



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, PORTLAND DISTRICT  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946

REPLY TO  
ATTENTION OF:

MEMORANDUM OF AGREEMENT  
BETWEEN  
THE U.S. ARMY CORPS OF ENGINEERS  
AND  
THE PORTS OF KALAMA, LONGVIEW, PORTLAND, AND VANCOUVER, USA

SUBJECT: Amendment No. 3 – Entering the Port of Longview into the Agreement

1. WHEREAS, the Department of the Army (DA), represented by the U.S. Army Corps of Engineers, Portland District (Corps), and the Ports of Portland and Vancouver, USA (Ports), represented by their respective Executive Directors, entered into an agreement on November 15, 2006, for the Ports to provide and the Corps to accept and expend funds to expedite the evaluation of permits subject to certain limitations.
2. WHEREAS, the parties amended the agreement on November 14, 2008, to clarify the need for advanced funds, incorporate guidance from the Chief of Engineers and modify the termination date (Amendment No. 1).
3. WHEREAS, the parties amended the agreement on May 26, 2009, to include the Port of Kalama as an additional party to the agreement (Amendment No. 2).
4. WHEREAS, Public Law 111-120 was signed into law on December 22, 2009 extending the sunset clause for Section 214 of the WRDA 2000 to December 31, 2010.
5. WHEREAS, Public Law 111-315 was signed into law on December 18, 2010 extending the sunset clause for Section 214 of the WRDA 2000 to December 31, 2016.
6. WHEREAS, the Corps issued an initial public notice dated December 30, 2011 regarding its intent to accept and expend funds contributed by the Port of Longview to expedite the processing of their DA permit applications, subject to a series of limitations.
7. WHEREAS, the Port of Longview is a non-Federal public entity.
8. WHEREAS, the parties to the agreement dated November 15, 2006, as amended on November 14, 2008, and on May 26, 2009, and the Port of Longview desire to amend said agreement to include the Port of Longview as a party to said agreement.

CENWP-OD-G

SUBJECT: Amendment No. 3 – Entering the Port of Longview into the Agreement

9. NOW, THEREFORE, the parties hereto amend the agreement dated November 15, 2006, as amended on November 14, 2008, and May 26, 2009, with the following particulars and no others:

a. As of the effective date of this agreement, the Port of Longview is an additional party to the agreement dated November 15, 2006, as amended on November 14, 2008, and May 26, 2009. Every reference to “the Ports” in said agreement shall now be construed to include the Port of Longview, in addition to the Ports of Kalama, Portland, and Vancouver.

b. The Port of Longview agrees to comply with the terms and conditions set forth in said agreement.

10. Article II – Scope, Section C is amended and restated in its entirety to read as follows:

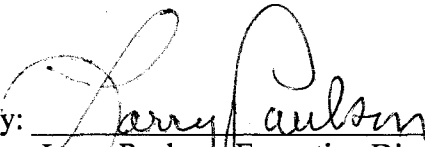
a. Funds contributed by the Ports hereunder will be expended primarily for the salaries and overhead of Corps Regulatory Project Managers performing expedited processing activities for each Port. Contributed funds may also be expended for expedited processing activities by Regulatory Specialists with expertise to address Port project-related issues that may arise, such as cultural resources and mitigation issues. It is the intent of the parties that each Port shall only contribute funds to cover the salaries, overhead and expenses related to the performance of expedited processing activities for their respective permit/project applications. Such activities will include, but not be limited to, the following: application intake review, review of NEPA documents, drawings corrections, jurisdictional determinations, site visits, public notice preparation, preparation of correspondence, conduct of the public interest review, preparation of draft permit decision documents, and meetings with the Ports, as well as local, state, and federal agencies. Funds will not be expended for review of Project Managers’ work by supervisors, or other persons or elements of the Portland District in the decision making chain of command. Enforcement or compliance activities will not be paid for from the funds contributed by the Ports hereunder, nor will such funds be used for paying the costs of public hearings and distribution of public notices.

b. Article VII – Amendment, Modification, and Termination, Section B is amended and restated in its entirety to read as follows:

- The agreement shall remain in force until the earlier of: December 31, 2016, unless the sunset clause in Section 214 of the WRDA 2000 is extended by Congress; the agreement is terminated pursuant to this Article; or the funds have been expended and not replenished following notice to the Ports.

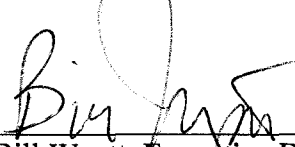
11. This amendment shall become effective when signed by the Ports and the Corps.

**PORT OF VANCOUVER, USA**

By:   
Larry Paulson, Executive Director

Date: 4/2/12

**PORT OF PORTLAND**

By:   
Bill Wyatt, Executive Director

Date: 3/29/12

**PORT OF KALAMA**

By:   
Lanny Cawley, Executive Director

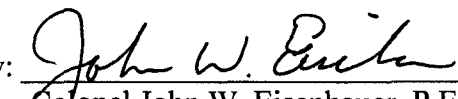
Date: April 9, 2012

**PORT OF LONGVIEW**

By:   
Ken O'Hollaren, Executive Director

Date: 4/16/12

**U.S. ARMY CORPS OF ENGINEERS,  
PORTLAND DISTRICT**

By:   
Colonel John W. Eisenhower, P.E.  
District Commander

Date: 26 APR 12