

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

04-May-1996 08:31am

TO: (See Below)

FROM: T J Glauthier
 Office of Mgmt and Budget, NRES

SUBJECT: Replacement Timber -- Mystery Solved

The mystery has been solved--the anonymous package labelled "Alternative Timber" that appeared late Friday came from CEQ and was prepared by USDA. This is the material that Greg Frazier had promised long ago. He finally gave it to Katie yesterday afternoon, and her office dropped it off.

I'd like our OMB staff to go over it Monday morning. I'd especially like an assessment of the evaluation they've come up with regarding how much timber will need to be replaced and how much (or little) is available (note that the paper also says that because the original sales included larger and more valuable trees, "it could take nearly twice as much volume from the 1996 sales to equal the same value").

From my quick read thru, I see three problems with the paper:

First, there's no prioritization for the field. It appears that we now have an assessment that the "top priority" sales that need to be replaced are sales that total 271 mbf! That could be correct that we would ideally be able to replace that much, but I had expected some further prioritization to indicate that, say, some group of sales totalling 100 mbf was extremely damaging (trees 500 to 1,000 years old, etc), and so on. The paper does not give any direction to the field in terms of where to go first, or which sales to work on if they can't come up with enough replacement timber to do them all.

As for their overall strategy, it was my understanding that we were not going to explicitly agree to "consider minor deviations from forest plan standards and guidelines", but that we would only do that on a case by case basis, if all other options failed and the field negotiators appealed to HQ/DC.

Finally, the impression that comes across is that there is not much negotiation going on right now. I hope that's not true. They are supposed to be going full speed ahead with

negotiations to replace the most problematic sales. Please let me know what is actually happening.

Distribution:

TO: Ron Cogswell
TO: Mark A. Weatherly
TO: Ruth D. Saunders
TO: Christine L. Nolin

CC: Kathleen A. McGinty
CC: Martha Foley
CC: Jennifer M. O'Connor
CC: Ron Klain
CC: Shelley N. Fidler
CC: Dinah Bear
CC: Elena Kagan
CC: Barbara C. Chow

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

04-May-1996 05:05pm

TO: (See Below)

FROM: Dinah Bear
 Council on Environmental Quality

SUBJECT: RE: Replacement Timber -- Mystery Solved

A few thoughts to throw in the pot:

o In regards to prioritizing sales for replacement, I think the Forest Service has done that for the k(1) sales. For the k(3) sales, of course, we have legally obligated to supply replacement timber for all of the sales. So if we win the "known to be nesting" argument, that means at least 225 mbf of replacement timber - or likely much more, according to the FS. Whether, however, the statutory criteria of like kind and value, actually requires "nearly twice as much" is something I think OMB needs to scrutinize

o Justice should review this draft also (do we know if they have it?), and will no doubt have additional thoughts, but I am troubled by the wording in the next to the last line on p. 1 that says, "The Administration has taken the position in court that the alternative volume . . .". I think the first part of that statement should be dropped and it should simply read, "Alternative volume provided for these sales must comply with all laws". This is supposed to be clear guidance for the field, not a discussion of litigation positions.

o I recommend that the first full paragraph on p. 2, "However, if the 9th Circuit rules" be struck. It is full of assumptions that are not necessarily true and are not necessary for the purposes of this guidance. For example, it assumes that if lose in the 9th Circuit, we wouldn't seek a rehearing, wouldn't seek cert w/the Supremes, and wouldn't cancel. It also assumes that none of the purchasers are willing to follow env. law.

o Again, I question the "double the number" assumption on top of p. 3.

o I concur with TJ's concern about the "minor deviation" language. I liked the "call home" language that BLM used for their guidance and that USDA had for the more limited guidance.

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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

06-May-1996 11:12am

TO: Kathleen A. McGinty
TO: Martha Foley
TO: Jennifer M. O'Connor
TO: Dinah Bear
TO: T J Glauthier

FROM: Elena Kagan
Office of the Counsel

SUBJECT: alternative timber memo

A few more thoughts:

1. On the need to prioritize: I agree with TJ that there should be more guidance for the field. It's true that if we win on k3, we're legally obligated to provide replacement timber for the whole 225 mbf. But we might lose on k3 -- and if we do, we will need to know which of these sales are the worst, which the next worst, and so on. TJ's right that the memo doesn't prioritize in this way, nor does it suggest how the field folks should prioritize for themselves.
2. The memo suggests that we have no problem with any of the sales we already have been forced to release. Is that true? Or are there some previously released sales that we currently are -- or ought to be -- negotiating about? And if so, how do these sales fit within the (nonexistent) list of priorities.
3. The statement about needing twice as much alternative timber has to be deleted. Someday we may be in litigation with purchasers over whether timber we've given them is of like kind and value, and in that context, this statement will come back to haunt us.
4. To expand on the concerns raised by Dinah in her second and third bullitts, can't we cut back on a lot of this memo's statement of the problem? I'd be more comfortable if this memo didn't spend so much time characterizing our legal obligations.
5. I'm of mixed mind as to whether we should say so directly that we will exercise our right to cancel contracts if negotiations are unsuccessful. It might be helpful, from an internal point of view, to put this position on record. More, I doubt it will come as a surprise to the timber industry that we've been thinking about this option. Finally, we will need to state this position, at some point and in some context, if we want to use it as leverage. But I worry that the industry will attempt to use this memo's flat statement against us -- perhaps as a basis for immediately seeking a declaratory judgment regarding our contractual rights, or perhaps as evidence that the cancellations result from broadscale policy concerns, rather than from good faith case-by-case

evaluation of the results of contractual performance. I think I would at least like to play with the language to alleviate my concerns on these matters.

6. I don't have the letter to Craig that TJ wrote an e-mail about. Can someone send me a copy?

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

06-May-1996 05:10pm

TO: (See Below)

FROM: Elena Kagan
 Office of the Counsel

SUBJECT: RE: Replacement Timber -- Mystery Solved

I didn't say anything on the call home approach, but I do agree with Dinah (and now Martha) on that.

And I think Martha raises a really good question about who and what this memo is for. As it's written, it doesn't seem to DO much of anything. I know I'd have a better sense of what should be in it (e.g., discussion of priorities or of contract cancellation) if I knew what it was supposed to accomplish.

Distribution:

TO: Martha Foley

CC: Dinah Bear
CC: T J Glauthier
CC: Kathleen A. McGinty
CC: Jennifer M. O'Connor
CC: Shelley N. Fidler
CC: Barbara C. Chow

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

06-May-1996 05:00pm

TO: (See Below)

FROM: Martha Foley
 Office of the Chief of Staff

SUBJECT: RE: Replacement Timber -- Mystery Solved

This is literally addressed to Dinah, b/c I used the "a" button on her e-mail, but it is really to all...

Remind me again what the purpose of the memo is? To whom would it be addressed?

It certainly does not seem to me to lay out anything new re a Forest Service strategy for dealing with the problem if there is one (a strategy, that is). I generally agree with the other comments on this subject.

I agree with Dinah and someone (and disagree with Elena, I think) that we should use the call home approach, rather than a more formal commitment, on the guidance issue.

