

EXHIBIT "B"
LAND USE REGULATIONS
MARK TWAIN LAKE

The Lessee agrees to conduct all farming operations in accordance with the land use practices set forth and in accordance with an approved annual land use management plan. If unusual conditions warrant, the Corps may permit modification of the land use management plan.

NOTE: The successful bidder/lessee may not enter into any current or future farm subsidy programs based on the leases to be issued under this Notice of Availability without prior written permission from the St. Louis District. It is the policy of the U.S. Army Corps of Engineers to allow participation in programs sponsored by the United States Department of Agriculture (U.S.D.A.), but such participation, if any, shall be subject to absolute compliance with the terms of the lease and with the requirements of the Corps land use management plan. Said compliance shall be regardless of whether the lease terms and management plans are compatible with the requirements of the U.S.D.A. programs.

1. ACCESS - Access across Government-owned land shall be by designated routes only. Field roadways will be designated in the fields. During periods of high water, some roads are not passable. Flood debris or fallen trees across access road shall be removed by lessee. Proposed repair, improvement or widening of existing roads or trails must be approved by the Corps in writing prior to starting any repair or improvement activities. No new roads or trails will be constructed without prior approval of the Corps. **Field access gates are a minimum of 15 feet and a maximum of 24 feet wide.**

2. KEYS AND LOCKS - The Government will issue keys necessary for access to designated lease areas. The Lessee shall pick up the necessary keys at the Mark Twain Lake Project Office at pre-work conference. **NOTE: Duplication of Government furnished keys is not permitted.** The Lessee shall immediately report the loss of any key to the Corps. In the event that a Government Key is lost, the Lessee shall be responsible for the reimbursement of all costs incurred by the government for replacement of entire lock system throughout the lake project affected by the lost key. Lessee costs shall include, but not limited to Government labor, replacement lock costs, replacement key costs, tumbler reworking and all contracted labor costs to replace the lock systems. All replacement lock systems shall be of equal quality to the existing lock systems. The Government will determine the specific replacement lock system.

3. DAMAGE TO GOVERNMENT PROPERTY - The Lessee shall be responsible for restoring and/or repairing any Government lands damaged during term of lease. This also applies to any gates, fence posts, fencing, buffer strips, trees, or any other damage done by the lessee. Any such damage will be repaired, or items replaced, at no cost to the Government, or paid for in accordance with a billing letter prepared by the Government.

4. VIOLATIONS - Any violations of the lease terms or use of the area leased for other than purposes authorized will result in revocation of the lease, removal from future bidders list and appropriate restitution if determined necessary.
5. PUBLIC ACCESS - All areas are available for walk-in public use; in the event damage occurs due to public misuse, the lessee shall contact the Corps.
6. DEBRIS REMOVAL - Any foreign material or debris, such as seed and fertilizer bags, herbicide containers, miscellaneous refuse, etc., shall be removed immediately from Government property at the end of each day. All equipment shall be promptly removed from the area after farming operations are completed but no later than 30 November of each year, unless approved by the Corps. Any equipment remaining on the lease area after 30 November will be impounded unless approved by the Corps. **NOTE: An impoundment fee will be charged to the lessee in the amount allowed by the U. S. Army Corps of Engineers Title 36 Forfeiture of Collateral Schedule.** All down timber or debris on entrance roads or in leased crop acreage must be removed prior to field preparation and placed along fence rows or field borders. The lessee shall not burn trash, stubble, debris or other crop residue unless approved in writing by the Corp.
7. PRE-WORK CONFERENCE - Each year the lessee must attend a pre-work conference prior to any operations. This conference will be held at the Mark Twain Lake Project Office and scheduled at a mutually agreeable time between the Corps and the Lessee. Minutes of the meeting will be placed on file. The Lessee must submit the following at the pre-work conference:
 - a. An annual land use management plan that outlines the agricultural practices for the year.
 - b. Pre-use application forms for all pesticides that may be used on the leased area, for that year.
 - c. If pesticides are going to be used on the leased area, the lessee must furnish a copy of the applicator's private applicator's license or a copy of the commercial applicator's license.
 - d. Soil Test for the lease area.
8. PROGRESS CONFERENCE - Each year the lessee must attend a progress conference to discuss the status of the lease. This conference will be held in July on the lease site and scheduled at a mutually agreeable time between the Corps and the lessee. Minutes of the meeting will be placed in the file.

