

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

**TIMBER SALE CONTRACT**

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

**National Forest**  
Fremont-Winema

**Ranger District**  
Chiloquin

**Region**  
Pacific N-West

**Contract Number**

**Sale Name**  
Butte Reoffer

**Award Date**

**Termination Date**  
10/31/2015

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:<sup>1/</sup>

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

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

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

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

By: \_\_\_\_\_  
Contracting Officer

\_\_\_\_\_  
(Title)

By: \_\_\_\_\_  
(Purchaser) <sup>2/</sup>

\_\_\_\_\_  
(Title)

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

I, <sup>3/</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>4/</sup>

**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 2236 acres more or less is located in:

T.33 S., R.8 E., Sections 9, 10, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and T. 33 S. R. 9 E., Sections 19 and 30; Willamette Meridian, Surveyed, Klamath 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	7,016.00	CCF	7.0	1	8	5.0	40
Ponderosa Pine and Sugar Pine	Sawtimber	6,504.00	CCF	9.0	1	16	6.0	40
Softwood Other	Grn Bio Cv	3,956.00	CCF	4.0	1	8	3.0	N/A
<b>Timber Subject to Agreement under CT2.11#</b>								
Softwood Other	Misc-Conv.	unestimated	CCF	N/A	1	1	1.0	N/A
<b>Total Quantity</b>		17,476.00	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)	_____	1,992
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	1.00	1.00			2.17	146.88

**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 and Sugar Pine	Sawtimber	CCF	1.00	1.00			2.17
Softwood Other	Grn Bio Cv	CCF	.25	.25			2.17
<b>Timber Subject to Agreement under CT2.11#</b>							
Softwood Other	Misc-Conv.	CCF	.25	.25			.00

