

FSM 2400, Zero Code: Last amended 9/28/2009.

- Updates the list of principle statutes governing the sale and disposal of timber and other forest products and removes the summary of each. See Digest for list.
- Removed references to obsolete non-procurement debarment and suspension regulations and cites the updated regulations.
- Incorporates objectives and policies, authorities for Chief and other Line Officers previously included in other Batch 1 directives
- Adds policy on the use of Stewardship and Good Neighbor authorities to “use an appropriate mix of authorities including Stewardship and Good Neighbor to achieve forest management objectives, considering cost effectiveness as well as local needs and capacity.”
- Adds authorities for Stewardship and Good Neighbor Agreements [that include the sale or disposal of National Forest System forest products] and authority of Regional Forester to re-delegate [the authority below the Regional Forester level in writing to a named individual; FSM 2404.21].
- Removed references in 2404.21 to line officers authority to approve multi-sale decision documents. This authority is more appropriately addressed in the FSM 1900 planning directives.
- Establishes limits on authorities for Free Use for Federally Recognized Tribes (Exhibit 01). [FSM 2404.28, Exhibit 01]
- Updates Exhibit 01 Delegated Authority to Sell and Dispose of National Forest Timber and Forest Products and adds authorities to dispose of timber under Good Neighbor Agreements (Exhibit 01). [FSM 2404.28, Exhibit 01]
- Increases authority of Forest Supervisors, District Rangers and Station Directors for Integrated Resource Timber Sales, Integrated Resource Service Contracts, and Stewardship Agreements.
- Adds references to FSH 2409.12b Timber and Forest Products Trespass/Theft Procedures Handbook and FSH 2409.18a Timber Sale Debarment and Suspension Procedures Handbook to list of approved handbooks.

FSM 2430 Commercial Timber Sales: Last amended 6/2/2014.

- Authorities, statements moved to FSM 2401 to provide easier access and moves Objectives, Policy, and Responsibilities to appropriate FSHs.
- 2431.14 – Adds authority for certain stewardship contracts to be up to 20 years in length from Consolidated Appropriations Act, 2018’
- 2431.31 – Establishes new (lower) national minimum rates for National Forest timber sales and clarifies use of minimum rates on stewardship projects to gain better utilization and increase the merchantability of low value material resulting from restoration activities. Maintains the requirement for appraisal to determine fair market value.
- Clarifies that under the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6591c), as amended March 2018, the ability to collect KV dollars under the “Knutson-Vanderberg ² Act”) (16 U.S.C. 576 et seq.) is no longer applicable to stewardship end result contracting projects.
- 2431.41 – Adds references to 36 CFR 223.302 (Stewardship) and FSH 2409.19, sec. 63.
- 2431.8 – Revises private land access policy for timber sales from acquisition of permanent easement (FSM 5460) to acquiring “...appropriate easement for the level of access needed pursuant to direction in FSM 2460].
- 2432.32 – Adds direction on selecting the appropriate contract or agreement at the beginning of Gate 3. Provides two new exhibits for use- Best Tool Decision Tree and Decision Considerations.

- 2432.33 Adds direction to consider both the cost to prepare and the cost to administer a sale when selecting method for designating and cruising timber.
- 2433 moved most material pertaining to suspension and debarment to new FSH 2409.18a Timber Sale Debarment and Suspension Procedures Handbook.
- 2432.54 retitled “Bid Protests.” New section adding existing policy regarding Bid Protests. Refers readers to FSH 2409.18, section 66 for procedures to follow when a bid protest is filed.

FSM 2440 Designating, Cruising, Scaling and Accountability: Last amended 8/13/2004.

- Incorporates Designation by Prescription (2014 Farm Bill) Interim Directive (I.D.) with changes, into the parent text.
- Adds requirement to include analysis supporting decision to use Designation by Prescription in the cruise plan. 2441.03 adds policy not included in the ID that: Designation by Description (DxD) and Designation by Prescription (DxP) shall not be used in situations where marking cut or leave trees in advance of harvesting is necessary to verify compliance with the description or prescription.
- 2441.04b removes the Regional Forester authority to establish policy governing the methods of designating timber in a manner that is more restrictive than national policy.
- 2441.11a Removes authorization to require purchaser marking of leave trees under DxP. Authorizes purchasers to mark, with paint, both cut and leave trees as an operational convenience on DxD and DxP sales. This is a change from the direction in the ID.
- 2440.5 adds definitions for Designation by Description and Designation by Prescription

Changes in response to public comment:

- 2404.16a: Changed language to allow Forest Supervisors to establish utilization standards for sawtimber and other forest products. This is a change from authorization being at the Regional Forester level.
- 2404.1: A commenter recommended that they agency maintain a timber sale schedule online that is regularly updated when key information such as sale dates or volume are changed. The agency is currently in the process of launching a new web-based timber sale dashboard that will be updated weekly.
- 2441: A 2015 interim directive authorized Regional Foresters to require purchasers to mark leave trees in advance of cutting on sales applying designation by prescription (DxP) while cut tree marking by purchasers was prohibited. After considering comments that this constitutes purchaser marking and not DxP, the directive was updated to prohibit requiring purchaser marking while allowing purchasers to mark cut or leave trees at their discretion.
- 2442: A comment questioned continuing the national policy that all timber sales be sold as tree measurement sales, with exceptions. The directive was updated to read “*Ensure all timber sale measurement methods are selected based on need for appropriate accountability considering timber values and cost-effectiveness and efficiency in timber sale preparation and administration.*”
- 2431.37 Western Wood Products Association (WWPA) indices are used for appraisals and stumpage rate adjustment in the Western Regions (Regions 1-6). A commenter suggested changing the authority to select which WWPA index to use for ponderosa pine from the District Ranger to the Regional Forester. The agency decision is to maintain general direction with the Regional Forester but allow selection on a sale-by-sale basis with the District Ranger.
- 2456.1 A comment recommended the agency accept multiple bonds on longer term contracts rather than requiring a single bond for the entire contract term. FS policy is to require a single

bond only when the contract period is 5 years or less. While no change in policy is needed to implement the suggestion, the agency recognizes that more research into bonding options for long term contracts is needed.

FSM 2450 Timber Sale Contract Administration: Last amended 6/10/2004.

- Removes responsibilities, authorities and regulations to FSM 2401.2. Updates laws and regulations since chapter last amended pertaining to contract administration:
 - [Legal Review and Execution of Settlement Agreements. USDA Departmental Regulation DR 1521-001, January 4, 2018 establishes requirements for obtaining legal sufficiency review and concurrence for monetary settlement agreements above certain thresholds.]
- 2450.46 adds Forest Products Resource Specialist to the timber sale contract administration team, but does not delegate new contractual authority to that position.
- 2452.4, 41-45 revises minimum requirements and training requirements for Contract administration personnel.
- 2453.03 adds section clarifying that changes to policy and regulation do not normally apply retroactively to existing contracts. Provides direction on appropriate use of contract modifications.
- 2454 adds requirement that Regions provide electronic copies of timber sale claims, Contracting Officer decisions and any appeals to the Washington Office sale administration specialist for tracking purposes.

FSH 2409.15, Zero Code: Last amended 9/19/1996.

- Clarifies objectives, responsibilities, changes in terminology and use of forms resulting from stewardship and other authorities, and cross references various contract form provisions related to contract administration and adds list of current contract forms.

FSH 2409.15, Chapter 10 Fundamentals of Timber Sale Contracts: Last amended 6/25/2003.

- Moves policy information to FSM 2450.3.
- Clarifies information pertaining to the fundamentals of timber sale contract administration.
- 13.3 clarifies that Forest Service manuals, handbooks, environmental analysis among other documents are used as guides to interpret the contract.

FSH 2409.15, Chapter 30 Change in Status of Contracts: Last amended 3/16/2015.

- Removes references to obsolete contract forms and updates chapter to address contract forms adopted since the chapter was last amended.
- Adds and clarifies administrative requirements for contract Modifications and Extensions

FSH 2409.15, Chapter 50 Specified Transportation Facilities: Last amended 4/1/1999.

- Revises and updates information, procedures and direction throughout the chapter.
- Removes references to obsolete authority for Purchaser Credit.
- 53 – Adds new information on Temporary Roads previously in FSH 2409.15, Chapter 60.

FSH 2409.15, Chapter 70 Contract Claims and Disputes: Last updated 11/21/2003.

- Revises, reorganizes, recodes and updates entire chapter to include stewardship contracts, settlement agreements and claims tracking
- Updates statutory references to Contracts Disputes Act.
- Adds further direction on Contracting Officer Decisions, claims and appeal files.



- 72.61 - Adds policy clarification on the use of offset receipts from stewardship contracts [section 205 of the Consolidated Appropriations Act, 2018, Note that excess offset receipts must first be used for all outstanding cancellation liabilities and only then may be used for other stewardship projects.]

FSH 2409.18a Timber Sale Debarment and Suspension Procedures: New Handbook

This is a new handbook consisting of material formerly in FSM 2433 and FSM 2455. It includes three chapters that incorporate and reorganize information to provide one source for all responsibilities and procedures regarding non-procurement suspension and debarment.

FSH 2409.18a Chapter 10 Non-procurement Debarment and Suspension

- Updates references throughout. Removes references to obsolete Excluded Parties List website and replaces with the current System for Award Management (SAM) website.

FSH 2409.18a Chapter 20 Debarment for Export Violations

- 22.1 – Removes the requirement in the debarment referral record to include the complete contract requires providing the signature pages.
- Removes wording throughout referencing the USDA Board of Contract Appeals and Excluded Parties List System (EPLS).

