

**FIRST AMENDMENT
TO
MEMORANDUM OF AGREEMENT
BETWEEN
THE SAN DIEGO UNIFIED PORT DISTRICT
AND
THE U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

This First Amendment to the Memorandum of Agreement (“FIRST AMENDMENT”) is entered into by the San Diego Unified Port District (hereinafter the “Port”) and the Los Angeles District of the United States Army Corps of Engineers (hereinafter the “Corps”), collectively referred to as the “Parties.”

RECITALS

WHEREAS, the Corps has jurisdiction over certain activities occurring in waters of the United States, including wetlands, pursuant to section 404 of the Clean Water Act of 1972, as amended, and navigable waters of the United States pursuant to section 10 of the Rivers and Harbors Act of 1899, as amended; and

WHEREAS, the Parties entered into a Memorandum of Agreement (“MOA”), effective March 30, 2012, for expedited and priority review of Port-designated priority projects by the Corps; and

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541, as amended and codified at 33 U.S.C. § 2352, 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, the Chief of Engineers, by memorandum dated September 2, 2015, has authorized the District and Division Engineers of the Corps to accept and expend funds contributed by non-Federal public entities subject to certain limitations; and

WHEREAS, the MOA is set to expire December 31, 2016; and

WHEREAS, the Parties desire to extend the duration of the MOA to December 31, 2021.

NOW, THEREFORE, the Parties agree as follows:

FIRST AMENDMENT

1. Article X. - MISCELLANEOUS. Article X.B is deleted in its entirety.

2. Article XI- EFFECTIVE DATE AND DURATION. This Article is modified in its entirety to read:

“Article XI - EFFECTIVE DATE AND DURATION

This MOA and any amendments will become effective on the date of signature by the last Party. Unless amended or modified pursuant to Article IX.A., this MOA shall remain in force until whichever of these events occurs first: 1) December 31, 2021; or 2) the MOA is terminated pursuant to Article IX.B.”

Integration. Except as amended herein all terms and conditions of the MOA remain in full force and effect. The MOA is on file in the Port’s Office of the District Clerk as Document No. 58897, dated April 24, 2012.

IN WITNESS WHEREOF, this FIRST AMENDMENT to the MOA is executed as of the dates indicated below by the Port, acting by and through its authorized officer, and by the Corps, through its authorized officer.

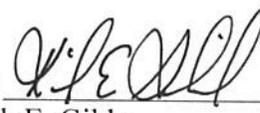
SAN DIEGO UNIFIED PORT DISTRICT

Dated: 9.12.16

By 
T. SCOTT EDWARDS
Vice President, Chief Operations Officer

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

Dated: 10/22/16

By 
Kirk E. Gibbs
Colonel, US Army
Commander and District Engineer

APPROVED AS TO FORM AND LEGALITY:
Port District General Counsel


By: ~~Assistant~~ Deputy

Appendix A: Port Priority Projects

June 2016

This list of priority projects under this MOA includes the following:

B Street Pier

Broadway Pier

Chula Vista Bayfront Master Plan

Mitigation Bank Prospectus for multiple sites

National City Wharf Extension, Phase II

Overwater Structure Credits Coordination

Regional General Permit #72

Sand Replenishment Projects

Shelter Island Boat Launch Ramp

Appendix B: Corps' Budget Estimate/Second Invoice

June 2016

<u>TASK</u>	<u>TIME</u>	<u>HOURLY RATE</u>	<u>COST</u>
Pre-application meetings	100	\$122	\$12,200
Project Review & Analysis	750	\$122	\$91,500
Administrative	125	\$77	\$9,625
Monitoring	95	\$122	\$11,590
Subtotal Personnel Costs			
Direct Costs:			
Supplies			\$85
Subtotal Direct Costs:			\$85
Total			\$125,000