

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

TIMBER SALE CONTRACT

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

National Forest
Wallowa-Whitman

Ranger District
Wallowa Valley

Region
Pacific N-West

Contract Number

Sale Name

Cold Canal SBA

Award Date

Termination Date

10/31/2019

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 9136 acres more or less is located in:

T.3S, R.45E., Section 25. T.3S., R.46E., Sections 25,26,27,28,30,31,32,33,34, and 35. T.3S, R.47E., Sections 25 and 30. T.4S., R.46E., Sections 2,4,5,6,10, and 11. Willamette Meridian.

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
Douglas-fir & Western larch	Sawtimber	777.00	CCF	7.0	1	8	5.0	40
Lodgepole Pine	Sawtimber	841.00	CCF	7.0	1	8	5.0	40
White Fir & Other Coniferous Species	Sawtimber	2,902.00	CCF	7.0	1	8	5.0	40
White Fir & Other Coniferous Species	Grn Bio Cv	843.00	CCF	5.0	1	12	3.0	N/A
Total Quantity		5,363.00	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)	_____	866
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) \$			
Douglas-fir & Western larch	Sawtimber	CCF	3.00	21.20			1.14	181.09	
Lodgepole Pine	Sawtimber	CCF	1.00	4.94			1.14	188.54	
White Fir & Other Coniferous Species	Sawtimber	CCF	3.00	27.68			1.14	173.52	

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) \$		
White Fir & Other Coniferous Species	Grn Bio Cv	CCF	.25	.25			1.14	

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 \$		
10	47	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	14.00 CCF 31.00 CCF 106.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 22.00 CCF	197.22		
		Total PU Quantity And Value	151.00 CCF				Total PU Quantity And Value	22.00 CCF
11	52	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	81.00 CCF 101.00 CCF 177.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 67.00 CCF	485.64		
		Total PU Quantity And Value	359.00 CCF				Total PU Quantity And Value	67.00 CCF
12	30	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	54.00 CCF 44.00 CCF 61.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 26.00 CCF	210.90		
		Total PU Quantity And Value	159.00 CCF				Total PU Quantity And Value	26.00 CCF
13	34	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	31.00 CCF 75.00 CCF 143.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 55.00 CCF	346.56		
		Total PU Quantity And Value	249.00 CCF				Total PU Quantity And Value	55.00 CCF
14	65	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	127.00 CCF 104.00 CCF 114.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 52.00 CCF	452.58		
		Total PU Quantity And Value	345.00 CCF				Total PU Quantity And Value	52.00 CCF
15	18	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	23.00 CCF 18.00 CCF 48.00 CCF	White Fir & Other Coniferous Species	Grn Bio Cv 18.00 CCF	121.98		
		Total PU Quantity And Value	89.00 CCF				Total PU Quantity And Value	18.00 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 \$
2	122	Douglas-fir & Western larch	Sawtimber	68.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	109.00 CCF		811.68
		Lodgepole Pine	Sawtimber	48.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	487.00 CCF						
		Total PU Quantity And Value		603.00 CCF	Total PU Quantity And Value			109.00 CCF		
23	38	Douglas-fir & Western larch	Sawtimber	11.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	40.00 CCF		185.82
		Lodgepole Pine	Sawtimber	6.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	106.00 CCF						
		Total PU Quantity And Value		123.00 CCF	Total PU Quantity And Value			40.00 CCF		
25	13	Douglas-fir & Western larch	Sawtimber	27.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	5.00 CCF		47.88
		Lodgepole Pine	Sawtimber	4.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	6.00 CCF						
		Total PU Quantity And Value		37.00 CCF	Total PU Quantity And Value			5.00 CCF		
27	6	Douglas-fir & Western larch	Sawtimber	8.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	5.00 CCF		50.16
		Lodgepole Pine	Sawtimber	2.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	29.00 CCF						
		Total PU Quantity And Value		39.00 CCF	Total PU Quantity And Value			5.00 CCF		
3	40	Douglas-fir & Western larch	Sawtimber	61.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	38.00 CCF		332.88
		Lodgepole Pine	Sawtimber	29.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	164.00 CCF						
		Total PU Quantity And Value		254.00 CCF	Total PU Quantity And Value			38.00 CCF		
4	154	Douglas-fir & Western larch	Sawtimber	128.00 CCF		White Fir & Other Coniferous Species	Grn Bio Cv	169.00 CCF		1,096.68
		Lodgepole Pine	Sawtimber	64.00 CCF						
		White Fir & Other Coniferous Species	Sawtimber	601.00 CCF						
		Total PU Quantity And Value		793.00 CCF	Total PU Quantity And Value			169.00 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 \$
5	40	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 23.00 CCF <i>Sawtimber</i> 30.00 CCF <i>Sawtimber</i> 110.00 CCF			217.74
				White Fir & Other Coniferous Species	Grn Bio Cv 28.00 CCF	
		Total PU Quantity And Value	163.00 CCF	Total PU Quantity And Value	28.00 CCF	
52	30	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 32.00 CCF <i>Sawtimber</i> 18.00 CCF <i>Sawtimber</i> 148.00 CCF			242.82
				White Fir & Other Coniferous Species	Grn Bio Cv 15.00 CCF	
		Total PU Quantity And Value	198.00 CCF	Total PU Quantity And Value	15.00 CCF	
53	36	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 10.00 CCF <i>Sawtimber</i> 62.00 CCF <i>Sawtimber</i> 110.00 CCF			247.38
				White Fir & Other Coniferous Species	Grn Bio Cv 35.00 CCF	
		Total PU Quantity And Value	182.00 CCF	Total PU Quantity And Value	35.00 CCF	
54	15	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 7.00 CCF <i>Sawtimber</i> 2.00 CCF <i>Sawtimber</i> 50.00 CCF			85.50
				White Fir & Other Coniferous Species	Grn Bio Cv 16.00 CCF	
		Total PU Quantity And Value	59.00 CCF	Total PU Quantity And Value	16.00 CCF	
6	53	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 21.00 CCF <i>Sawtimber</i> 97.00 CCF <i>Sawtimber</i> 198.00 CCF			430.92
				White Fir & Other Coniferous Species	Grn Bio Cv 62.00 CCF	
		Total PU Quantity And Value	316.00 CCF	Total PU Quantity And Value	62.00 CCF	
7	4	Douglas-fir & Western larch Lodgepole Pine White Fir & Other Coniferous Species	<i>Sawtimber</i> 3.00 CCF <i>Sawtimber</i> 15.00 CCF <i>Sawtimber</i> 3.00 CCF			28.50
				White Fir & Other Coniferous Species	Grn Bio Cv 4.00 CCF	
		Total PU Quantity And Value	21.00 CCF	Total PU Quantity And Value	4.00 CCF	

