

Course Outline

Completing Section 106: Resolving Adverse Effects and Writing Agreement Documents

Day 1

Welcome, Introductions, and Announcements

Lesson 1: You Can't Get There from Here unless You Know Where You Are Going

The Purpose of Section 106 of the National Historic Preservation Act

Balancing Project Delivery with Good Stewardship

Context Sensitive Solutions

Lesson 2: You Gotta Know the Territory

The National Register of Historic Places

Evaluating Significance

The Criteria Considerations

Assessing Integrity

Group Exercise: Significance + Integrity = Eligibility

Lesson 3: Does "Adverse Effect" Mean I'm a Bad Person?

The Four Possible Effect Findings in the Section 106 Process

No potential to affect historic properties

No historic properties affected

No adverse effect

Adverse effect

Resolving Adverse Effect

Preparing Agreement Documents

Group Exercise: Findings of Effect

Lesson 4: Works and Plays Well with Others

Consultation and the Participants in the Section 106 Process

Working with Consulting Parties

Tribes as Consulting Parties

Day 2

Lesson 5: Dying is Easy; *Comedy* is Hard. Resolving Adverse Effect Should Be Somewhere in Between

Measures to Avoid Adverse Effect

Measures to Minimize Adverse Effect

Measures to Mitigate Adverse Effect
Creative Mitigation
Context Sensitive Solutions and Resolving Adverse Effect
Group Exercise: Mitigation, Balance, and Public Benefit

Lesson 6: Are We Done Yet? Negotiating the Agreement and Preparing the Agreement Document
How to Organize the “Reaching Agreement” Process
Preparing the Agreement Document
The Parts of a Section 106 Agreement Document
Technical Writing Tips
Legal Considerations
The Final Steps: Securing Signatures and Filing the Document with the ACHP
Group Exercise: It Ain’t Over ‘til the Paperwork is Done