

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

TIMBER SALE CONTRACT

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

National Forest
Deschutes

Ranger District
Bend/Ft Rock

Region
Pacific N-West

Contract Number

Sale Name
Yoda

Award Date

Termination Date
12/31/2019

The parties to this contract are The United States of America, acting through the Forest Service, United States Department of Agriculture, hereinafter called Forest Service, and _____ hereinafter called Purchaser.

Forest Service having advertised a sale at which either (1) Purchaser, whose required bid deposit is now held by Forest Service as an initial deposit, was the successful bidder, or (2) no bids were received and Purchaser having subsequently offered at least the minimum advertised price and made an initial deposit in the same amount as the bid deposit specified in the sale advertisement; and the parties hereto desiring to record their agreement; now therefore,

Unless provided otherwise herein, Forest Service agrees to sell and permit Purchaser to cut and remove Included Timber and Purchaser agrees to purchase, cut, and remove Included Timber.

This contract consists of three Divisions: AT - Specific Conditions, BT - Standard Provisions, and CT - Special Provisions, together with Sale Area Map, Plans and specifications for developments (if any), and such attachments as may be provided for in Division CT. Specific Conditions are numbered and apply to the Part, Section, Subsection, or Item of the Standard Provisions, as indicated hereunder. Other conditions of this contract are stated in Division CT - Special Provisions.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the award date.

UNITED STATES OF AMERICA

Two Witnesses:^{1/}

(Name)

(Address)

(Name)

(Address)

By: _____
Contracting Officer

(Title)

By: _____
(Purchaser) ^{2/}

(Title)

(Business Address)

I, ^{3/} _____, certify that I am the _____

Secretary of the corporation named as Purchaser herein; that _____

who signed this contract on behalf of Purchaser, was then _____

of the corporation; that the contract was duly signed for and in behalf of the corporation by authority of its governing body, and is

within the scope of its corporate powers.

**CORPORATE
SEAL** ^{4/}

INSTRUCTIONS:

- 1/ The signatures and addresses of two witnesses are required if Purchaser is other than a corporation.
- 2/ If Purchaser is a co-partnership, the signatures should be: XYZ Company, by John Doe, a member of the firm. If Purchaser is a corporation, form of signature should be: XYZ Company, by John Doe, President (or other officer or agent) and the seal of the corporation must be impressed or indicated.
- 3/ The certificate must be completed if Purchaser is a corporation.
- 4/ If the corporation has no corporate seal that fact shall be stated, in which case a scroll or adhesive seal shall follow the corporate name.

EXAMPLE 1/

Subcontractor Certification
Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

Timber Sale Name: _____
 National Forest: _____

The prospective subcontractor (participants in lower tier covered transactions) certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this timber sale by any Federal department or agency.

Where the prospective subcontractor is unable to certify to any of the statements in this certification, such prospective subcontractor shall attach an explanation to this proposal.

Name of Subcontractor: _____
 Business Address: _____

_____ Date _____ Signature

1/ It is the Purchaser's responsibility to have subcontractors complete this certification and to maintain a file of completed certifications. This certification does not need to be returned to the Forest Service, except at the written request of the Contracting Officer.

The following conditions apply to the indicated portions of Division BT - Standard Provisions issued June 2006.

AT1 - Location and Area, applicable to BT1.1

This Sale Area of 1682 acres more or less is located in:

T19S, R12E Sections, 20, 21, 27, 28, 29, 32, 33, and 34, T20S, R12E, Sections 3, 4, and 10 W.M. Surveyed, Deschutes County, Oregon

AT2 - Volume Estimate and Utilization Standards, applicable to BT2.1, BT2.2, BT2.4, and BT6.4

Species	Product	Estimated Quantity *	Unit of Measure	Minimum Specifications				
				Merchantable Tree		Piece Required to be Removed		
				Diameter Breast High (d.b.h.) (inches)	Number of Minimum Pieces per Tree	Length (feet)	Diameter Inside Bark at Small End (inches)	Net Scale in % of Gross Scale
Lodgepole Pine and other coniferous species.	Sawtimber	940.00	CCF	7.0	1	8	6.0	40
Ponderosa Pine	Sawtimber	12,202.00	CCF	9.0	1	16	6.0	40
Softwood Other	Grn Bio Cv	2,602.00	CCF	5.0	1	12	3.0	N/A
Timber Subject to Agreement under CT2.11#								
All Species	Grn Bio Cv	unestimated	CCF	5.0	1	12	3.0	N/A
Total Quantity		15,744.00	CCF					

* Quantities not included here are described in BT2.4.

