

EMERGENCY WATERSHED PROTECTION PROGRAM (EWP)
OPERATION AND MAINTENANCE AGREEMENT

This Agreement made on August 15, 2016 is between the United States Department of Agriculture, Natural Resources Conservation Service, hereinafter referred to as the NRCS, and Wise County, hereinafter referred to as the Sponsor:

The Sponsor and the NRCS agree to carry out the terms and conditions of this agreement for the operation and maintenance (O&M) of the Floodwater Retarding Structure (FRS) repaired with EWP funding on the following dams:

site 16, site 23A, site 23B, site 26, site 12-1, site 12-2
site 14-1a, site 15-2, site 15-3,

This agreement shall remain in effect 10 years from the date of signature.

I. GENERAL

A. The Sponsors shall:

1. Operate, maintain and replace the structure in accordance with this O&M Agreement, the original watershed O&M agreement (if valid), and all applicable Federal, State, local, and tribal laws and regulations;
2. Prohibit the installation of any structure or facility that will interfere with the operation or maintenance of the repaired structure;
3. Request assistance from the NRCS for training, site-specific technical assistance, and O&M inspections of the repaired structure;
4. Notify authorities of emergency situations that may result in risks to public health and safety; and
5. Provide the NRCS personnel or its agents the right of free access to the repaired structure at any reasonable time for the purpose of carrying out the terms of the agreement.

B. NRCS shall:

1. Upon request of the sponsor(s), and to the extent that its resources permit, provide consultative assistance in the inspection, operation, maintenance and replacement of the repaired structure.

II. OPERATION

Operation includes the administration, management, and performance of non-maintenance activities needed to keep a practice safe and functioning as planned. This includes being cognizant

of changes in watershed conditions, both upstream and downstream from completed practices, that would alter the intended function of the project during storm events.

III. MAINTENANCE

Maintenance includes the routine work required to prevent deterioration of practices and to repair or replace practice components. It includes recurring needs, such as replanting, fertilizing and managing vegetation on dams and in channels as well as repairing or replacing side channels and drop structures associated with a channel. Maintenance also includes repairing damages to completed practices caused by normal deterioration, drought, vandalism, or flooding from other than a catastrophic event.

IV. VIOLATIONS

This Agreement is a legally binding contract which shall be enforced as necessary to protect the interest of the Federal government and the general public. It is understood that if the Sponsor(s) fail to accomplish the provisions of the O&M plan(s), they will be required to reimburse the federal government for the financial assistance provided by the NRCS. The Federal government shall have the right to take any further actions it deems necessary.

Wise County
Local Organization

By _____

Title County Judge

Date 8-15-16

The signing of this agreement was authorized by a resolution of the governing body of the Sponsoring organization.

Sherry Lemon
(Secretary, Local Organization)

Sherry Lemon
Ex-Officio Clerk of Commissioners Court
County Clerk, Wise County

