



National Preservation Institute

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Section 106: A Review for Experienced Practitioners

Seminar Overview

Review regulations, standards, guidelines, and related laws relevant to Section 106 review. Discuss issues, problems, and “tricks of the trade,” with an emphasis on ways to employ creativity and flexibility to reduce complexity and improve effectiveness.

Agenda

Introductions

Adjustments to meet individual and group needs.
[The following agenda is subject to radical revision based on such needs.]

Getting started in the 106 process

- What needs review and what doesn't?
- How are we supposed to get started?
- Regulation and reality

Scoping and identification

- APE establishment
- Defining the scope of investigation
- Options; room for creativity
- What's a “reasonable and good faith effort?”

Effect determination

- Relationship with identification
- The criterion of adverse effect; the examples of adverse effect
- Mitigating to no adverse effect
- Relationships with NEPA EAs and FONSI
- Options, flexibility

Resolving adverse effect

- Creative possibilities, relationships with NEPA, NAGPRA, other laws

Programmatic agreements and their kin

- Adjusting and replacing the standard process
How far can you go?
- Options

Wrap-up