AT3- Timber Designations, applicable to BT2.3; acres are approximate:

	Number	Acres
Clearcutting Units (BT2.31)	_____	_____
Specified Road Clearing (BT2.32)	_____	_____
Overstory Removal Units (BT2.33)	_____	_____
Understory Removal Units (BT2.34)	_____	_____
Individual Trees (BT2.35)	<div style="background-color: #cccccc; width: 100px; height: 15px;"></div>	1,682
Incompletely Measured Payment Units (BT2.36)	_____	_____

AT4 - Timber Payment Rates, applicable to BT3.1 and BT4.0

AT4a - For Species and Products to be Paid for at Rates Escalated under BT3.2

Species	Product	Unit of Measure	Rates per Unit of Measure					Required Deposits Slash Disposal \$	Base Index
			Base \$	Advertised \$	Bid Premium \$	Bid (Tentative) \$			
Lodgepole Pine and other coniferous species.	Sawtimber	CCF	1.62	29.72			2.18	198.59	

AT4b- For Species and Products to be Paid for at Flat Rates

Species	Product	Unit of Measure	Rates per Unit of Measure					Required Deposits Slash Disposal \$
			Base \$	Advertised \$	Bid Premium \$	Bid (Flat) \$		
Ponderosa Pine	Sawtimber	CCF	1.62	28.70			2.18	
Softwood Other	Grn Bio Cv	CCF	.25	.25			2.18	
Timber Subject to Agreement under CT2.11#								
All Species	Grn Bio Cv	CCF						

For purposes of convenience in collection and bookkeeping, Bid Rates stated in AT4 include payment of deposits for sale area betterment required pursuant to 16 USC 576b. Such deposits are not included as Required Deposits defined hereunder.

AT4c - Schedule of Payment Units

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
005	75	Lodgepole Pine and other coniferous species.	17.00 CCF	Ponderosa Pine Sawtimber 846.00 CCF Softwood Other Grn Bio Cv 341.00 CCF		2,624.72
		Total PU Quantity And Value	17.00 CCF	Total PU Quantity And Value	1,187.00 CCF	
		013	49			
Total PU Quantity And Value				Total PU Quantity And Value	328.00 CCF	
014	35	Lodgepole Pine and other coniferous species.	4.00 CCF	Ponderosa Pine Sawtimber 271.00 CCF Softwood Other Grn Bio Cv 44.00 CCF		695.42
		Total PU Quantity And Value	4.00 CCF	Total PU Quantity And Value	315.00 CCF	
		015	38			
Total PU Quantity And Value				Total PU Quantity And Value	226.00 CCF	
016	15	Lodgepole Pine and other coniferous species.	2.00 CCF	Ponderosa Pine Sawtimber 116.00 CCF Softwood Other Grn Bio Cv 19.00 CCF		298.66
		Total PU Quantity And Value	2.00 CCF	Total PU Quantity And Value	135.00 CCF	
		021	14	Lodgepole Pine and other coniferous species.	2.00 CCF	
Total PU Quantity And Value	2.00 CCF			Total PU Quantity And Value	126.00 CCF	
022	63			Lodgepole Pine and other coniferous species.	2.00 CCF	Ponderosa Pine Sawtimber 504.00 CCF Softwood Other Grn Bio Cv 43.00 CCF
		Total PU Quantity And Value	2.00 CCF	Total PU Quantity And Value	547.00 CCF	
		023	23	Lodgepole Pine and other coniferous species.	5.00 CCF	Ponderosa Pine Sawtimber 260.00 CCF Softwood Other Grn Bio Cv 105.00 CCF
Total PU Quantity And Value	5.00 CCF			Total PU Quantity And Value	365.00 CCF	
024	17			Lodgepole Pine and other coniferous species.	2.00 CCF	Ponderosa Pine Sawtimber 132.00 CCF Softwood Other Grn Bio Cv 21.00 CCF
		Total PU Quantity And Value	2.00 CCF	Total PU Quantity And Value	153.00 CCF	

