

AMENDMENT NO. 4
TO
OPERATION AND MAINTENANCE AGREEMENT
BIG SANDY CREEK WATERSHED
(Wise County Portion)

The provisions of the Watershed Protection Operation and Maintenance Agreement for the Wise County Portion of the Upper Trinity River Watershed of Texas, executed on the 10th day of March 1959, as amended in February 1978, July 1979, and on February 10, 1983, are further amended as follows:

In the introductory section, second paragraph, a second sentence is added as follows:

All compensatory mitigation areas that have been installed or that may be planned for installation in the above described watershed in Wise County, Texas will be covered by this agreement.

Under Section I. OPERATION, Item A.2. is added to read as follows:

2. Provide technical assistance to the Sponsors throughout the mitigation permitting process.

Under Section I. OPERATION, Items C., C.1., C.2., C.2.a., C.2.b. and C.2.c. are added to read as follows:

C. The Wise County Water Control and Improvement District (WCID) No. 1 will:

1. Be responsible for the acquisition of land, easements, permits and rights-of-way as may be needed for the establishment, construction, operation and maintenance of measures to enhance, or mitigate damage to the environment (resulting from installation of structural measures within the Big Sandy Creek Watershed). Mitigation permits, authorized pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), will be issued and maintained by the Regulatory Office of the U.S. Army Corps of Engineers, Fort Worth District.
2. Operation and maintenance of mitigation measures will be the responsibility of the WCID as specified in such permits issued and/or modified by the U.S. Army Corps of Engineers (Corps). In carrying out this responsibility the WCID will:
 - a. Monitor the mitigation areas for the length of time specified in the final mitigation plan or until the Corps determines that the mitigation areas are functioning as intended.
 - b. Submit written compliance report to the Corps at least once per year as specified in authorizing permit.

- c. Take other necessary steps to insure that all required provisions of any issued permits are fulfilled.

Under Section II. MAINTENANCE, Item A.4. is added to read as follows:

4. Provide such technical services as are needed and available for items requiring this service including maintenance of mitigation areas.

Under Section II. MAINTENANCE, Item D., D.1., and D.2. are added to read as follows:

D. The Wise County WCID No. 1 will:

1. Be responsible for maintenance of any mitigation areas as indicated in applicable permits issued by the Corps.
2. Inspect mitigation areas in accordance with authorizing permits issued by the Corps. Items to be checked at time of inspections will include, but not be limited to: tree plantings and survival rates, herbaceous plantings and survival rates, and vegetative plantings and per cent ground cover. Long-term monitoring and maintenance needs will include fences, livestock exclusion, trash removal, and control of non-native, invasive, or noxious vegetation.

Under Section III. IT IS MUTUALLY AGREED THAT, Item A. is modified to add a second sentence to read as follows:

A. Government Representatives shall also have the right of free access to inspect the mitigation areas at any reasonable time.

Under Section III. IT IS MUTUALLY AGREED THAT, Item C. is modified to add a second sentence at the end of the existing statement as follows:

C. Compensatory mitigation areas must be maintained as specified in the permit issued by the Corps even if the structure is abandoned, unless prior authorization is issued by the Corps.

All other provisions of the original operation and maintenance agreement as previously amended remain unchanged.

Name of Sponsor: Wise County

By: Brian W. Elchert Title: County Judge, Wise County, TX

This action was authorized at an official meeting of the sponsor named immediately above on February 12, 2007.

Attest Sherry Parker-Lemon Title County Clerk



Name of Sponsor: Wise County Water Control and Improvement District #1

By: South Bridges Title: President

This action was authorized at an official meeting of the sponsor named immediately above on 2-06-07.

Attest J. J. [Signature] Title SEC

Name of Sponsor: Wise Soil and Water Conservation District

By: Cody B. Lippert Title: Chairman

This action was authorized at an official meeting of the sponsor named immediately above on 2-13-07.

Attest Merlin R. [Signature] Title Vic Chairman

Natural Resources Conservation Service
United States Department of Agriculture

By: [Signature]

Title: State Conservationist **Acting**

Date: FEB 21 2007