

## ISSUE BRIEF

# Permitting Reform and Historic Properties

### ACRA Position

As Congress reforms the permitting process, it should ensure that our country can build the infrastructure it needs while protecting and preserving our historic properties.

### Background

The preservation of America's cultural and historic assets is how we ensure future generations know our country's story. For more than 50 years, the National Historic Preservation Act (NHPA) has enshrined into federal law the principle that building our nation's infrastructure must be balanced with the need to preserve our past. In particular, Section 106 of NHPA requires all federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve, and provide the public the opportunity to review and comment on projects.

Section 106 provides a clear, consistent roadmap to enable projects to move forward while considering their impact on the country's diverse cultural heritage. It provides for a multitude of ways to make the process efficient, like programmatic agreements and program comments. And it gives citizens a voice in the process. Section 106 does not stop projects from moving forward; rather, it ensures smooth collaboration that addresses any conflicts early on. In fact, the vast majority of infrastructure projects are approved without delays resulting from Section 106 process.

There is no doubt that the federal permitting process can be made faster and more efficient. But weakening preservation laws and exempting entire classes of projects from Section 106 is not the way to do it. Weakening Section 106 not only fails to address the underlying causes of delay; it endangers the places and structures that tell our country's history. We simply cannot replace the irreplaceable.

Policymakers can strengthen the permitting process by taking steps to ensure that Section 106 consultation begins early in the process and that all stakeholders have the tools and resources to conduct prompt reviews. To make this possible, Congress should:

- Increase funding for state and tribal historic preservation offices so they can process reviews efficiently.
- Encourage use of programmatic approaches to environmental and historic preservation reviews like Nationwide Programmatic Agreements developed by agencies with the proper expertise.
- Encourage agencies to increase opportunities for public involvement during project planning stages and early stages of project development, avoiding or reducing subsequent controversies and conflicts.
- Support the digitization of historic resources through the Historic Preservation Fund, which improves public access to information and allows for earlier and more efficient review of federal undertakings.

### 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.

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