

SECTION 106 BASICS

*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.]*

Course Synopsis:

The Section 106 Basics is a one-day course (6.5 hours teaching time with morning, afternoon, and lunch breaks) designed for those who are new to federal historic preservation compliance or need an overview of the federal requirements of Section 106 of the National Historic Preservation Act and the implementing regulations, “Protection of Historic Properties” (36 CFR Part 800). It is well-suited for early-career cultural resources practitioners as well as managers or decision makers from federal agencies, State and/or Tribal Historic Preservation Offices, Indian tribes or Native Hawaiian Organizations, applicants, consultants and others that may lead or participate in Section 106 reviews for federal undertakings that may affect historic properties listed in or eligible for listing in the National Register of Historic Places.

Learning Objectives:

- Apply the four-step Section 106 review process to example undertakings from your own experience
- Practice identifying consulting parties and planning to involve the public
- Describe an Area of Potential Effect
- Identify strategies to avoid adverse effects
- Practice documenting a mitigation commitment in a sample agreement stipulation

Pre-work:

Before the classroom course, registrants should take the free, 15-minute, on line, on demand course, *What is Section 106?* To take the course, go to <http://www.achp.gov/elearning.html>.

Participant’s Handbook:

Each participant will receive a handbook of materials to support participation in the course. Contents of the handbook will include:

- A reference copy of the slide presentation
- Citizens Guide to Section 106
- Excerpts of the National Historic Preservation Act (NHPA)
- Section 106 implementing regulations, “Protection of Historic Properties” (36 CFR Part 800)
- Section 106 process flowchart
- Samples Section 106 agreement stipulations for small group exercise

Course Outline:

1. Warm-up Exercise: *What is Section 106?* Introductions in Small Group (or whole class). Based on the Citizen's Guide (bound in handbook) and eLearning pre-work, what were your top three takeaways? Report out to the whole class.
2. Overview of the National Historic Preservation Act (NHPA)
3. Section 106 and Framework of 36 CFR Part 800
4. Step 1: Initiate the Process
 - Definition of Undertaking
 - Consulting Parties

- Plan to Involve the Public
 - *Initiation exercise*: Make a list of three undertakings requiring Section 106 common in your work. Pick one and make a list of consulting parties to notify and invite to participate. Which strategies would you include in a plan to involve the public for this undertaking? Report out to class.
5. Step 2: Identify Historic Properties
- Determine the Area of Potential Effect (APE)
 - Make a Reasonable and Good Faith Effort to Identify and Evaluation
 - *Identification exercise*: Pick one undertaking from list (above) and use the APE checklist to identify potential effects to consider in the APE. What would the scope of effort include for this undertaking? Report out to class.
 - Determine National Register (NR) Eligibility and role of Qualified Professionals
 - Definition of Effect
 - Making a finding: documentation and process
6. Step 3: Assess Adverse Effects
- Criteria of Adverse Effects
 - Avoiding adverse effects
 - Special requirements for National Historic Landmarks (NHLs)
 - *Assessment exercise*: For the remaining undertaking on your list (above), identify alternatives or modifications to the undertaking that could avoid adverse effects to historic properties. Report out to class.
 - Making a finding: documentation and process
7. Step 4: Resolve Adverse Effects
- Avoid, minimize, and mitigate
 - Notify the ACHP
 - Agreements
 - *Agreement exercise*: Review one of the stipulations of examples bound in handbook. Is it clear who will do what by when? Propose revisions to clarify. Report out to class.
8. Review and Wrap-Up