

NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Powderhouse 341-04-76

AUCTION DATE/TIME: June 15, 2004, starting at 10:00 a.m.

AUCTION LOCATION: Oregon Department of Forestry
Tillamook District Headquarters
5005 Third Street
Tillamook, Oregon 97141
(503) 842-2545 FAX (503) 842-3143

DISTRICT/UNIT OFFICE (MAILING ADDRESS FOR BIDS): Oregon Department of Forestry
Tillamook District Headquarters
5005 Third Street
Tillamook, Oregon 97141
(503) 842-2545 FAX (503) 842-3143

HARVEST TYPE: Partial Cut: 163 Acres
Approximate Age: 45 years

SALE LOCATION: Portions of Sections 28 and 33, T2N, R9W, W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: Highway 101 north to Miami-Foley County Road. After Milepost 5, take Miami River Forest Road to Powderhouse Road, approximately 2.8 miles.

APPRAISED VOLUMES AND QUALITY:

SPECIES	AVG DBH	TOTAL MBF	GRADES BY MBF																
			1P	2P	3P	P	SM	1S	2S	3S	4S	5S	6S	SEL	SC	UT	CR	WRM	PLP
Douglas-fir	13"	152							11	106	35								
W Hem. / fir	12"	1,379							138	1,007	234								
Red Alder	13"	892															892		
Sale Total		2,423																	

MINIMUM BID: BID SPECIES Red alder..... \$281,354.64 TOTAL PRICE
Hemlock \$ 119.31 per MBF

NO-BID SPECIES Douglas-fir \$ 288.07 per MBF

There is no project amortization. ODF will **not** reduce the price of a species to amortize the project work. Instead ODF will credit PURCHASER's timber account in the amount of \$191,930 after the project work is completed and accepted, as described in the section titled, "Credit for Project Work."

The timber sale areas contain negligible volumes of other logs to be paid for at the prices in Section 44.

PERFORMANCE SECURITY: 20% of bid value (unknown) **or** the total value of the project work (\$192,000), whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: October 31, 2006 BID METHOD: Sealed Bids

BID DEPOSIT: \$29,700 SALE TYPE: Cash/Recovery/BOF – 100%

INSURANCE: \$500,000 Commercial General Liability; \$500,000 Automobile Liability; \$500,000 Logger's Broad Form

HARVEST METHOD: 55% ground; 45% cable.

PROJECTS: 3.9 miles road improvement, rock crushing and stock pile construction.

FEES: None.

ENDANGERED SPECIES ACT COMPLIANCE STATEMENT: The Oregon Department of Forestry (ODF) is engaged in an active threatened and endangered (T&E) species survey program. Surveys, determinations, and management measures are developed and implemented in good faith compliance with federal and state Endangered Species Act (ESA) requirements. Restrictions on operations due to T&E species considerations are included in the prospectus. Purchasers are required to comply with all federal and state laws, including the Endangered Species Act. Purchaser should take steps to be certain that no ESA violations occur. Prospective purchasers of timber sales are reminded that ODF surveying efforts may take place any time during the term of a timber sale contract. As part of the survey program, ODF surveys its lands on a continuing basis for land management, species protection, research, and other reasons. During the contract term, T&E survey work and/or the discovery of a threatened or endangered species within or in the vicinity of a timber sale may affect operations contemplated under the contract. In the event a threatened or endangered species is found within or near this sale, ODF may take steps necessary to protect the interests of the State, including contract alteration, suspension, or termination.

Prospective purchasers are encouraged to contact the Tillamook ODF District at (503) 842-2545 for further information or questions relative to threatened or endangered species surveys, future planned survey information, or other threatened or endangered species information.

SPECIAL REMARKS: **SEASONAL RESTRICTIONS APPLY - SEE SECTION 39.**

- Acreage was calculated using GIS digital orthophotos.
- Payment for hardwoods will be in 5 installments.
- The first installment for hardwoods shall be paid before log hauling.
- The full purchase price for hardwoods shall be paid on or before May 31, 2006.
- Felling shall not be allowed prior to September 1, 2004, except for work required in Section 68, "Project Work." However, felling may be allowed prior to September 1, 2004 if northern spotted owls surveys are completed and no resident northern spotted owls were found within 1.5 miles of this sale.

