AMENDMENT NO. 2 TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN JOHN MUIR LAND TRUST AND CONTRA COSTA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
FOR THE PACHECO MARSH / LOWER WALNUT CREEK
RESTORATION AND PUBLIC ACCESS PROJECT

This Amendment No. 2 ("Amendment") to the Memorandum of Understanding dated December 9, 2020, as previously amended, (the "MOU") is entered into on _____, 2025 ("Effective Date"), by and between the Contra Costa County Flood Control and Water Conservation District, a flood control district ("District"), and the John Muir Land Trust, a California nonprofit public benefit corporation ("JMLT"). The District and JMLT are sometimes referred to herein together as the "Parties," and each as a "Party." Capitalized terms used but not defined in this Amendment shall have the same meanings as the terms have in the MOU, as previously amended.

## RECITALS

A. The District and JMLT entered into the MOU and Amendment No. 1 to the MOU to establish the Parties' responsibilities with respect to the design, construction, maintenance, and operation of the Restoration Work and Public Access Recreation Work. JMLT's Public Access and Recreation Work was to be funded, in part, by the SFBRA Grant – a $4,000,000 grant by the SFBRA from Measure AA funds.

B. JMLT has requested additional funding to complete its Public Access and Recreation Work. The District has unspent funds from the SFBRA Grant allocation, resulting from cost savings in the District's Pacheco Marsh / Lower Walnut Creek Project. An amount of up to $900,000 in the District's unspent funds is available to be allocated to JMLT for its Public Access and Recreation Work. The Parties wish to amend the MOU to reflect this increase in funding for JMLT.

## AMENDMENT

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties agree to amend the MOU, as previously amended, as follows:

1. SFBRA Grant Funding Increase. Section B.3.b(7) of the MOU is deleted and replaced with new Section B.3.b(7), to read:

   "(7) Invoice DISTRICT for up to $4,900,000 in eligible Public Access and Recreation Work performed by JMLT, its subcontractors and/or consultants for reimbursement by SFBRA."

2. Counterparts. The Parties recognize and agree that separate counterpart signature pages may be used to execute this Amendment, but that all such pages constitute one and the same Amendment.

The Parties hereto have executed this Amendment to the MOU as of the Effective Date first set forth above.

JOHN MUIR LAND TRUST

By: _____
Linus Eukel, Executive Director

CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Warren Lai, Chief Engineer

APPROVED AS TO FORM:

By: _____
Name: Stephen M. Siptroth
Title: Assistant County Counsel

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