AMENDMENT NUMBER 1

TO THE

AGREEMENT

BETWEEN

THE DEPARTMENT OF THE ARMY

AND

THE CENTRAL VALLEY FLOOD PROTECTION BOARD

AND

THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES

FOR THE

CENTRAL VALLEY INTEGRATED FLOOD MANAGEMENT STUDY

THIS AMENDMENT is entered into this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2013, by and between the Department of the Army (hereinafter the “Government”), represented by the Sacramento District Engineer and the Central Valley Flood Protection Board, represented by its President and the State of California Department of Water Resources, represented by the Division Chief of Flood Management (hereinafter “Non-Federal Sponsors”).

WITNESSTH, THAT:

WHEREAS, the Government and the Non-Federal Sponsor entered into a Feasibility Cost Share Agreement (hereinafter referred to as the “Agreement”) on July 21, 2010, for completion of the Study;

WHEREAS, the Government and the Non-Federal Sponsor desire to amend the Agreement to increase the scope and cost of the Study; and

WHEREAS, the Government and Non-Federal Sponsors have the full authority and capability to perform as hereinafter set forth and intend to cooperate in cost sharing and financing of the Study in accordance with the terms of this Amendment;

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to amend the Agreement as follows:

1. ARTICLE IV – METHOD OF PAYMENT is amended by replacing Paragraph A.1. with the following paragraph:

“1. As of the effective date of this Agreement, *total study costs* are projected to be $5,000,000; the amount of funds determined in accordance with Article II.C.1.a. of this Agreement is projected to be $0; 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 $2,417,000; the credit to be afforded for the *non-Federal in-kind contributions* pursuant to Article II.F. of this Agreement is projected to be $2,417,000; the Non-Federal Sponsor’s contribution of funds required by Article II.C.1.b. of this Agreement is projected to be $0; and the non-Federal proportionate share is projected to be 48.34 percent. These amounts and percentage are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsors, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsors.”

IN WITNESS WHEREOF, the parties hereto have executed this amendment to the Agreement, which shall become effective upon the date it is signed by the authorized representative of the Government.

DEPARTMENT OF THE ARMY CENTRAL VALLEY FLOOD

PROTECTION BOARD

BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael J. Farrell, P.E. William H. Edgar

Colonel, U.S. Army President

District Commander Central Valley Flood

Protection Board

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CALIFORNIA STATE DEPARTMENT

OF WATER RESOURCES

BY:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Keith Swanson

Chief, Division of Flood Management

Department of Water Management

CERTIFICATE OF AUTHORITY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that I am the principal legal advisor for this project, acting on behalf of the State of California, that the State of California Department of Water Resources is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the State of California Department of Water Resources, and the Central Valley Flood Protection Board in connection with the Central Valley Integrated Flood Management Study, California, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91‑611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed this Agreement on behalf of the State of California Department of Water Resources have acted within their statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 2013.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jeremy D. Goldberg

Legal Counsel

State of California, Department of Water Resources

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form‑LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Keith Swanson

Chief, Division of Flood Management

State of California Department of Water Resources

DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CERTIFICATE OF AUTHORITY

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that I am the principal legal officer of the Central Valley Flood Protection Board ("Board") for this project, that the Board is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army, the State of California and the Board in connection with the Central Valley Integrated Flood Management Study**,** and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Agreement, as required by Section 221 of the Flood Control Act of 1970, Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the persons who have executed this Agreement on behalf of the State of California, through the Board have acted within their statutory authority.

INWITNESS WHEREOF, I have made and executed this certification this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2013.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Deborah Smith

Deputy Attorney General

Attorney for the Central Valley Flood Protection Board

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_

William H. Edgar, President

Central Valley Flood Protection Board

DATE: \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_