

U.S. DEPARTMENT OF AGRICULTURE FOREST SERVICE		Name of Purchaser	
<b>TIMBER SALE CONTRACT</b> <i>(Applicable to Sales to be Scaled after Felling)</i>			
National Forest Flathead	Ranger District Spotted Bear	Region Northern	Contract Number
Sale Name Silver Mule		Award Date	Termination Date 09/30/2018

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 <sup>1/</sup> \_\_\_\_\_

a \_\_\_\_\_ hereinafter called Purchaser.

<sup>2/</sup> 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: A – Specific Conditions, B – Standard Provisions, and C – Special Provisions, together with Sale Area Map, Plans and specifications for developments (if any), and such attachments as may be provided for in Division B or Division C. 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 C – Special Provisions.

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

**UNITED STATES OF AMERICA**

By: \_\_\_\_\_  
Contracting Officer  
(Title)

Two Witnesses: <sup>3/</sup> \_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Purchaser) <sup>4/</sup>

By: \_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Business Address)

I, <sup>5/</sup> \_\_\_\_\_, 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 <sup>6/</sup>**



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

**A1 – Location and Area**, applicable to B1.1

This Sale Area of 4024 acres more or less is located in:  
 Portions of Sections 2,3,4,7,8,9,10,11,16,17,18,20,21,22,26,27,28,and PB44,45,46 of T25N, R15W, Flathead  
 County, State of Montana, PMM

**A2 – Volume Estimate and Utilization Standards**, applicable to B2.1, B2.2, B2.4, and B6.4

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)	1/
Douglas fir and Other	Sawtimber	10,595.000	TON	7.0	1	8	5.6	10.67
Lodgepole Pine	Sawtimber	749.00	TON	6.0	1	8	5.6	10.67
Combined Softwood	Non-Sawtimber	3,566.00	TON	4.0	1	16	2.5	N/A
<b>Timber Subject to Agreement under C2.11#</b>								
N/A								
<b>Total Quantity</b>		14,910.00						

1/ Enter Merchantability Factor (Merch. Factor) or Net Scale in % of Gross Scale, whichever is appropriate.

**A3 – Timber Designations**, applicable to B2.3; acres are approximate:

	<u>Number</u>	<u>Acres</u>
Clearcutting Units (B2.31)		
Specified Road Clearing (B2.32)		
Overstory Removal Units (B2.33)		
Understory Removal Units (B2.34)		
Individual Trees (B2.35)		314
Incompletely Marked Timber (B2.36)		

**A4 – Timber Payment Rates**, applicable to B3.1 and B4.0**A4a – For Species and Products to be Paid for at Rates Escalated under B3.2**

Species	Product	Unit of Measure	Rates per Unit of Measure				Required Deposits Slash Disposal \$	Base Index
			Base \$	Advertised \$	Bid Premium \$	Bid (Tentative) \$		
N/A								

**A4b – 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) \$	
Douglas fir and Other	Sawtimber	TON	1.02	1.02			Lump Sum
Lodgepole Pine	Sawtimber	TON	1.02	1.02			Lump Sum

Combined Softwood	Non-Sawtimber	TON	0.35	0.35	0	0.35	N/A
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For purposes of convenience in collection and bookkeeping, Bid Rates stated in A4 include payment of deposits for sale area betterment required pursuant to 16 USC 576b. Such deposits are not included as Required Deposits defined hereunder.

The following definitions are established for the terms used in A4:

**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 B3.31, B3.32, or B3.33.

**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 A7, 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 B3.31, B3.32, and B3.33.

**Bid Rates** are the rates bid by Purchaser (exclusive of Required Deposits for slash disposal, road maintenance, and contract scaling) 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 A4a is the Tentative Rate that is subject to quarterly adjustment under B3.2; for species and products in A4b, the Bid Rate is the Flat Rate.

**Required Deposits** are deposits that Purchaser may be required to pay for slash disposal (16 USC 490), road maintenance (16 USC 537), and contract scaling (1994 Appropriations Act). 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 C5.32#; and contract scaling deposits, if any, are given in C6.816#.

**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 B3.2.

**A5 – Indices Used in Quarterly Adjustment**, applicable to B3.2

Species	Index Name and Date

**A6 – High Stumps**, applicable to B6.412

Species	Product	Maximum Stump Height (inches)
ALL	ALL	8

**A7 – Specified Roads**, applicable to B5.2

Name and Date of Governing Road Specifications: Federal Highway Administration Standard Specification for Construction of Roads and Bridges on Federal Highway Projects

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Const. Staking <sup>1/</sup>
N/A							

<sup>1/</sup> Indicate timing, i.e., before clearing (BC) or after clearing (AC). Applicable to B5.212.

**A8 – Forest Service Engineering Completion Schedule**, applicable to B5.21

Road No.	Road Name	Type of Work	Completion Date
N/A			

**A9 – Scaling Instructions and Specifications**, applicable to B6.8

Name and Date of Governing Instructions: FSH 2409.11a, National Forest Cubic Log Scaling Handbook, as Amended and supplemented. Governing instructions contained in C Provisions follow:

Scaling Specifications					
Species	Product	Maximum Scaling Length (feet)	Trim Allowance		
			Diameter Range (inches)	Length Range (feet)	Trim Allowance (inches)
ALL	ALL	20	ALL	ALL	6

**A10 – Scaling Services**, applicable to B6.81

Species	Product	Unit of Measure	Site and Geographic Location	Method	Standard Estimated Cost per Unit \$
ALL	ALL	TON	Approved locations with State certified scales meeting the requirements contained in B6.814	Total (100%) Weight Scale	0.00