SALE OBJECTIVES: Partial cut of conifer and removal of alder to develop a multi-aged, multi-species stand moving it toward older forest structure.

The information shown on the Exhibit "A" map(s) are approximate locations. Exact locations of features represented by map symbols shall be determined on site and shall depend upon the conditions that exist on site. Activities shall be conducted based upon features determined on site rather than features shown on maps.

See inside front cover of Auction Schedule booklet for disclaimer regarding all governmental regulatory actions.

SALE NAME: Powderhouse
COUNTY: Tillamook
CONTRACT NO.: 341-04-76

TIMBER SALE NAME: **Powderhouse**

TIMBER SALE NO.: **341-04-76**

OPENING DATE: **June 15, 2004**

FORM OF PROPOSAL

The undersigned agrees to accept and perform all of the above terms and conditions as stated in the form of contract for the above-cited timber sale, and bids, and will pay:

Bid Species:

Red alder, _____ Dollars (\$) _____) TOTAL PRICE.

Hemlock, sawmill grade or better, _____ Dollars (\$) _____) per MBF.

Minimum grades and volumes for bid species are stated in the timber sale prospectus.

No-bid species will remain as shown:

Douglas-fir **\$288.07** per MBF.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of **\$29,700**, payable to the Oregon Department of Forestry.

The undersigned agrees to execute and deliver the contract, initial payment, required certificates of insurance, and performance bond, within thirty (30) days of the date of the written notification of high bid; and that any cash bid deposit may be applied to the first required timber sale payment.

The undersigned understands that the bid is irrevocable and further agrees that if they fail to qualify under the terms of the contract within the thirty-day period, the bid deposit shall become the property of the Oregon Department of Forestry as liquidated damages.

BIDDER	_____
	(Name of Individual or Company and Authorized Official)
TAX ID NO.	_____
ADDRESS	_____

PHONE	_____
BY	_____
	(Signature of Authorized Official & Title)

COMPLETE PURCHASER'S STATUS ON PAGE 2

PURCHASER'S STATUS

Purchaser is a corporation ☐ Check
() Incorporated in
the State of _____

President's Name _____

Secretary's Name _____

Purchaser is: ☐ a partnership ☐ an assumed (business) ☐ company
☐ an individual name

List names of all persons doing business under the partnership or assumed name:

If assumed name is subsidiary to a corporation, fill in data requested of corporation also and write in corporation name here:

CERTIFICATION OF ELIGIBILITY
TO BID ON STATE TIMBER

_____ hereby certifies that they:

EXPORT

- (a) Will not export the unprocessed State timber as defined in OAR 629-031-0020 which is the subject of this transaction;
- (b) Will not sell, transfer, exchange, or otherwise convey the unprocessed timber as defined above which is the subject of this transaction to any other person without first obtaining a certification from that person which meets the requirements of OAR 629-031-0030.
- (c) Are not prohibited by OAR's 629-031-0005 through 0045 from bidding for unprocessed State timber as defined above directly from the State Forester.
- (d) Understand that falsely entering into this certification is a violation of the Forest Resources Conservation Amendments Act of 1993 and OAR Chapter 629, Division 31, and is subject to any and all penalties contained therein.
- (e) Have not exported unprocessed timber originating from private lands in Oregon in the last 24 months, **or if bidding only on STATE hardwood timber or logs, HAVE** exported unprocessed timber originating from private lands in Oregon in the last 24 months, but **HAVE NOT** exported unprocessed **hardwood** timber originating from private lands in Oregon in the last 24 months **and** meet the requirements of OAR 629-031-0010(2).

DEFAULT, TERMINATION, AND OTHER RELATED MATTERS

- (a) Are not currently in default status under any timber sale contract sold by the State Forester.
- (b) Has not, within a 3-year period preceding this bid, had one or more Federal, State, or local timber sales terminated for cause or default.
- (c) If (b) above is Yes, has submitted an explanation, in writing, with this bid for consideration by STATE. Any such explanation shall be submitted at the time of bid on a separate piece of paper.

Signed

Title

Dated

[NOTE: For the purpose of this form, the definition of unprocessed timber is the same as in OAR 629-031-0005.]

