

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE NORTH EAST TEXAS
REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 16-30

WHEREAS, the North East Texas Regional Mobility Authority (“NET RMA”) was created pursuant to the request of Gregg and Smith Counties and in accordance with provisions of the Transportation Code and the petition and approval process established in 43 Tex. Admin. Code § 26.1, *et seq.* (the “RMA Rules”); and

WHEREAS, the Board of Directors of the NET RMA has been constituted in accordance with the Transportation Code and the RMA Rules; and

WHEREAS, subsequent to the initial formation of the NET RMA the Counties of Cherokee, Rusk, Harrison, Upshur, Bowie, Panola, Titus, Van Zandt, Wood, and Kaufman joined the Authority and are represented on the Board of Directors; and

WHEREAS, the NET RMA is responsible for the operation of Toll 49; and

WHEREAS, the NET RMA is currently pursuing the development of the Toll 49, Segment 4 Project (the “Project”); and

WHEREAS, the Interim Executive has determined that the impact of the Project on certain properties and environmental features necessitates the purchase of stream mitigation credits as required under Section 404 of the Clean Water Act (“Section 404”); and

WHEREAS, Daisy Mitigation, LLC maintains a mitigation bank from which audits can be obtained to satisfy the Section 404 requirements; and

WHEREAS, the Interim Executive Director recommends entering into the Stream Mitigation Sales Agreement with Daisy Mitigation, LLC, in the form or substantially the same form attached hereto as Attachment “A”.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the NET RMA hereby authorizes the Interim Executive Director to execute the Stream Mitigation Sales Agreement with Daisy Mitigation, LLC, in the form or substantially the same form attached hereto as Attachment “A”.

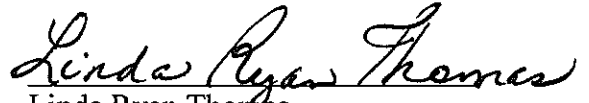
Adopted by the Board of Directors of the North East Texas Regional Mobility Authority on the 12th day of April, 2016.

Submitted and reviewed by:



C. Brian Cassidy
General Counsel for the North East
Texas Regional Mobility Authority

Approved:



Linda Ryan Thomas
Chair, Board of Directors
Resolution Number 16-30
Date Passed 04/12/16

10. Headings. The paragraph headings in this Agreement have been included for mere convenience of reference, and shall not be considered substantive parts of this Agreement in resolving any question of interpretation or construction.

11. No Waiver. No delay of or omission in the exercise of any right, power or remedy accruing to any party under this Agreement shall impair any such right, power or remedy, nor shall it be construed as a waiver of any future exercise of any right, power or remedy.

12. Execution by Facsimile or PDF. The manual signature of any party that is transmitted to any other party or counsel to any other party by facsimile or PDF shall be deemed for all purposes to be an original signature.

DAISY MITIGATION, LLC

By: _____

Print: Joel A. Rabb, Jr.
6468 Quarry Lane
Dublin, Ohio 43017

Date: October 15, 2015

Telephone: 614.937.3419

CLIENT:

By: Linda Ryan Thomas

Print: _____

Date: October 15, 2015

Telephone Number: _____