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
025	16	Lodgepole Pine and other coniferous species.	4.00 CCF	Ponderosa Pine 181.00 CCF Softwood Other 73.00 CCF		562.44
		Total PU Quantity And Value	4.00 CCF	Total PU Quantity And Value	254.00 CCF	
026	12	Lodgepole Pine and other coniferous species.	1.00 CCF	Ponderosa Pine 93.00 CCF Softwood Other 15.00 CCF		237.62
		Total PU Quantity And Value	1.00 CCF	Total PU Quantity And Value	108.00 CCF	
027	43	Lodgepole Pine and other coniferous species.	5.00 CCF	Ponderosa Pine 338.00 CCF Softwood Other 54.00 CCF		865.46
		Total PU Quantity And Value	5.00 CCF	Total PU Quantity And Value	392.00 CCF	
028	36	Lodgepole Pine and other coniferous species.	2.00 CCF	Ponderosa Pine 242.00 CCF Softwood Other 32.00 CCF		601.68
		Total PU Quantity And Value	2.00 CCF	Total PU Quantity And Value	274.00 CCF	
029	30			Ponderosa Pine 175.00 CCF Softwood Other 14.00 CCF		412.02
				Total PU Quantity And Value	189.00 CCF	
030	8			Ponderosa Pine 90.00 CCF Softwood Other 9.00 CCF		215.82
				Total PU Quantity And Value	99.00 CCF	
031	22			Ponderosa Pine 124.00 CCF Softwood Other 11.00 CCF		294.30
				Total PU Quantity And Value	135.00 CCF	
032	6			Ponderosa Pine 64.00 CCF Softwood Other 6.00 CCF		152.60
				Total PU Quantity And Value	70.00 CCF	
033	47	Lodgepole Pine and other coniferous species.	5.00 CCF	Ponderosa Pine 364.00 CCF Softwood Other 59.00 CCF		933.04
		Total PU Quantity And Value	5.00 CCF	Total PU Quantity And Value	423.00 CCF	
034	28	Lodgepole Pine and other coniferous species.	7.00 CCF	Ponderosa Pine 316.00 CCF Softwood Other 127.00 CCF		981.00
		Total PU Quantity And Value	7.00 CCF	Total PU Quantity And Value	443.00 CCF	

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
035	12	Lodgepole Pine and other coniferous species.	1.00 CCF	Ponderosa Pine 111.00 CCF Softwood Other 12.00 CCF		270.32
		Total PU Quantity And Value	1.00 CCF	Total PU Quantity And Value	123.00 CCF	
036	67	Lodgepole Pine and other coniferous species.	354.00 CCF	Softwood Other 67.00 CCF		917.78
		Total PU Quantity And Value	354.00 CCF	Total PU Quantity And Value	67.00 CCF	
037	79	Lodgepole Pine and other coniferous species.	417.00 CCF	Softwood Other 79.00 CCF		1,081.28
		Total PU Quantity And Value	417.00 CCF	Total PU Quantity And Value	79.00 CCF	
040	108	Lodgepole Pine and other coniferous species.	7.00 CCF	Ponderosa Pine 626.00 CCF Softwood Other 61.00 CCF		1,512.92
		Total PU Quantity And Value	7.00 CCF	Total PU Quantity And Value	687.00 CCF	
041	102	Lodgepole Pine and other coniferous species.	12.00 CCF	Ponderosa Pine 789.00 CCF Softwood Other 128.00 CCF		2,025.22
		Total PU Quantity And Value	12.00 CCF	Total PU Quantity And Value	917.00 CCF	
042	24	Lodgepole Pine and other coniferous species.	6.00 CCF	Ponderosa Pine 271.00 CCF Softwood Other 109.00 CCF		841.48
		Total PU Quantity And Value	6.00 CCF	Total PU Quantity And Value	380.00 CCF	
043	77	Lodgepole Pine and other coniferous species.	18.00 CCF	Ponderosa Pine 869.00 CCF Softwood Other 350.00 CCF		2,696.66
		Total PU Quantity And Value	18.00 CCF	Total PU Quantity And Value	1,219.00 CCF	
044	30	Lodgepole Pine and other coniferous species.	1.00 CCF	Ponderosa Pine 208.00 CCF Softwood Other 16.00 CCF		490.50
		Total PU Quantity And Value	1.00 CCF	Total PU Quantity And Value	224.00 CCF	
045	27			Ponderosa Pine 119.00 CCF Softwood Other 11.00 CCF		283.40
				Total PU Quantity And Value	130.00 CCF	