Distribution:

TO: Dinah Bear

CC: T J Glauthier
CC: Kathleen A. McGinty
CC: Jennifer M. O'Connor
CC: Shelley N. Fidler
CC: Elena Kagan
CC: Barbara C. Chow

To

Jen
O'Connor

111 OEOB

D R A F T

MEMORANDUM FOR

FROM:

SUBJECT: Alternative Timber for National Forest Timber Sales Subject to Public Law (P.L.)
104-19, Section 2001 (k)

The Forest Service (FS) is currently faced with providing replacement timber for a number of section 2001 (k) timber sales that pose environmental risks. This issue will escalate when the Ninth Circuit Court of Appeals rules on Judge Hogan's interpretation of the "known to be nesting" phrase in P.L. 104-19, which will occur probably in June.

This memorandum describes the problem and describes the Forest Service strategy for dealing with it.

THE PROBLEM:

Section 2001 (k) of P.L. 104-19 addresses the remaining unawarded or suspended Pacific Northwest timber sales subject to section 318 of the Fiscal Year 1990 Appropriations Act. The Congress gave the Forest Service and Bureau of Land Management (BLM) 45 days from the date of enactment to release the sales and permit them to be completed by purchasers in fiscal years 1995 and 1996. Alternatively, in the event there were threatened or endangered bird species known to be nesting in the sales, the agencies were to provide an equal volume of alternative timber of like kind and value.

Since enactment of the timber rider, court rulings have broadened the geographic scope of the rider to include sales in the eastern Cascade regions of Oregon and Washington, bringing the total number of sales covered to 104 totalling 435 million board feet. Of this total, the FS and BLM has released, due to court orders, approximately 44 sales totaling 165 million board feet to the purchasers or high bidders where they do not include nesting threatened or endangered birds and where they are not enjoined by other courts. The agencies have asked purchasers to modify voluntarily their sales to improve them environmentally. In addition, for the worst environmentally damaging sales, the agency has offered the purchasers alternative volume to harvest in lieu of the original sales. Of the 44 sales, approximately 17 have been or are being harvested.

The bulk of the problem remains with the remaining 270 million board feet, of which 225 is being litigated in the 9th Circuit Court of Appeals. If the 9th Circuit rules in the Administration's favor, that most of these sales do have threatened or endangered bird species "known to be nesting" in them, then the FS and BLM will work to provide alternative timber, as the rider requires in subsection (k)(3). The Administration has taken the position in court that the alternative volume provided for these sales must comply with all laws. Also, the rider does not

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state a deadline by which the FS and BLM must offer this alternative volume. Therefore, the sales which may fall into the category of having birds "known to be nesting" can be handled under the normal sale preparation process.

However, if the 9th Circuit rules that most of the 53 sales (225 mmbf) do not have threatened or endangered bird species "known to be nesting" in them, then they can be harvested by the purchasers immediately. Since the rider essentially exempts these sales from environmental and all laws through September 30, 1996, the purchasers will, no doubt, want to harvest them before this deadline.

The challenge for the Forest Service will be to identify those sales that are the most environmentally damaging and implement a plan of action for improving, replacing, or buying them out. As we have already experienced with other released 318 sales, the public will demand that the Administration take action to avoid the harvesting of these sales. Therefore, we must be prepared with a plan of action.

THE STRATEGY:

The FS strategy for dealing with this problem is 1) identifying priority sales, 2) modification and replacement of problematic sales, and 3) if modification or replacement is not possible, cancellation of problematic sales.

The Forest Service, Fish and Wildlife Service, and National Marine Fisheries Service are jointly working to identify and prioritize the need for alternative timber on each section 2001 (k) timber sale cutting unit. The interagency team has tentatively identified 315 mmbf as high priority for replacement, 10 mmbf as medium priority, and 53 mmbf as low priority (57 mmbf of additional timber has either been harvested or will not be awarded for various reasons.) Of the 315 mmbf, 51 mmbf presently meets Judge Hogan's interpretation of "known to be nesting," which we are now appealing before the 9th Circuit.

With this list, the agencies will then prioritize field efforts to find and offer alternative timber on a sale-by-sale basis. The interagency Level 1, on-the-ground, teams will be key to this process. Under the supervision of the regional interagency team, the Level 1 teams will be responsible to explore all options to maximize the amount of alternative timber of like kind and value that meets environmental standards. Where original sales are to be harvested, the teams would attempt to gain purchaser approval to mutually modify the contracts and mitigate potential environmental impacts.

First priority for substitute volume will be that it complies fully with the standards and guidelines under the President's forest plan. In most instances, to achieve this objective, the Forest Service will have to use volume that will be offered under the President's Forest Plan. However, the supply of this timber is limited. Of the 800 mmbf in this year's Pacific Northwest Forest Plan program, 225 mmbf has not yet been offered for sale in region

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6. However, most of these sales, plus the sales from eastern Oregon and Washington, will not be fully prepared until August or September. In addition, because the original timber sales include larger and more valuable trees than the sales in the fiscal year 1996 program, it could take nearly twice as much volume from the 1996 sales to equal the same value in the original sales.

We will maximize the availability of alternative volume by -- 1) directing the FS to expedite the preparation of volume that would have been offered under the Plan in August through October and 2) suspending, as necessary, volume to be offered under the President's Forest Plan in May and June.

However, taking these actions as noted above, only a limited volume would be available. Therefore, in order to achieve the objective of mitigating environmental impacts in a manner that complies with the law and avoids environmental damage, the Level 1 teams will be allowed to consider minor deviations from forest plan standards and guidelines as long as they meet the following criteria: (1) the risk to the environment of harvesting the alternative timber is reduced over harvesting the original timber sale; (2) the harvest of the alternative timber would not violate any federal environmental protection statutes; and (3) alternative volume from the 1996 or 1997 forest plan timber sale program that is in full compliance with standards and guidelines is either not available or is unacceptable to the timber purchaser.

Finally, if these steps are unsuccessful, the FS will exercise its right to cancel contracts.

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USDA Forest Service
Section 2001 (k) Sales (435 mmbf)

High Priority for Replacement
(271 mmbf)

Original Sales OK to Harvest
(164 mmbf)

Enjoined by Dwyer - 30 mmbf

71 mmbf Released Awaiting
Harvest

T&E Nesting
(Protocol)
180 mmbf

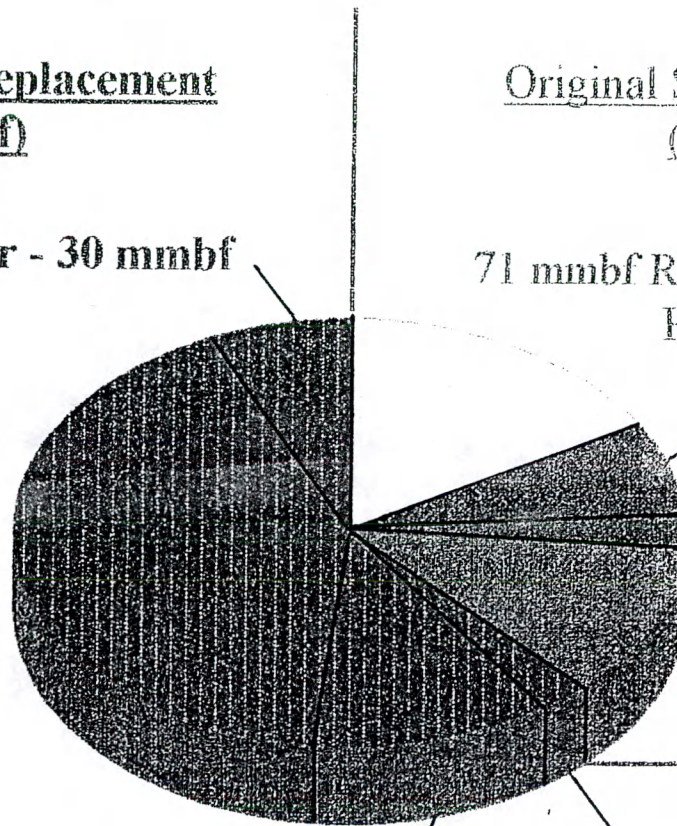
29 mmbf Not Wanted
by Bidders

14 mmbf Enjoined
(Eastside)

