

The Section 106 Essentials

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

[In DC, Registration begins at 8:30 a.m., class begins at 9:00 a.m.]

- Introduction
- 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?
- Warm-Up Exercise
- What is the Advisory Council on Historic Preservation?
- National Historic Preservation Act of 1966
 - Federal preservation policy
 - Sections 101, 110, 111
- What is Section 106?
 - When does Section 106 apply?
 - 36 CFR Part 800, “Protection of Historic Properties”
 - Section 106 regulatory philosophy
- Step 1: Initiate the Process
 - Timing
 - 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
 - Plan to involve the public
 - Coordinate with other reviews (National Environmental Policy Act)
 - CASE STUDY: Initiating the Process

Lunch on your own

- Step 2: Identify and Evaluation Historic Properties
 - Defining and documenting the Area of Potential Effects (APE)
 - A reasonable and good faith identification effort
 - Determining which Indian tribes and Native Hawaiian organizations to consult
 - What is a historic property?
 - About the National Register of Historic Places
 - Property types: buildings, structures, sites, districts, objects
 - Criteria of Evaluation
 - 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
 - Seven elements of integrity: location, setting, design, materials, workmanship, feeling, association
 - Consensus determination of eligibility
 - Resolving disputes about eligibility
- CASE STUDY: Identifying and Evaluating Historic Properties
- When are historic properties affected?
 - Definition of effect in Section 106
 - No historic properties affected findings and objections

Class ends at approximately 4:30 p.m. [In DC, class ends at approximately 5:00 p.m.]

DAY 2: *Class begins at 8:30 a.m. [In DC, class begins at 9:00 a.m.]*

- Review of Day 1
- Step 3: Assess Adverse Effects
 - Criteria of Adverse Effect and examples from the regulations
 - No adverse effect findings and objections
 - Avoiding Adverse Effects
 - National Historic Landmark provisions
 - Consulting with the Dept. of the Interior/NPS
 - CASE STUDY: Assessing Adverse Effects
- Step 4: Resolve Adverse Effects
 - ACHP notification
 - Appendix A criteria
 - Consultation and reaching consensus
 - Tips for reaching consensus
 - Avoiding, minimizing, and mitigating adverse effects
 - CASE STUDY: Resolving Adverse Effects

Lunch on your own

- Concluding the review process
 - Section 106 agreement
 - Format
 - Signatures
 - Memoranda of Agreement (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
- Wrap-up and evaluations

Class ends at approximately 4:30 p.m. [In DC, class ends at approximately 5:00 p.m.]