Payment Unit No.	App rox. Acres	Quantity of Species and Products to be Escalated under AT4a	Total Tentative Payment \$	Quantity of Species and Products to be Paid for at Flat Rates under AT4b	Total Flat Rate Payment \$	Total Required Deposits for Slash Disposal \$
046	183	Lodgepole Pine <i>Sawtimber</i> 21.00 CCF and other coniferous species.		Ponderosa Pine <i>Sawtimber</i> 1,416.00 CCF Softwood Other <i>Grn Bio Cv</i> 230.00 CCF		3,634.06
		Total PU Quantity And Value 21.00 CCF		Total PU Quantity And Value 1,646.00 CCF		
047	278	Lodgepole Pine <i>Sawtimber</i> 32.00 CCF and other coniferous species.		Ponderosa Pine <i>Sawtimber</i> 2,151.00 CCF Softwood Other <i>Grn Bio Cv</i> 350.00 CCF		5,521.94
		Total PU Quantity And Value 32.00 CCF		Total PU Quantity And Value 2,501.00 CCF		
048	107	Lodgepole Pine <i>Sawtimber</i> 12.00 CCF and other coniferous species.		Ponderosa Pine <i>Sawtimber</i> 828.00 CCF Softwood Other <i>Grn Bio Cv</i> 135.00 CCF		2,125.50
		Total PU Quantity And Value 12.00 CCF		Total PU Quantity And Value 963.00 CCF		
049	11	Lodgepole Pine <i>Sawtimber</i> 1.00 CCF and other coniferous species.		Ponderosa Pine <i>Sawtimber</i> 85.00 CCF Softwood Other <i>Grn Bio Cv</i> 14.00 CCF		218.00
		Total PU Quantity And Value 1.00 CCF		Total PU Quantity And Value 99.00 CCF		

The following definitions are established for the terms used in AT4:

Base Rates are the lowest rates of payment for timber that are authorized by this contract. Base Rates remain constant throughout the life of this contract and are not subject to change by rate redetermination, except for reduction under BT3.31, BT3.32, or BT3.33.

Advertised Rates are the minimum acceptable Bid Rates for timber, exclusive of Required Deposits. These rates are those indicated by appraisal, with a cost allowance made for construction of Specified Roads listed in AT7, but are never less than Base Rates.

Bid Premium Rates are the amounts by which Purchaser's bid is in excess of Advertised Rates. The Bid Premium Rates are constant during this contract, except as provided in BT3.31, BT3.32, and BT3.33.

Bid Rates are the rates bid by Purchaser (exclusive of Required Deposits for slash disposal and road maintenance) and are the sum of Advertised Rates and Bid Premium Rates. Until a rate redetermination becomes effective, the Bid Rate for species and products in AT4a is the Tentative Rate that is subject to quarterly adjustment under BT3.2; for species and products in AT4b, the Bid Rate is the Flat Rate.

Required Deposits are deposits that Purchaser may be required to pay for slash disposal (16 USC 490) and road maintenance (16 USC 537). Required Deposits may be adjusted as part of a rate redetermination or a Contract Term Extension. The table shows only Required Deposits for slash disposal; road maintenance deposits, if any, are given in CT5.32#.

Base Index is the specified average of the lumber or other product selling value index used as the basis for computing adjustment in rates for variance in product selling value, as provided in BT3.2.

AT5 - Indices Used in Quarterly Adjustment, applicable to BT3.2

Species	Index Name and Date
Lodgepole Pine and other coniferous species.	WWPA, Inland White Woods (12-13 Basis), (WWPAD)

AT6 - High Stumps, applicable to BT6.412

Species	Product	Maximum Stump Height (inches)
Lodgepole Pine and other coniferous species.	Sawtimber	12
Ponderosa Pine	Sawtimber	12
Softwood Other	Grn Bio Cv	12

AT7 - Specified Roads, applicable to BT5.2

Name and Date of Governing Road Specifications: Federal Highway Administration Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects(2003)-english

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking ^{1/}
9710	N/A (R) (segment 0 to 5.94)	Double Lane - 25 mph	3.69 / 5.94	1 - 5 02/05/2016	FS	FS	FS BC

^{1/} Indicate timing, i.e., before clearing (BC) or after clearing (AC). Applicable to BT5.212.

