

ISSUE BRIEF

Improve, Don't Weaken, NEPA

ACRA Position

Congress and the administration can support building our nation's infrastructure while protecting our environmental and cultural assets through common-sense reforms that improve the process.

Background

The National Environmental Protection Act (NEPA) is the nation's cornerstone law ensuring that federal agencies consider the impacts on the environment of any major action. NEPA often works in tandem with the National Historic Preservation Act (NHPA) Section 106 process for considering the impacts of federally backed projects on cultural resources.

Since the 1970s, the White House Council on Environmental Quality (CEQ) has promulgated NEPA regulations which provide a government-wide set of rules. The CEQ regulations require agencies to consider the extent to which an action might adversely affect historic or cultural resources. In addition, they ensure public consultation and engagement – including Tribal consultation, which is a central component of the federal government's trust responsibilities to Tribes – reducing the risk of lawsuits and other actions that can stop projects in their tracks.

In 2025, President Trump issued an executive order that directed the White House Council on Environmental Quality (CEQ) to rescind its NEPA regulations and called for agencies to revise their own regulations to “prioritize efficiency and certainty over any other objectives.”

Delegating NEPA rulemaking to individual agencies will lead to inconsistent and uneven NEPA implementation, causing confusion and delay as agencies and stakeholders are forced to navigate a patchwork of regulatory schemes. The interim final rule also increases the odds that historic and sacred sites, along with national parks and public lands, may be damaged or lost. And it endangers the ability of the public to be consulted on major projects and hurts the ability of Tribes to protect their heritage resources, including sacred places.

Recognizing the need to improve the NEPA process, stakeholders have proposed numerous reforms that better balance the goals of building the infrastructure our country needs while safeguarding environmental and cultural assets. Congress and the administration should work to enact common-sense reforms that enable the federal government to protect our heritage while advancing important infrastructure projects.

About the American Cultural Resources Association

ACRA is the national trade association supporting and promoting the common interests of cultural resource management (CRM) firms of all sizes, types and specialties. Member firms undertake much of the legally mandated CRM studies and investigations in the United States.

For more information, contact ACRA at info@acra-crm.org.