

**AMENDMENT NO. 1
MEMORANDUM OF AGREEMENT
BETWEEN
THE GEORGIA DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
AND
THE SAVANNAH DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FOR
POSITION FUNDING**

THIS AMENDMENT NO. 1 is made and entered into as of this 3rd day of February, 2015 between the Georgia Department of Transportation, an agency of the State of Georgia, hereinafter called the "Department," and the Department of the Army, represented by the Savannah District, United States Army Corps of Engineers hereinafter the "Savannah District," collectively referred to as "the Parties."

WITNESSETH THAT:

WHEREAS, the Department and the Savannah District entered into a Memorandum of Agreement effective May 9, 2014, hereinafter called the "Original MOA," which provides funding for positions at the Savannah District to expedite the permit review and processing of Department of the Army Section 404 permit applications pursuant to Section 214 of the Water Resources Development Act (WRDA) of 2000, as amended, codified at 33 U.S.C. 2352; and

WHEREAS, the Department and the Savannah District desire to amend the Original MOA to provide funding for four additional positions.

NOW THEREFORE, the Parties hereto mutually agree that for and in consideration of the mutual benefits to flow from each to the other, the Original MOA dated May 9, 2014 shall be amended as follows and as shown on the attached Exhibits A and B:

1. Article II. – SCOPE, Paragraph C:

AS READS

Funds contributed by the Department under this MOA will mainly be expended to defray the costs of additional Savannah District regulatory staff (including salary, associated benefits, overhead, and travel expenses) and other costs in order to expedite the evaluation of permit requests submitted by the Department. Such activities will include, but not be limited to, the following: application intake review, permit database entry, drawing correction, jurisdictional determinations, site visits, public notice preparation, preparation of correspondence, conducting public interest reviews, preparation of draft permit decision documents, meetings with the Department and agencies, and any other permit evaluation-related responsibilities that may be mutually agreed upon (See Exhibit A). Funds will *not* be expended for review by supervisors or other persons or elements of the Savannah District in the decision-making chain of command. Enforcement or compliance activities will not be paid for from the

funds contributed by the Department, nor will such funds be used for paying the costs of public hearings and distribution of public notices.

AS REVISED

Funds contributed by the Department under this MOA will mainly be expended to defray the costs of additional Savannah District regulatory staff (including salary, associated benefits, overhead, and travel expenses) and other costs in order to expedite the evaluation of permit requests submitted by the Department. Such activities will include, but not be limited to, the following: application intake review, permit database entry, drawing correction, jurisdictional determinations, site visits, public notice preparation, preparation of correspondence, conducting public interest reviews, preparation of draft permit decision documents, meetings with the Department and agencies, and any other permit evaluation-related responsibilities that may be mutually agreed upon (See Exhibit A). These funds may also be used to conduct compliance reviews and inspections, post permit issuance. Funds will *not* be expended for review by supervisors or other persons or elements of the Savannah District in the decision-making chain of command. Enforcement or non-compliance activities will not be paid for from the funds contributed by the Department, nor will such funds be used for paying the costs of public hearings and distribution of public notices.

2. Article IV. - RESPONSIBILITIES OF THE PARTIES, Paragraph B.4:

AS READS

Provide the Department an annual summary report of progress made under this MOA. This report will describe achievements, including any improvements the Savannah District has documented in coordinating and improving the efficiency of environmental reviews, and will summarize expenditures to date. The report also will identify any recommendations for improving consultation and coordination among the Parties to this MOA.

AS REVISED

Provide the Department an annual summary report of progress made under this MOA. This report will include a list of permit decisions along with impact and mitigation data. This report will describe achievements, including any improvements the Savannah District has documented in coordinating and improving the efficiency of environmental reviews, and will summarize expenditures to date. The report also will identify any recommendations for improving consultation and coordination among the Parties to this MOA.

3. Article VI. – FUNDING, Paragraph A:

AS READS

The Department will pay the Savannah District an amount not to exceed \$1,720,000 for purposes of funding three additional project managers, including overhead, and associated support personnel for the term of this MOA (See Exhibit B). Funding required under this MOA may be increased by the Savannah District to account for the Federal Government's General Schedule increases and locality adjustments. Any carry-over funds from year to year would be credited to the following fiscal year's payment, if the sunset clause is extended or eliminated, or refunded if this MOA is terminated or expires.

AS REVISED

The Department will pay the Savannah District an amount not to exceed \$2,045,000 for purposes of funding four additional project managers, including overhead, and associated support personnel for the term of this MOA (See Exhibit B). Funding required under this MOA may be increased no more than 10 percent over the life of the Agreement to account for the Federal Government's General Schedule increases and locality adjustments. Any carry-over funds from year to year would be credited to the following fiscal year's payment, if the sunset clause is extended or eliminated, or refunded if this MOA is terminated or expires.

All other terms and conditions of the original MOA remain unchanged.