From 1 March thru 30 November, the lease will be inspected for compliance. If the lessee would like to attend the compliance inspections, a mutually agreeable time will be scheduled.

9. NOTIFICATION - The lessee must notify the Corps five days prior to the start of **any operations**.

10. FARMING PRACTICES - Both tillage and fertilization shall be in accordance with accepted soil conservation practices to prevent excessive soil erosion and to provide high soil nutrient levels.

a. Soil Erosion - To prevent excessive soil erosion on lease lands and to meet the requirements of the 1985 Food Security Act Conservation Plans, minimum standards have been put into effect on the agriculturally leased lands

b. **All areas require the use of no-tillage practices.** When hay crops are planted, or when the Corps deems it necessary, conservation or conventional tillage may be used.

c. Rotational Crop Fields have waterways and buffers in place for no-tillage practice to prevent excessive soil erosion. Lessee shall implementing **no-till** row crop practice in accordance with the NRCS office conservation plan. Lessee shall leave buffers, waterways, wildlife strips, and warm season grass strips intact.

11. LIME AND FERTILIZER REQUIREMENTS - The Lessee shall furnish and apply the following for row crop, and hay:

a. Soil Test: The lessee shall furnish copies of soil test results to the Mark Twain Lake Project Office no later than the pre-work conference of the first year. The lessee shall appropriately test soils of the lease area utilizing University of Missouri Agricultural Extension Office or a laboratory approved by the Farm Service Agency (FSA).

b. Fertilizer: Fertilizer shall be spread annually at the rate specified in the soil test for the crop specified in the crop rotation.

c. Liming: Liming is required to maintain the soil, at the rate specified in the soil test. The lime shall be applied to all fields in the lease by the end of the second year.

The Corps must be notified at least five working days prior to the application of fertilizer and lime in order that inspections may be scheduled. Weight receipts for fertilizer and lime shall be provided to the Mark Twain Lake Project Office within 15 days after each application has been completed.

12. USE OF PESTICIDES - The Government is required to monitor the use of pesticides on property under its jurisdiction. The use of pesticides will be kept to a minimum and only permitted when the situation warrants and no other practical means available. The handling of pesticides will not disturb buffers, waterways and grass strips. **All lessees or individuals using pesticides on Government property are required to have a "private applicator's license" issued by the State of Missouri and the license number must be submitted to the Corps prior to any pesticide use on Government property. Pesticides containing atrazine or alachlor WILL NOT be used on Government**

property. Restricted use pesticides/chemicals will not be used on Government property. Insecticides will not be used on agricultural lease area. The lessee will submit a pre-use form (See Appendix A) by pre-work conference of each year of all pesticides that maybe used on the lease area in the following year. **Note: Each pesticide use request must have the following information attached to pre-use request must have the following information attached to pre-use from: photocopies of pesticide applicator's license, material safety data sheet (MSDS) and manufacturer's label. Note: In the first year of the lease this list must be submitted at the pre-work conference.** All pesticides must be approved in writing by the Corps prior to use. Approval period will take five working days. Pesticides must be used in strict accordance with U.S. Environmental Protection Agency standards and manufacturer's label. **Note: Prior to using pesticides, a sign indication that the area is being sprayed and the re-entry period must be placed at the entrance to the area. After application a post-use form (See Appendix B) needs to be submitted to our office within 24 hours.**

13. WEED CONTROL - Weeds may be controlled through many methods including cultivation, herbicide application, or a combination of these practices. If any vegetation that may be identified as a noxious weed under State or Federal noxious weed laws is present, the lessee shall effectively control growing weeds during the recommended time frames to prevent future re-infestation. Chemical treatment of noxious weeds must be approved by the Corps.

14. SUCCESSION CONTROL - In order to maintain succession control, the lessee is required to mow or hay all grass and non-planted areas of the lease once each year between 15 July and 31 August. If hayed, bales must be removed within 5 working days after baling and in no instance shall bales be allowed to remain in the lease area during the winter months.

