

## NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Foley In Between 341-14-28

AUCTION DATE/TIME: July 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: 104 acres of partial cut. Approximately age 75 years.

SALE LOCATION: Portions of Sections 4, 8, and 9, T2N, R9W 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 10 miles to East Foley Creek Road. Turn right onto East Foley Creek Road and continue approximately 1.5 miles to junction, turn left and cross bridge over East Foley Creek. Stay far left on unnamed connector and continue approximately 1 more mile to East Foley Ridge Road. Turn right onto East Foley Ridge Road and continue approximately 1 mile to 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	WR M	PLP
Douglas-fir	19"	304							143	134	27								
W Hem. / fir	15"	998							409	389	200								
Red Alder	18"	151										56	75	20					
Sale Total		1,453																	

MINIMUM BID: BID SPECIES Douglas-fir ..... \$286.87 per MBF  
Western hemlock and other conifers ..... \$154.59 per MBF  
NO-BID SPECIES Red alder and other hardwoods..... \$262.32 per MBF  
Western red cedar and other cedars ..... \$674.00 per MBF

In order to compensate PURCHASER for Project Work, ODF will credit PURCHASER's timber account in the amount of \$94,020 after the project work is completed and accepted, as described in Section 2630, "Credit for Project Work."

The Timber Sale Area contains 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 (\$95,000) whichever is greater. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: October 31, 2015 BID METHOD: Sealed Bids

BID DEPOSIT: \$18,700 SALE TYPE: Recovery/BOF - 100%

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

HARVEST METHOD: 81% cable, 19% ground yarding.

PROJECTS: Road improvement 9.5 miles and brush 11.4 miles.

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 recommended 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.**

Hauling and Operating Time Restrictions (Section 2035).

Sale acreage was determined using GIS and orthophotos.

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

**Pulp removal is required if yarded to landing.**

The sale area will be surveyed for northern spotted owl presence during the 2013 survey period. Timber harvesting (falling and yarding) will not be allowed prior to survey completion on September 1, 2013 (Sections 2035, 2310, and 2455).

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: Foley In Between**  
**COUNTY: Tillamook**  
**CONTRACT NO.: 341-14-28**

TIMBER SALE NAME: **Foley In Between**

TIMBER SALE NO.: **341-14-28**

OPENING DATE: **July 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.

**Western hemlock and other conifers**, 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:

**Red alder and other hardwoods**..... **\$262.32** per MBF.  
**Western redcedar and other cedars** ..... **\$674.00** per MBF.

Enclosed is a bid deposit as required, consisting of a \_\_\_\_\_ in the amount of **\$18,700**, 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 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:** Foley in Between  
**Date:** May 14, 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. It does not contain potentially suitable habitat for marbled murrelets.

### 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<sup>1,2</sup>. Northern spotted owls were observed on five occasions during these surveys. The observations in 2011 were attributed to a known activity center greater than 1.5 miles of the timber sale. The observations in 2012 were attributed to known activity centers greater than 1.5 miles of the timber sale. Surveys are ongoing in 2013.

Surveys for marbled murrelets are not necessary for this sale.

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

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

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

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

### **Operational Considerations**

No felling, except for felling associated with project work, shall be allowed prior to the completion of the 2013 northern spotted owl surveys indicating no resident spotted owls.

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. After the 2013 surveys are completed, the survey results will be valid until March 15, 2016.

All timber should be felled by March 15, 2016.

### **Future Survey Plans**

Spotted owl spot check surveys for this timber sale will be required in 2014 and 2015. 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 Foley in Between

Survey Area		Visit #1	Visit #2	Visit #3	Visit #4	Visit #5	Visit #6
Year		Date	Date	Date	Date	Date	Date
Foley in Between		4/9	5/1-2	5/28	6/23	7/18	8/8-9
		4/9-10	5/2	5/28-29	6/23-24	7/18-19	8/9
2011		4/11	5/2-3	5/29		7/19	8/9-10
		4/11-12	5/3	5/29-30		7/19-20	8/10
			5/3-4	5/31-6/1		7/20-21	8/10-11
			5/4-5				8/12-13
		NR	♂ (5/3-4)	NR	NR	⊗ (7/19-20)	NR
Foley in Between		4/7-8	5/8	5/30-31	6/26	7/19	8/8
		4/9	5/8-9	5/31	6/26-27	7/19-20	8/8-9
2012		4/9-10	5/9-10	5/31-6/1	6/27-28	7/21-22	
		♀ (4/9-10)	NR	♀ (5/31)	♀ (6/26-27)	NR	NR
Foley in Between		4/3	5/3-4	TBA	TBA	TBA	TBA
		4/3-4	5/6				
2013		4/8	5/6-7				
		4/8-9					
	NR	NR					

NR - no response      j - juvenile      M<sub>0</sub> - mouse refused      M<sub>4</sub> - 4 mice taken

V - visual response      jj - 2 juveniles      M<sub>1</sub> - 1mice taken      M<sub>5</sub> - 5 mice taken

bb - new bird banded       - last visit to site      M<sub>2</sub> - 2 mice taken      M<sub>6</sub> - 6 mice taken

M<sub>3</sub> - 3 mice taken

♂ ♀ ♂ - Pair (day, night, early morning)      ♀ ♂ ♂ - Female (day, night, early morning)

♂ ♂ ♂ - Male (day, night, early morning)      ○ ⊗ ⊗ - Sex Unk (day, night, early morning)