

**THIRD AMENDMENT
TO
MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF LOS ANGELES
AND
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

SUBJECT: Third Amendment to Memorandum of Agreement between the City of Los Angeles and the U.S. Army Corps of Engineers' Los Angeles District

This Third Amendment to Memorandum of Agreement ("**THIRD AMENDMENT**") is entered into by the City of Los Angeles, a municipal corporation, acting by and through the Board of Harbor Commissioners (hereinafter "**Port**") and United States Army Corps of Engineers' Los Angeles District (hereinafter "**Corps**"), collectively referred to as the "**Parties**."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Agreement ("**MOA**"), effective October 29, 2010, for expedited and priority review of Port-designated priority projects by the Corps; and

WHEREAS, the Parties entered into a First Amendment to the MOA, effective October 24, 2013, increasing funding and extending the duration of the MOA until December 31, 2016; and entered into a Second Amendment to the MOA, effective January 1, 2017, with potential for increased funding and extending the duration of the MOA until December 31, 2019;

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 ("**WRDA 2000**"), 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 Corps; and

WHEREAS, the Assistant Secretary of the Army (Civil Works), by memorandum dated January 19, 2018, 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 Parties desire to modify the MOA, including Appendix A, to extend the duration of the MOA an additional five years, and to further revise the terms and conditions of the MOA; and

WHEREAS, to date, the Port has deposited \$800,000 with the Corps pursuant to the MOA; and

WHEREAS, the Corps has determined additional funding from the Port may be necessary to continue to fund permit evaluation-related activities through December 31, 2024; and

NOW, THEREFORE, the Parties agree as follows:

THIRD AMENDMENT

1. ARTICLE V – FUNDING. This Article V.A. opening paragraph and subparagraph 1 are modified in their entirety to read:

“A. The total compensation paid to the Corps under the MOA, as modified by the FIRST AMENDMENT, the SECOND AMENDMENT and this THIRD AMENDMENT, shall not exceed One Million Three Hundred Thousand Dollars (\$1,300,000) paid as follows:

1. \$800,000 was paid to the Corps between execution of the MOA and March 2016 when we received the last payment, and is currently held in an account with a remaining balance of \$177,552.36 as of July 1, 2019;

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

“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) December 31, 2024, or 2) the MOA is terminated pursuant to Article X.B.”

3. APPENDIX A. This Appendix is replaced in its entirety with an updated Appendix A attached hereto.

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

[Remainder Left Intentionally Blank]

IN WITNESS WHEREOF, this THIRD AMENDMENT is executed by the City of Los Angeles, acting by and through its Board of Harbor Commissioners, and by the U.S. Army Corps of Engineers, Los Angeles District, through its authorized officer.

FOR THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

By: _____

Date: _____

EUGENE D. SEROKA
Executive Director

Attest: _____

Secretary

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By:  _____

Date: 8/8/2017

Deputy City Attorney

U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT

By:  _____

Date: JULY 29, 2019

Aaron C. Barta
Colonel, U.S. Army
Commander and District Engineer

Account# 54260 W.O. # -
Ctr/Div# 1000 Job Fac.# -
Proj/Prog# 000

Budget FY:	Amount:
2019/2020	\$100,000
2020/2021	\$100,000
2021/2022	\$100,000
2022/2023	\$100,000
TOTAL	\$400,000

For Acct/Budget Div. Use
Only

Verified by: 
Verified Funds Available: 
Date Approved: 8/7/19

Appendix A: Port-designated priority projects
(Dated: June 2019)

Berths 121-131 [Yang Ming] Container Terminal Redevelopment
AltaSea at the Port of Los Angeles
Berths 148-151 [Phillips 66] MOTEMS Improvements
Berth 163 [Nustar] MOTEMS Improvements
Berth 164 [Valero] MOTEMS Improvements
Berths 187-190 [Vopak] MOTEMS Improvements
Berths 177-178 Wharf Restoration
Pier 400 Corridor Storage Tracks Expansion
Cerritos Yacht Anchorage Slope Revetment
Berth 194 Sea Wall Replacement
Wilmington Boatyard Redevelopment
Berths 214-220 Wharf Rehabilitation
Berths 224-232 Wharf Rehabilitation
Maintenance Dredge Permitting (RGP 65)
Eelgrass at Cabrillo Beach
Eelgrass Management Plan
Mitigation Banking Documents (annual reporting on BEI)
Berth 44 Boatyard Project (Bellwether)
Port Police Dive House
Mudflat Mitigation (SPW) (mitigation measure plan)
Berth 306 Development and Wharf
Wharf Maintenance Larger Term (RGP 29)
TraPac Berth 136-139 Wharf
Future CDF