Course Outline

ACHP Section 106 Advanced Seminar:
Reaching Successful Outcomes in Section 106 Review

8:30 am — Welcome and Introductions

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 they be avoided? When is it especially important to reach resolution to keep moving forward in Section 106 reviews? Consider tools that can assist in reaching consultation goals. Review five guiding principles for Section 106 consultation and set a course for consultation that follows the structure for decision making under 36 CFR Part 800, even if reaching agreement is challenging.

Participants work together to find answers to these questions and are encouraged to share their experiences and best practices with the group.

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

Successful Section 106 Outcomes: Resolving Adverse Effects and Developing Effective Agreements
Resolving Adverse Effects
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.

Developing Effective Agreements
The conclusion of consultation is only as successful as the agreement document that records it. The afternoon's focus will help participants develop clear, concise, and complete Memoranda of Agreement (MOAs) and Programmatic Agreements (PAs). Writing is just one part of a cycle that includes drafting, implementing, monitoring, amending, and terminating agreements. In a combination of large group discussion and small group exercises, participants will assess whether a sample MOA contains required and recommended provisions and practice drafting a stipulation.

4:00 pm — Seminar Review and Wrap-Up