

EXHIBIT E

ORGANIC GOLF COURSE MANAGEMENT PLAN, TECHNICAL REVIEW COMMITTEE, APPROVED AND PROHIBITED SUBSTANCES LIST

A. **Organic Golf Course Management Plan.** An Organic Management Plan for the Wildacres golf course will be prepared and included in the SDEIS. Any Party may provide Crossroads with information on organic golf course management practices that they recommend for inclusion in the SDEIS Organic Management Plan. The Parties will work cooperatively to provide this information in a timely manner, and in no event later than sixty (60) days after execution of this Agreement. The parties to this Agreement recognize that prevention is essential to organic turf disease management. To that end, the Plan will seek to advance such turf disease prevention strategies as minimizing the turf area that must be managed; planting disease-resistant species and/or cultivars; avoiding over-fertilization and over-irrigation; implementing a comprehensive cultural management regime focused on those practices that promote an environment not conducive to pest proliferation, including practices that enhance the edaphic environment as well as those other factors contributing to turfgrass plant health and ability to resist pest pressure. At a minimum, the Plan will cover the following topics: general turf fertility and health management; biological controls; mechanical controls; pest thresholds; individual management and treatment strategies for anticipated insect, disease and weed pest ; watershed contamination prevention best management practices, wildlife and habitat considerations, golfer outreach and education, worker training and record-keeping and monitoring.

B. After issuance of all permits necessary for construction of the modified project, the Organic Golf Course Management Plan will be submitted to the Technical Review Committee described below, prior to the construction of the golf course and updated on an annual basis thereafter, and more frequently if necessary consistent with paragraph D(3). The Plan will contain, among other things, the protocol for the golf course operation that will establish and preserve a high quality playing surface while adhering to the organic management principles set forth in this Agreement.

C. **Organic Golf Course Technical Review Committee.**

1. Establishment of Committee:

After issuance of all permits necessary for the construction of the modified project, an Organic Golf Course Technical Review Committee will be created by the NYSDEC. The Committee shall be composed of five (5) members, including: a representative of the NYSDEC, who shall chair the Committee; a representative of the NYCDEP and the superintendent of the Wildacres Golf Course or a Crossroads' designee until the superintendent is hired. In addition, Crossroads and the NGO signatories to the Agreement through NRDC will each identify an expert in turf management and/or organic turf management, to serve on the Committee.

2. Authority of the Committee. The Committee will:

a. Review the Organic Management Plan prepared by the operator on an annual basis (and any modifications to the Plan as may be sought by the operator) for the

purpose of insuring the consistency of the Plan (and any such modifications) with the goals and objectives of this Agreement;

b. Review implementation of the Organic Management Plan at least annually in conjunction with a yearly audit of Plan implementation;

c. Review pest and input sampling methodologies utilized, monitoring reports prepared and data regarding type and quantity of inputs applied. For any inputs approved by the Committee, data that the Committee will review will also include type and quantity of input as well as surface water and shallow groundwater quality output data collected in accordance with the NYSDEC SPDES permit requirements; the Committee will also review such other monitoring data (and their sampling methodologies) regarding golf course inputs and outputs as may be required by the SPDES permit.

d. Conduct on-site golf course inspections at reasonable times;

e. Approve or disapprove: (i) the Organic Management Plan and proposed modifications to such Plan; (ii) requests for Special Use Exceptions pursuant to subsection D. below; (iii) additions or deletions to the lists of approved and disapproved products, pursuant to subsection D(1) and (2) below; such discretionary authority will be exercised by the Chairperson on the advice and recommendation of the Committee;

f. Make recommendations to the operator that may, in the judgment of the Committee, assist in achieving the objectives and principles of this Agreement relating to organic golf course operation;

g. Certify, on an annual basis, at its discretion, that the Wildacres Golf Course operation is following an organic protocol. Such certification shall be issued only where the Committee has: (i) approved an Organic Management Plan submitted annually by the operator; (ii) certified, through an annual audit, that the operator has implemented the Organic Management Plan.

h. Establish its own procedural rules, consistent with paragraph 19 of this Agreement and this Exhibit.

D. List of Approved and Prohibited Products --

(1) Approved Products:

a. The following list of products may be used at Wildacres golf course consistent with an approved Organic Management Plan.

