



National Preservation Institute

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Section 106: Agreement Documents

Seminar Overview

This advanced seminar focuses on memoranda of agreement and programmatic agreements under Section 106 of the National Historic Preservation Act. Learn how to survive and thrive during the agreement process through careful analysis, clear writing, and good negotiation. Review the available tools, guidelines, alternatives—and non-alternatives—to reach a favorable conclusion to the process.

Agenda

Introduction

Overview and review of the NHPA, Section 106 process

- Identify issues of concern for participants in initiating review, identification, effect determinations
- Examine issues in resolving adverse effects, what is required, what is optional
- When to use a MOA and when to use a PA
- Coordination with other federal heritage laws

Agreement documents

- Negotiation principles and strategies

Workshop

- Review and analysis of actual MOAs

Case Study, Part 1

- Consultation and negotiation that leads to an agreement document

Principles for writing agreement documents

- General
- Technical
- Legal

Case Study, Part 2

- Resolution of adverse effect, consulting on solutions

Programmatic Agreements

- Principles, uses, pitfalls, and myths

Workshop

- Review and analysis of PAs

Case Study, Part 3

- Coordination with other laws, other solutions

Conclusions and wrap-up summary