

NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Brimstone 341-17-103

AUCTION DATE/TIME: June 20, 2017, 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: Area 1 is 18 net acres of modified clearcut, Area 2 is 109 acres of modified clearcut, Area 3 is 114 acres of modified clearcut. Approximate age: Area 1: 35 years, Area 2: 50 years, and Area 3: 45 years.

SALE LOCATION: Portions of Sections 32, 33, and 34, T1S, R7W and portions of Sections 2, 3, and 4, T2S, R7W, W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: From Tillamook travel east on Trask River Road for 12 miles then turn left onto North Fork Trask River Road. Continue on North Fork Trask River Road for 3.5 miles then bear right onto Bark Shanty Road. Continue on Bark Shanty Road for 1.5 miles to Area 1.

APPRAISED VOLUMES AND QUALITY:

SPECIES	AVG DBH	TOTAL MBF	GRADES BY MBF																	
			1P	2P	3P	P	SM	1S	2S	3S	4S	6-7	8-9	10-11	12+	UT	CR	WRM	PLP	
Douglas-fir	17"	3,370							1,585	1,293	492									
Red Alder	18"	193											13	41	47	92				
Sale Total		3,563																		

MINIMUM BID: BID SPECIES Douglas-fir \$308.78 per MBF

NO-BID SPECIES Red alder and other hardwoods..... \$407.55 per MBF
Western hemlock and other conifers..... \$200.00 per MBF
Western redcedar and other cedars..... \$855.00 per MBF

In order to compensate PURCHASER for Project Work, ODF will credit PURCHASER's timber account in the amount of \$126,440 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 (\$127,000) whichever is greater, not to exceed \$500,000. Actual bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: October 31, 2020 BID METHOD: Sealed Bids

BID DEPOSIT: \$99,200 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: 60% Cable yarding, 40% Ground

PROJECTS: 0.8 mile road construction, 12.4 miles road improvement, 8.3 miles road brushing, rock quarry development, and bridge repair.

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. Also, legal challenges and other litigation regarding ODF threatened and endangered species related processes may occur and may affect operations contemplated under the contract. In the event a threatened or endangered species is found within or near this sale, or efforts are required to respond to legal issues, 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.

POTENTIAL ENDANGERED SPECIES ACT LAWSUIT: Be advised that the State of Oregon has received a Supplemental Notice of Intent to Sue for alleged violations of Sections 4(d) and 9 of the federal Endangered Species Act pertaining to federally listed Oregon Coast Coho Salmon on the Tillamook and Clatsop State Forests. This Supplemental Notice of Intent to Sue specifically names Brimstone timber sale, among others.

WEB Address for Notice of Intent to Sue document:

http://www.oregon.gov/ODF/Documents/WorkingForests/2017_04_05_Supp_Coho_NOI.pdf

Pulp removal is not allowed.

Sale acreage was determined using GIS

T&E Survey: The sale will be surveyed for Northern Spotted Owl presence during 2017. No timber harvest operations are allowed, other than those associated with Project Work, prior to September 1, 2017 (Felling Sections 2310 and 2455).

Snag Creation (Section 2335).

Directional felling adjacent to OHV trail (Sections 2330 and 2425).

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

Log hauling on unsurfaced roads shall not be allowed from November 1 through April 30, unless otherwise approved in writing by STATE (Sections 2130, 2035, and 2455).

Log hauling on North Fork Trask Road is not allowed between November 1 and February 28 (Sections 2130, 2035, and 2455).

Log hauling on North Fork Trask Road is restricted to 4 loads per day between March 1 and October 31 during periods of rain equal to or greater than ½ inches in a 24-hour period (Sections 2130 and 2035).

Felling must be completed by March 15, 2020 (Sections 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: Brimstone
COUNTY: Tillamook
CONTRACT NO.: 341-17-103

TIMBER SALE NAME: **Brimstone**

TIMBER SALE NO.: **341-17-103**

OPENING DATE: **June 20, 2017**

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.

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 **\$407.55** per MBF.
Western hemlock and other conifers **\$200.00** per MBF.
Western redcedar and other cedars **\$855.00** per MBF.

Enclosed is a bid deposit as required, consisting of a _____ in the amount of **\$99,200**, 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)

EMPLOYER
IDENTIFICATION
NUMBER (EIN) _____

ADDRESS _____

PHONE _____

BUSINESS EMAIL _____

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 that is not a STATE's approved location.
- (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

Kate Brown, 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: Brimstone
Date: March 28, 2017
To: Kate Skinner
CC: Joe Travers, District Sale File
From:

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 2015 and 2016. Surveys have been conducted using a protocol endorsed by the U.S. Fish and Wildlife Service^{1,2}. Northern spotted owls were not observed in 2015 or 2016. Surveys are ongoing in 2017 to extend the contract felling date.

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

Due to the presence of barred owls, felling restrictions for spotted owl spot check surveys are not required for this sale at this time.

No felling, except for felling associated with project work, shall be allowed prior to the completion of the 2017 northern spotted owl surveys indicating no resident spotted owls.

Northern spotted owl survey results will be valid until March 15, 2020 upon the completion of 2017 surveys.

All timber should be felled by March 15, 2020.

Future Survey Plans

Spotted owl spot check surveys for this timber sale will be required in 2018 and 2019. In addition, ODF has an active survey program and northern spotted owl surveys may be conducted within 3 miles of this sale during the life of the contract.