1. Beneficial insects
2. Beneficial nematodes
3. Bt (*Bacillus thuringiensis*)
4. Compost
5. Corn gluten
6. Fish Emulsion
7. Garlic oil/juice
8. Horticultural oils (preferably vegetable-based instead of petrochemical based)
9. Kelp/seaweed extracts
10. Lemon & vinegar formulations
11. Lime
12. Beneficial Microbes and Microbial Derivatives
13. Milky spore

14. Neem
15. 100% Organic fertilizers
16. Pheromone lures
17. Pyrethrin/pyrethrum
18. Rock dust minerals
19. Biopesticides

b. In addition to the approved products listed above, the operator may also use products on the National List of approved substances established under the Organic Foods Product Act of 1990, and products approved as organic by duly accredited certifying organizations such as the Northeast Organic Farming Association (NOFA) and the Organic Materials Review Institute (OMRI), or products or substances defined as “organic” by any future U.S. or New York State organic golf course regulatory program. Finally, the Organic Golf Course Technical Review Committee may include or exclude any product from the approved products list when such decision is supported by scientific peer-reviewed data and the site-specific needs of the operation.

(2) Prohibited Products:

The following list of products may not be used at the Wildacres Golf Course unless specifically approved under the special use exemptions set forth in the following paragraph (3) below.

1. All synthetic, chemical pesticides (unless otherwise included on the Approved Products list)
2. Arsenic
3. Biosolids derived from sewage sludge or industrial waste (i.e. *Milogranite*)
4. Genetically modified products, ingredients, or seeds (Endophytically enhanced seed and improved grass seed cultivars produced through conventional breeding programs are not GM and therefore are permitted.)
5. Piperonyl butoxide and other synthetic ingredients
6. Pyrethroids
7. Tobacco
8. Pesticides dispensed by automatic misting systems

(3) Special Use Exemption:

a. As set forth below, the operator may seek a Special Use Exemption allowing the application of synthetic agents to prevent or treat disease or pest outbreaks at the Wildacres Golf Course. Consistent with the limitations set forth in this paragraph, the use of synthetic agents as a Special Use Exemption to prevent or treat disease or pest outbreaks may be sought by the operator in the annual Organic Golf Management Plan. NYCDEC, after review by the Organic Golf Course Technical Review Committee, shall approve such use of synthetic agents only when such use is determined to be absolutely necessary to maintain a high quality condition of the course and where organic treatment is determined to be ineffective or unavailable. Such Special Use Exemption shall cover the smallest area practicable and/or be utilized for the shortest time period necessary to

address the problem. A Special Use Exemption may also be sought during the course of the year, after adoption of the annual Organic Golf Management Plan. When a Special Use Exemption has been sought by the operator during the course of the year on a non-emergency basis, the failure of NYSDEC and the Organic Golf Course Technical Review Committee to respond within seven days of notice via e-mail and telephone to all five members shall be deemed a granting of the operator's request. Under the circumstances defined below, the operator may make an "emergency request" for a Special Use Exemption. An emergency request, for the purposes of this agreement, is defined as a request that within the judgment of the operator must be acted upon immediately so as to ensure the protection of high quality playable golf course turfs. The NYSDEC and the organic Golf Course Technical Review Committee shall respond to an "emergency request" within forty-eight (48) hours of notice to all five members via e-mail and telephone. When a Special Use Exemption has been sought by the operator as an "emergency request," the failure of the NYSDEC and the Committee to respond within forty-eight (48) hours shall be deemed a granting of the operator's request. In seeking any Special Use Exemption, the operator shall provide sufficient information (including photos, if appropriate) setting forth the rationale for the request. Whenever such an exemption is granted by NYSDEC during the course of the year, the exemption shall be included as an approved revision to the annual Organic Golf Course Management Plan.

b. In the event that the operator uses any synthetic agent after complying with the procedures of this paragraph, such operator is prohibited from claiming in radio, television, internet or print advertising, or otherwise representing to the public either orally or in writing, that it operates an organic golf course. Such prohibition shall remain in effect from the date of application of the synthetic agent until the date the Committee certifies that the operator has for three consecutive years continually implemented an organic management protocol as set forth in this agreement without a Special Use Exemption. The prohibition described in this paragraph shall not be interpreted so as to require the operator to destroy any previously printed materials or to cancel any advertisements for which the operator has previously entered into a binding contract. Approval of a Special Use Exemption does not relieve the operator from complying with all other requirements of paragraph 19 and this Exhibit.