

**Second Amendment to BOEM Negotiated Agreement No. OCS-A 0511**

**MEMORANDUM OF AGREEMENT  
AMONG THE BUREAU OF OCEAN ENERGY MANAGEMENT  
OF THE DEPARTMENT OF THE INTERIOR  
AND THE  
CORPS OF ENGINEERS  
OF THE DEPARTMENT OF THE ARMY  
AND THE  
CITY OF JACKSONVILLE, FLORIDA**

**REGARDING THE USE OF OUTER CONTINENTAL SHELF SAND RESOURCES  
FOR SHORE PROTECTION  
IN DUVAL COUNTY, FLORIDA**

**Title I. Explanatory Recitals**

**WHEREAS**, on April 12, 2016, the Department of the Interior's ("DOI") Bureau of Ocean Energy Management ("BOEM") and the Department of the Army, acting through the U.S. Army Corps of Engineers ("USACE"), with the cooperation of the City of Jacksonville (the "City"), collectively the "Parties", entered into Memorandum of Agreement OCS-A 0511 ("MOA"), which authorized the use of up to 1,394,000 cubic yards of Outer Continental Shelf (OCS) sediment resources from Duval Borrow Area Shoal S (DSS) for exclusive use in a shore protection project, to facilitate stabilization and restoration of the proper ecological function of the beach along the Duval County, Florida shoreline (hereinafter the "Project");

**WHEREAS**, on December 9, 2016, the City submitted a written request to BOEM seeking an increase in sand and gravel volume from 1,394,000 cubic yards to 1,900,000 cubic yards;

**WHEREAS**, on May 23, 2017, the Parties executed the First Amendment to Negotiated Agreement No. OCS-A 0511, which increased the authorized sand and gravel volume to 1,900,000 cubic yards;

**WHEREAS**, on February 21, 2018, the City submitted a written request to BOEM seeking a 2-year time extension and an increase in sand and gravel volume from 1,900,000 cubic yards to 2,400,000 cubic yards to repair storm-related erosion damage;

**THEREFORE**, this Second Amendment to BOEM Negotiated Agreement No. OCS-A 0511 modifies the MOA as follows:

**Title II (A)** is replaced with the following:

**A.** The Department of the Interior ("DOI"), acting through the Bureau of Ocean Energy Management ("BOEM"), enters into this Memorandum of Agreement ("MOA") with the City and USACE (collectively, the City and USACE, with DOI or BOEM, are referred to as the

“Parties”) providing for the use of up to 2,400,000 cubic yards of Outer Continental Shelf sand resources (“OCS sand resources”) for the Project under the authority of Section 8(k)(2) of the Outer Continental Shelf Lands Act (“OCSLA”) (43 U.S.C. § 1337(k)(2)). The term “OCS sand resources” means the sand, gravel, and shell resources found on or below the surface of the seabed on the Outer Continental Shelf (“OCS”), as defined in Section 2(a) of the OCSLA (43 U.S.C. § 1331(a)). This MOA authorizes the City or USACE, as appropriate, to use OCS sand resources from Duval Borrow Area Shoal S (hereinafter called “DSS” and also referred to as the “Borrow Area”, and also referred to as “Area F” on recent maps), as designated and delineated in Table 1 and on the attached maps (Attachment 1), in accordance with the terms of this MOA. After removal of the sand resources from the OCS and placement of those resources as specified in this MOA, BOEM has no jurisdiction over those sand resources unless they return to the OCS.

**Title III** is replaced with the following:

The Project is authorized under Section 301 of the River and Harbor Act of 1965, Public Law 89-298, Section 934 of the Water Resources Development Act of 1986, Public Law 99-662, and the Bipartisan Budget Act of 2018, H.R. 1892-13 Title IV, as a shore protection project, to facilitate stabilization and restoration of the proper ecological function of the beach along the Duval County, Florida shoreline. The USACE may use up to 2,400,000 cubic yards of OCS sand resources to renourish the beach and adjacent dunes. The OCS sand resources must be extracted from Borrow Area DSS (see Attachment 1).

