

**AMENDMENT NUMBER 2
TO THE
PROJECT COOPERATION AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
THE DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES
OF THE COMMONWEALTH OF PUERTO RICO
FOR CONSTRUCTION OF THE
RIO DE LA PLATA
FLOOD CONTROL PROJECT**

This Amendment Number 2 is entered into this 2nd day of April, 2025, by and between the Department of the Army (hereinafter the "Government"), represented by the Commander for Caribbean District and the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico (hereinafter the "Non-Federal Sponsor"), represented by its Secretary.

WITNESSETH, THAT:

WHEREAS, the Government and the Non-Federal Sponsor entered into a Project Cooperation Agreement on June 7, 1995 (hereinafter the "Agreement") for construction of the Rio de la Plata Flood Control Project (hereinafter the "Project", as defined in Article I.A. of the Agreement);

WHEREAS, on November 26, 2019, the Government and the Non-Federal Sponsor amended the Agreement to specify that the Government will complete construction of the Project at full Federal expense to the extent that appropriations provided under the Construction heading of Title IV, Division B of the Bipartisan Budget Act of 2018, Public Law 115-123, enacted February 9, 2018 (hereinafter "BBA 2018"), are available and used for such purpose;

WHEREAS, on October 17, 2019, the Division Commander for South Atlantic Division approved the Rio de la Plata Flood Control Project, Puerto Rico, Continuing Construction Validation Report, dated August 2019, which re-scoped the Project within the Chief of Engineers' discretionary authority by refining the design for Segments 1, 2, and 3;

WHEREAS, on March 27, 2024, the Division Commander for South Atlantic Division approved the Rio de la Plata Flood Control Project, Puerto Rico, 2023 Validation Report, dated December 2023, which further reduced the length of channel improvements by approximately .45 miles and resulted in elimination of the need to replace PR-2 bridge, and reduced the length of the Northeast Levee Segment by approximately .33 mile;

WHEREAS, the Jacksonville District transferred all responsibilities for this Project to the Caribbean District;

WHEREAS, the District Commander for Jacksonville District notified the Non-Federal sponsor in writing of the Government's determination that certain portions of the Project were complete and could function independently and for a useful purpose, and those portions were turned over to the Non-Federal Sponsor for operation and maintenance, and future such determinations will be made by the Commander for Caribbean District; and

WHEREAS, the parties desire to amend the Agreement to reflect the approved modifications to the project scope.

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

1. Delete "and" after the seventh WHEREAS clause and insert the following:

"WHEREAS, the Jacksonville District transferred all responsibilities for this Project to the Caribbean District;

WHEREAS, the District Commander for Jacksonville District notified the Non-Federal sponsor in writing of the Government's determination that certain portions of the Project were complete and could function independently and for a useful purpose, and those portions were turned over to the Non-Federal Sponsor for operation and maintenance, and future such determinations will be made by the Commander for Caribbean District; and

2. Delete Articles I.A., I.B., and I.C. and replace with the following:

"A. The term "Project" shall mean the flood control features and recreation features, as generally described in the Survey Report and Environmental Impact Statement, Rio de la Plata, Puerto Rico, dated April 1987, revised February 1988, and approved by the Chief of Engineers on January 3, 1989, as reevaluated by the Rio de la Plata, Puerto Rico, 54450, Limited Reevaluation Report, dated April 1992 and approved by the Assistant Secretary of the Army (Civil Works) on August 4, 1993, and as modified by the Rio de La Plata Flood Control Project, Puerto Rico Continuing Construction Validation Report, dated August 2019 and approved by the Division Commander for South Atlantic Division on October 17, 2019, and further modified by the Rio de La Plata Flood Control Project, Puerto Rico 2023 Validation Report, dated December 2023 and approved by the Division Commander for South Atlantic Division on March 27, 2024 (hereinafter the "Project Reports").

B. The term "flood control features" shall mean approximately 4.5 miles of channel improvements, approximately 6 miles of earthen levees, eight culverts, a spur dike, and approximately 123 acres of wetland mitigation, as generally described in the Project Reports.

C. The term "recreation features" shall mean the boat ramp at Dorado Bridge, as generally described in the Project Reports.