Biological Survey Report

Project: Powderhouse
Date: January 5, 2004
To: Barbara Moore
CC: Mark Labhart, District Sale File
From: Marcia Humes

Habitat Suitability

This sale contains suitable habitat for northern spotted owls. The sale does not contain potential habitat for marbled murrelets; however, there is potential habitat adjacent to the sale area.

Survey Results

This sale was surveyed for northern spotted owls in 2002 and 2003, using a protocol endorsed by the U.S. Fish and Wildlife Service¹. There have been several responses from northern spotted owls within 1.5 miles of this sale. However, these responses were associated with known activity centers greater than 1.5 miles from the sale area. The sale will be surveyed again in 2004.

Surveys for marbled murrelets were conducted in 2002 and 2003, using a protocol developed by the Pacific Seabird Group². The survey area included 3 sites. No murrelets were detected in the potential habitat adjacent to the sale area (site 3). However, murrelets were detected on several occasions at sites 1 and 2, and subcanopy behaviors were observed at site 2 in 2002. The unit associated with sites 1 and 2 is no longer included in this timber sale. The Powderhouse sale area is further than 0.25 miles from these survey sites.

¹ USDI Fish and Wildlife Service. 1991, revised 1992. Protocol for surveying proposed management activities that may impact northern spotted owls. 15pp.

² Evans, D. M., W. P. Ritchie, S. K. Nelson, E. Kuo-Harrison, Peter Harrison, T. E. Hamer, eds. 2000, revised 2003. Methods for surveying marbled murrelets in forests: an update to the protocol for land management and research, by the Pacific Seabird Group Marbled Murrelet Technical Committee. 76 pp.

There are no known northern spotted owl activity centers within 1.5 miles or Marbled Murrelet Management Areas within 0.25 miles of this sale.

Seasonal operating restrictions will apply from March 15 through August 31, 2004, or until northern spotted owl surveys are complete, indicating no resident northern spotted owls within 1.5 miles of this sale. This restriction excludes road-related project work.

Future Survey Plans

Survey Results Summary

[illegible]

³ Responses associated with a known activity center greater than 1.5 miles from the sale area.

Table 2. Marbled Murrelet Surveys for Powderhouse

Survey Area	Site	Station	Date	# Detections
POWDERHOUSE	1	4	5/3/02	0
POWDERHOUSE	1	5	5/29/02	0
POWDERHOUSE	1	3	6/25/02	0
POWDERHOUSE	1	1	7/18/02	0
POWDERHOUSE	1	2	7/29/02	0
POWDERHOUSE	1	5	5/14/03	1
POWDERHOUSE	1	4	5/22/03	0
POWDERHOUSE	1	2	5/30/03	0
POWDERHOUSE	1	1	6/6/03	0
POWDERHOUSE	1	3	6/12/03	2
POWDERHOUSE	1	5	6/21/03	1
POWDERHOUSE	1	2	6/28/03	0
POWDERHOUSE	1	1	7/7/03	0
POWDERHOUSE	1	3	7/15/03	0
POWDERHOUSE	1	5	7/22/03	0
POWDERHOUSE	2	1	5/6/02	0
POWDERHOUSE	2	5	5/27/02	3
POWDERHOUSE	2	2	6/21/02	0
POWDERHOUSE	2	3	7/19/02	0
POWDERHOUSE	2	4	7/31/02	0
POWDERHOUSE	2	5	5/5/03	0
POWDERHOUSE	2	1	5/16/03	0
POWDERHOUSE	2	4	5/23/03	0
POWDERHOUSE	2	2	6/5/03	0
POWDERHOUSE	2	3	6/11/03	0
POWDERHOUSE	2	4	6/26/03	0
POWDERHOUSE	2	1	7/4/03	0
POWDERHOUSE	2	5	7/10/03	0
POWDERHOUSE	2	4	7/16/03	0
POWDERHOUSE	2	2	7/23/03	0
POWDERHOUSE	3	1	5/1/02	0
POWDERHOUSE	3	2	5/29/02	0
POWDERHOUSE	3	4	6/21/02	0
POWDERHOUSE	3	3	7/18/02	0
POWDERHOUSE	3	1	7/25/02	0
POWDERHOUSE	3	1	5/1/03	0
POWDERHOUSE	3	4	5/15/03	0
POWDERHOUSE	3	3	6/11/03	0
POWDERHOUSE	3	2	7/8/03	0
POWDERHOUSE	3	3	7/17/03	0