Payment Unit No.	App. 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 \$
8	41	Douglas-fir & Western larch	<i>Sawtimber</i>	35.00 CCF		White Fir & Other Coniferous Species	<i>Grn Bio Cv</i>	62.00 CCF		378.48
		Lodgepole Pine	<i>Sawtimber</i>	53.00 CCF						
		White Fir & Other Coniferous Species	<i>Sawtimber</i>	182.00 CCF						
		Total PU Quantity And Value		270.00 CCF			Total PU Quantity And Value	62.00 CCF		
8A	1	Douglas-fir & Western larch	<i>Sawtimber</i>	2.00 CCF						3.42
		White Fir & Other Coniferous Species	<i>Sawtimber</i>	1.00 CCF						
				Total PU Quantity And Value						
9	27	Douglas-fir & Western larch	<i>Sawtimber</i>	11.00 CCF		White Fir & Other Coniferous Species	<i>Grn Bio Cv</i>	15.00 CCF		139.08
		Lodgepole Pine	<i>Sawtimber</i>	38.00 CCF						
		White Fir & Other Coniferous Species	<i>Sawtimber</i>	58.00 CCF						
		Total PU Quantity And Value		107.00 CCF			Total PU Quantity And Value	15.00 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
Douglas-fir & Western larch	WWPA, Inland Douglas Fir-Larch (12-13 Basis), (WWPAB)
Lodgepole Pine	WWPA, Inland White Woods (12-13 Basis), (WWPAC)
White Fir & Other Coniferous Species	WWPA, Inland White Fir (Hem-Fir) (12-13 Basis), (WWPAB)

AT6 - High Stumps, applicable to BT6.412

Species	Product	Maximum Stump Height (inches)
All	All	12

AT7 - Specified Roads, applicable to BT5.2

Name and Date of Governing Road Specifications:

Project		Design Class	Approx. Length (mi./km.)	Sheet Numbers and Approval Date	Performance Responsibility		
Road No.	Name				Survey	Design	Construction Staking 1/
NOT APPLICABLE							

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
NOT APPLICABLE			

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 Suppression, 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

October 31, 2019

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

First Period: June 01 to October 31, inclusive

Second Period: December 01 to February 28, 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:	_____	_____
Additional Payment:	_____	_____

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.)

CT2.3#	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)
CT5.1# (OPTION 1)	TEMPORARY ROAD AND LANDING CONSTRUCTION (06/2008)
CT5.12#	USE OF ROADS BY PURCHASER (06/1999)
CT5.31#	ROAD MAINTENANCE REQUIREMENTS (07/2001)
CT5.32#	ROAD MAINTENANCE DEPOSIT SCHEDULE (08/2012)
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)
CT8.4	PERFORMANCE BY OTHER THAN PURCHASER (04/2004)
CT8.66# (Option 1)	USE OF TIMBER (04/2004)
CT8.73	REQUIREMENT FOR SMALL BUSINESS PROCESSING (04/2004)