3. In Article I.I., replace "U.S. Army Engineer for the Jacksonville District (hereinafter the "District Engineer") with "Commander for Caribbean District" and replace all subsequent uses of "District Engineer" with "Commander for Caribbean District".

4. In Article II.A.3., replace "\$94,026,000" with "\$1,088,000,000".

5. In Article XVI.A., delete the notice information for the Government and replace it with the following:

"If to the Government:

Commander
Caribbean District
Fundación Angel Ramos Annex Building, Suite 202
383 Franklin D. Roosevelt Avenue
San Juan, PR 00918".

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

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number 2, which shall become effective upon the date it is signed by the Commander for Caribbean District.

DEPARTMENT OF THE ARMY

**DEPARTMENT OF NATURAL AND
ENVIRONMENTAL RESOURCES**

BY: Charles L. Decker
Charles L. Decker
Colonel, U.S. Army
Commander for Caribbean District

BY: Waldemar Quiles Pérez
Waldemar Quiles Pérez
Secretary

DATE: 2 APRIL 2025

DATE: 2 APR 2025

Revised by: Brendaliz Gonzalez Méndez
Brendaliz Gonzalez Méndez
Director
DNER's Legal Affairs Office

CERTIFICATION REGARDING LOBBYING

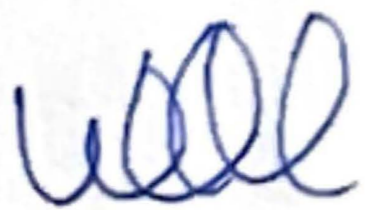
The undersigned certifies, to the best of his or her knowledge and belief that:

(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.



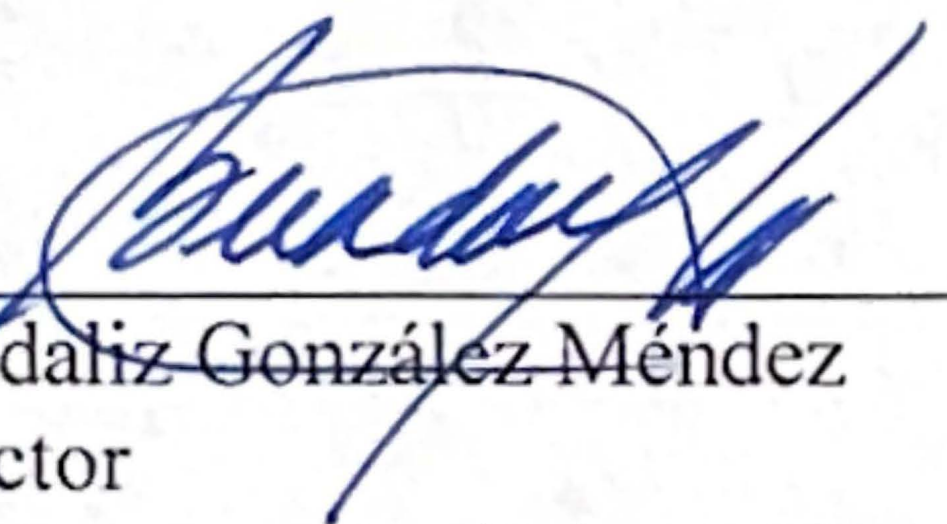
Waldemar Quiles Pérez
Secretary
Department of Natural and Environmental Resources
of the Commonwealth of Puerto Rico

DATE: 2 APR 2025

CERTIFICATE OF AUTHORITY

I, **BRENDALIZ GONZALEZ MENDEZ**, do hereby certify that I am the principal legal officer for the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico, that the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico is a legally constituted public body with full authority and legal capability to perform the terms of the Amendment Number 2 between the Department of the Army and the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico in connection with the Rio de la Plata Flood Control Project, and to pay damages, if necessary, in the event of the failure to perform in accordance with the terms of this Amendment, as required by Section 221 of Public Law 91-611, as amended (42 U.S.C. 1962d-5b), and that the person who executed this Amendment on behalf of the Department of Natural and Environmental Resources of the Commonwealth of Puerto Rico acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 2nd day of April 2025.


Brendaliz González Méndez
Director
DNER's Legal Affairs Office