AT8 - Forest Service Engineering Completion Schedule, applicable to BT5.21

Road No.	Road Name	Type of Work	Completion Date
9710	N/A (R) (segment 0 to 5.94)	Survey and Design and Construction Stakin	06/15/2016

AT9 - Fire Precautionary Period, applicable to BT7.2

April 01 to October 31, inclusive

AT10 - Purchaser Responsibility to Furnish Crews and Equipment for:

Initial Fire Supression, applicable to BT7.3

Within 5 road miles

Fire Suppression Reinforcement, applicable to BT7.312 and BT7.313

Within 100 road miles

AT11 - Purchaser's Obligation per Operations Fire, applicable to BT7.41

Maximum Amount: \$ \$300,000

AT12 - Termination Date, applicable to BT8.2

December 31, 2019

AT13 - Normal Operating Season, applicable to BT6.31, BT6.66, BT8.21 and BT9.3

First Period: May 01 to November 30, inclusive

Second Period: _____ to _____, inclusive

AT14 - Performance Bond, applicable to BT9.1

Performance Bond Amount: _____

AT15 - Downpayment, applicable to BT4.211

Downpayment Amount: _____

AT16 - Periodic Payment Amount, applicable to BT4.213

	<u>Periodic Payment Determination Date</u>	<u>Amount</u>
Initial Payment:	<u>December 16, 2018</u>	_____
Additional Payment:	<u>August 16, 2019</u>	_____

AT17 - Market-Related Contract Term Addition Producer Price Index, applicable to BT8.212Index Name: Softwood Lumber Index Number: 0811**AT18 - Inapplicable Standard Provisions**

The following listed Sections, Subsections, or Items of Division BT - Standard Provisions - are hereby made inapplicable. (Instructions: List by reference number and title.)

BT4.211	DOWNPAYMENT
BT4.4	PAYMENTS NOT RECEIVED
BT8.212	MARKET-RELATED CONTRACT TERM ADDITION

AT19 - List of Special Provisions

The following listed special provisions are attached to and made a part of this contract as Division CT. Provisions with reference numbers followed by # contain blanks into which data have been entered for this sale. (Instructions: List by reference number, title, and date.)

CT2.11#	TIMBER SUBJECT TO AGREEMENT (06/1972)
CT2.3#	RESERVE TREES (04/2004)
CT2.35# (OPTION 1)	INDIVIDUAL TREE DESIGNATION (06/2010)
CT4.211	DOWNPAYMENT (06/2007)
CT4.212	TEMPORARY REDUCTION OF DOWNPAYMENT (08/2009)
CT4.4	PAYMENTS NOT RECEIVED (08/2012)
CT5.12#	USE OF ROADS BY PURCHASER (06/1999)
CT5.13#	ROAD COMPLETION DATE (04/2004)
CT5.213#	DEPOSIT FOR RECONSTRUCTION ENGINEERING SERVICES (04/2004)
CT5.31#	ROAD MAINTENANCE REQUIREMENTS (07/2001)
CT6.315#	SALE OPERATION SCHEDULE (06/1994)
CT6.32#	PROTECTION OF RESERVE TREES (04/2004)
CT6.405	ALTERNATE REMOVAL OF INCLUDED TIMBER (05/2005)
CT6.41#	SPECIFIC REQUIREMENTS (01/2000)
CT6.42#	YARDING/SKIDDING REQUIREMENTS (06/2010)
CT6.6#	EROSION CONTROL AND SOIL TREATMENT BY PURCHASER (04/2014)
CT6.7	SLASH DISPOSAL (06/2008)
CT6.74#	SLASH TREATMENT REQUIREMENTS (02/2002)
CT6.8	MEASURING (08/2000)
CT6.84	ACCOUNTABILITY (06/2006)
CT6.84 (OPTION 1)	USE OF PAINT BY PURCHASER (05/2005)

CT7.1	PLANS (09/2004)
CT7.2	SPECIFIC FIRE PRECAUTIONS (09/2002)
CT7.201	BURNING BY PURCHASER (01/1993)
CT7.22	EMERGENCY FIRE PRECAUTIONS (09/2004)
CT8.13	DISCLAIMER OF EXPRESSED OR IMPLIED WARRANTY (09/2004)
CT8.212	MARKET-RELATED CONTRACT TERM ADDITION (11/2008)
CT8.66# (Option 1)	USE OF TIMBER (04/2004)
CT8.71	TRIPARTITE LAND EXCHANGE (04/1999)
CT8.72	BIPARTITE LAND EXCHANGE (04/2004)