**Title IV (C)** is replaced with the following:

C. This MOA applies only to the extraction, transportation, and placement of OCS sand resources as described above. This MOA will terminate or expire (a) upon USACE sending written notice that it has obtained sufficient OCS sand resources to complete the Project, up to 2,400,000 cubic yards; (b) the expiration, termination, or revocation of FDEP - Consolidated JCP and Sovereign Submerged Lands Authorization, Permits No. 0228528-005-JC or other applicable permits as described above in paragraph A, unless a new or superseding permit is issued within seven (7) days; or (c) two (2) years from the date of execution of the Second Amendment to the MOA, whichever occurs first. Upon request by USACE, the Parties may agree to extend the terms of this MOA as necessary to provide USACE and its contractor(s) with additional time to complete the Project. The Parties acknowledge that there may be a need for future OCS sand resources for periodic maintenance, augmentation or construction purposes. BOEM, USACE, and the City may enter into subsequent agreements, for the use of additional OCS sand resources for the Project, consistent with each Party’s responsibilities under applicable law. The requirements for submission of surveys, reports, and data in the MOA apply to all phases of the project.

This Second Amendment may be executed in counterparts, each of which will be deemed to be an original. The signatures on this Second Amendment may be executed on separate pages and all of which together will constitute one and the same agreement.

[The remainder of this page was intentionally left blank. Signature Pages to follow.]

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Signatory Page

*act'ing for*  
Colleen Jimenez

L. Renee Orr  
Chief, Strategic Resources Office  
Bureau of Ocean Energy Management  
Department of the Interior

Date: 5/8/10

\_\_\_\_\_

Jason A. Kirk  
Colonel  
U.S. Army Corps of Engineers  
Jacksonville District

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Lenny Curry as Mayor of the City of  
Jacksonville, Florida

Attest: \_\_\_\_\_

First Last, Title

Reviewed for legal form and content as to the City  
by:

\_\_\_\_\_  
Office of General Counsel

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\_\_\_\_\_  
L. Renee Orr  
Chief, Strategic Resources Office  
Bureau of Ocean Energy Management  
Department of the Interior

Date: \_\_\_\_\_



Jason A. Kirk  
Colonel  
U.S. Army Corps of Engineers  
Jacksonville District

Date: 27 APR 2018

\_\_\_\_\_  
The Honorable Lenny Curry as Mayor of the City of  
Jacksonville, Florida

Attest: \_\_\_\_\_

First Last, Title

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by:

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Office of General Counsel

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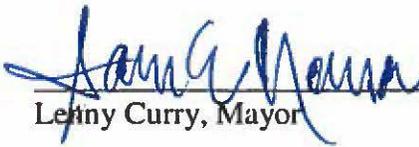
\_\_\_\_\_  
L. Renee Orr  
As Chief, Office of Strategic Resources  
Bureau of Ocean Energy Management  
Department of the Interior

\_\_\_\_\_  
Jason A. Kirk  
As Colonel, Corps of Engineers  
Corps of Engineers  
Jacksonville District

Date: \_\_\_\_\_

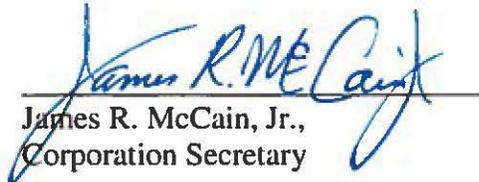
Date: \_\_\_\_\_

CITY OF JACKSONVILLE

  
Lenny Curry, Mayor

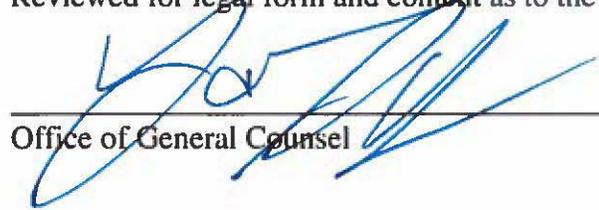
Sam E. Mousa  
Chief Administrative Officer  
For: Mayor Lenny Curry  
Under Authority of:  
Executive Order No. 2015-05