50 mmbf Harvested

T&E Nesting (Court
Interpretation) 51 mmbf

Released,
Environmentally
Sensitive - 10 mmbf

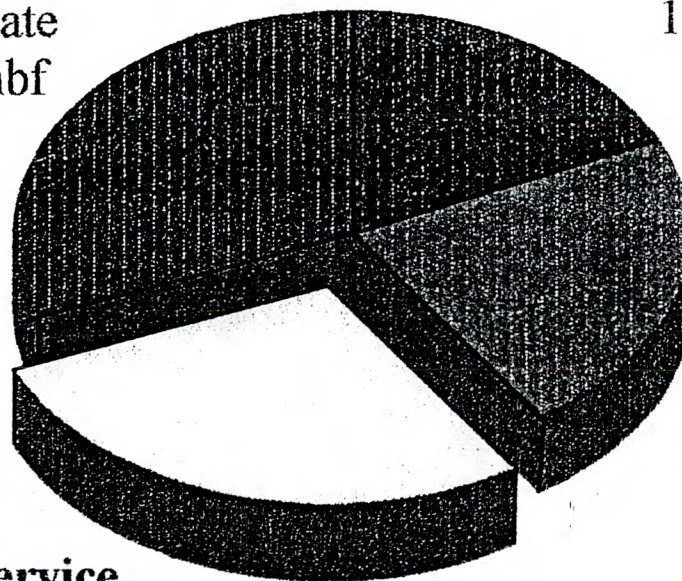


Pacific Northwest Forest Plan

FY '96 Planned Timber Offer (800 mmbf)

Forest Service
Region 6 (OR&WA)
Sale Offered to Date
Approx. 250 mmbf

Forest Service
Region 5 (CA)
145 mmbf



Forest Service
Region 6 (OR&WA)
Remaining to Offer
Approx. 225 mmbf
(Possible Replacement Vol.)

Bureau of
Land Management
180 mmbf
(Some Possible
Replacement Volume)

Consequences of Replacing All High Priority Volume (271 mmbf) As Soon As Possible

- Replacement Volume Required Estimated at 500+ mmbf to Equal Value of Original Sales
 - It Would be Impossible to Prepare 500 mmbf Over the Next 2 Months Under Any Circumstances--the Maximum the Forest Service Could Prepare Would be 50-70 mmbf
-

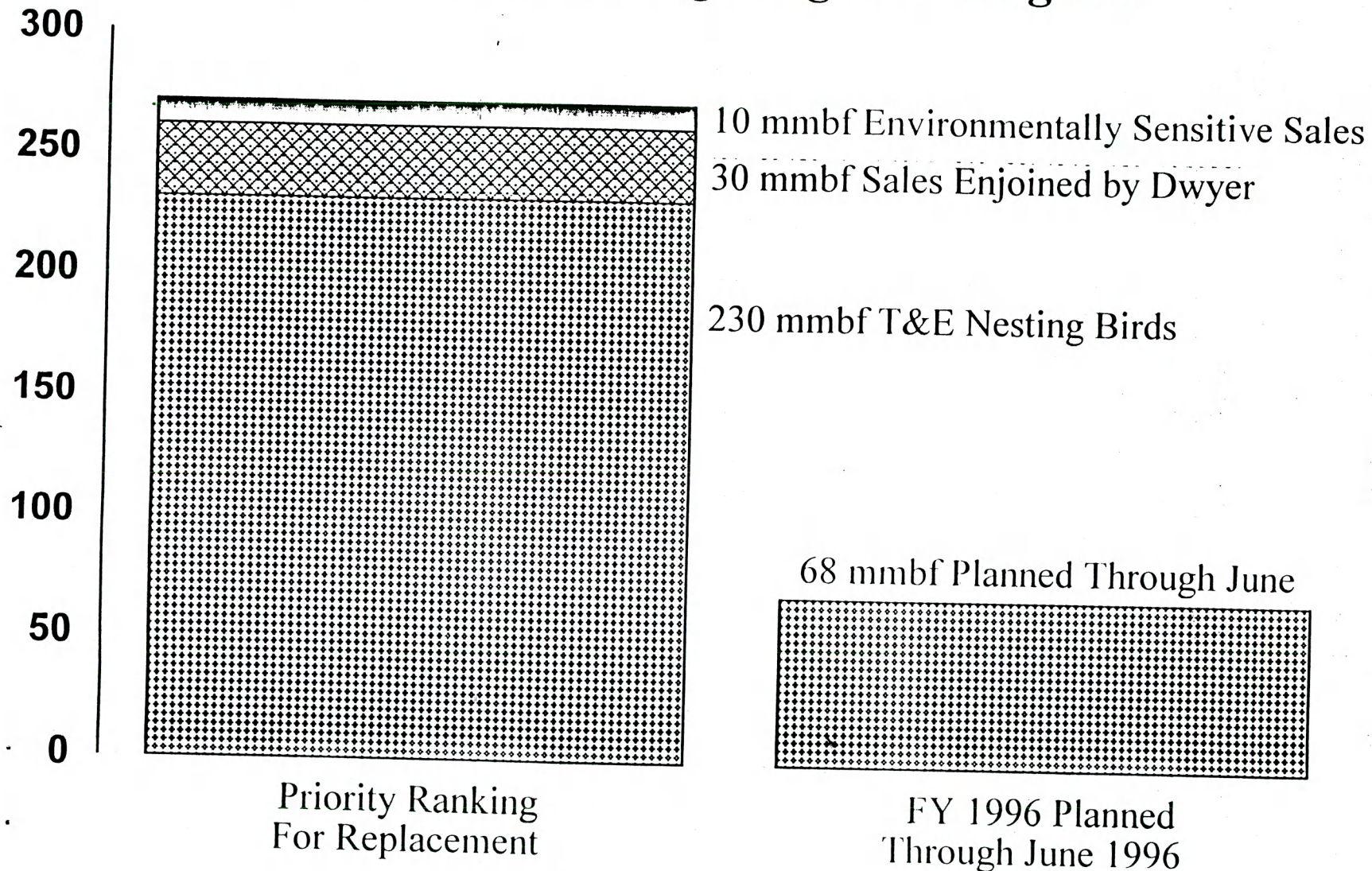
If the September 30 Date is Extended:

- Approximately 200+ Additional Employees Needed
- Approximately \$20 Million Needed
- Would Need to Substantially Reduce Analysis (Watershed and T&E spp.) Requirements -- Level 1 Teams Would Need to Clear
- Would Need to Expedite NEPA--Substantially Reduce Documentation and Public Participation (including no appeals)
- Nearly All Remaining FY 1996 (Region 6) PNW Plan Volume (225 mmbf) Would Need to Be Used--FS Would Not Meet PNW Plan Volume
- Would Substantially Affect FY 1997 Program -- Region Would Suspend Ongoing Survey and Analysis Work--FS Would Not Meet Plan Volume

Note: Natural disasters, such as a bad fire year, could prevent completing the alternative timber program. In addition, the FS could not spend the additional funds if we continue to operate on continuing resolutions that are apportioned for the period of time they cover.

