

Course Outline

ACHP Advanced Seminar:

Reaching Successful Outcomes in Section 106 Review

8:30 am

Welcome and Introductions

Small Group Exercise: Find the Citation

Warm up with a hands-on hunt through 36 CFR Part 800 to bring our focus to the regulations as the “how-to manual” for Section 106 consultation.

Consultation Foundations

Set a course for consultation that follows the basic structure for decision making under the regulations. Consider how it is affected by timing and coordination with the National Environmental Policy Act (NEPA).

Effective Problem Solving Through Consultation

Good management of the consultation process encourages agreement and contributes to successful outcomes. How do you achieve that in complex or controversial cases? What are potential pitfalls, and how can you avoid them? Includes an exercise highlighting communication with consulting parties.

Small Group Exercise: Preparing for Consultation

Using a real case scenario, apply the strategies learned this morning to development of a plan for a complex consultation process. How would you plan the first consultation meeting?

12:00 pm

Lunch

Negotiating Appropriate Mitigation

Section 106 participants are interested in win-win outcomes. How can adverse effects be resolved in the public interest? Consider what mitigation means in Section 106 and the kinds of questions all consulting parties should ask in the course of determining what mitigation is appropriate.

Small Group Exercise: Reviewing a Section 106 Agreement

What’s wrong with this agreement? Explore common drafting mistakes and propose revisions to make an agreement document more usable for all parties to the consultation.

Preparing Effective Agreements Under Section 106

The conclusion of consultation is only as successful as the agreement document that records it. Master the mechanics of Section 106 agreement format and learn how to craft better MOAs and PAs through an agreement preparation checklist.

4:00 pm

Seminar Review and Wrap-Up