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 \$
01	118	Lodgepole Pine and Other Coniferous Species	123.00 CCF			2,081.03
		Ponderosa Pine and Sugar Pine		624.00 CCF		
		Softwood Other		212.00 CCF		
		<b>Total PU Quantity And Value</b>	123.00 CCF	<b>Total PU Quantity And Value</b>	836.00 CCF	
02	154	Lodgepole Pine and Other Coniferous Species	45.00 CCF			2,821.00
		Ponderosa Pine and Sugar Pine		1,005.00 CCF		
		Softwood Other		250.00 CCF		
		<b>Total PU Quantity And Value</b>	45.00 CCF	<b>Total PU Quantity And Value</b>	1,255.00 CCF	
03	17	Lodgepole Pine and Other Coniferous Species	126.00 CCF			646.66
		Ponderosa Pine and Sugar Pine		113.00 CCF		
		Softwood Other		59.00 CCF		
		<b>Total PU Quantity And Value</b>	126.00 CCF	<b>Total PU Quantity And Value</b>	172.00 CCF	
04	18	Lodgepole Pine and Other Coniferous Species	134.00 CCF			687.89
		Ponderosa Pine and Sugar Pine		120.00 CCF		
		Softwood Other		63.00 CCF		
		<b>Total PU Quantity And Value</b>	134.00 CCF	<b>Total PU Quantity And Value</b>	183.00 CCF	
05	58	Lodgepole Pine and Other Coniferous Species	26.00 CCF			1,087.17
		Ponderosa Pine and Sugar Pine		356.00 CCF		
		Softwood Other		119.00 CCF		
		<b>Total PU Quantity And Value</b>	26.00 CCF	<b>Total PU Quantity And Value</b>	475.00 CCF	
06	176	Lodgepole Pine and Other Coniferous Species	1,165.00 CCF			3,738.91
		Ponderosa Pine and Sugar Pine		155.00 CCF		
		Softwood Other		403.00 CCF		
		<b>Total PU Quantity And Value</b>	1,165.00 CCF	<b>Total PU Quantity And Value</b>	558.00 CCF	
07	68	Lodgepole Pine and Other Coniferous Species	337.00 CCF			1,082.83
		Ponderosa Pine and Sugar Pine		83.00 CCF		
		Softwood Other		79.00 CCF		
		<b>Total PU Quantity And Value</b>	337.00 CCF	<b>Total PU Quantity And Value</b>	162.00 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 \$
08	53	Lodgepole Pine and Other Coniferous Species	351.00 CCF	Ponderosa Pine and Sugar Pine	47.00 CCF	1,126.23
				Softwood Other	121.00 CCF	
		<b>Total PU Quantity And Value</b>	351.00 CCF	<b>Total PU Quantity And Value</b>	168.00 CCF	
09	37	Lodgepole Pine and Other Coniferous Species	245.00 CCF	Ponderosa Pine and Sugar Pine	33.00 CCF	787.71
				Softwood Other	85.00 CCF	
		<b>Total PU Quantity And Value</b>	245.00 CCF	<b>Total PU Quantity And Value</b>	118.00 CCF	
10	16	Lodgepole Pine and Other Coniferous Species	106.00 CCF	Ponderosa Pine and Sugar Pine	14.00 CCF	340.69
				Softwood Other	37.00 CCF	
		<b>Total PU Quantity And Value</b>	106.00 CCF	<b>Total PU Quantity And Value</b>	51.00 CCF	
12	69	Lodgepole Pine and Other Coniferous Species	457.00 CCF	Ponderosa Pine and Sugar Pine	61.00 CCF	1,466.92
				Softwood Other	158.00 CCF	
		<b>Total PU Quantity And Value</b>	457.00 CCF	<b>Total PU Quantity And Value</b>	219.00 CCF	
13	23	Lodgepole Pine and Other Coniferous Species	152.00 CCF	Ponderosa Pine and Sugar Pine	20.00 CCF	488.25
				Softwood Other	53.00 CCF	
		<b>Total PU Quantity And Value</b>	152.00 CCF	<b>Total PU Quantity And Value</b>	73.00 CCF	
14	156	Lodgepole Pine and Other Coniferous Species	1,033.00 CCF	Ponderosa Pine and Sugar Pine	137.00 CCF	3,313.59
				Softwood Other	357.00 CCF	
		<b>Total PU Quantity And Value</b>	1,033.00 CCF	<b>Total PU Quantity And Value</b>	494.00 CCF	
15	88	Lodgepole Pine and Other Coniferous Species	6.00 CCF	Ponderosa Pine and Sugar Pine	484.00 CCF	1,434.37
				Softwood Other	171.00 CCF	
		<b>Total PU Quantity And Value</b>	6.00 CCF	<b>Total PU Quantity And Value</b>	655.00 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 \$
16	14	Lodgepole Pine and Other Coniferous Species	2.00 CCF	Ponderosa Pine and Sugar Pine	35.00 CCF	121.52
				Softwood Other	19.00 CCF	
		<b>Total PU Quantity And Value</b>	2.00 CCF	<b>Total PU Quantity And Value</b>	54.00 CCF	
17	57	Lodgepole Pine and Other Coniferous Species	191.00 CCF	Ponderosa Pine and Sugar Pine	245.00 CCF	1,130.57
				Softwood Other	85.00 CCF	
		<b>Total PU Quantity And Value</b>	191.00 CCF	<b>Total PU Quantity And Value</b>	330.00 CCF	
18	86	Lodgepole Pine and Other Coniferous Species	9.00 CCF	Ponderosa Pine and Sugar Pine	325.00 CCF	978.67
				Softwood Other	117.00 CCF	
		<b>Total PU Quantity And Value</b>	9.00 CCF	<b>Total PU Quantity And Value</b>	442.00 CCF	
19	38	Lodgepole Pine and Other Coniferous Species	283.00 CCF	Ponderosa Pine and Sugar Pine	254.00 CCF	1,451.73
				Softwood Other	132.00 CCF	
		<b>Total PU Quantity And Value</b>	283.00 CCF	<b>Total PU Quantity And Value</b>	386.00 CCF	
20	16	Lodgepole Pine and Other Coniferous Species	41.00 CCF	Ponderosa Pine and Sugar Pine	71.00 CCF	295.12
				Softwood Other	24.00 CCF	
		<b>Total PU Quantity And Value</b>	41.00 CCF	<b>Total PU Quantity And Value</b>	95.00 CCF	
21	75	Lodgepole Pine and Other Coniferous Species	176.00 CCF	Ponderosa Pine and Sugar Pine	168.00 CCF	928.76
				Softwood Other	84.00 CCF	
		<b>Total PU Quantity And Value</b>	176.00 CCF	<b>Total PU Quantity And Value</b>	252.00 CCF	
22	122	Lodgepole Pine and Other Coniferous Species	808.00 CCF	Ponderosa Pine and Sugar Pine	107.00 CCF	2,590.98
				Softwood Other	279.00 CCF	
		<b>Total PU Quantity And Value</b>	808.00 CCF	<b>Total PU Quantity And Value</b>	386.00 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 \$
24	21	Lodgepole Pine and Other Coniferous Species	139.00 CCF	Ponderosa Pine and Sugar Pine	87.00 CCF	557.69
				Softwood Other	31.00 CCF	
		<b>Total PU Quantity And Value</b>	139.00 CCF	<b>Total PU Quantity And Value</b>	118.00 CCF	
25	116	Lodgepole Pine and Other Coniferous Species	60.00 CCF	Ponderosa Pine and Sugar Pine	476.00 CCF	1,547.21
				Softwood Other	177.00 CCF	
		<b>Total PU Quantity And Value</b>	60.00 CCF	<b>Total PU Quantity And Value</b>	653.00 CCF	
26	43	Lodgepole Pine and Other Coniferous Species	285.00 CCF	Ponderosa Pine and Sugar Pine	38.00 CCF	913.57
				Softwood Other	98.00 CCF	
		<b>Total PU Quantity And Value</b>	285.00 CCF	<b>Total PU Quantity And Value</b>	136.00 CCF	
27	125	Lodgepole Pine and Other Coniferous Species	145.00 CCF	Ponderosa Pine and Sugar Pine	544.00 CCF	2,031.12
				Softwood Other	247.00 CCF	
		<b>Total PU Quantity And Value</b>	145.00 CCF	<b>Total PU Quantity And Value</b>	791.00 CCF	
28	103	Lodgepole Pine and Other Coniferous Species	246.00 CCF	Ponderosa Pine and Sugar Pine	501.00 CCF	2,052.82
				Softwood Other	199.00 CCF	
		<b>Total PU Quantity And Value</b>	246.00 CCF	<b>Total PU Quantity And Value</b>	700.00 CCF	
29	27	Lodgepole Pine and Other Coniferous Species	179.00 CCF	Ponderosa Pine and Sugar Pine	24.00 CCF	575.05
				Softwood Other	62.00 CCF	
		<b>Total PU Quantity And Value</b>	179.00 CCF	<b>Total PU Quantity And Value</b>	86.00 CCF	
30	98	Lodgepole Pine and Other Coniferous Species	146.00 CCF	Ponderosa Pine and Sugar Pine	377.00 CCF	1,644.86
				Softwood Other	235.00 CCF	
		<b>Total PU Quantity And Value</b>	146.00 CCF	<b>Total PU Quantity And Value</b>	612.00 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 (07-08 Basis), (WWPAC)

