

NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Top Panther 341-04-89

AUCTION DATE/TIME: May 19, 2004, starting at 2:00 p.m.

AUCTION LOCATION: Oregon Department of Forestry
Coos District – CFPA Crewhouse
63612 Fifth Road
Coos Bay, Oregon 97420
(541) 267-4136 FAX (541) 269-2027

DISTRICT/UNIT OFFICE (MAILING ADDRESS FOR BIDS): Oregon Department of Forestry
Coos District
63612 Fifth Road
Coos Bay, Oregon 97420
(541) 267-4136 FAX (541) 269-2027

HARVEST TYPE: Regeneration harvest containing approximately 61 acres of 125-year-old Douglas-fir timber.

SALE LOCATION: Portions of Sections 16 and 17, T23S, R10W, W.M., Coos County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: From Coos Bay, take Coos River Route past Allegany to the mouth of Marlow Creek (approximately 16 miles). Turn northeast (left) onto State Forest 1000 Road (Elk Ridge Road); take this road approximately 16 miles and turn north (left) onto State Forest 8000 Road. Travel approximately 0.25 mile north on the 8000 Road, then continue northerly (left) turning onto State Forest 8800 Road, and travel approximately 0.5 mile to Area 1.

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	WR M	PLP
Douglas-fir	26"	3,831			63		314			2,603	705	146							
W Hem. / fir	18"	139																	139
Red Alder	16"	52																	52
Sale Total		4,022																	

MINIMUM BID: BID SPECIES Douglas-fir \$497.98 per MBF

NO-BID SPECIES Western red cedar \$676.46 per MBF
Western hemlock and other conifers \$276.46 per MBF
Red alder and other hardwoods \$488.19 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 \$25,328 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 (\$26,000), whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: October 1, 2005 BID METHOD: Sealed Bids
BID DEPOSIT: \$194,600 SALE TYPE: CSL – 100%
INSURANCE: \$500,000 Commercial General Liability; \$500,000 Automobile Liability;
\$500,000 Logger's Broad Form
HARVEST METHOD: Uphill cable logging
PROJECTS: No. 1 – Road and Landing Improvement
No. 2 – Landing Construction and Road Improvement
No. 3 – Rock Stockpile
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 Coos ODF District at (541) 267-4136 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 determined by mapping boundaries onto an orthophoto layer in the ArcView GIS program.
Snag creation is required (Section 58).
A minimum of 40 percent of the estimated bid value shall be paid on or before January 1, 2005 (Section 42).
Any conifer log having a gross scaling diameter of less than 6 inches shall be pencil bucked for the purpose of determining volume (Section 47).
Western red cedar is reserved from harvesting except by written approval from STATE.
This sale is designed for harvest during the dry season. Purchaser must comply with the "Winter and Wet Weather Option" requirements specified in Section 70 if operations are conducted in the winter.
SALE OBJECTIVES: Create early successional habitat for maintenance of a balance of habitat under the Elliott Habitat Conservation Plan.

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: Top Panther
COUNTY: Coos
CONTRACT NO.: 341-04-89

TIMBER SALE NAME: **Top Panther**

TIMBER SALE NO.: **341-04-89**

OPENING DATE: **May 19, 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:

ON THE BASIS OF PRICE PER THOUSAND BOARD FEET FOR:

Bid Species:

Douglas-fir, 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:

Western red cedar **\$676.46** per MBF.
Western hemlock and other conifers **\$276.46** per MBF.
Red alder and other hardwoods **\$488.19** per MBF.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of **\$194,600**, 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: Top Panther
Date: January 15, 2004
To: Norma Kline
CC: Jim Young, District Sale File
From: Marcia Humes

Habitat Conservation Plan Area

This sale is within an area covered by a Habitat Conservation Plan (HCP) approved by the U. S. Fish and Wildlife Service. The Incidental Take Permit (ITP) for the HCP covers northern spotted owls. Under the provisions of this HCP, surveys are not required for northern spotted owls.

Habitat Suitability

This sale contains potential habitat for marbled murrelets.

Survey Results

Surveys for marbled murrelets were conducted in 2001 and 2002, using a protocol developed by the Pacific Seabird Group¹. There were no observations of marbled murrelets during any of these surveys.

Known T&E Resources

Portions of this sale are within 0.25 miles of a Marbled Murrelet Management Area (MMMA).

¹ Evans, D. M., W. P. Ritchie, S. K. Nelson, E. Kuo-Harrison, Peter Harrison, T. E. Hamer, eds. 2000. 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. 64 pp.

Operational Considerations

Seasonal operating restrictions will be in effect from April 1 through September 15, annually, for those portions of the sale within 0.25 miles of the MMMA. Operations may be allowed from 2 hours after sunrise until 2 hours before sunset from August 6 through September 15, annually. Marbled murrelet survey results are valid until April 1, 2008. All timber should be felled by this date.

Future Survey Plans

There are no future survey plans for this sale.

Survey Results Summary

Table 1. Marbled Murrelet Survey Results for Top Panther (surveyed as Panther Ridge)

Survey Area	Site	Station	Date	#Detections
PANTHER RIDGE	1	1	5/4/01	0
PANTHER RIDGE	1	2	5/30/01	0
PANTHER RIDGE	1	3	6/7/01	0
PANTHER RIDGE	1	4	7/3/01	0
PANTHER RIDGE	1	5	7/18/01	0
PANTHER RIDGE	1	6	7/30/01	0
PANTHER RIDGE	1	6	5/8/02	0
PANTHER RIDGE	1	5	5/17/02	0
PANTHER RIDGE	1	4	6/3/02	0
PANTHER RIDGE	1	3	6/28/02	0
PANTHER RIDGE	1	2	7/18/02	0
PANTHER RIDGE	1	1	7/26/02	0
PANTHER RIDGE	2	2	5/1/01	0
PANTHER RIDGE	2	1	5/14/01	0
PANTHER RIDGE	2	3	6/1/01	0
PANTHER RIDGE	2	4	6/29/01	0
PANTHER RIDGE	2	5	7/13/01	0
PANTHER RIDGE	2	6	7/20/01	0
PANTHER RIDGE	2	6	5/9/02	0
PANTHER RIDGE	2	5	5/18/02	0
PANTHER RIDGE	2	4	6/4/02	0
PANTHER RIDGE	2	3	6/29/02	0
PANTHER RIDGE	2	2	7/19/02	0
PANTHER RIDGE	2	1	7/30/02	0