



## OFFICE OF POLICY AND REGULATORY MANAGEMENT

WASHINGTON, D.C. 20460

May 26, 2026

Reid Nelson, Executive Director (rnelson@achp.gov)  
Jaime Loichinger, Office of Federal Agency Programs Director (jloichinger@achp.gov)  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001

Subject: Notice of Intent to Adopt ACHP Program Comment on Certain Housing, Building, and Transportation Undertakings

Dear Directors Nelson and Loichinger:

This letter is a notification of intent by the U.S. Environmental Protection Agency (EPA) to adopt the *Program Comment on Certain Housing, Building, and Transportation Undertakings* issued by the Advisory Council on Historic Preservation (ACHP) on December 20, 2024. EPA intends to make the Program Comment available to all EPA national program, regional, and geographic offices as a tool to fulfill National Historic Preservation Act Section 106 covered undertakings.

The Program Comment will be utilized for such undertakings carried out in all 50 U.S. states and U.S. territories, minor outlying islands, and freely associated states. EPA will maintain appropriate records for documenting all utilization of the Program Comment and will create an annual report for the ACHP in accordance with the guidelines, effectuating all applicable reporting requirements for the covered undertakings set forth in Section X.: *A. Federal Agency Reports* of the Program Comment.

As Appendix A of the Program Comment relates to EPA, these activities may include, but are not limited to:

- **Site Work**
- **Work on a Building Exterior**
- **Work on a Building Interior**
- **Work Involving Transportation Fixtures and Equipment**
- **Other Activities**

Implementation of Appendix B undertakings under the Program Comment will result in a separate and additional written determination from EPA that satisfies certain conditions, exclusions, or requirements as outlined in the Program Comment. EPA's use of the Program Comment will result in significant cost and time savings while still adhering to our commitment to protecting historic properties and carrying out Section 106 requirements.

EPA values the strong working relationship established with ACHP. We look forward to working closely with the ACHP as we implement this Program Comment and we appreciate ACHP's leadership in developing this streamlined approach. If there are any questions or concerns, please contact me at [Hardy.Michael@epa.gov](mailto:Hardy.Michael@epa.gov).

*Michael Hardy*

Michael Hardy  
Federal Preservation Officer  
Deputy Associate Administrator for Management  
Office of Policy and Regulatory Management  
U.S. Environmental Protection Agency

cc:

Valerie J. Grussing, Executive Director of the National Association of Tribal Historic Preservation Officers ([valerie@nathpo.org](mailto:valerie@nathpo.org))

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