Section 2001 (k) Timber Sales

High Priority Replacement Volume Compared to FY 1996 Remaining Program - Region 6



**Possible Alternative Timber Options
Listed in Order of Least Effect on PNW Forest Plan**

- 1. Buyout or Cancel All High Priority Replacement Sales**
 - 2. "Triage" -- Use a Combination of Buyout, Alternative Timber, and Harvest (with mutual modification) and Apply to Sales Based on Standard Criteria**
 - 3. Use Some BLM Timber as Alternative Volume**
 - 4. Extend Protections of the Act Beyond September 30 (Use Section 2001 (d) Provisions)**
 - 5. Harvest Sales Using Mutual Modification to Mitigate Environmental Damage to the Extent Possible**
-

Buyout or Cancel All High Priority Replacement Sales

- Estimated Cost = \$100-\$150 million (the Forest Service cannot absorb these costs in FY's 1996 or 1997)
 - Requires Least Amount of Change in PNW Forest Plan
 - Minimum Effect on FY 1996 and 1997 PNW Timber Sale Programs (if no budgeted funds are not used for buyout)
 - Allows Ongoing Section 2001 (k) Sales to Come to a Logical Termination
-

"Triage"

Use a Combination of Buyout, Alternative Timber, and Harvest (with mutual modification) Apply to Sales Based on Standard Criteria

- The Amount of Timber that Can be Replaced is Limited by Time, Funds, and Personnel
 - Requires Agreement Between Agencies Concerning the Standard Criteria that Would be Used to Determine Which Sales are Replaced, Bought Out, or Harvested and Strong Commitment to Follow the Agreement
 - Amendment of the PNW Forest Plan Would Probably be Needed, but May be Able to Avoid Major Changes
 - Requires Approximately \$20 Million in Additional Funds for FY 1996 to Accomplish (moderate to substantial buyout would require additional funds)
 - Replacement Timber Opportunities Would be Limited if All Standards and Guidelines and NEPA Requirements Must be Met
 - Extension of September 30 Deadline Would Expand Replacement Opportunities
 - On 2001 (k)(1) Sales, Mutual Agreement by Purchaser Required to Replace Sales
 - Would Need to Interrupt FY 1996 and FY 1997 Program Work to Some Degree (approx. 50% reduction in volume accomplishment)
-

Use Some BLM Timber as Alternative Volume

- Limited Alternative Timber Available from BLM
 - More Volume Could Be Replaced if Used in the “Triage” Option
 - Would Require Additional Funds for BLM
-

**Extend Protections of the Act Beyond September 30
Use Section 2001 (d) Provisions**

- Provides More Time and Flexibility and Increases the Scope of Volume Available for Replacement from the FY 1996 and FY 1997 Programs
 - Also Extends Scope of Other Matrix Volume Available--Would Lessen Impact on FY 1996 & 1997 Programs if Other Matrix Volume is Used
 - Cost of Preparing New Sales is \$20 million
 - PNW Forest Plan May Need Amendment, but May be Able to Keep Changes to a Moderate Level
-

Harvest Sales Using Mutual Modification to Mitigate Environmental Damage to the Extent Possible

- PNW Forest Plan Would Probably Need to be Amended, Changes Could be Significant
 - Keeps the FY 1996 and FY 1997 Programs on Track
 - No Additional Funds Required
 - Has Least Impacts on Other Purchasers (of FY 1996 and FY 1997 program sales)--Maintains Supply to Local Mills
-

REMAINING REGION 6 FY 1996 GREEN SALE PROGRAM

Number of sales and volume (mmbf) to be offered (advertised) by month thru the end of the fiscal year.

WEST SIDE FORESTS

FOREST	April		May		June		July		August		Sept		Total	
	#	Vol MMBF	#	Vol MMBF	#	Vol MMBF	#	Vol MMBF	#	Vol MMBF	#	Vol MMBF	#	Vol MMBF
GIFFORD PIN. - WA	0	0.0	0	0.0	1	2.0	3	11.7	9	31.2	3	12.0	16	56.9
MT. HOOD - OR	1	1.1	0	0.0	0	0.0	0	0.0	2	17.7	4	15.7	7	34.5
ROGUE RIVER - OR	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
UMPQUA - OR	0	0.0	2	4.6	1	1.0	6	17.8	5	29.3	0	0.0	14	52.7
WILLAMETTE - OR	0	0.0	5	9.5	3	8.7	1	4.0	2	9.2	9	49.8	20	81.2
SUBTOTAL	1	1.1	7	14.1	5	11.7	10	33.5	18	87.4	16	77.5	57	225.3

EAST SIDE FORESTS

COLVILLE - WA	1	4.6	3	11.1	0	0.0	2	4.8	4	15.1	1	8.0	11	43.6
DESCHUTES - OR	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
FREMONT - OR	1	0.1	0	0.0	3	0.6	1	2.7	3	3.6	1	0.5	9	7.5
MALHEUR - OR	1	2.2	1	5.5	1	0.6	1	0.1	5	5.2	3	2.3	12	15.9
OCHOCO - OR	1	0.7	0	0.0	0	0.0	0	0.0	2	5.5	1	4.5	4	10.7
OKANAGAN - WA	0	0.0	1	3.0	0	0.0	2	7.5	3	9.5	1	5.0	7	25.0
UMATILLA - OR	0	0.0	9	1.9	2	2.3	1	0.2	0	0.0	0	0.0	12	4.4
WALLOWA-WH. - OR	0	0.0	0	0.0	0	0.0	0	0.0	1	1.0	3	5.0	4	6.0
WENATCHEE - WA	0	0.0	1	2.4	1	0.4	0	0.0	0	0.0	0	0.0	2	2.8
WINEMA - WA	0	0.0	0	0.0	1	5.6	1	1.0	2	8.4	1	5.5	5	20.5
SUBTOTAL	4	7.6	15	23.9	8	9.5	8	16.3	20	48.3	11	30.8	66	136.4

SUMMARY

EAST	1	1.1	7	14.1	5	11.7	10	33.5	18	87.4	16	77.5	57	225.3
WEST	4	7.6	15	23.9	8	9.5	8	16.3	20	48.3	11	30.8	66	136.4

**Table 1 – USDA Forest Service – Sales Reported in Federal Court
As Related to Section 2001(k), P.L. 104-19, Litigation**