15. BUFFER ZONES IN ROW CROP

a. Field Buffer Zones - A buffer zone, fifteen (15) feet wide shall be left around the edge of all fields and on both sides of any field roads, fence rows, ditches, or vegetation which extends into the fields. Buffers will be designated in the fields. The lessee shall mow or hay the buffer strips to a height of six inches, once each year, between July 15 and August 31. No woody vegetation shall be allowed to grow in buffers. It is the lessee's responsibility to remove live and dead trees. If hayed, bales must be removed within 5 working days after baling and in no instance shall bales be allowed to remain in the lease area during the winter months.

b. Waterways - Water ways have been established in areas that receive intermittent flowage of water. Waterways shall be sown with grass if the government deems it necessary for the prevention of erosion. The Corp will provide grass seed. Seed bed preparation maybe required without cost to the Government, by the Lessee. Grass waterways must be mowed or hayed prior to 31 August of each year. No woody vegetation shall be allowed to grow in waterways. It is the lessee's responsibility to

remove live and down trees. Grass waterways will be designated in the field. If hayed, bales must be removed within 5 working days after baling and in no instance shall bales be allowed to remain in the lease area during the winter months.

(1) Warm Season Grass Strips - Warm Season Grass Strips shall be hayed only at specified time or if deemed necessary by the Corps, specific land management practices, such as prescribed burning, will be executed by the Corps in the lease area during the term of the lease. The Corps will coordinate with the lessee prior to management implementation.

c. Wildlife Buffer Zones - Wildlife buffer zones have been established along field access roads and within specific fields. These zones range from 50 to 100 feet in width. These areas shall remain undisturbed. The lessee must be aware of the locations of these zones. Locations will be marked in the field.

d. Terraces - Terraces shall remain intact. If row cropped, the land must be contoured farmed and terraces plowed from the bottom of the terrace on both sides to the top in order to maintain the intent of the terrace. If no row crop activities occur, the terrace must be mowed once each year between 15 July and 31 August. Locations will be marked in the field.

16. WILDLIFE DISTURBANCE - The lessee will conduct operation in a manner that will offer the least possible disturbance to wildlife on or adjacent to the leased area.

17. RESIDUES - In the interest of wildlife, soil fertility and protection from wind and water erosion, during the fall season, the lessee shall not remove crop residues. There shall be no plowing, disking, or other soil disturbances between 30 October and 1 April except for winter wheat rotations. Wheat straw shall not be burned but maybe baled and removed from the field by 15 August. Crops may be harvested for seed, hay and/or grain production only. Cutting of crops for silage is prohibited except when forage crops are part of an approved rotation plan.

18. WILDLIFE FOOD - To supplement the food for wildlife, five (5) percent of the row crop lease area for each lease must be left standing or undisturbed each year. The acreage to be left may be designated in one field or in several different fields. The location of the five (5) percent wildlife leave will be chosen prior to harvest by the Corps to provide the maximum benefit to wildlife. This condition applies to all leased row crop land, irrespective to any approved participation in any current of future farm subsidy program. **Failure to abide by this requirement will be grounds for revocation of the lease or being billed for the estimated value of the crop based on county acreage yields and market prices plus administrative charges.** The five (5) percent wildlife food is the property of the Government and will not be disturbed by plowing, disking, mowing or turning of harvesting equipment until the next tillage operations or year. **Harvesting of the previous five (5) percent row crop is not permitted. The five (5) percent wildlife foods left from a previous year may be mowed down after 1 April of each year.** The lessee shall contact the Corps at least one week prior to harvesting for the location of the five (5) percent leave.

19. CROP SCHEDULE - The lessee will be required each year to meet with the Corps at a pre-work conference to determine the use of the lease area fields.

a. Agricultural Grain Crop - The lessee may plant crops that are regionally appropriate. Soybeans can not be planted twice during the term of the lease in any field. The Corps must approve all crop schedules prior to planting. The last year's crop will be a high residue crop.

b. Hay Crop - Haying will be permitted as part of an approved crop schedule. Cutting of hay crops shall be accomplished from June 1 through October 1. Hay will not be stacked or stored on Government property. All cut or wind-rowed grass will be promptly baled and all bales will be removed from Government property within five (5) days after baling.

(1) Existing Hay Leases - The lessee, at no cost to the government, may renovate existing hay lease areas. However, the lessee shall use a seed mixture approved by the Corps, which contains grasses other than fescue. Hay crop seed mixture will be from the following species: ryegrass, timothy, clover, alfalfa, orchard grass, Korean lespezea or other approved mixture.

20. WORK ITEMS – The lessee shall mow or hay the work item to a height of six inches, once each year, between July 15 and August 31 at no cost to the government in designated areas of the lease unit. If hayed, bales must be removed within 5 working days after baling and in no instance shall bales be allowed to remain in the lease area during the winter months. Work will be done leaving some existing vegetation designated.