

NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Moot Again 341-08-44

AUCTION DATE/TIME: December 11, 2007, 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: Approximately 297 acres of modified clearcut: Four areas of 50- to 60-year-old timber and one area (19 acres) of 35-year-old timber.
Approximately 202 acres of partial cut: Three areas of 60- to 70-year-old timber and one area (20 acres) of 35-year-old timber.

SALE LOCATION: Portions of Sections 2, 3, 4, 10, and 11, T2N, R9W, W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: From Tillamook, travel north on Highway 101 to Miami-Foley County Road, then to Foss County Road, cross the Nehalem River, then take Cook Creek Road to Anderson Grade Road, and Anderson Ridge Road to Moot Point 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	18"	5,108							3,250	1,438	420								
W Hem. / fir	15"	2,682							1,033	1,242	407								
Sitka Spruce	16"	325					20		125	105	75								
Red Alder	14"	2,439							210	981	1,248								
Sale Total		10,554																	

MINIMUM BID: BID SPECIES Douglas-fir \$154.69 per MBF
Western hemlock..... \$ 71.53 per MBF
Red alder \$360.63 per MBF

NO-BID SPECIES Sitka spruce..... \$ 48.50 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 \$240,140 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 (\$241,000), whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: June 30, 2010 BID METHOD: Sealed Bids

BID DEPOSIT: \$163,700 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: 90% cable; 10% ground.

PROJECTS: 0.4 mile of road construction.
0.1 mile of road re-construction.
3.6 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 a GIS digital orthophoto.
- Snag creation is required (Section 2335).
- **All felling shall be completed by March 15, 2010.**
- Sections 2015, "Log Accountability"; 2020, "Log Measurement"; 2030, "Log Branding and Painting"; and Exhibit C, page 3, contain special language for pulp removal.
- Seasonal operating restrictions will be in effect on portions of the timber sale from April 1 through September 15 (Section 2310, "Felling"; Section 2350, "Cable Yarding Specifications"; Section 2355, "Ground-Based Operations"; and Section 2610, "Project Work").

SALE OBJECTIVES:

- Removal of alder and conifers to prepare for planting with a mixture of native conifer species.
- Thinning units will reduce stocking to promote growth of residual trees and encourage development of the understory vegetation.
- Removal of Swiss needle cast infected Douglas-fir to prepare for planting with a mixture of native conifer species.

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: Moot Again
COUNTY: Tillamook
CONTRACT NO.: 341-08-44

TIMBER SALE NAME: **Moot Again**

TIMBER SALE NO.: **341-08-44**

OPENING DATE: **December 11, 2007**

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.

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

Red alder, 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:

Sitka spruce.....\$48.50 per MBF.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of **\$163,700**, 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 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. **If the undersigned fails to qualify within the thirty-day period, STATE may disqualify the undersigned from submitting another bid on this timber sale.**

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.]



Oregon

Theodore R. Kulongoski, Governor

Department of Forestry

State Forester's Office

2600 State Street

Salem, OR 97310

(503) 945-7200

FAX (503) 945-7212

TTY (503) 945-7213 / 800-437-4490

<http://www.odf.state.or.us>



STEWARDSHIP IN FORESTRY

Biological Survey Report

Project: Moot Again
Date: October 24, 2007
To: Tim Lieske
CC: Ross Holloway, District Sale File
From: Marcia Humes *Marcia*

Habitat Suitability

This sale contains suitable habitat for northern spotted owls and potential habitat for marbled murrelets.

Survey Results

This sale was surveyed for northern spotted owls in 2006 and 2007, using a protocol endorsed by the U.S. Fish and Wildlife Service¹. During surveys in 2006, a female northern spotted owl was observed one time. During surveys in 2007 a male and a female northern spotted owl were observed during one survey visit, and this observation was attributed to a known northern spotted owl activity center greater than 1.5 miles of the sale. The 2006 observation has been attributed to a non-territorial single spotted owl.

Surveys for marbled murrelets were conducted in 2005 and 2006, using a protocol developed by the Pacific Seabird Group². Murrelets were not detected during these surveys. Previous surveys have detected murrelets in the vicinity of this sale.

Known T&E Resources

There are no northern spotted owl activity centers within 1.5 miles of this sale.

