



June 20, 2025

The Honorable Doug Burgum  
Secretary of the Interior  
U.S. Department of the Interior  
Office of the Solicitor  
1849 C Street, NW  
Washington, DC 20240

**Re: Regulatory Reform (Docket No. DOI-2025-0005)**

Dear Secretary Burgum:

The American Cultural Resources Association (ACRA), the trade association specializing in cultural resources management (CRM), appreciates this opportunity to submit comments in response to the Department of the Interior's (Department) request for information (RFI) on *Regulatory Reform* (Docket No. DOI-2025-0005).

ACRA member firms undertake much of the statutorily mandated CRM studies and investigations in the United States and employ thousands of professionals, including archaeologists, architectural historians, ethnographers, historians, and an increasingly varied group of other specialists. To help guide smart, sustainable economic development and safeguard important historic and cultural heritage assets, ACRA members apply specialized research skills within a framework of federal, state, local, and/or Tribal law and facilitate an open dialog where every stakeholder has a voice. As the expert private industry practitioners, ACRA's members represent a vital component of historic preservation.

The National Historic Preservation Act (NHPA) establishes that the federal government has a responsibility in protecting our nation's cultural and historic resources as they are physical manifestations of our nation's heritage. Section 106 of the NHPA is the primary vehicle for identifying and protecting those resources; it requires any federal department or independent agency "having authority to license any undertaking" to "take into account the effect of the undertaking on any historic property."<sup>1</sup> The NHPA also created the Advisory Council on Historic Preservation (ACHP) and gave it the authority to "promulgate regulations as it considers necessary to govern the implementation" of Section 106 "in its entirety."<sup>2</sup> Those regulations can be found at 36 CFR Part 800 (ACHP 800 regulations).

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<sup>1</sup> 54 U.S.C. § 306108

<sup>2</sup> 54 U.S.C. § 304108(a)

Section 106 and the ACHP 800 regulations provide a clear, consistent roadmap to enable projects to move forward while considering their impact on the country's cultural heritage. They provide a multitude of ways to make the process more efficient, like programmatic agreements and program comments. Consultation is the key to Section 106 as it gives all interested parties, including citizens, a voice in the process – most vitally Tribal nations, to whom the federal government has a government-to-government trust responsibility. The Section 106 process as established in statute and the regulations promotes open collaboration among stakeholders so that any conflicts are addressed early in the process. This early engagement typically results in the swift approval of the majority of infrastructure projects.

ACRA agrees the federal permitting process can be faster and more efficient. As the Department looks to “achieve . . . a meaningful reduction in regulatory burdens while continuing to meet statutory obligations, advance American energy independence, and ensure the responsible stewardship of the Nation's public lands and resources,”<sup>3</sup> we urge it to support these measures:

**Ensure funding for state and tribal historic preservation offices (SHPOs and THPOs) so they can process reviews efficiently.** SHPOs and THPOs are on the front lines of project review, working assiduously to provide consultation for federal undertakings under Section 106, along with a host of other federally mandated duties.

The federal government provides critical funding to SHPOs and THPOs through the Historic Preservation Fund (HPF). Since its creation nearly 50 years ago, the HPF has made possible the survey and identification of hundreds of thousands of cultural resources resulting in more than 98,000 listings on the National Register of Historic Places, provided millions of dollars for the rehabilitation of historic buildings and structures, and leveraged more than \$199 billion in private investment through the Historic Tax Credit. Not a single dollar of HPF funding comes from federal taxpayers; funding for the HPF comes from Outer Continental Shelf gas and oil lease royalty revenue.

Over the years, the need for HPF funding has intensified as SHPO responsibilities have increased, new THPO offices are established, and competitive grant programs are created and expanded. Yet the Fund's annual authorization of \$150 million has remained the same since the 1970s. If the Fund had kept up with inflation, it would be funded at more than \$800 million today.

To make matters worse, the Department has yet to issue a notice of funding opportunity (NOFO) for fiscal year 2025 HPF funding for SHPOs and THPOs, even though Congress approved the funding in March and the fiscal year will be over in three months. Already, at least one SHPO has been forced to lay off staff,<sup>4</sup> and others may soon follow. All the regulatory streamlining in the world will not make a difference if the state and Tribal offices so essential to Section 106 review are bereft of funding.