Table 1 – 4/23/96 – 1

Category	Sub-Category	High Bidder or Purchaser	Bid Date	Previous Award?	MMBF Released, Susp, or Unawarded	Remarks
	Forest and Sale Name					NoIA = Notice of Intent to Award Sent to High Bidder NSO = Northern Spotted Owl MM = Marbled Murrelet
I. Sales Released or Awarded Under Section 2001 (k)						
	<u>Rogue River NF</u>					
	Head	Boise Casc	09/18/90	no	3.96	Awarded 09/08/95 – Cutting Complete
	<u>Olympic NF</u>					
	Caraco Cat	Mesa Res.	05/16/90	no	3.70	Awarded – Cutting Completed
	Rocky	Buse Timb.	07/18/90	no	2.90	Awarded – Cutting Completed
	Forest Totals				6.60	
	<u>Gifford Pinchot NF</u>					
	Holdaway 2	Kyles Peter	01/04/90	no	1.70	NoIA sent 09/29/95 – No interest in sale to date
	<u>Mt. Hood NF</u>					
	Enola	Hanel Lumb	08/07/90	no	4.80	Awarded 09/08/95 – TRO lifted, cutting resumed
	<u>Umpqua NF</u>					
	Zanita	Lone Rock	03/14/90	yes	3.00	Released 09/29/95 – cutting in progress
	Jack	C&D Lumb	08/01/90	yes	6.53	Released 09/29/95 – cutting in progress
	Redlick	Superior	08/01/90	yes	4.00	Released 09/29/95 – cutting in progress
	Gage	Scott	09/12/90	yes	6.20	Released 09/29/95 – cutting in progress
	Honeytree	Scott	08/08/90	yes	3.80	Released 09/29/95 – cutting in progress
	Last	Scott	09/12/90	no	6.70	Awarded 3/8/96 – Contract Replacement Timber Provided
	First	Scott	09/18/90	no	5.10	Awarded 3/8/96 – Contract Replacement Timber Provided
	Forest Totals				35.33	Scott Timber has accepted contract replacement timber on the First and Last Sales
	<u>Willamette NF</u>					
	Red 90	Freres Lumb	09/28/90	no	6.26	Awarded - cutting in progress - 1 unit suspended for NSO
	Horse Byars	Freres Lumb	08/31/90	no	5.70	Awarded - date cutting will start is currently unknown
	Forest Totals				11.96	
	<u>Siskiyou NF</u>					
	Boulder Krab	Scott	09/27/90	no	5.02	Awarded 11/03/95 - 1 unit suspended MM - Unit 4 being replaced
	Elk Fork	CLR Timber	09/27/90	no	2.76	Awarded 11/03/95 - 1 unit suspended MM - cutting in progress
	Forest Totals				7.78	Negotiations regarding replacement timber for Unit 4, Boulder Krab, with Scott Timber are ongoing
	<u>Fremont NF</u>					
	Blue Ford	Boise Casc	09/25/91	no	6.50	Awarded 11/30/95 - date cutting will start is currently unknown
	<u>Malheur NF</u>					
	Locust	Smerski	04/14/93	no	1.00	Awarded 11/22/95 - date cutting will start is currently unknown
	Forks	Snow Mtn	04/28/93	no	5.00	No bidders interested, sale will not be awarded
	Forest Totals				6.00	
	<u>Okanogan NF</u>					
	Nicholson Slvg I	Vaagan Bro	02/29/93	no	0.89	Awarded 11/03/95 - cutting in progress
	<u>Ochoco NF</u>					
	Off Broadway	Kinzua	03/29/93	no	12.30	NoIA sent 01/18/96 – No interest in sale to date
	<u>Siuslaw NF</u>					
	Hiack Thin	Hampton	12/30/93	no	1.60	No bidders interested, sale will not be awarded
	<u>Wallowa-Whitman NF</u>					
	Allen	Rogge	10/08/92	no	3.80	Awarded - date cutting will start is currently unknown
	Cantrel Springs	Rogge	11/03/92	no	0.61	No bidders interested, sale will not be awarded
	Horn Salvage	Kinzua	11/17/92	no	1.34	Awarded - date cutting will start is currently unknown
	Prong Salvage	Rogge	10/15/92	no	3.80	No bidders interested, sale will not be awarded
	Banty Salvage	Ellingson	08/04/92	no	0.61	Awarded - date cutting will start is currently unknown
	Sweet Pea	Ellingson	05/26/92	no	1.28	No bidders interested, sale will not be awarded
	Johnson Salvage	Rosboro	08/27/92	no	3.60	No bidders interested, sale will not be awarded
	Hilton	Malheur	09/26/91	no	5.30	No bidders interested, sale will not be awarded

**Table 1 -- USDA Forest Service -- Sales Reported in Federal Court
As Related to Section 2001(k), P.L. 104-19, Litigation**

Category	High	Bid	Previous	MMBF	Remarks
Sub-Category	Bidder or	Date	Award?	Released, Susp, or Unawarded	
Forest and Sale Name	Purchaser				NoIA = Notice of Intent to Award Sent to High Bidder NSO = Northern Spotted Owl MM = Marbled Murrelet
Tanya	Boise Casc	09/26/91	no	0.59	Awarded - date cutting will start is currently unknown
Tanhorse	Boise Casc	09/24/91	no	1.34	Awarded - date cutting will start is currently unknown
RD Salvage	Dodge	10/29/92	no	3.30	Awarded - date cutting will start is currently unknown
Park HFR	Boise Casc	11/03/92	no	0.70	Awarded 11/13/95 - cutting complete
Forest Totals				26.27	
<u>Winema NF</u>					
John	Huffman	08/14/91	no	1.80	Awarded 11/14/95 - date cutting will begin currently unknown
John Lodgepole	DAW	08/22/91	no	2.20	Awarded - date cutting will start is currently unknown
Yoss	Boise Casc	09/19/91	no	7.10	Awarded 11/14/95 - cutting in progress
Willy	Boise Casc	09/26/91	no	4.40	Awarded 11/14/95 - cutting complete
Nelson	DAW	01/06/92	no	7.40	No bidders interested, sale will not be awarded
Bill	Huffman	09/28/92	no	5.80	Awarded 11/14/95 - cutting in progress
Cinder	Scott	09/28/92	no	5.30	Awarded 11/14/95 - cutting in progress
Forest Totals				34.00	
<u>Umatilla NF</u>					
Eagle Rdge Houselog	Rogge	09/30/91	no	0.17	Awarded - date cutting will start is currently unknown
Subtotal Released Sales				159.86	(42 Sales)

**Table 1 -- USDA Forest Service -- Sales Reported in Federal Court
As Related to Section 2001(k), P.L. 104-19, Litigation**

