

Section 106 Agreement Checklist: Reviewer's Guide

This checklist serves as a tool for reviewers of Memoranda of Agreement (MOAs) and project Programmatic Agreements (project PAs). It focuses on best drafting practices for writing agreements that are clear and comprehensible and that provide wisely for contingencies. It also offers reminders about important preparation practices that can help agreement document development move forward smoothly.

Project Name:

Review Date:

EDITING AND MECHANICS			
	Yes	No	Comments
Are all acronyms and abbreviations identified and used consistently?	<input type="checkbox"/>	<input type="checkbox"/>	
Are all of the provisions agreed upon during consultation included?	<input type="checkbox"/>	<input type="checkbox"/>	Make sure stipulations are grouped logically.
Do the stipulations clearly identify who is responsible for carrying out each measure?	<input type="checkbox"/>	<input type="checkbox"/>	
Do all tasks have clear timeframes for initiation and completion?	<input type="checkbox"/>	<input type="checkbox"/>	
Have all terms and references been used correctly and consistent with regulatory definitions?	<input type="checkbox"/>	<input type="checkbox"/>	Avoid terms like "project area" or "cultural resource" that are not used in 36 CFR Part 800.
Are all stipulations written in the active voice?	<input type="checkbox"/>	<input type="checkbox"/>	
Is the process for post-review decision making described in a complete, logical, and organized way?	<input type="checkbox"/>	<input type="checkbox"/>	Who makes the decisions? Who is consulted? When do decisions need to be made? What

			information is needed?
Are all attachments and appendices cited in the agreement included?	<input type="checkbox"/>	<input type="checkbox"/>	Confine lengthy lists of historic properties, detailed procedural instructions, maps, address lists, etc. to appendices.
Are spelling, grammar, page numbering, section numbering, etc. accurate and consistent?	<input type="checkbox"/>	<input type="checkbox"/>	
Can a cold reader understand the agreement and what it requires?	<input type="checkbox"/>	<input type="checkbox"/>	A cold reader should not have to refer to consultation meeting minutes or other background documents to understand the agreement's provisions.
Are the signature blocks for signatories, invited signatories, and concurring parties clearly separated or designated on the signature page(s)?	<input type="checkbox"/>	<input type="checkbox"/>	

PREPARATION

	Yes	No	Comments
Are all parties assigned responsibilities in the agreement signatories or invited signatories?	<input type="checkbox"/>	<input type="checkbox"/>	
Does the term of the agreement (duration) allow adequate time for project implementation and the completion of all stipulations?	<input type="checkbox"/>	<input type="checkbox"/>	
Does agency leadership support commitments made in the agreement?	<input type="checkbox"/>	<input type="checkbox"/>	
If the agreement is executed in counterparts, does each signature page	<input type="checkbox"/>	<input type="checkbox"/>	The federal agency should compile the individually executed

include the title of the agreement?			counterparts into a single document before forwarding the agreement to the ACHP for signature or filing.
If the ACHP is participating in the consultation, have all the other signatories, and invited signatories with assigned responsibilities, signed the agreement before the agency forwards the document to the ACHP for signature?	<input type="checkbox"/>	<input type="checkbox"/>	
Once fully executed, has the agreement been filed with the ACHP?	<input type="checkbox"/>	<input type="checkbox"/>	
Once fully executed, has a copy of the agreement been provided to all consulting parties?	<input type="checkbox"/>	<input type="checkbox"/>	
Has the executed agreement been made available to the public?	<input type="checkbox"/>	<input type="checkbox"/>	