**AT6 - High Stumps**, applicable to BT6.412

Species	Product	Maximum Stump Height * (inches)
All	Sawtimber	12
Softwood Other	Grn Bio Cv	6

\* All Sawtimber will have a minimum stump of 3" left after harvest.

**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/
<b>NOT APPLICABLE</b>							

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
<b>NOT APPLICABLE</b>			

**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, 2015

**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:** \_\_\_\_\_ 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>
<b>Initial Payment:</b>	_____	_____
<b>Additional Payment:</b>	_____	_____

**AT17 - Market-Related Contract Term Addition Producer Price Index**, applicable to BT8.212

**Index Name:** Not Applicable      **Index Number:** N/A

**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

**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)
CT2.352#	DESIGNATION BY SPECIES AND DIAMETER (04/2004)
CT4.211	DOWNPAYMENT (06/2007)
CT4.212	TEMPORARY REDUCTION OF DOWNPAYMENT (08/2009)
CT5.1# (OPTION 3)	ROAD CLOSURE REQUIREMENTS FOR TEMPORARY ROADS (06/2008)
CT5.12#	USE OF ROADS BY PURCHASER (06/1999)
CT5.31#	ROAD MAINTENANCE REQUIREMENTS (07/2001)
CT5.32#	ROAD MAINTENANCE DEPOSIT SCHEDULE (07/2001)
CT6.24#	SITE SPECIFIC SPECIAL PROTECTION MEASURES (04/2004)
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 THE PURCHASER (07/2001)
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)
CT8.66# (Option 1)	USE OF TIMBER (04/2004)