Category	High			MMBF		Remarks
Sub-Category	Bidder or	Bid	Previous	Released,		
Forest and Sale Name	Purchaser	Date	Award?	Susp, or	Unawarded	NoIA = Notice of Intent to Award Sent to High Bidder NSO = Northern Spotted Owl MM = Marbled Murrelet
II. Remaining Sales Suspended, Unawarded, or Pending						
Sales Not Released Based on Section 2001 (k)(2):						
<u>Mt. Baker/Snoqualmie NF</u>						
Fish Story	LB&R Log.	12/12/89	yes	0.70		Marbled Murrelet
Old Grade	Summit	08/14/90	yes	2.20		Marbled Murrelet
Median Buyback	LB&R Log.	09/27/90	yes	5.81		Marbled Murrelet
Stalwart	Miller Shing.	09/18/90	yes	2.50		Marbled Murrelet
Scraps	Miller Shing.	09/27/90	yes	3.78		Marbled Murrelet
Boyd Creek	Hum Shing.	09/25/90	yes	0.78		Marbled Murrelet
Clear Creek	Buse Timb.	08/21/90	yes	2.97		
Forest Totals				18.73		
<u>Olympic NF</u>						
Camel	Mayr Bros.	01/04/90	yes	2.11		Marbled Murrelet
Not Bad	Hoh River	07/02/90	yes	1.60		Marbled Murrelet
Deodar	Hoh River	09/14/90	yes	0.80		Marbled Murrelet
You Who	MCMC Res.	09/14/90	yes	1.75		Marbled Murrelet
West Boundary	Mayr Bros.	09/20/90	yes	2.53		Marbled Murrelet
Wynocsee Res.	Mayr Bros.	09/24/90	yes	2.20		Marbled Murrelet
Stevens	Mayr Bros.	09/06/90	yes	0.08		
Forest Totals				11.07		
<u>Siskiyou NF</u>						
Sugar Cube	CLR Timb.	09/17/90	yes	1.30		Marbled Murrelet
Winriver	CLR Timb.	01/06/90	yes	0.69		Marbled Murrelet
Spur Trigger	CLR Timb.	05/22/90	yes	3.14		Marbled Murrelet
Lobster	CLR Timb.	09/06/90	yes	0.85		Marbled Murrelet
Father Oak	Scott	03/28/90	yes	2.36		Marbled Murrelet
Taylor Ranch	CLR Timb.	12/27/89	yes	1.77		Marbled Murrelet
Toastberry	Scott	06/06/90	yes	1.78		Marbled Murrelet
Forest Totals				11.89		
<u>Siuslaw NF</u>						
Mr. Rogers	Seneca Saw	09/28/90	no	10.00		Marbled Murrelet & Northern Spotted Owl
Prong	Lone Rock	08/27/90	no	4.80		Marbled Murrelet
Foland Ridge	Hampton	09/25/90	yes	0.89		Marbled Murrelet
Gordy Bluff	Hampton	05/29/90	yes	2.69		Marbled Murrelet
North Ball	Hampton	04/11/89	yes	1.04		Marbled Murrelet
Square Clare	Willamette	05/29/90	yes	1.38		Marbled Murrelet
Berry Bushel	Scott	07/06/90	yes	1.42		Marbled Murrelet
Condon Carr.	Willamette	09/11/90	yes	3.79		Marbled Murrelet
Fivemile Flume	Scott	09/27/90	yes	7.08		Marbled Murrelet
Franklin Ridge	Willamette	09/11/90	yes	6.64		Marbled Murrelet
Indian Hook	Scott	09/11/90	yes	15.14		Marbled Murrelet
Lower Bailey	Lone Rock	09/27/90	yes	0.91		Marbled Murrelet
Maria Skyline	Scott	09/20/90	yes	9.00		Marbled Murrelet
Skywalker	Scott	09/04/90	yes	5.16		Marbled Murrelet
South Paxton	Willamette	09/20/90	yes	9.07		Marbled Murrelet
Sugar Maple	Willamette	03/08/90	yes	1.54		Marbled Murrelet
Sulphur	Scott	06/07/90	yes	5.50		Marbled Murrelet
Uncle Condon	Willamette	09/11/90	yes	8.48		Marbled Murrelet
Upper McLeod	Seneca Saw	09/11/90	yes	2.38		Marbled Murrelet
Benner Bunch	Bugaboo	12/19/89	yes	5.79		Marbled Murrelet
Grass Hula	Bugaboo	07/31/90	yes	8.55		Marbled Murrelet
Green Apple	Boise Casc	07/24/90	yes	9.87		Marbled Murrelet
Green Horn	Willamette	08/21/90	yes	2.51		Marbled Murrelet
Randall Salado	Boise Casc	09/28/90	yes	1.39		Marbled Murrelet
Ryan Wapiti	Freres Lumb	03/20/90	yes	6.40		Marbled Murrelet
Beamer 712	Scott	06/26/90	yes	8.67		Marbled Murrelet
Canal 606	Hampton	04/03/90	yes	6.24		Marbled Murrelet
Formader 103	Scott	08/14/90	yes	8.17		Marbled Murrelet
Formader 717	Scott	06/28/90	yes	2.35		Marbled Murrelet
Upperton 002	Boise Casc	05/03/90	yes	14.41		Marbled Murrelet
Wapiti 305	Scott	09/20/90	yes	2.29		Marbled Murrelet
Wheelock 403	Hampton	06/19/90	yes	5.74		Marbled Murrelet
Forest Totals				179.29		

**Table 1 - USDA Forest Service - Sales Reported in Federal Court
As Related to Section 2001(k), P.L. 104-19, Litigation**

Category	Sub-Category	High Bidder or Purchaser	Bid Date	Previous Award?	MMBF Released, Susp, or Unawarded	Remarks
	Forest and Sale Name					NoIA = Notice of Intent to Award Sent to High Bidder NSO = Northern Spotted Owl MM = Marbled Murrelet
	<u>Willamette NF</u> Anchovy	Thomas Ck	09/28/90	yes	1.30	Marbled Murrelet - partially released - no operations yet
	<u>Umpqua NF</u> Abes Wren	DR Johnson	12/27/89	yes	6.20	Northern Spotted Owl - Partially Released
	<u>Partial Sales Not Subject to Release:</u>					Negotiations regarding replacement timber for released units are ongoing with DR Johnson
	Siskiyou NF - Elk Fork Timber Sale				1.05	1 unit suspended for Marbled Murrelet
	Siskiyou NF - Boulder Krab Timber Sale				1.04	1 unit suspended for Marbled Murrelet
	Willamette NF - Red 90 Timber Sale					1 unit suspended for Northern Spotted Owl
	Subtotal Section Sales Not Released per 2001 (k)					230.56 (55 Sales)
	Sales Enjoined or Delayed by Pre-Existing Court Cases:					
	<u>Umpqua NF</u> Cowboy	Scott	04/18/90	no	9.40	Enjoined (SAS v. Thomas-Dwyer's Court)
	Nita	Scott	08/29/90	no	9.30	Enjoined (SAS v. Thomas-Dwyer's Court)
	South Nita	Scott	08/29/90	no	6.30	Enjoined (SAS v. Thomas-Dwyer's Court)
	Forest Totals				25.00	
	<u>Siskiyou NF</u> Garden	Medford	09/12/90	no	4.59	Enjoined (SAS v. Thomas-Dwyer's Court)
	<u>Colville NF</u> Gatorson	Vaagan Bro	03/25/91	yes	11.86	sale suspended 05/20/93 - court injunction
	<u>Wenatchee NF</u> Tip	Longview	03/08/94	yes	0.75	sale enjoined 03/03/95 - court injunction
	Tiptop	St. Joe Lum	11/15/93	yes	2.20	sale enjoined 03/03/95 - court injunction
	Forest Totals				2.95	
	Subtotal Remaining Sales Suspended, Unawarded or Pending					274.96 (62 Sales)
	Total All Sales Subject to Section 2001(k)					434.82 (104 Sales)

Sales Not Subject to Section 2001 (k) (sales no longer exist):					
<u>Umatilla NF</u> Bald	Boise Casc	09/30/91	no	2.90	Bids rejected 12/11/91
Stagecoach	Boise Casc	09/29/91	no	0.20	Bids rejected 12/11/91
Forest Totals				3.10	
<u>Wallowa-Whitman NF</u> Bugout Salvage	Dodge	10/29/92	no	5.40	Bids rejected 02/23/95
Tower Salvage	Boise Casc	08/04/92	no	1.01	Bids rejected 02/23/95
Forest Totals				6.41	
Total Sales That No Longer Exist					9.51 (4 Sales)