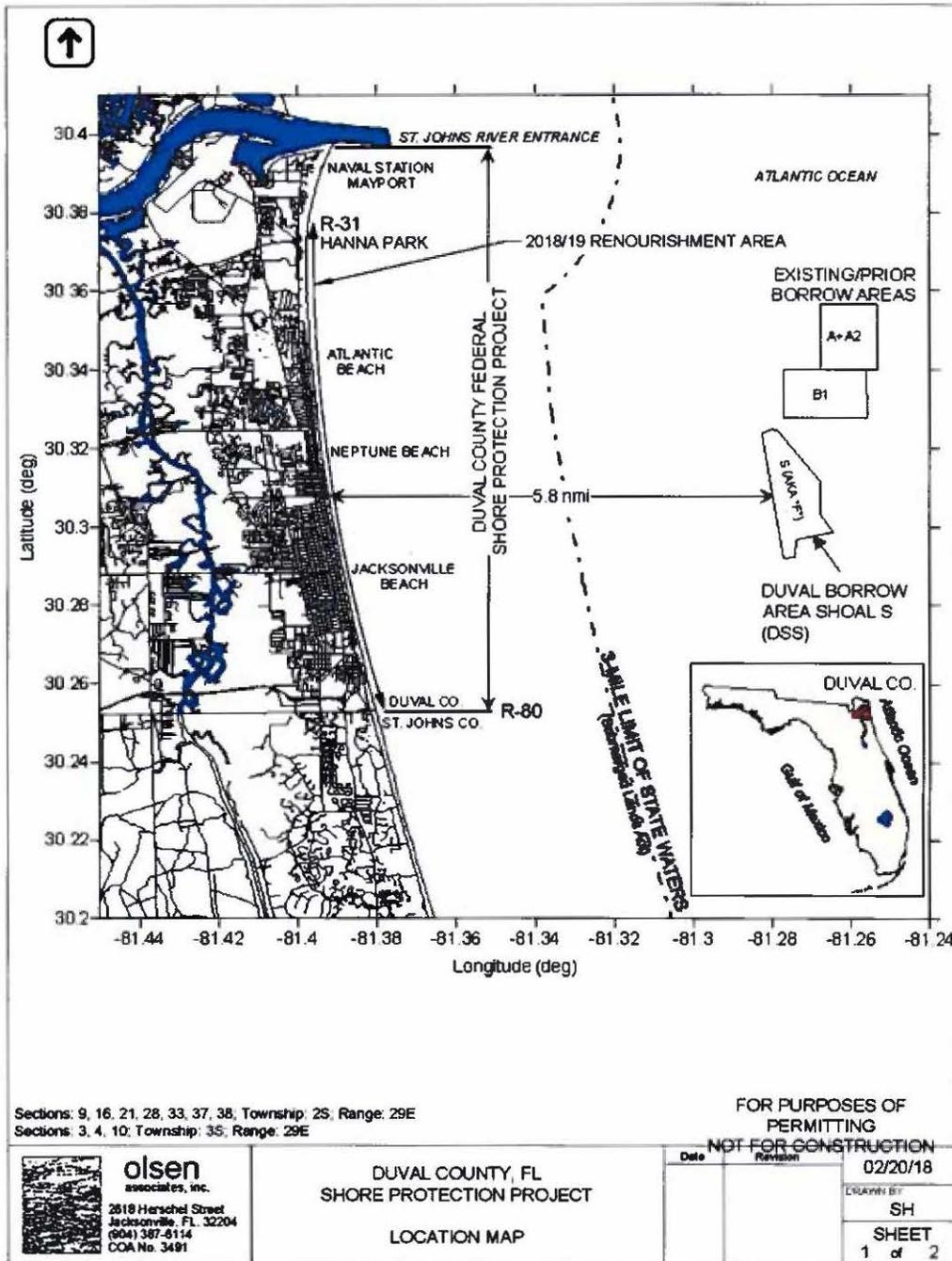
Attest:

  
James R. McCain, Jr.,  
Corporation Secretary

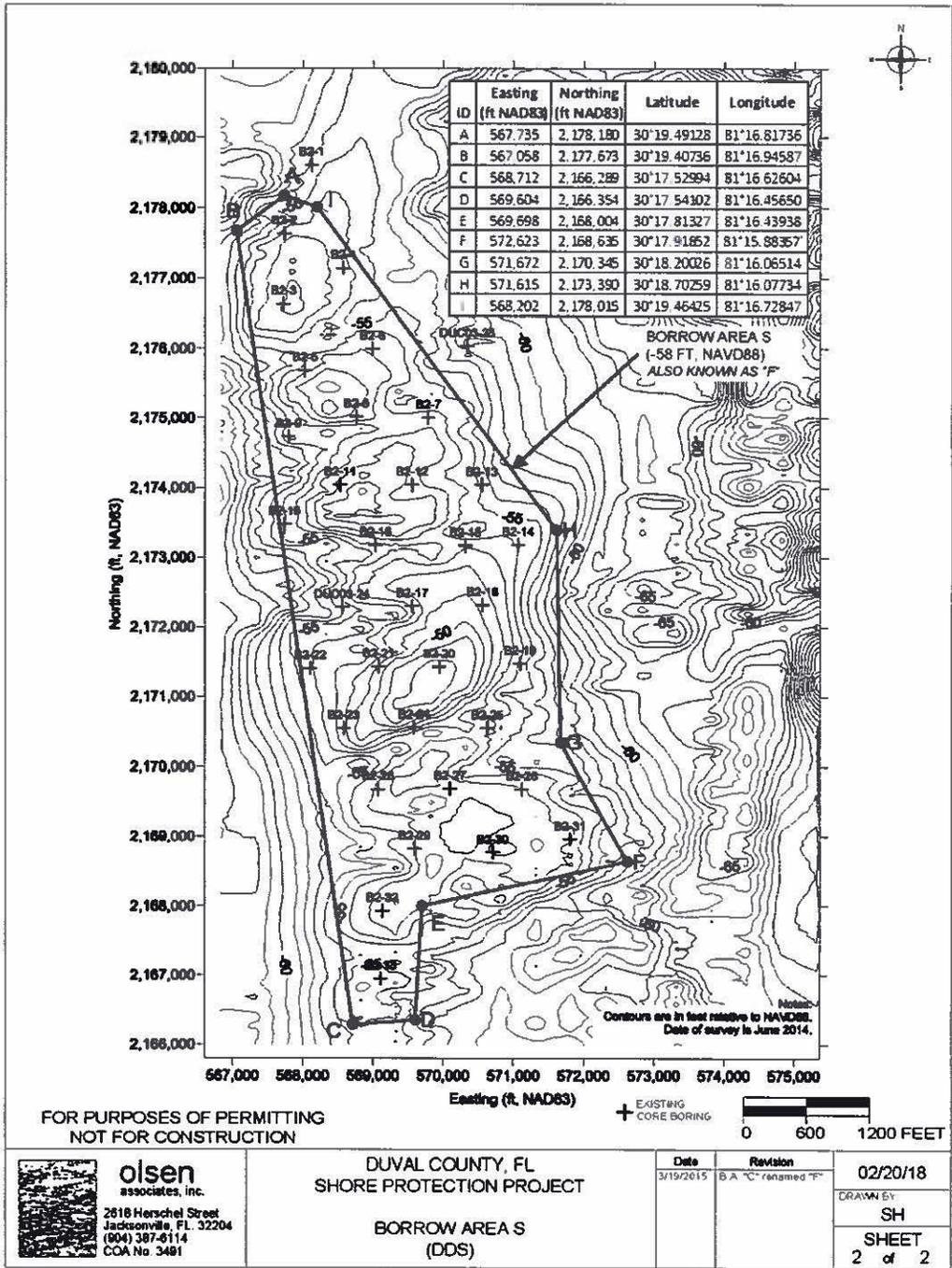


Reviewed for legal form and content as to the City by:

  
\_\_\_\_\_  
Office of General Counsel



**Attachment 1: Duval County Project Area Map**



**Attachment 2: Duval County Borrow Area Map**