**A11 – Minimum Scaling Volumes**, applicable to B6.81

Minimum volume for Continuous Scaling Services in two-week period N/A per scaler  
 Minimum volume for Intermittent Scaling Services N/A on a \_\_\_\_\_ basis

**A12 – Fire Precautionary Period**, applicable to B7.2

May 1 to September 30, inclusive

**A13 – Purchaser Responsibility to Furnish Crews and Equipment for:**

**Initial Fire Suppression**, applicable to B7.3

Within 10 road miles

**Fire Suppression Reinforcement**, applicable to B7.312 and B7.313

Within 50 road miles

**A14 – Purchaser’s Obligation per Operations Fire**, applicable to B7.41

Maximum Amount: \$ 4,200.00

**A15 – Termination Date**, applicable to B8.2

September 30, 2018

**A16 – Normal Operating Season**, applicable to B6.31, B6.66, B8.21, and B9.3

First Period: July 15 to September 30, inclusive

Second Period: \_\_\_\_\_ to \_\_\_\_\_, inclusive

**A17 – Performance Bond**, applicable to B9.1

Performance Bond Amount: \$ \_\_\_\_\_

**A18 – Downpayment**, applicable to B4.211

Downpayment Amount: \$ \_\_\_\_\_

**A19 – Periodic Payment Amounts**, applicable to B4.213

	Periodic Payment Determination Date	Amount
Initial Payment:	_____	\$ _____
Additional Payment:	_____	\$ _____

**A20 – Market-Related Contract Term Addition Producer Price Index**, applicable to B8.212

Index Name: Softwood Lumber Index Number: 0811

## A21 – Inapplicable Standard Provisions

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

B4.21 Downpayment	B6.84 Accountability
B4.4 Payments not Received	B6.841 Route of Haul
B6.23 Protection of Land Survey Monuments	B6.85 Scaling Lost products
B6.35 Equipment Cleaning	B8.212 Market Related Contract Term Addition

## A22 – List of Special Provisions

The following listed special provisions are attached to and made a part of this contract as Division C. 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.)

C2.2# - UTILIZATION AND REMOVAL OF INCLUDED PRODUCTS (4/03).

C2.303# - DEAD TREES (10/04).

C2.38# - SPECIES DESIGNATION (1/09)

C4.211 - DOWNPAYMENT (6/07).

C4.212 – TEMPORARY REDUCTION OF DOWNPAYMENT (8/09).

C4.228# - SLASH DISPOSAL DEPOSIT SCHEDULE (2/09).

C4.4 - PAYMENTS NOT RECEIVED (8/12).

C5.12# – USE OF ROADS BY PURCHASER (6/99).

C5.31# – ROAD MAINTENANCE REQUIREMENTS (7/01).

-T101 Surface Blading

-T103 Dust Abatement

-T301 Ditch Cleaning

-T310 Minor Drainage Structures

-T506 Clearing Roadway Vegetation

-T507 Cutting Roadside Vegetation

-T618 Major Drainage Structures

-T619 Miscellaneous Structures

-T710 Traffic Services

C5.314# - DUST ABATEMENT TREATMENT (2/02).

C5.316 - SNOW REMOVAL. (4/13).

C5.32# – ROAD MAINTENANCE DEPOSIT SCHEDULE (8/12).

C5.41# - CLOSURE TO USE BY OTHERS (3/07).

C6.10 - PREWORK CONFERENCE (10/04).

C6.23 - PROTECTION OF LAND SURVEY MONUMENTS (10/04).

C6.24# – SITE SPECIFIC SPECIAL PROTECTION MEASURES (4/04).

C6.316# - LIMITED OPERATING PERIOD (5/05).

B6.33 – SAFETY ATTACHMENT – LOGGING AND MAINTENANCE OPERATIONS SIGNING STANDARDS (10/01)

C6.332 – SAFETY (TIMBER HAULING) (10/04)

C6339 – ACCIDENT AND INJURY NOTIFICATION (4/05)

C6.351 # – WASHING EQUIPMENT (7/07).

C6.4# - CONDUCT OF LOGGING (10/82).

C6.6 - EROSION PREVENTION AND CONTROL (10/04).

C6.601# - EROSION CONTROL SEEDING (3/07).

C6.632# - TEMPORARY ROAD AND TRACTOR ROAD OBLITERATION (2/02).

C6.633# - TEMPORARY ROAD, SKID TRAIL/SKID ROAD AND LANDING SCARIFICATION (10/04).

C6.661 - CURRENT OPERATING AREAS (10/04).

C6.7 - HAZARD REDUCTION AND SITE PREPARATION (3/89).

C6.71 - CHANGE IN SLASH TREATMENTS (3/90).

C6.711 - BURNING BY PURCHASER (10/79).

C6.753 - TEMPORARY ROAD CONSTRUCTION SLASH DISPOSAL (10/82).

C6.801 - SCALING (PULP LOGS) (10/04).

C6.822 - PRESENTATION FOR WEIGHT SCALING. (4/13)

C6.823 - VOLUME DETERMINATION. (4/13)

C6.848 - WEIGHT ACCOUNTABILITY FOR SPLIT PRICING (3/12).

C6.849 - ROUTE OF HAUL. (4/13).

C7.2 - NORMAL PRECAUTIONS (2/02).

C7.21 - PUMP AND TRAILER (7/71).

C8.212 - MARKET-RELATED CONTRACT TERM ADDITION (11/08).

C8.66# – USE OF TIMBER (Option 1) (4/04).