

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

**TIMBER SALE CONTRACT**

(Applicable to Sales to be Measured before Felling)

Name of Purchaser

**National Forest**

Mt. Baker/Snoqualmie

**Ranger District**

Darrington

**Region**

Pacific N-West

**Contract Number**

**Sale Name**

Decline Thin

**Award Date**

**Termination Date**

10/31/2013

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 997 acres more or less is located in:

SE 1/4 Sec. 22, SW 1/4 Sec. 23, Sec. 26, Sec. 27, Sec. 35, T32N, R10E, W.M.

**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	Sawtimber	5,360.68	CCF	7	1	16	5	40
Western Hemlock	Sawtimber	8,325.28	CCF	7	1	16	5	40
Nonsawtimber	Non-Saw	0.72	CCF	7	1	16	5	40
<b>Total Quantity</b>		13,686.68	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)	_____	306.99
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	Sawtimber	CCF	6.00	79.30			3.11	159.40	
Western Hemlock	Sawtimber	CCF	3.00	53.69			3.11	129.02	

**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) \$		
Nonsawtimber	Non-Saw	CCF	.50	.50			3.11	

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.	Approx. 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 \$
1	74.94	Douglas-fir <i>Sawtimber</i> 2,019.17 CCF				12,901.31
		Western Hemlock <i>Sawtimber</i> 2,128.67 CCF				
				Nonsawtimber Non-Saw 0.49 CCF		
		<b>Total PU Quantity And Value</b> 4,147.84 CCF		<b>Total PU Quantity And Value</b> .49 CCF		
2	88.29	Douglas-fir <i>Sawtimber</i> 1,374.50 CCF				13,490.62
		Western Hemlock <i>Sawtimber</i> 2,963.32 CCF				
		<b>Total PU Quantity And Value</b> 4,337.82 CCF				
3	41.48	Douglas-fir <i>Sawtimber</i> 854.74 CCF				7,213.83
		Western Hemlock <i>Sawtimber</i> 1,464.82 CCF				
		<b>Total PU Quantity And Value</b> 2,319.56 CCF				
4	102.3	Douglas-fir <i>Sawtimber</i> 1,112.27 CCF				8,959.82
		Western Hemlock <i>Sawtimber</i> 1,768.47 CCF				
				Nonsawtimber Non-Saw 0.23 CCF		
		<b>Total PU Quantity And Value</b> 2,880.74 CCF		<b>Total PU Quantity And Value</b> .23 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	WWPA, PNW Douglas Fir (02-03 Basis), (PNWCD)
Western Hemlock	WWPA, PNW Hem-Fir (02-03 Basis), (PNWCC)

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

Species	Product	Maximum Stump Height (inches)
All	All	12

**AT7 - Specified Roads**, applicable to BT5.2Name 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 <sup>1/</sup>
2430	Conn Creek Bridge (C) (segment 1.61 to 1.77)	Single Lane - 25 mph	.1 / .16	3-64 08/05/2008	FS	FS	FS BC
24	Dan Creek (R) (segment 0 to 12.86)	Single Lane - 25 mph	7.99 / 12.86	3-64 08/05/2008	FS	FS	FS BC
2432	Dapper Dan (R) (segment 0 to 2.77)	Single Lane - 15 mph	1.72 / 2.77	3-64 08/05/2008	FS	FS	FS BC
2430	Decline Creek (R) (segment 0 to 9.3)	Single Lane - 25 mph	5.78 / 9.3	3-64 08/05/2008	FS	FS	FS BC
2430014	Upper Eina (R) (segment 0 to .77)	Single Lane - 15 mph	.48 / .77	3-64 08/05/2008	FS	FS	FS BC

<sup>1/</sup> 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
2430	Conn Creek Bridge (C) (segment 1.61 to 1.77)	Survey and Design and Construction Stakin	02/01/2009

**AT9 - Fire Precautionary Period**, applicable to BT7.2April 15 to October 15, inclusive**AT10 - Purchaser Responsibility to Furnish Crews and Equipment for:****Initial Fire Suppression**, applicable to BT7.3Within 0 road miles**Fire Suppression Reinforcement**, applicable to BT7.312 and BT7.313Within 0 road miles**AT11 - Purchaser's Obligation per Operations Fire**, applicable to BT7.41**Maximum Amount:** \$ \$300,000**AT12 - Termination Date**, applicable to BT8.2October 31, 2013**AT13 - Normal Operating Season**, applicable to BT6.31, BT6.66, BT8.21 and BT9.3**First Period:** June 15 to November 01, 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>	<u>November 01, 2011</u>	_____
<b>Additional Payment:</b>	<u>August 24, 2012</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

**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.)

CT2.35# (OPTION 1)	INDIVIDUAL TREE DESIGNATION (06/2008)
CT4.211	DOWNPAYMENT (06/2007)
CT5.1# (OPTION 1)	TEMPORARY ROAD AND LANDING CONSTRUCTION (06/2008)
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)
CT6.405	ALTERNATE REMOVAL OF INCLUDED TIMBER (05/2005)
CT6.41#	SPECIFIC REQUIREMENTS (01/2000)
CT6.42#	YARDING/SKIDDING REQUIREMENTS (04/2003)
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)