

## NOTICE OF TIMBER SALE

(Recovery – Scaled Sale)

SALE NAME/NO.: Broken Arrow 341-19-39

AUCTION DATE/TIME: August 21, 2018, starting at 10:00 am

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: Area 1 is 68 acres, Area 2 is 115 acres, and Area 3 is 97 acres for a total of 280 acres of modified clearcut. Approximate age is 50 for Areas 1 and 2 and 65 for Area 3.

SALE LOCATION: Portions of Sections 20, 21, 29, and 30, T1N, R7W W.M., Tillamook County, Oregon.

DIRECTIONS TO TIMBER SALE AREA: From Tillamook District Headquarters: travel east on Highway 6 for approximately 18 miles. Turn right onto Jordan Creek Road. Travel for 1 mile, turn left onto Archers Road. Travel approximately 2 miles and Area 1 will be on the right.

### 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"+	CR	WRM	PLP
Douglas-fir	18"	5,842							3,111	2,731							
Red Alder	15"	1,246									420	384	182	260			
Maple	18"	45								45							
Sale Total		7,133															

MINIMUM BID:	BID SPECIES	Douglas-fir .....	\$ 430.60 per MBF
	NO-BID SPECIES	Red alder .....	\$ 379.06 per MBF
		Western hemlock and other conifers.....	\$ 310.00 per MBF
		Maple and other hardwoods.....	\$ 89.42 per MBF
		Western redcedar and other cedars.....	\$1,000.00 per MBF

In order to compensate PURCHASER for Project Work, ODF will credit PURCHASER's timber account in the amount of \$367,900 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, not to exceed \$500,000. Bond amount will be rounded up to an even \$1,000 unit.

EXPIRATION DATE: October 31, 2021 BID METHOD: Sealed Bids

BID DEPOSIT: \$262,300 SALE TYPE: Recovery/BOF - 100%

10% of the net appraised value, not to exceed \$500,000. Bond amount will be rounded down to an even \$100 unit.

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

HARVEST METHOD: 95% cable, 5% ground yarding.

PROJECTS: Project No. 1 – Construct 1.1 miles of road, reconstruct 400 feet of road, improve 5.5 miles of road, and build landings.

Project No. 2 – Spread crushed rock from commercial source according to Exhibit E. Develop, crush, and spread rock according to Exhibits E and F. Place rip-rap according to Exhibits E, F, and H.

Project No. 3 – Crush and stockpile 2,500 cubic yards of 2 ½”-0” rock according to Exhibit E.

Project No. 4 – Seed all areas of disturbed soil associated with projects according to specifications in Exhibit L. Mulch all areas within 100 feet of culverts and live streams according to the specification in Exhibit M.

**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 Complaint for Declaratory and Injunctive Relief 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 (see attached). This Complaint specifically names the Broken Arrow timber sales, 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](http://www.oregon.gov/ODF/Documents/WorkingForests/2017_04_05_Supp_Coho_NOI.pdf)

Sale acreage was determined using GIS

Section 2016, “Log Accountability”; 2025, “Log Measurement”; 2030, “log Branding and Painting”; and Exhibit C contain special language for pulp removal.

Snag Creation (Section 2335).

Section 2350: Operator must have a flagger stationed on the Jordan Creek road during all times of active cable yarding operations when cable lines are hanging over Jordan Creek road. See Section 2350 for more details.

No timber harvest operations are allowed unless associated with project work, prior to September 1, 2018 (Section 2310).

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

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. The handbook can be accessed online at: <http://www.oregon.gov/ODF/Working/pages/TimberSales.aspx>

<b>SALE NAME:</b>	<b>Broken Arrow</b>
<b>COUNTY:</b>	<b>Tillamook</b>
<b>CONTRACT NO.:</b>	<b>341-19-039</b>

TIMBER SALE NAME: **Broken Arrow**

TIMBER SALE NO.: **341-19-039**

OPENING DATE: **August 21, 2018**

## **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** ..... \$ **379.06** per MBF.  
**Western hemlock and other conifers** ..... \$ **310.00** per MBF.  
**Maple and other hardwoods** ..... \$ **89.42** per MBF.  
**Western redcedar and other cedars** ..... \$ **1,000.00** per MBF.

Enclosed is a bid deposit as required, consisting of a \_\_\_\_\_ in the amount of **\$262,300**, 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:** Broken Arrow  
**Date:** May 7, 2018  
**To:** Kate Skinner  
**CC:** Joe Travers, District Sale File  
**From:**  Matt Gostin  
2018.05.07 15:37:11 -07'00'

### 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 2016 and 2017. Surveys have been conducted using a protocol endorsed by the U.S. Fish and Wildlife Service<sup>1,2</sup>. An unknown juvenile *Strix* species owl was observed on one occasion in 2017. However, there were no observations of northern spotted owls in either 2016 or 2017. Surveys will be ongoing in 2018 as part of density surveys and to extend the contract felling date.

### Known T&E Resources

There are no northern spotted owl activity centers affecting this sale.

There are no Marbled Murrelet Management Areas affecting 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, November 1, 2017. 1.2, Northern Spotted Owl Policy

## **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 2018 northern spotted owl surveys indicating no resident spotted owls.

This sale is in a density survey coverage area. Northern spotted owl felling deadlines for survey expirations will not be in effect unless density surveys are discontinued. If density surveys are discontinued at any point during the contract, survey coverage will be valid until March 15, three years following the last full season of surveys.

## **Future Survey Plans**

This sale will be covered by northern spotted owl density surveys during the life of the contract. These density surveys provide incidental survey coverage in lieu of spot checks. If density surveys are not conducted, then spot checks will be required. In addition, ODF has an active northern spotted owl survey program and surveys for other planned operations and density surveys will be conducted within 3 miles of this sale during the life of the contract.