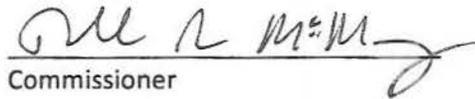
IN WITNESS WHEREOF, Amendment No. 1 to the May 9, 2014, MOA is executed by the Department of Transportation, acting by and through its Commissioner or his designee and by the U.S. Army Savannah District of Engineers, through its authorized officer.

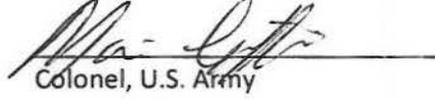
For the Department of Transportation:

For the Savannah District, U. S. Army Corps of Engineers:

BY:

BY:

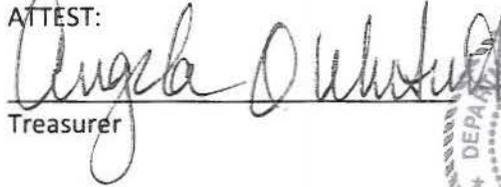

Commissioner


Colonel, U.S. Army
Commanding

Date: 2/3/2016

Date: 6 Jan 16

ATTEST:


Treasurer



AS READS

**Exhibit A
Scope of Work**

The Savannah District staff will accomplish the reviews and tasks appropriate to expedite, implement, and coordinate the Project Development Process and meet Department's needs for compliance with applicable state and federal statutes. The Savannah District staff reviews and work tasks may include, but are not limited, to the following:

- Review transportation plans and programs
- Participate in agency scoping
- Participate in Needs Analysis review and comment
- Participate in wildlife resource inventory and impact assessment
- Provide preliminary environmental analysis, guidance, and review
- Provide preliminary and detailed alternatives analyses guidance and review
- Represents the Savannah District at meetings as appropriate
- Participate in the development and implementation of written Department and Savannah District guidance
- Ensure District review coordination on separate reports for the same project
- Conduct document reviews and draft agency responses, which may include but are not limited to:
 - Wetlands Identification and Delineation Reports
 - Wetland Functional Assessment Reports
 - Wildlife Resources and Related Technical Reports
 - Alternatives Analyses
 - Cultural Resource Assessments
 - Endangered Species - Biological Assessments
 - Floodplain Determination
 - Hydraulics Report
 - Habitat Evaluation Procedure Reports
 - Purpose and Need Statements
 - Preliminary Alternatives Reports
 - Environmental Impact Statements
 - Environmental Assessments
 - Categorical Exclusion Evaluations
 - FONSI Requests
 - Environmental Evaluation Reports
 - Mitigation Reports and Plans
 - Section 404 Permit Applications
 - Policies and Procedures
- Coordinate and provide training on natural resource issues and permits
- Organize meeting and conference calls to clarify problems at the request of Department or the Savannah District
- Perform other related tasks as defined by Department and agreed to by the Savannah District

Under normal circumstances the Savannah District will make every effort to meet the following timeframes:

1. With all requests for General Permit authorization (GP) and Individual Permit (IP) applications, the Savannah District shall provide notification of any need for additional, required information/clarification within 15 days of the Savannah District's receipt of such applications.
2. Upon receipt of a completed application or the requested (required), additional information associated with an IP application, the Savannah District shall disseminate the 30-day Joint Public Notice within 15 days.
3. For Individual Permits, within 15 days of the end of any Joint Public Notice the Savannah District shall provide, to the Department, all comments received as a result of the notice, as well as those comments from the Savannah District.
4. With all of the Department's requests for Jurisdictional Determinations (JDs), the Savannah District liaison shall provide notification of any need for additional, required information/clarification within 15 days of the Savannah District's receipt of such JD requests.
5. For GP authorization requests requiring dissemination to the resource agencies, the Savannah District shall provide all comments within 5 days of their receipt.
6. For IPs, upon resolution of comments/issues with the Savannah District, the resource and other regulatory agencies, and issuance of 401 Water Quality Certification or a Coastal Zone Consistency, the Savannah District shall render a permit decision within 30 days, in 95% of all instances.
7. For GP authorization requests that do not require dissemination to the resource agencies, the Savannah District shall issue or deny such GP authorization requests within 45 days of their receipt of a complete GP authorization request, or the requested (required), additional information associated with a GP authorization request. Provided there are no outstanding issues/comments from other resource agencies, the Savannah District will waive, issue, or deny at least 95% of all GP authorization requests within 45 days.
8. Upon receipt of a completed and correct JD request the Savannah District shall issue the Jurisdictional Determination within 30 days.

In the event of an issue between the Parties regarding processing or timeliness of work products, the following procedures will be used to informally resolve the issue. Nothing herein should be construed as a waiver of either Parties' remedies at law or equity.

