

CFMS# 636943

Karen Y. Lewis

AMENDMENT TO
AGREEMENT

BETWEEN THE DEPARTMENT OF THE ARMY
AND

THE STATE OF LOUISIANA, ACTING THROUGH THE LOUISIANA
DEPARTMENT OF NATURAL RESOURCES,
FOR THE
LOUISIANA COASTAL AREA,
DECISION SUPPORT TOOLS AND PROCESS DEVELOPMENT

THIS *AMENDMENT TO* AGREEMENT is entered into this 7th day, of February 20 08
by and between the Department of the Army (hereinafter the "Government"), represented by the
District Commander executing this Agreement, and the State of Louisiana, acting through the
Louisiana Department of Natural Resources (hereinafter the "Sponsor"),

WITNESSETH, that

WHEREAS, the Congress (Senate and/or House Committees) has requested the Board of
Engineers for Rivers and Harbors (now the U. S. Army Corps of Engineers) to conduct a study
and review of pertinent reports with a view to determining the advisability of improvements or
modifications to existing improvement in the coastal area of Louisiana in the interests of
hurricane protection, prevention of saltwater intrusion, preservation of fish and wildlife,
prevention of erosion, and related water resource purposes pursuant to Resolutions of the U.S.
House of Representatives and Senate Committees on Public Works, dated 19 April 1967 and
19 October 1967 respectively; and

WHEREAS, the U.S. Army Corps of Engineers has conducted a reconnaissance study entitled
Section 905(b) (WRDA 1986) Analyses, Louisiana Coastal Area, Louisiana, 7 May 1999, and a
study entitled Louisiana Coastal Area (LCA), Louisiana Ecosystem Restoration Study, Final
Report, November 2004, which is the subject of a Report of the Chief of Engineers, 31 January
2005 and a recommendation of the Assistant Secretary of the Army (Civil Works) to the Speaker
of the House of Representatives, dated 18 November 2005, of the advisability of improvements
or modifications to existing improvements in the coastal area of Louisiana in the interest of
hurricane protection, prevention of saltwater intrusion, preservation of fish and wildlife,
prevention of erosion, and related water resource purposes pursuant to this authority, and has
determined that further studies/investigations in the nature of "Feasibility Phase or Level of
Detail Studies/Decision Documents" (hereinafter "Studies") are required to fulfill the intent of
the study authority and to assess the extent of the Federal interest in participating in solutions to
the identified problem; and

WHEREAS, Section 105 of the Water Resources Development Act of 1986 (Public Law 99-662,
as amended) specifies the cost sharing requirements applicable to the Study;

WHEREAS, the Sponsor has the authority and capability to furnish the cooperation hereinafter
set forth and is willing to participate in study cost sharing and financing in accordance with the
terms of this Agreement;

***WHEREAS, the Sponsor and the Government on June 1, 2006 executed the "Agreement
between the Department of the Army and the State of Louisiana, Acting through the
Louisiana Department of Natural Resources, for the Louisiana Coastal Area, Decision
Support Tools and Process Development;"***

WHEREAS, the Sponsor and the Government wish to enter into an Amendment to the above referenced Agreement in order to reflect that the Sponsor intends to provide in-kind services and to reflect that the Study will include the development of a planning charrette, as set forth in the revised Project Management Plan, which is attached to this Amendment, but that the original Agreement otherwise remains in full force and effect; and

WHEREAS, the Sponsor and the Government understand that entering into this *Amendment to the Agreement* in no way obligates either party to implement a project and that whether the Government supports a project authorization and budgets it for implementation depends upon, among other things, the outcome of the Study and whether the proposed solution is consistent with the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and with the budget priorities of the Administration;

NOW THEREFORE, the parties agree *to replace Article III.A. from the Agreement with the following new version of Article III.A.:*

ARTICLE III – METHOD OF PAYMENT

A. In accordance with the provisions of this paragraph, the Government shall maintain current records and provide to the Non-Federal Sponsor current projections of costs, financial obligations, the contributions provided by the parties, the costs included in *total study costs* for the *non-Federal in-kind contributions* determined in accordance with Article III.B.3. of this Agreement, and the credit to be afforded for the *non-Federal in-kind contributions*.

1. As of the effective date of this *Amendment to the Agreement*, *total study costs* are projected to be \$10,000,000; the amount of funds determined in accordance with Article II.D. of this Agreement is projected to be \$5,000,000; the costs included in *total study costs* for the *non-Federal in-kind contributions* determined in accordance with Article II.E. of this Agreement are projected to be \$5,000,000; the credit to be afforded for the *non-Federal in-kind contributions* of this Agreement is projected to be \$5,000,000; the Non-Federal Sponsor's contribution of funds required by Article II.B. of this Agreement is projected to be \$0.00; and the *non-Federal proportionate share* is projected to be 50 percent. These amounts and percentage are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

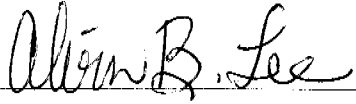
2. *On a quarterly basis* and by each quarterly anniversary thereof until the conclusion of the *period of study* and resolution of all relevant claims and appeals, the Government shall provide the Non-Federal Sponsor with a report setting forth all contributions provided to date and the current projections of the following: *total study costs*; *study costs to be shared during the period of study*; the amount of funds determined in accordance with Article *II.D.* of this Agreement; the Non-Federal Sponsor's contribution of funds required by Article *II.B.* of this Agreement; *excess study costs*; the amount of funds determined in accordance with *II.C.* of this Agreement; the Non-Federal Sponsor's contribution of funds required by Article *II.C.* of this Agreement; the costs included in *total study costs* for the *non-Federal in-kind contributions* determined in accordance with Article *III.B.3.* of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this *Amendment to* Agreement which shall become effective upon the date it is signed by the District Engineer for the U.S. Army Corps of Engineers, New Orleans District.

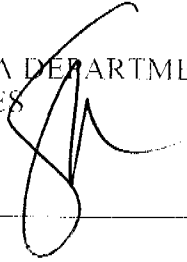
DEPARTMENT OF THE ARMY

LOUISIANA DEPARTMENT OF NATURAL RESOURCES

BY



BY



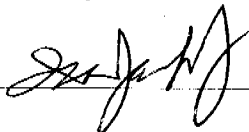
Alvin B. Lee
Colonel, Corps of Engineers
District Engineer
New Orleans District

Scott Angelle
Secretary
Department of Natural Resources
State of Louisiana

CERTIFICATE OF AUTHORITY

I, ISAAC JACKSON JR, do hereby certify that I am the principal legal officer of the Louisiana Department of Natural Resources, that the the Louisiana Department of Natural Resources is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement as amended by this Amendment to Agreement (hereafter referred to as the "Agreement") between the Department of the Army and the the Louisiana Department of Natural Resources in connection with the feasibility study for the Louisiana Coastal Area, Decision Support Tools and Process Development, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement and that the persons who have executed this Agreement on behalf of the Louisiana Department of Natural Resources have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this
8th day of February 2008.



Print Name: ISAAC JACKSON JR
Attorney
Department of Natural Resources
State of Louisiana