation and negotiated solutions with federal decision making without public input.

Fewer projects will be reviewed under Section 106, with less meaningful consultation and negotiated mitigation measures. There will be significantly fewer opportunities for South Carolinians to shape decisions affecting their historic and cultural resources.

Please encourage the ACHP to conduct a transparent and deliberative rulemaking process with meaningful stakeholder engagement before finalizing any changes. There are opportunities to make the process more efficient, but **retaining the rights of states and citizens to have input is vital.**

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NOTEWORTHY SECTION 106 PROJECTS IN SOUTH CAROLINA

Fish Dam Ford Battlefield, Chester County: A Section 106 review of a federally funded SCDOT project to replace a bridge resulted in the discovery of the site of this Revolutionary War battle, an important American victory against British forces. An archaeological survey discovered that the battlefield site was completely intact with a patriot camp, rifle pits, and musket balls. As an outcome of the review, South Carolina's Revolutionary War battlefield at Fish Dam Ford became SC's 15th dedicated Cultural Heritage Preserve in 2005.

Waxhaws Battlefield (SC 9 and SC 522 Intersection Improvements Project), Lancaster County: A federally funded SCDOT project planned to add lanes to improve safety at this intersection. A metal detector survey found that the boundaries of the nearby Revolutionary War Battle of the Waxhaws (Buford's Massacre) extended into the project area. The SHPO worked with SCDOT to improve roadway design to protect the site, fully delineate the battlefield, and place interpretive signage.

Revolutionary War Cannons (Savannah Harbor Expansion Project): Another Revolutionary War era find was the discovery of several cannons during the Savannah Harbor Navigation Project dredging by the Army Corps of Engineers in 2021 and 2022. A Programmatic Agreement among the Corps and the South Carolina and Georgia SHPOs included an unanticipated discoveries protocol. Without this required process, these irreplaceable pieces of history may have been lost. After several years of careful conservation work, the cannons went on public display at the Savannah History Museum in July 2026.

The Savannah Harbor dredging project also resulted in the recovery of the CSS *Georgia* as mitigation of the adverse project effects. From 2015 to 2017, this complex underwater project recovered artifacts, ordnance, machinery, and vessel structure. The recovery of CSS *Georgia* generated extensive physical data concerning the design, construction, and steam machinery of the ironclad, as well as the recovery of thousands of period artifacts.

Battle of Honey Hill, Jasper County: In 2003, Central Electric Power Cooperative, with funds from the federal Rural Utilities Service, planned a new power line through an area that included the site of the Battle of Honey Hill, one of the largest Civil War battles in South Carolina. The site includes well-preserved remains of Confederate and Federal earthworks, along with roads and dikes that were significant to the outcome of the battle. Central Electric agreed to re-route the power line to avoid the battlefield site. Since then, a portion of the site has been protected through the Town of Ridgeland's ownership and development of a preservation plan.

Stoney Creek Battery US 17/21 Widening, Gardens Corner, Beaufort County: Plans for state-funded construction in the early 1990s would have destroyed most of the Stoney Creek Battery, designed by Robert E. Lee and built by Confederate Army as part of the network of defenses protecting the lower part of the state. Federal funding for right-of-way acquisition and significant public interest prompted project redesign to avoid the battery. In 1995, the SC Department of Natural Resources acquired the site, and it is now the Stoney Creek Battery Heritage Preserve.

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