Forest Service, Region 6

14 Apr 96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

A. T&E Sales (Marbled Murrelet and Spotted Owl) with Units Suspended

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	Meets Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
ABES WREN	UMP	12/27/89	6580				O.R. Johnson Company	Awarded, Contract Suspended, Spotted Owls	
Unit 32				17	689	Y			H
BEAMER 712	SIU	08/26/90	8900				Scott Timber	Awarded, Contract Suspended, Marbled Murrelet	
Unit 1				48	4108	N			H
Unit 2				50	4493	N			H
BENNER BUNCH	SIU	12/19/89	10300				Bugaboo Timber	Awarded, Contract Suspended, Marbled Murrelet	
Unit D3				27	2530	Y			H
Unit G4				39	1825	N			H
Unit L5				17	1376	N			H
BERRY BUSHEL	SIU	07/08/90	5500				Scott Timber	Awarded, Contract Suspended, Marbled Murrelet	
Unit 1				15	370	Y			H
Unit 2				25	395	N			H
BOULDER KRAB	SIS	09/27/90	6070				Scott Timber	Awarded 11/3/95; Unit 1 in Marbled Murrelet occupied stand, all activity on unit suspended on 12/5/95. Plan of operations received for Unit 4, not suspended.	
Unit 1				32	1050	N			H
Units 4A,B,&C				39	1680	N			H
BOYO CREEK	MBS	09/25/90	3750				Hurn Shingle	Awarded; Contract Suspended, Marbled Murrelet	
Unit 2				8	384	N			H
Unit 3				8	285	N			H
Unit 4				2	135	N			H
CAMEL	OLY	01/04/90	6050				Mayr Brothers	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				11	676	N			H
Unit 4				38	1580	N			H
CANAL BOB	SIU	04/03/90	9400				Hampton Tree Farms	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				47	3006	N			H
Unit 2				25	3817	N			H
CLEAR CREEK	MBS	08/21/90	3435				Buse Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				29	2970	Y			H
CONDON CARR.	SIU	09/11/90	6800				Willamette Industries	Awarded, Contract Suspended, Marbled Murrelet	
Unit 1				47	3827	N			H
DEODAR	OLY	09/14/90	9900				Hoh River Lumber	Awarded, Contract Suspended, Marbled Murrelet	
T-155				23	800	Y			H
ELK FORK	SIS	09/27/90	2760				CLR Timber	Awarded 11/3/95, Unit 4 Marbled Murrelet occupied and suspended	
Unit 4				35	1320	Y			H
FATHER OAK	SIS	03/28/90	5730				Scott Timber	Awarded, Contract Suspended, Marbled Murrelet	
Unit 1				49	570	Y			H
Unit 4				33	790	N			H
Unit 5				41	1000	Y			H
FISH STORY	MBS	12/12/89	6700				LB&R Logging	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				27	700	Y			H

Forest Service, Region 6

10-10-96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

A. T&E Sales (Marbled Murrelet and Spotted Owl) with Units Suspended

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	Meets Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
FIVEMILE FLUME	SIU	09/27/90	7500				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 2				57	2830	N			H
Unit 3				54	2514	N			H
Unit 4				31	1776	Y			H
FOLAND RIDGE	SIU	09/25/90	4400				Hampton Tree Farms	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				24	549	Y			H
FORMADER 103	SIU	08/14/90	8300				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				39	2864	Y			H
Unit 2				28	1407	N			H
Unit 4				28	1697	N			H
Unit 5				23	2016	N			H
FORMADER 717	SIU	06/28/90	2400				Scott Timber	Awarded; Contract suspended, Marbled Murrelet	
Unit 1				33	2367	N			H
FRANKLIN RIDGE	SIU	09/11/90	9000				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				52	2042	N			H
Unit 3				33	2605	N			H
Unit 4				32	1870	N			H
GORDY BLUFF	SIU	05/29/90	7590				Hampton Tree Farms	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				31	2604	Y			H
GRASS HULA	SIU	07/31/90	8700				Bugaboo Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				38	3150	N			H
Unit 2				28	2048	N			H
Unit 3				30	1486	N			H
Unit 4				11	402	N			H
Unit 5				23	1339	N			H
GREEN APPLE	SIU	07/24/90	10100				Boise Cascade	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				35	3150	N			H
Unit 2				33	2639	N			H
Unit 3				25	2421	Y			H
Unit 4				20	1680	N			H
GREEN HORN	SIU	08/21/90	5800				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				35	1840	N			H
Unit 4				4	434	Y			H
INDIAN HOOK	SIU	09/11/90	15200				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				46	3279	N			H
Unit 2				51	3944	N			H
Unit 3				45	3249	N			H
Unit 4				18	2009	Y			H
Unit 5				31	2436	Y			H
LOBSTER	SIS	09/08/90	8580				CLR Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 9				23	1000	Y			H
LOWER BAILEY	SIU	09/27/90	3200				Lone Rock Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 4				18	681	Y			H

Forest Service, Region 6

15-APR-96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

A. T&E Sales (Marbled Murrelet and Spotted Owl) with Units Suspended

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	Meets Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
MARIA SKYLINE	SIU	09/20/90	12700				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				54	3524	N			H
Unit 4				25	1234	N			H
Unit 5				52	4094	N			H
MEDIAN BUYBACK	MBS	09/27/90	7190				LB&R Logging	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				18	684	N			H
Unit 2				31	1364	N			H
Unit 3				30	1320	Y			H
Unit 4				35	1330	N			H
Unit 5				25	1110	Y			H
MR ROGERS	SIU	09/28/90	10000				Seneca Sawmills	Not Awarded; Marbled Murrelet	
Unit 1				47	2444	N			H
Unit 2				50	2981	N			H
Unit 3				38	2012	N			H
Unit 4				49	2509	N			H
NORTH BALL	SIU	04/11/89	6700				Hampton Tree Farms	Awarded; Contract Suspended, Marbled Murrelet	
Unit C				14	561	N			H
Unit D				7	305	Y			H
NOT BAD	OLY	07/02/90	7290				Hoh River Lumber	Awarded; Contract Suspended, Marbled Murrelet	
SO-110				12	800	Y			H
SO-111				11	800	Y			H
OLD GRADE	MBS	08/14/90	9900				Summit Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 9				7	317	N			H
Unit 11				14	951	N			H
Unit 12				10	220	N			H
Unit 13				9	167	N			H
Unit 14				11	401	N			H
PRONG	SIU	08/27/90	4800				Lone Rock Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				58	4630	N			H
RANDALL SALADO	SIU	08/28/90	6500				Boise Cascade	Awarded; Contract Suspended, Marbled Murrelet	
Unit 2				32	1387	N			H
RYAN WAPITI	SIU	03/20/90	10700				Freres Lumber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				51	3503	N			H
Unit 2				27	2782	N			H
SCRAPS	MBS	08/27/90	7550				Miller Shingle	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				9	672	Y			H
Unit 2				28	1237	N			H
Unit 4				10	480	Y			H
Unit 5				16	410	N			H
Unit 9				18	963	Y			H

