

NOTICE OF TIMBER SALE**(Recovery – Scaled Sale)**

SALE NAME/NO.: Upper Cut 341-13-83

AUCTION DATE/TIME: April 16, 2013, 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: Oregon Department of Forestry
OFFICE (MAILING: Tillamook District Headquarters
ADDRESS FOR BIDS): 5005 Third Street
Tillamook, Oregon 97141
(503) 842-2545 FAX (503) 842-3143

HARVEST TYPE: Areas 1, 3, and 4 are 148 acres of modified clear-cut; Area 2 is 88 acres of partial cut. Approximate age 55 years.

SALE LOCATION: Portions of Sections 21 and 28, T3N, R8W, W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: From Tillamook proceed on Highway 101 north approximately 9 miles to Miami-Foley Road. Turn right and continue approximately 12 miles to Foss Road. Turn right on Foss Road and continue approximately 10 miles to Sibley Road. Turn right on Sibley road and continue approximately 6 miles to the sale area.

APPRAISED VOLUMES AND QUALITY:

SPECIES	AVG DBH	TOTAL MBF	GRADES BY MBF																
			1P	2P	3P	P	SM	1S	2S	3S	4S	8-9	10-11	12+	SC	UT	CR	WRM	PLP
Douglas-fir	15"	2609							599	1467	543								
W Hem. / fir	14"	294							29	207	58								
Red Alder	15"	1,319										689	418	212					
Sale Total		4,222																	

MINIMUM BID: BID SPECIES Douglas-fir \$176.17 per MBF
Red alder and other hardwoods \$223.04 per MBF

NO-BID SPECIES Western hemlock and other conifers \$127.40 per MBF
Western redcedar and other cedars \$677.00 per MBF

In order to compensate PURCHASER for Project Work, ODF will credit PURCHASER's timber account in the amount of \$200,870 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 (\$201,000) whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: June 30, 2015 BID METHOD: Sealed Bids

BID DEPOSIT: \$59,000 SALE TYPE: Cash/BOF - 100%

INSURANCE: \$2,000,000 Commercial General Liability; \$2,000,000 Automobile Liability;
\$2,000,000 Logger's Broad Form.

HARVEST METHOD: 100% cable yarding.

PROJECTS: Road Construction: 0.52 mile; reconstruct 510 feet; road improvement 6.5 miles; and brush 5.51 miles, crush 9280 cu/yds of rock.

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. In some cases, ODF may require that initiation of operations be delayed to allow for completion of spot check surveys, as required by the USFWS survey protocol and required by ODF policy. 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 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:

NO PERSONAL OR COMPANY CHECKS ACCEPTED FOR THE BID DEPOSIT.

SEASONAL RESTRICTIONS APPLY - SEE SECTION 2455.

Section 2015, "Log Accountability"; 2020, "Log Measurement"; 2030, "Log Branding and Painting," and Exhibit C contains special language for pulp removal.

If pulp is yarded to the landing, removal is not allowed unless approved by State (Section 2045).

All felling on the Timber Sale Area must be completed by March 15, 2015 (Section 2310).

Sale acreage was determined using GIS.

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:	Upper Cut
COUNTY:	Tillamook
CONTRACT NO.:	341-13-83

TIMBER SALE NAME: **Upper Cut**

TIMBER SALE NO.: **341-13-83**

OPENING DATE: **April 16, 2013**

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.

Red alder and other hardwoods, 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 hemlock and other conifer **\$ 127.40** per MBF.

Western redcedar and other cedars **\$ 677.00** per MBF.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of **\$59,000** 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 directly or indirectly export the unprocessed State timber as defined in OAR 629-031-0020 which is the subject of this transaction.
- (b) Shall not engage in export of unprocessed timber originating from private lands in Oregon until such time as all interests in contracts for State timber held by the above have terminated, per OAR 629-031-0010(1)(d).
- (c) 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.
- (d) 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.
- (e) 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.
- (f) Have not directly or indirectly 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

John A. Kitzhaber, MD, 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: Upper Cut
Date: March 5, 2013
To: Joe Travers
CC: Dan Goody, District Sale File
From: Matt Gostin

Habitat Suitability

This sale contains potentially suitable habitat for northern spotted owls. This sale is located in the Marbled Murrelet Systematic Survey Zone. By ODF policy, operational marbled murrelet surveys are not required.

Survey Results

This sale was surveyed for northern spotted owls in 2011 and 2012, using a protocol endorsed by the U.S. Fish and Wildlife Service^{1,2}. Northern spotted owls were not observed during these surveys.

Known T&E Resources

There are no northern spotted owl activity centers or Marbled Murrelet Management Areas affecting this sale.

¹ USDI Fish and Wildlife Service. 2012. Protocol for surveying proposed management activities that may impact northern spotted owls. 42pp.

² Oregon Department of Forestry, June 1, 2010. Policy bulletin SFB – 10-03, Northern Spotted Owl Policy Update - Northern Spotted Owl Survey Protocol.

Operational Considerations

Felling restrictions for spotted owl spot check surveys are not required for this sale at this time.

Current northern spotted owl survey results are valid until March 15, 2015.

All timber should be felled by March 15, 2015.

Future Survey Plans

Spotted owl spot check surveys for this timber sale will be required in 2013 and 2014. In addition, 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 Upper Cut (surveyed as Montague Ridge)

Survey Area	Visit #1	Visit #2	Visit #3	Visit #4	Visit #5	Visit #6
Year	Date	Date	Date	Date	Date	Date
Montague Ridge	4/5 4/7-8 4/8 4/8-9 4/9	4/29-30 5/1 5/1-2	5/24-25 5/28 5/28-29	6/22 6/22-23	7/16 7/16-17 7/18 7/18-19	8/8 8/8-9 8/9 8/9-10
2011	NR	NR	NR	NR	NR	NR
Montague Ridge Cont.	5/17-18	6/1-2				
2011	NR*	NR*				
Montague Ridge	4/8 4/8-9 4/9 4/9-10	5/6 5/6-7 5/9 5/9-10 5/10-11	5/29-30 5/30 5/30-31	6/24 6/24-25 6/25 6/25-26 6/26-27	7/17 7/17-18 7/18 7/18-19	8/6-7 8/7 8/7-8
2012	NR	NR	NR	NR	NR	NR

NR - no response j - juvenile M₀ - mouse refused M₄ - 4 mice taken
 V - visual response jj - 2 juveniles M₁ - 1mice taken M₅ - 5 mice taken
 bb - new bird banded ■ - last visit to site M₂ - 2 mice taken M₆ - 6 mice taken
 M₃ - 3 mice taken

- Pair (day, night, early morning)
 - Male (day, night, early morning)

- Female (day, night, early morning)
 - Sex Unk (day, night, early morning)

*Portion of Montague Ridge not completed on visits 1 and 2 due to snow