

The Section 106 Essentials

DAY 1: *Registration available beginning at 8:00 a.m., class begins at 8:30 a.m.*

- Introduction
 - Logistics
 - Course objectives
 - What is a historic property?
 - Who participates in the Section 106 process?
 - What are the four steps of the Section 106 process?
 - How can conflicts be resolved between development and historic preservation?
 - How are outcomes documented under Section 106?
 - Section 106 Success Stories
- Who are we?
 - Roles in Section 106
 - The Advisory Council on Historic Preservation
- National Historic Preservation Act of 1966
 - Federal preservation policy
 - Sections 101, 110, 111
 - EO 13287
- What is Section 106?
 - When does Section 106 apply?
 - Section 106 regulatory philosophy
 - 36 CFR Part 800, “Protection of Historic Properties”
- Participants and their roles
 - Federal agency
 - Applicants
 - Consultants and contractors
 - State Historic Preservation Officer (SHPO)
 - Tribal Historic Preservation Officer (THPO)
 - Indian tribes and Native Hawaiian organizations
 - Representatives of local governments
 - Other consulting parties
- Step 1: Initiation
 - Timing
 - Plan to involve the public
 - Coordinate with other reviews
 - Integration with the National Environmental Policy Act
 - CASE STUDY: Initiation

Lunch on your own

- Step 2: Identification of historic properties
 - Defining and documenting the Area of Potential Effects (APE)
 - A reasonable and good faith identification effort
 - Assessing information needs
 - Determining which Indian tribes and Native Hawaiian organizations to consult
 - Government-to-government consultation
 - Information sources
 - What is a historic property?
 - The National Register of Historic Places
 - About the NRHP
 - Property types
 - Buildings, structures, sites, districts, objects
 - Criteria of significance
 - A: Association with significant events, patterns in history
 - B: Association with individuals significant in our past
 - C: Architecture, engineering, design
 - D: Potential to yield information about history/prehistory
 - Common exceptions to the NRHP eligibility criteria
 - Seven elements of integrity
 - Location, setting, design, materials, workmanship, feeling, association
 - Consensus determination of eligibility
 - Resolving disputes about eligibility
 - CASE STUDY: Identification
 - When are historic properties affected?
 - Definition of effect in Section 106
 - No historic properties affected findings and objections
 - 30-day consulting party review
 - Resolving objections

Class ends at approximately 4:30 p.m.

DAY 2: *Class begins at 8:30 a.m.*

- Review of Day 1
- Step 3: When are historic properties adversely affected?
 - Applying the adverse effect criteria
 - Definition and examples from the regulations
 - No adverse effect findings and objections
 - 30-day consulting party review
 - Resolving objections
 - How are adverse effect findings different?
 - ACHP notification

- Appendix A criteria
- National Historic Landmark provisions
 - Consulting with the Dept. of the Interior/NPS
- CASE STUDY: Assessing Effects

Lunch on your own

- Step 4: Resolving adverse effects
 - Consultation and reaching consensus
 - Tips for reaching consensus
 - Avoiding, minimizing, and mitigating adverse effects
 - Secretary of the Interior's Standards
 - Documentation
 - Data recovery
 - Curation
 - Professional standards
 - Interpretation
 - Limiting impacts
 - Moving historic properties
 - Urban revitalization
 - Mitigation funds
 - CASE STUDY: Resolution
 - Concluding the review process
- Documenting outcomes
 - Memorandum of Agreement (MOA)
 - Format of a Section 106 agreement
 - Signatures
 - MOAs vs. Programmatic Agreements (PAs)
 - What happens if consensus is not reached?
- Handling special situations under the regulations
 - Emergencies
 - Post-review discoveries
 - Anticipatory demolition
 - Foreclosure
 - Program Alternatives
- Final Q&A period and review
- Wrap-up and evaluations

Class ends at approximately 4:30 pm.