



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

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

**FIRST AMENDMENT
TO
MEMORANDUM OF AGREEMENT (5001595)
BETWEEN
SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND
THE UNITED STATES ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

SUBJECT: First Amendment to Memorandum of Agreement between the San Diego Association of Governments and the U.S. Army Corps of Engineers, Los Angeles District

This First Amendment to Memorandum of Agreement ("FIRST AMENDMENT"), made the 3rd day of December, 2012, is entered into by the San Diego Association of Governments (hereinafter "SANDAG") 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 Parties entered into a Memorandum of Agreement ("MOA"), dated December 23, 2010, for expedited and priority review of SANDAG-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 December 23, 2012; and

WHEREAS, approximately \$157,000 has been expended under the MOA through October 31, 2012, leaving a balance of approximately \$243,000 in available funds; and

WHEREAS, SANDAG and the Corps desire to extend the duration of the MOA until the remaining funds are expended;

NOW, THEREFORE, the Parties agree as follows:

FIRST AMENDMENT

SUBJECT: First Amendment to Memorandum of Agreement between the San Diego Association of Governments, CA and the U.S. Army Corps of Engineers, Los Angeles District

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

“A. SANDAG will provide adequate resources under the terms of the MOA and this amendment to fund additional Corps Regulatory personnel for the purpose of timely review of designated priority projects and other identified activities. To facilitate the Corps’ reviews and activities, SANDAG will:

1. 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. 10184, dated February 21, 2012). Upon request, SANDAG 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, SANDAG shall provide such additional information so as to ensure the Corps can effectively accomplish the required review.”

2. Article IX. – MISCELLANEOUS. Paragraph B is modified in its entirety to read:

“Under the provisions of section 214 of WRDA 2000 as extended, no funds may be expended pursuant to this MOA after December 31, 2016. However, if prior to this date, this statutory authority is extended or made permanent, then provisions of this MOA shall remain in force until the earlier of the sunseting of section 214 of WRDA 2000, as further extended or made permanent, or until the expiration date as provided in this MOA.”

3. 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 X.A., this MOA shall remain in force until whichever of these events occurs first: 1) when all available funds under Article V have been expended, 2) December 23, 2014, or 3) the MOA is terminated pursuant to Article IX.B.”

4. Integration. This FIRST AMENDMENT represents the entire understanding of SANDAG and the Corps regarding the MOA and changes to the MOA. All other terms and conditions of the MOA remain in full force and effect.

[REMAINDER LEFT INTENTIONALLY BLANK]

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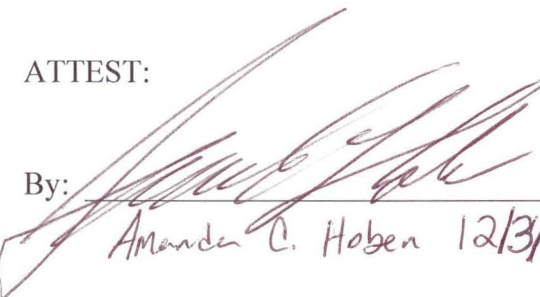
IN WITNESS WHEREOF, this FIRST AMENDMENT is executed by SANDAG, acting by and through its Board of Directors or designated management authority, and by the U.S. Army Corps of Engineers, through its authorized officer.

San Diego Association of Governments

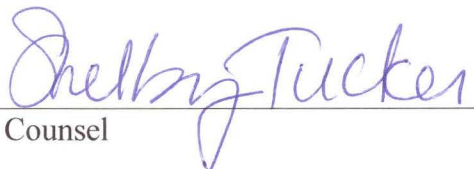
By: 
for Gary L. Gallegos,
Executive Director

Date: 12/3/12

ATTEST:


By: 
Amanda C. Hoben 12/3/12

APPROVED AS TO FORM:

By: 
Counsel

Date: 11/30/12

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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

Date: 18 DEC 2012