



April 30, 2025

Ms. Allison Jones
Wireless Communications Bureau
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: CTIA Petition for Rulemaking on the Commission's National Environmental Policy Act Rules (Docket No: RM-12003)

Dear Ms. Jones:

The American Cultural Resources Association (ACRA), the trade association specializing in cultural resources management (CRM), appreciates the opportunity to submit comments regarding the *CTIA Petition for Rulemaking on the Commission's National Environmental Policy Act Rules* (Docket No: RM-12003).

ACRA member firms undertake much of the legally mandated CRM investigations in the United States and its territories, and employ tens of thousands of professionals, including archaeologists, architectural historians, ethnographers, historians, and an increasingly varied group of resource specialists. To help guide smart, sustainable economic development and safeguard important historic and cultural heritage assets, ACRA members are highly trained and apply specialized research skills within a framework of federal, state, local, and/or Tribal law to facilitate an open dialog where every stakeholder has a voice.

Under the National Historic Preservation Act (NHPA), any federal department or independent agency "having authority to license any undertaking" is required to "take into account the effect of the undertaking on any historic property."¹ The NHPA further defines an undertaking as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including . . . those requiring a Federal permit, license, or approval."²

ACRA strongly supports efforts to make the Section 106 process more efficient, including provisions in regulations that allow for alternative compliance methods like programmatic agreements (PAs). However, the proposed petition seeks to undermine more than two decades of collaborative work by the federal government, industry, states, Tribes and others to ensure a sensible balance between improvements to our telecommunications infrastructure and compliance with federal law. We therefore urge the Commission to reject it.

¹ 54 U.S.C. § 306108; commonly referred to as "Section 106"

² 54 U.S.C. § 300320

In 2004 the Commission, in consultation with the Advisory Council on Historic Preservation (ACHP), the National Association of Tribal Historic Preservation Officers (NATHPO), the National Conference of State Historic Preservation Officers (NCSHPO), and industry representatives instituted a nationwide programmatic agreement (NPA) that streamlined the Section 106 process for FCC undertakings.³

This NPA is a carefully and diligently negotiated agreement, the development of which all parties, including the petitioner and other stakeholders in the telecommunications sector, participated. It outlines procedures for public consultation, including Tribes; defines exempt undertakings; establishes processes for documentation, recordkeeping, and reporting; and includes other provisions to ensure a balance between the statutory obligation to comply with federal law and the imperative to build our nation's telecommunications infrastructure.

Adherence to the NPA is more than an academic exercise: the construction and ongoing maintenance of telecommunications infrastructure has the potential to affect Tribal landscapes, heritage resources, and other historic properties. The NPA ensures that the public is consulted on projects and that our nation's historic places are protected. The NPA also includes procedures to amend the document, requiring approval by the FCC, ACHP and NCSHPO.⁴

The petition asks the FCC to ignore the PA that was developed in good faith and unilaterally assume the power to decide which undertakings are not worthy of consideration under statutes or regulations. Worse, it asks the FCC to do so without providing any evidence that such a move is necessary, or warranted by any statutory or regulatory developments. By asking the FCC to alter the NPA terms without going through the open consultation process established more than 20 years ago, the petition asks the FCC to violate both the letter and spirit of NHPA.

ACRA and its members are committed to working with the FCC and all parties to make the regulatory process as effective as possible. We thank the FCC for giving us the opportunity to provide comments on this petition.

Sincerely,



Amanda Stratton
Executive Director

³ 47 CFR Appendix C

⁴ 47 CFR Appendix C (XII)