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. 2003. Methods for surveying marbled murrelets in forests: an revised protocol for land management and research. Unpublished report for the Pacific Seabird Group Marbled Murrelet Technical Committee. 76 pp.

As a result of previous surveys, a Marbled Murrelet Management Area (MMMA) was created within 0.25 miles of this sale. The sale boundary was modified to exclude areas within the MMMA.

Operational Considerations

Seasonal operating restrictions will be in effect from April 1 through September 15, annually for sale areas within 330 feet of suitable habitat within a Marbled Murrelet Management Area. Operations may be allowed from 2 hours after sunrise until 2 hours before sunset from August 6 through September 15, annually, following consultation with the Area Biologist.

Current northern spotted owl survey results are valid until March 15, 2010. Marbled murrelet survey results are valid until April 1, 2012. All timber should be felled by March 15, 2010.

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.

Survey Results Summary

Table 1. Northern Spotted Owl Surveys of Moot Again

Year	Visit #1	Visit #2	Visit #3	Visit #4	Visit #5	Visit #6
Survey Area	Date	Date	Date	Date	Date	Date
2006	Moot Again 4/19-20 4/20-21 4/24-25	6/5-6 6/6-7	7/10-11	8/14-15	8/21-22	
	NR	♀ (6/5-6)	NR	NR	NR	
2007	Moot Again 4/16-17 4/17-18 4/18-19	5/28-29 5/29-30 5/30-31 5/31-6/1	7/26-27 7/29-30 7/31-8/1	8/9-10		
	NR	♀ (5/28-29)	NR	NR		

NR - no response	j - juvenile	M ₀ - mouse refused	M ₄ - 4 mice taken
V - visual response	jj - 2 juveniles	M ₁ - 1 mice taken	M ₅ - 5 mice taken
bb - new bird banded	█ - last visit to site	M ₂ - 2 mice taken	M ₆ - 6 mice taken
		M ₃ - 3 mice taken	
♀ ♂ ⊕ - Pair (day, night, early morning)		♀ ⊕ ⊕ - Female (day, night, early morning)	
♂ ⊕ ⊕ - Male (day, night, early morning)		○ ⊕ ⊕ - Sex Unkn (day, night, early morning)	

Table 2. Marbled Murrelet Surveys of Moot Again

Survey Area	Site	Station	Date	# Detections
MOOT AGAIN	1	1	05/03/2005	0
MOOT AGAIN	1	2	05/12/2005	0
MOOT AGAIN	1	1	05/25/2005	0
MOOT AGAIN	1	3	06/09/2005	0
MOOT AGAIN	1	2	06/22/2005	0
MOOT AGAIN	1	3	07/04/2005	0
MOOT AGAIN	1	1	07/11/2005	0
MOOT AGAIN	1	2	07/19/2005	0
MOOT AGAIN	1	3	07/27/2005	0
MOOT AGAIN	1	1	05/01/2006	0
MOOT AGAIN	1	2	05/09/2006	0
MOOT AGAIN	1	3	05/26/2006	0
MOOT AGAIN	1	1	06/09/2006	0
MOOT AGAIN	1	2	06/20/2006	0
MOOT AGAIN	1	3	07/01/2006	0
MOOT AGAIN	1	1	07/08/2006	0
MOOT AGAIN	1	2	07/16/2006	0
MOOT AGAIN	1	3	07/24/2006	0
MOOT AGAIN	2	1	05/04/2005	0
MOOT AGAIN	2	2	05/13/2005	0
MOOT AGAIN	2	3	05/26/2005	0
MOOT AGAIN	2	4	06/10/2005	0
MOOT AGAIN	2	1	06/23/2005	0
MOOT AGAIN	2	2	07/05/2005	0
MOOT AGAIN	2	3	07/12/2005	0
MOOT AGAIN	2	4	07/20/2005	0
MOOT AGAIN	2	2	07/28/2005	0
MOOT AGAIN	2	1	05/02/2006	0
MOOT AGAIN	2	2	05/11/2006	0
MOOT AGAIN	2	3	05/30/2006	0
MOOT AGAIN	2	4	06/12/2006	0
MOOT AGAIN	2	1	06/21/2006	0
MOOT AGAIN	2	2	07/03/2006	0
MOOT AGAIN	2	3	07/10/2006	0
MOOT AGAIN	2	4	07/17/2006	0
MOOT AGAIN	2	1	07/25/2006	0