Furthermore, the President's fiscal year 2026 budget request to Congress proposes zero funding to SHPOs and THPOs under the HPF, and eliminates funding for all competitive grant programs except

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<sup>3</sup> [https://www.federalregister.gov/documents/2025/05/20/2025-08931/regulatory-reform?utm\\_campaign=subscription+mailing+list&utm\\_medium=email&utm\\_source=federalregister.gov](https://www.federalregister.gov/documents/2025/05/20/2025-08931/regulatory-reform?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov)

<sup>4</sup> <https://www.cleveland.com/news/2025/05/ohios-state-historic-preservation-office-slashes-staff-as-federal-funding-remains-in-limbo.html>

those for Historically Black Colleges and Universities. In its justification, the White House Office of Management and Budget (OMB) stated that the HPF is “highly duplicative” due to matching funds from State, local and private sources.<sup>5</sup>

Matching funds are by definition not “duplicative,” but rather supplemental. The justification also ignores clear Congressional intent in the enactment of the NHPA, which states that “[i]t is the policy of the Federal Government, in cooperation with other nations and *in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals*, to . . . use measures, *including financial and technical assistance*, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations” (emphasis added).<sup>6</sup>

OMB further alleges that projects supported by the HPF “are often of local, rather than national, significance.”<sup>7</sup> This comment belies the fact that the HPF supports the preservation and protection of the multitude of people, places and events that taken together tell the full story of our country. This is particularly troubling as the nation prepares to celebrate its 250<sup>th</sup> birthday next year. As America250, the nonprofit supporting organization to the congressionally established U.S. Semiquincentennial Commission, states, “The American story is woven from the unique and varied narratives of our people – from all backgrounds, communities, regions, cultures, genders, abilities, and more.”<sup>8</sup>

As the Department continues its efforts to meet its legal obligations, promote American energy and ensure responsible stewardship of the nation’s public assets, we urge it to take immediate and appropriate steps to release fiscal year 2025 funding to SHPOs and THPOs and ask Congress to provide full funding for the HPF in the upcoming fiscal year.

**Ensure adequate staff levels and provide staff with the training and expertise needed to facilitate Section 106 reviews efficiently.** Any regulatory framework is only as good as the people tasked with implementing it. That is certainly the case with cultural resource reviews, where the expertise and experience of federal preservation personnel are essential.

However, we are concerned that reductions in staff, both through voluntary retirements and potential reductions in force (RIFs), will leave the Department unable to facilitate Section 106 reviews and other core functions that ensure the timely execution of critical infrastructure projects under the Department’s purview. We urge the Department to carefully consider the impact that RIFs have on its ability to carry out congressionally authorized duties and ensure that

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<sup>5</sup> <https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-Budget-Request.pdf>

<sup>6</sup> 54 U.S. Code § 300101

<sup>7</sup> <https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-Budget-Request.pdf>

<sup>8</sup> <https://america250.org/nominate/>

staff are sufficiently trained in regulatory processes so that projects are carried out both efficiently and in accordance with the law.

**Encourage the use of programmatic approaches to Section 106.** The NHPA and the accompanying ACHP regulations provide substantial flexibility in how federal agencies carry out their Section 106 duties. For certain routine undertakings that may warrant an expedited process, ACHP has worked with agencies and other stakeholders to develop tools like memoranda of agreement (MOA), programmatic agreements (PA), program alternatives, and program comments that enable agencies to fulfill their statutory duties while streamlining the process.

One recent example is in Connecticut, where the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Federal Railroad Administration (FRA) and the ACHP joined with the Connecticut Department of Transportation and the Connecticut SHPO to create and sign a programmatic agreement that establishes a unified federal review process and delegates authority to the state to accelerate the review of individual transportation projects that may affect historic properties under Section 106.<sup>9</sup> The U.S. Department of Transportation has estimated that the agreement “could cut up to 6 weeks or more off from the schedules of at least 90 projects in Connecticut per year,”<sup>10</sup> while ensuring that federal and state agencies comply with Section 106.

We strongly encourage the Department to use such tools, which already are available under the existing regulations, to strike the right balance between building the infrastructure we need and protecting and preserving our nation’s irreplaceable heritage.

ACRA appreciates this opportunity to provide comments to the Department. ACRA and its expert members offer continued collaboration with the Department and its bureaus and offices to ensure our nation can preserve its heritage while building for the future.

Sincerely,



Amanda Stratton  
Executive Director

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<sup>9</sup> [https://highways.dot.gov/sites/fhwa.dot.gov/files/ct-fhwa\\_statewide\\_federal-aid\\_transportation\\_programs\\_pa.pdf](https://highways.dot.gov/sites/fhwa.dot.gov/files/ct-fhwa_statewide_federal-aid_transportation_programs_pa.pdf)

<sup>10</sup> <https://www.transportation.gov/briefing-room/trumps-us-department-transportation-announces-first-its-kind-agreement-connecticut>