

**FIRST AMENDMENT
TO
MEMORANDUM OF AGREEMENT
AMONG
CALIFORNIA DEPARTMENT OF WATER RESOURCES
AND THE
UNITED STATES ARMY CORPS OF ENGINEERS,
LOS ANGELES DISTRICT**

This First Amendment to Memorandum of Agreement ("FIRST AMENDMENT"), made the 29 day of May, 2012, is entered into by the California Department of Water Resources (hereinafter "DWR") and the Department of the Army, represented by the United States Army Corps of Engineers, Los Angeles District (hereinafter the "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Agreement ("MOA"), effective November 6, 2010, for expedited and priority review of DWR-designated priority projects by the Corps; and

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 ("WRDA 2000") as amended by Public Law 111-315, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army; and

WHEREAS, Public Law 111-315, signed into law on December 18, 2010, extended the sunset clause of section 214 of WRDA 2000 to December 31, 2016; and

WHEREAS, the MOA is set to expire June 30, 2012; and

WHEREAS, the Parties desire to extend the duration of the MOA.

NOW, THEREFORE, the Parties agree as follows:

FIRST AMENDMENT

1. Article IV.A. – RESPONSIBILITIES OF THE PARTIES. The first paragraph of Article IV.A is modified in its entirety to read:

“Provide adequate information regarding projects and other specific activities to initiate permit evaluation. Information required for the Corps to deem a permit application complete thereby allowing initiation of the permit review process can be found in Corps regulations at 33 C.F.R. §§ 325.1(d), 325.3(a), and in General Condition 31 of the Nationwide Permit Program as published in the Federal Register (77 Fed. Reg. 10286, dated February 21, 2012). Upon request, DWR shall provide supplemental information necessary to complete the permit application. Additional information [33 CFR Part 325.1(e)] required to complete the permit evaluation process may exceed what is needed to initiate the process. On a case-by-case basis, if requested by the Corps, DWR shall provide such additional information so as to ensure the Corps can effectively accomplish the required review.”

2. Article V.B – FUNDING. Article V.B is modified in its entirety to read:

“B. DWR shall pay the anticipated costs expected to be incurred through June 30, 2013, within 30 days of execution of this MOA. No later than June 1st of each subsequent year that this agreement remains in effect, the Corps will provide DWR with an anticipated cost invoice (“Invoice”) that provides an updated Cost Proposal for the next state fiscal year, including any proposed changes in the level of staffing. Revisions agreed to by the Parties will be incorporated into a revised Cost Proposal. Invoices shall be submitted by the Corps to:

Kent Nelson
Department of Water Resources
901 P Street, Room 411-A
P.O. Box 942836
Sacramento, CA 95814

3. Article V.F. – FUNDING. Article V.F is modified in its entirety to read:

“F. Expediting of permit evaluation related activities as specified in this MOA will be undertaken by the Corps only after funds have been transferred to the Corps. Payments by the City are to be made to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
P.O. Box 532711
Los Angeles, CA 90053-2325
Attn: Sandra Chavez

4. Article IX. – MISCELLANEOUS. Paragraph E is deleted in its entirety.

5. ARTICLE X- EFFECTIVE DATE AND DURATION. This Article is modified in its entirety to read:

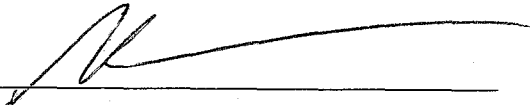
“ARTICLE X - EFFECTIVE DATE AND DURATION

This MOA and any amendments will become effective on the date of signature by the last Party or upon approval by the California Department of General Services, whichever is later. This MOA shall remain in force until whichever of these events occurs first: 1) June 30, 2013 or 2) the MOA is terminated pursuant to Article VIII.B.”

6. Integration. This FIRST AMENDMENT represents the entire understanding of DWR and the Corps regarding the changes to the MOA, and all other terms and conditions of the MOA remain in full force and effect.

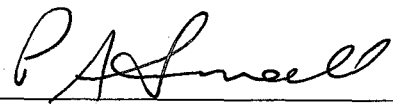
IN WITNESS WHEREOF, this FIRST AMENDMENT is executed by DWR, acting by and through its Project Manager or designated management authority and by the U.S. Army Corps of Engineers, through its authorized officer.

DEPARTMENT OF WATER RESOURCES

By: 
Gail Newton, Chief, FESSRO


Date: 5/4/12

ATTEST:

By: 
Secretary

APPROVED AS TO FORM:

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

By: 
R. Mark Toy, P.E.
Colonel, US Army
Commander and District Engineer

Date: MAY 29 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

May 22, 2012

Office of the Commander
and District Engineer

Department of Water Resources
Attn: Sheenam Sen
Environmental Review Office Manager
Region 9, Mail Code CED-2
75 Hawthorne Street
San Francisco, California 94105-390

Dear Mr. Sen:

I am pleased to provide you the enclosed First Amendment to Memorandum of Agreement (MOA) developed pursuant to section Water Resources Development Act (WRDA) of 2000, between the U.S. Army Corps of Engineers and the State of California, Department of Water Resources.

I look forward to continuing our partnership in the coming years. In the meantime, if you have any questions please me at 213-452-3961, or your staff can contact Ms. Lanika Cervantes, Project Manager, of my South Coast Branch, Regulatory Division at (760)602-4838 or via e-mail at Lanika.L.Cervantes@usace.army.mil.

"Building Strong and Taking Care of People!"

Sincerely,

R. Mark Toy, P.E.
Colonel, US Army
Commander and District Engineer

Enclosures

Comment [LLC1]:	
File Copy: SPL-2010-00199-LLC	
TOY CESPL-DE	<i>5/29</i>
TROXEL CESPL-OC	<i>see email attached</i>
COHEN CESPL-RG	<i>MC 5/21/12</i>
BRADFORD CESPL-RG-S	<i>5/18/12</i>
CERVANTES CESPL-RG-S	<i>By email</i>