

First 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;

THEREFORE, this First 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 1,900,000 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 I 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 the Water Resources Development Act of 1986 and the River and Harbor Act of 1965, 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 1,900,000 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 1,900,000 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) three (3) years from the date of execution of the MOA, April 12, 2016, 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.

This First Amendment may be executed in counterparts, each of which will be deemed to be an original. The signatures on this First 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



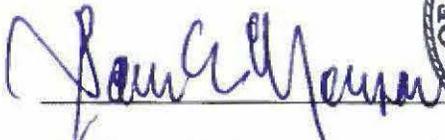
L. Renee Orr
As Chief, Office of Strategic Resources
Bureau of Ocean Energy Management
Department of the Interior

Date: 5/23/2017



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

Date: 18 MAY 2017

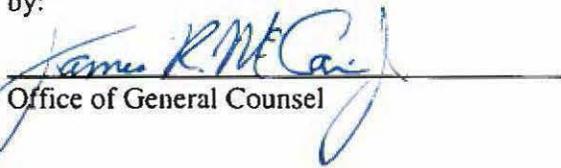


The Honorable Lenny Curry as Mayor of the City of
Jacksonville, Florida

Attest:

First Last, Title

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



Office of General Counsel



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

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

Date: 5/23/2017

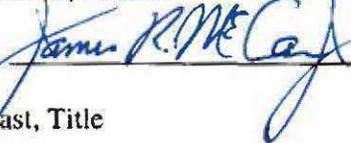
See Signatory Page 1 of 2

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

Date: _____

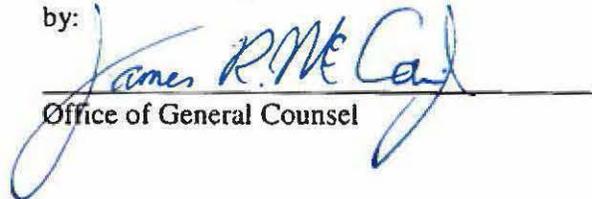


The Honorable Lenny Curry as Mayor of the City of
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For: Mayor Lenny Curry
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