



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P.O. BOX 17300
FORT WORTH, TX 76102-0300

NOV 15 2019

Regulatory Division

SUBJECT: Water Resources Development Act of 2000 (WRDA) Section 214 Extension of the Memorandum of Agreement (MOA) dated October 17, 2011

PROJECT NUMBER: SWF-2008-00394

Mr. Mike Eastland
Executive Director
North Central Texas Council of Governments
616 Six Flags Drive, Centerpoint Two
Arlington, Texas 76005-5888

Dear Mr. Eastland:

On October 17, 2011 the U.S. Army Corps of Engineers and the North Central Texas Council of Governments Regional Transportation Council entered into a Water Resources Development Act of 2000 Section 214 Memorandum of Agreement to expedite the evaluation of permits under the jurisdiction of the Department of the Army. Annual meetings with the North Central Texas Council of Governments indicated the program has been successful and for planning purposes the Corps is asking to receive a commitment to extend the Memorandum of Agreement until September 30, 2022.

Please review the attached two signed copies of the Memorandum of Agreement extension document. Please sign both documents and return one of the originals for our records.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Reed", is written over the typed name.

Kenneth N. Reed, PMP
Colonel, U.S. Army
Commanding

Enclosure

**MEMORANDUM OF AGREEMENT MODIFICATION
BETWEEN THE NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS AND THE UNITED STATES ARMY CORPS OF
ENGINEERS,
FORT WORTH DISTRICT**

WHEREAS, the North Central Texas Council of Governments (hereinafter the "NCTCOG") acting by and through its Regional Transportation Council (hereinafter the "RTC") and the Department of the Army, represented by the United State Army Corps of Engineers, Fort Worth District (hereinafter the "Corps"), collectively referred to as the "Parties", entered into a Memorandum of Agreement (hereinafter the "MOA") on the 17th day of October 2011 to expedite the evaluation of permits under the jurisdiction of the Department of the Army; and,

WHEREAS, Public Law 113-121 Section 1006 removed the expiration date imposed by WRDA 2000 and amendments; and,

WHEREAS, Article X, Section B- Survival allows, with statutory authority extension, for the provisions of the MOA to remain in force; and,

WHEREAS, Article XI, Section B- allows the MOA to remain in effect with the removal of the sunset clause; and exceed the six (6) year limit from the effective date of the MOA if agreed to by mutual agreement and consent of the parties; and,

WHEREAS, Article VI-Funding in the MOA authorizes the funds to exceed \$1,200,000 if agreed to by mutual agreement between both parties; and,

WHEREAS, Article VI, Section C allows for expending funds beyond December 31, 2016, if federal law extends the Corps' authority to accept and expend funds contributed by non-federal public entities to expedite the processing of permits; and,

WHEREAS, on December 20, 2016, the Parties executed an MOA Modification that extended the term of the MOA through December 31, 2019, and modified the total not to exceed amount to \$1,700,000; and,

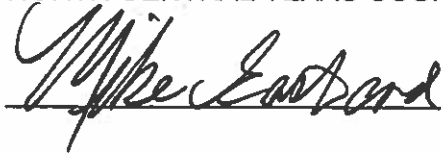
WHEREAS, on January 10, 2019, the RTC programmed additional Regional Toll Revenue (RTR) funds to support the on-going effort to expedite environmental permitting through the Corps; .

WHEREAS, on May 23, 2019, the NCTCOG Executive Board authorized an amendment to the MOA with the Corps to increase the not to exceed amount from \$1,700,000 to \$2,300,000 and extend the term through September 30, 2022; and,

NOW, THEREFORE, NCTCOG and the Corps by mutual agreement extend the MOA until September 30, 2022. This date can be extended by mutual agreement of the parties. Annual funds shall remain the same as described in Article VI, except that annual funding provided by NCTCOG shall be for the period of October 1 through September 30 of the following year. Further, the Parties agree that total funds shall not exceed \$2,290,000.00 for the term of the MOA. All other provisions remain in full force and effect.

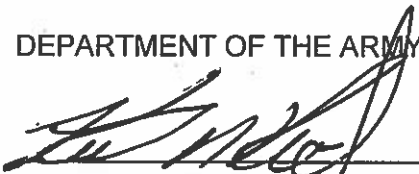
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement modification on the date next to their signatures.

NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

 _____ Date: 11/30/19

Mike Eastland
Executive Director

DEPARTMENT OF THE ARMY

 _____ Date: **NOV 15 2019**

KENNETH N. REED, PMP
Colonel, U.S. Army
Commanding