Issue Identified	Savannah District PM meets with Department Team Leader	Savannah District Branch Chief/Deputy Division Chief meets with Branch Manager/ Department's Assistant State Environmental Administrator	Savannah District Division Chief meets with Department's State Environmental Administrator	Savannah District Engineer or his representative meets with Department's Commissioner
DAY 1 – Issue identified in writing (e-mail or letter)	Within 5 days – if not resolved, elevate verbally to next level	Within 5 days from PM meeting – if not resolves, elevate verbally to next level.	Within 5 days from last meeting – if not resolved, elevate in writing to next level.	Within 30 days from receipt of request for elevation.

AS REVISED

**Exhibit A
Scope of Work**

The Savannah District staff will accomplish the reviews and tasks appropriate to expedite, implement, and coordinate the Project Development Process and meet Department's needs for compliance with applicable state and federal statutes. The Savannah District staff reviews and work tasks may include, but are not limited, to the following:

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- Participate in wildlife resource inventory and impact assessment
- Provide preliminary environmental analysis, guidance, and review
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- Represents the Savannah District at meetings as appropriate
- Participate in the development and implementation of written Department and Savannah District guidance
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- Organize meeting and conference calls to clarify problems at the request of Department or the Savannah District
- Perform other related tasks as defined by Department and agreed to by the Savannah District

Under normal circumstances the Savannah District will make every effort to meet the following timeframes:

1. Requests to schedule technical assistance meetings shall be responded to within 5 days.
2. For projects on which the Savannah District is the lead Federal agency
 - a. Initiate consultation pursuant to Section 106 of the National Historic Preservation Act within 28 days of receipt of all required cultural resource information on a project;
 - b. Initiate consultation pursuant to Section 7 of the Endangered Species Act within 21 days of receipt of all required endangered species information on a project.
3. With all requests for General Permit authorization (GP) and Individual Permit (IP) applications, the Savannah District shall provide notification of any need for additional, required information/clarification within 15 days of the Savannah District's receipt of such applications.
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AS READS

Exhibit B
Budget

FUNDED PERIOD July 1, 2014 through December 31, 2016

ESTIMATED ANNUAL COST PER GS-12 POSITION \$150,000 X 2 \$300,000.00/year	\$750,000.00
ESTIMATED ANNUAL COST PER GS-11 POSITION \$130,000 X 1 = \$130,000/year	\$325,000.00
TOTAL ESTIMATED COSTS FOR July 1, 2014 – December 31, 2016	\$1,075,000.00

ADDITIONAL FUNDS FOR January 1, 2017 through June 30, 2018 if the sunset clause is extended or eliminated, this MOA will be in effect through June 30, 2018, per Article XII.

ESTIMATED ANNUAL COST PER GS-12 POSITION \$150,000 X 2 \$300,000.00/year	\$450,000.00
ESTIMATED ANNUAL COST PER GS-11 POSITION \$130,000 X 1 = \$130,000/year	\$195,000.00
TOTAL ESTIMATED COSTS FOR January 1, 2017 – June 30, 2018	\$645,000.00

TOTAL ALLOWABLE COSTS UNDER THIS AGREEMENT

ESTIMATED COSTS FOR July 1, 2014 – December 31, 2016	\$1,075,000.00
ESTIMATED COSTS FOR January 1, 2017 – June 30, 2018	\$645,000.00
TOTAL ALLOWABLE COSTS	\$1,720,000.00

The estimated amount for the funding period is based on the annual cost including overhead for two GS-12 Regulatory Project Managers, one GS-11 Regulatory Project Manager.

Any funds that have not been expended during the funding period will be refunded to the Department on September 30, 2018, unless the sunset clause is not extended or eliminated in which case, unexpended funds will be refunded to the Department on September 30, 2017.

AS REVISED

Exhibit B
Budget

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ESTIMATED ANNUAL COST PER GS-11 POSITION \$130,000 X 1 = \$130,000/year	\$195,000.00
TOTAL ESTIMATED COSTS FOR January 1, 2017 – June 30, 2018	\$645,000.00

ADDITIONAL FUNDS FOR January 1, 2016 through June 30, 2018 for a fourth position per Article VI of this MOA Amendment

ESTIMATED ANNUAL COST PER GS-11 POSITION \$130,000 X 1 = \$130,000/year	\$325,000.00
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TOTAL ALLOWABLE COSTS UNDER THIS AGREEMENT

ESTIMATED COSTS FOR July 1, 2014 – December 31, 2016	\$1,075,000.00
ESTIMATED ADDITIONAL COSTS FOR January 1, 2016 – June 30, 2018	\$325,000.00
ESTIMATED COSTS FOR January 1, 2017 – June 30, 2018	\$645,000.00
TOTAL ALLOWABLE COSTS	\$2,045,000.00

The estimated amount for the funding period is based on the annual cost including overhead for two GS-12 Regulatory Project Managers, and two GS-11 Regulatory Project Managers.

Any funds that have not been expended during the funding period will be refunded to the Department on September 30, 2018, unless the sunset clause is not extended or eliminated in which case, unexpended funds will be refunded to the Department on September 30, 2017.