

## Memorandum

**To:** Salton Sea Authority Board of Directors  
**From:** G. Patrick O'Dowd, Executive Director /GM  
**Date:** September 12, 2024

**Re: USACE Federal Study – Amendment #1**

On December 16, 2022, an agreement was signed which initiated a feasibility study to investigate and recommend improvements for flood risk management, ecosystem restoration, and other water and land related resources for Salton Sea and the vicinity (hereafter, the "Federal Study"). Over the course of the past two years the project team has been working to identify resources and constraints associated with this effort, and develop a scope of work which achieves the underlying objective outlined in the Federal Study's original authorization. As a result, a revised cost estimate for the Federal Study was developed, indicating a maximum cost necessary to complete of Twenty-Two Million Two Hundred Ninety-Nine Thousand Dollar (\$22,299,000), of which half would be paid by the Federal Government. Pursuant to the authorization and the original agreement, the remaining cost to complete the Federal Study shall be born by the "Non-Federal Sponsors", which includes the Salton Sea Authority and the California Department of Water Resources (DWR), jointly. Pursuant to an agreement executed concurrently with the initial signing, DWR agreed to fully fund the cost of the Non-Federal Sponsors, which agreement remains in full force and effect with respect to this Amendment #1.

### **Recommendation:**

Authorize the Executive Director to sign Amendment #1 in the form attached hereto, as well as all ancillary documents relating to this study. It is also recommended that the Executive Director be authorized to execute such future amendments in regards to this Federal Study so long as such amendments do not cause or increase financial risk to the Authority, and are (a) reviewed by the Projects Committee, (b) approved by the Executive Committee, and (c) in a form acceptable to Authority legal counsel.

AMENDMENT NO. 1  
TO THE  
AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
THE CALIFORNIA DEPARTMENT OF WATER RESOURCES  
AND  
THE SALTON SEA AUTHORITY  
FOR THE  
IMPERIAL STREAMS SALTON SEA AND TRIBUTARIES FEASIBILITY STUDY, CA

THIS AMENDMENT NO. 1 is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the Department of the Army (hereinafter the “Government”), represented by the District Commander for Los Angeles District (hereinafter the “District Commander”) and the California Department of Water Resources and the Salton Sea Authority (hereinafter the “Non-Federal Sponsors”), represented by the Director for California Department of Water Resources and the Executive Director for Salton Sea Authority.

WITNESSETH, THAT:

WHEREAS, the Government and the Non-Federal Sponsors entered into an Agreement on December 16<sup>th</sup>, 2022, to perform a feasibility study to investigate and recommend improvements for flood risk management, ecosystem restoration, and other water and land related resources for Salton Sea and the vicinity including all tributaries with a view toward restoration and protection of the environment, and improvements to public health and safety for Salton Sea and Tributaries, Riverside, Imperial and San Diego Counties, California (hereinafter the “Study”);

WHEREAS, Section 105(a) of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2215(a)), specifies the cost sharing requirements; and

WHEREAS, the Government and the Non-Federal Sponsors have the full authority and capability to perform in accordance with terms of this Agreement.

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. ARTICLE I – DEFINITIONS is amended by revising paragraph E. as follows:

E. The term “maximum Federal Study cost” means \$22,299,000 Federal cost limit for the Study, unless the Government has approved a higher amount.

2. ARTICLE III – PAYMENT OF FUNDS is amended by revising paragraph A. as follows:

A. As of the effective date of this Agreement, study costs are projected to be \$22,299,000, with the Government's share of such costs projected to be \$11,149,500 and the Non-Federal Sponsors' share of such costs projected to be \$11,149,500, which includes creditable in-kind contributions projected to be \$1,000,000, and the amount of funds required to meet their cost share projected to be \$10,149,500. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsors.

3. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

CALIFORNIA DEPARTMENT OF WATER RESOURCES

BY: \_\_\_\_\_  
Andrew J. Baker  
Colonel, U.S. Army  
District Commander

BY: \_\_\_\_\_  
Thomas Gibson  
Lead Deputy Director

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

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

SALTON SEA AUTHORITY

BY: \_\_\_\_\_  
G. Patrick O'Dowd  
Executive Director

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