

## NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: East Foley Peak 341-05-63

AUCTION DATE/TIME: May 17, 2005, 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: 131 acres  
Approximate age: 40 years

SALE LOCATION: Portions of Sections 8, 16, 17, 20 and 21, T2N, R9W, W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: Access to the timber sale areas from Tillamook is via Highway 101, Miami Foley County Road, East Foley Creek Road.

### 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	11"	415								196	219								
W Hem./ fir	12"	983							82	510	391								
Sale Total		1398																	

MINIMUM BID: BID SPECIES Douglas-fir ..... \$222.83 per MBF  
Hemlock ..... \$ 87.84 per MBF

NO-BID SPECIES Hardwoods ..... \$267.54 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 \$7,366 after the project work is completed and accepted, as described in Section 2630, "Credit for Project Work."

The timber sale areas contain negligible volumes of other logs to be paid for at the prices in Section 1740.

PERFORMANCE SECURITY: 20% of bid value (unknown) **or** the total value of the project work (\$8,000), whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: June 30, 2007 BID METHOD: Sealed Bids

BID DEPOSIT: \$17,100 SALE TYPE: Recovery/BOF - 100%

INSURANCE: \$1,000,000 Commercial General Liability; \$1,000,000 Automobile Liability;  
\$1,000,000 Logger's Broad Form

HARVEST METHOD: 85% cable; 15% ground.

PROJECTS: 1.8 miles of road improvement.

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 2455.**

Acreage was calculated from GIS digital orthophotos.

See logging plan in cruise report for acres to be harvested.

**All felling is required to be completed by March 15, 2007.**

SALE OBJECTIVES:

Partial cut Douglas-fir and hemlock to develop future layered and older forest structure stands.

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 Timber Sale Schedule handbook for disclaimer regarding all governmental regulatory actions.**

**SALE NAME:** East Foley Peak  
**COUNTY:** Tillamook  
**CONTRACT NO.:** 341-05-63

TIMBER SALE NAME: **East Foley Peak**  
TIMBER SALE NO.: **341-05-63**  
OPENING DATE: **May 17, 2005**

## **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:**

**Douglas-fir**, sawmill grade or better, \_\_\_\_\_  
\_\_\_\_\_ Dollars (\$ \_\_\_\_\_) per MBF.

**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:

**Hardwoods**..... **\$267.54** per MBF.

Enclosed is a bid deposit as required, consisting of a \_\_\_\_\_ in the amount of **\$17,100**, 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 notice of intent to award; 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: East Foley Peak  
Date: February 18, 2005  
To: Barbara Moore  
CC: Ross Holloway, District Sale File  
From: Marcia Humes

---

### **Habitat Suitability**

This sale contains suitable habitat for northern spotted owls. This sale does not contain potential habitat for marbled murrelets.

### **Survey Results**

This sale was surveyed for northern spotted owls in 2003 and 2004, using a protocol endorsed by the U.S. Fish and Wildlife Service<sup>1</sup>. Northern spotted owls were observed during these surveys. There were four observations of northern spotted owls in 2003 and two in 2004. Two of the 2003 responses were attributed to a non-territorial single (or "floater") owl. The remaining two observations in 2003 and one observation in 2004 were attributed to the Miami River spotted owl activity center. The remaining 2004 response was attributed to an activity center further than 1.5 miles from the sale area.

Surveys for marbled murrelets are not necessary for this sale.

### **Known T&E Resources**

The sale is within 1.5 miles of the Miami River northern spotted owl activity center. A Biological Assessment of the sale's impact on the activity center has been conducted. It concludes that the East Foley Peak timber sale as currently planned poses a low risk to continued viability of the Miami River spotted owl site.

There are no Marbled Murrelet Management Areas within 0.25 miles of this sale.

---

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

## Operational Considerations

The northern spotted owl activity center affected by this sale is greater than 0.25 miles from the sale. If spotted owls move to within 0.25 miles of the sale area and establish a nest, seasonal restrictions would be necessary during the nesting season (i.e. March 1 through September 30).

Current northern spotted owl survey results are valid until March 15, 2007. All timber should be felled by March 15, 2007.

## Future Survey Plans

ODF has no plans for further survey of this sale. However, ODF has an active survey program and northern spotted owl surveys will be conducted within 3 miles of this sale during the life of the contract. Additionally, northern spotted owl monitoring will continue at the Miami River activity center.

## Survey Results Summary

**Table 1. Northern Spotted Owl Surveys of East Foley Peak**

[illegible]