

# Pepper Ranch Cattle Lease Amendments, Questions, and Answers

## Lease Amendment

Several potential bidders have expressed concern about the ability of the new lessee to lower the amount of cattle after the first year in order to lower the amount of their annual rent. Therefore, we have been advised by the County Attorney's office to changes to the lease requirements.

In summary, the new Lessee will be required to maintain the number of animal units that were bid on the property each year and the annual rent will remain the same for the duration of the lease. New lease language is below.

### ARTICLE 3. Rent

LESSEE hereby covenants and agrees to pay as rent the annual sum of \_\_\_\_\_ (\$\_\_\_\_\_) for grazing \_\_\_\_\_ ( ) Animal Units (A.U.) within the Demised Premises throughout the duration of the lease, subject to increases as provided in ARTICLE 4. During the Lease, LESSEE shall maintain the referenced number of Animal Units on the Demised Premises, subject to the occasional need to replace or substitute Animal Units to maintain that number, as necessary. LESSEE must certify to the Collier County Preserve Manager the number of A.U. it is keeping on the Demised Premises at the time the LESSEE submits its Lease payment, along with a certification stating the number and age class of Animal Units being grazed on the parcel. Annual rent shall be paid in full on the effective date provided in ARTICLE 2 and by that date for each subsequent year of the Lease Agreement, including renewal terms.

Should Collier County require an adjustment to the number of A.U.'s allowed on the Demised Premises, it shall provide written notice to the Lessee no less than sixty (60) days before such changes are to take effect and the annual rent will be adjusted in accordance with the rate per A.U. bid by LESSEE.

In the event LESSEE elects to renew this Lease, as provided for in ARTICLE 2, the rent set forth in ARTICLE 3 shall be increased utilizing the method outlined in ARTICLE 4.

### ARTICLE 16. General Provisions

LESSEE agrees to contain cattle within the Demised Premises and prevent cattle from roaming off of the Demised Premises.

LESSEE shall give oral notice to the Collier County Preserve Manager at least three (3) days prior to any planned cattle round-up or additional cattle release, to allow Environmental Specialist the option to observe the cattle round-up or release.

At all times during the Lease, LESSEE shall maintain the designated number of Animal Units on the Demised Premises as set forth in ARTICLE 3. Under no circumstance shall LESSEE maintain less than one hundred and fifty (150) or more than two hundred (200) Animal Units at the Demised Premises without written authorization from LESSOR. Increases to the maximum stocking rate shall be subject to acceptable range conditions as determined by the Collier County Preserve Manager. Animal Units will be established based on the following table:

## **Additional questions submitted:**

### **1. Can the new lessee treat the smutgrass in the improved pastures?**

Yes, this would be allowed and encouraged. However, we would require the Lessee to follow the following recommendations from IFAS.

1. Do not apply hexazinone within 100 feet of oak trees, because application within this range may cause death of the tree.
2. Read the Velpar or Velossa label for complete instructions on reapplication interval, safety, grazing, and haying restrictions.
3. Cattle may graze treated pastures if applications are less than 4.5 pt/acre Velpar and 3.75 pt/acre Velossa.
4. To realize economic gains from hexazinone application, smutgrass infestation should be approximately 50 percent of pasture.
5. If the initial smutgrass density covers more than 80 percent of the pasture area (if 8 out of 10 regular steps touch the base of smutgrass plants), complete renovation of the pasture should be considered.
6. It usually takes 2 or 3 treatments to get the job done and may even take more

### **2. Can the new lessee rollerchop areas outside of the 647 acres of improved pastures?**

No, the wooded areas outside of the improved pastures must remain as they are as they provide vital habitat for native plants and animals. The County treats the invasive exotics in these areas and may also conduct prescribed burns in the fire dependent areas of the preserve.