Forest Service, Region 6

16 Apr 96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

A. T&E Sales (Marbled Murrelet and Spotted Owl) with Units Suspended

DRAFT

Sale Name	Forest	Bld Date	Original Volume	Acres	Remaining Volume	Meats Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
SKYWALKER	SIU	09/04/90	7700				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				13	774	N			H
Unit 5				25	873	N			H
Unit 6				46	3443	Y			H
SOUTH PAXTON	SIU	09/20/90	9200				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				58	3807	N			H
Unit 2				37	2353	N			H
Unit 3				38	1818	N			H
Unit 5				2	118	N			H
Unit 6				15	744	N			H
Unit 8				1	63	Y			H
SPUR TRIGGER	SIS	05/22/90	5420				CLR Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				27	739	Y			H
Unit 4				38	1085	Y			H
Unit 5				34	202	Y			H
SQUARE CLARE	SIU	05/29/90	10700				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				34	1178	N			H
STALWART	MBS	09/18/90	2600				Miller Shingle	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				7	835	Y			H
Unit 4				7	785	N			H
Unit 5				8	845	N			H
STEVENS	OLY	09/06/90	5600				Mayr Brothers	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				16	630	N			H
Unit 4				4	80	N			H
SUGAR CUBE	SIS	09/17/90	4830				CLR Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				30	1304	N			H
Unit 7				12	130	Y			H
SUGAR MAPLE	SIU	03/08/90	6400				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 4				38	1459	Y			H
SULPHUR	SIU	06/07/90	6400				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				36	1536	N			H
Unit 4				40	2765	Y			H
TAYLOR RANCH	SIS	12/27/89	5350				CLR Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				42	1770	Y			H
TOASTBERRY	SIS	08/06/90	4010				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				14	820	N			H
Unit 2				28	960	N			H
UNCLE CONDON	SIU	09/11/90	12600				Willamette Industries	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				33	2259	N			H
Unit 2				30	1427	N			H
Unit 3				49	3831	N			H
Unit 4				14	916	N			H
UPPER MCLEOD	SIU	09/11/90	5100				Seneca Sawmills	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				40	2362	N			H

Forest Service, Region 6

18-Apr-96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

A. T&E Sales (Marbled Murrelet and Spotted Owl) with Units Suspended

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	Meets Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
UPPERTEN 002	SIU	05/03/90	14485				Boise Cascade	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				50	3089	N			H
Unit 2				56	3290	N			H
Unit 3				53	3913	N			H
Unit 4				45	3578	N			H
WAPITI 305	SIU	09/20/90	2300				Scott Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				23	1198	N			H
Unit 5				26	1080	N			H
WEST BOUNDARY	OLY	09/20/90	4300				Mayr Brothers	Awarded; Contract Suspended, Marbled Murrelet	
Unit 3				2	47	N			H
Unit 4				27	1230	Y			H
Unit 4A				6	150	N			H
Unit 5A-D				45	1000	N			H
WHEELOCK 403	SIU	06/19/90	6013				Hampton Tree Farms	Awarded; Contract Suspended, Marbled Murrelet	
Unit 1				32	1290	N			H
Unit 2				29	1242	N			H
Unit 3				25	2025	N			H
Unit 4				27	757	N			H
WINRIVER	SIS	01/08/90	3140				CLR Timber	Awarded; Contract Suspended, Marbled Murrelet	
Unit 12				24	239	N			H
Unit 13				29	664	N			H
Unit 14				33	794	Y			H
WYNOCHEE RES.	OLY	09/24/90	16980				Mayr Brothers	Awarded; Contract Suspended, Marbled Murrelet	
A-240				15	1230	Y			H
A-240A				4	74	N			H
A-251				24	550	N			H
A-293				11	300	N			H
A-345				3	50	N			H
YOU WHO	OLY	09/14/90	12400				MCMC Resources	Awarded; Suspended, Spotted Owls & Marbled Murrelet	
SO-116				13	1750	Y			H

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Forest Service, Region 6

10/1/96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

B. Umpqua/Siskiyou Sales with proposed T&E Fish and Aquatic Issues.

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	High-Bidder	Sale Status	Priority for Replace.
COWBOY	UMP	04/16/90	9400		9400	Scott Timber	Not Awarded, SAS v. THOMAS, 89-160WD	H
FIRST	UMP	08/19/90	5100			Scott Timber	Awarded 3/8/86, SAS vs. Thomas 89-160WD; Substitute volume being provided	Done
GARDEN	SIS	09/12/90	4590		4590	Medford Corporation	Not Awarded, SAS vs. Thomas 89-160WD	H
GAGE	UMP	09/12/90	16500			Scott Timber	Released 9/29/95; Sale was modified to change some units from tractor to skyline logging, mark additional leave trees, provide wider buffers along streams.	L
Unit 5				14	368			
Unit 7				31	816			
Unit 10				9	270			
Unit 17				17	861			
Unit 23				9	298			
Unit 24				1	27			
Unit 26				26	117			
Unit 27				46	151			
Unit 29				28	180			
HONEYTREE	UMP	08/08/90	9300		350	Scott Timber	Released 9/29/95; Sale was modified to provide wider buffers along streams in Units 1, 7, 8, 9	L
Unit 1				2	72			
Unit 9				9	378			
JACK	UMP	08/01/90	9030			C&D Lumber	Released 9/29/95; Portion of Unit 1 and all of Units 9, 11, 12 deleted. Stream buffers added or widened in Units 7, 11, 15, 16, 21, 22. Tractor logging units changed to skyline logging.	L
Unit 14				14	598			
Unit 15				15	586			
Unit 18				4	142			
Unit 21				4	162			
LAST	UMP	09/12/90	6700			Scott Timber	Awarded 3/8/86, SAS vs. Thomas 89-160WD; Substitute volume being provided	Done
NITA	UMP	08/29/90	9300		9300	Scott Timber	Not Awarded, SAS vs. Thomas 89-160WD	H
REDLICK	UMP	08/01/90	6600			Superior Lumber	Released 9/29/95; Portions of Units 8 and 9 were deleted. Wider stream buffers implemented.	L
Unit 13				101	762			
SOUTH NITA	UMP	08/29/90	6300		6300	Scott Timber	Not Awarded, SAS vs. Thomas 89-160WD	H
ZANITA	UMP	03/14/90	11900			Lone Rock	Released 9/29/95; Deleted Units 1 and 2, Added wider stream buffers. All skyline logging.	L
Unit 3				17	428			
Unit 5				5	127			
Unit 8				10	429			
Unit 18				40	176			

Forest Service, Region 6

18-Apr-96

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

C. PACFISH, INFISH and Eastside Screens

DRAFT

Sale Name	Forest	Bld Date	Original Volume	Acres	Remaining Volume	High-Bidder	Sale Status	Priority for Replace.
ALLEN	WAW	10/08/92	3800		3400	Rosboro Lumber	Awarded 3/11/96. Will seek contract modification of 5 units to meet PacFish Guidelines - can do within Sale Area.	H
BALD	UMA	09/30/91	2900		N/A	Boise Cascade	Not Awarded; Sale no longer exists on ground	N/A
BANTY SLV	WAW	08/04/92	610		610	Idaho Timber	Awarded 3/14/96. Need to go outside Sale Area to provide replacement volume to meet PacFish Guidelines.	H
BILL	WIN	09/28/92	5800		3000	Huffman/Wright	Awarded 11/14/95	L
BLUE FORD	FRE	09/25/91	6500		6500	Boise Cascade	Awarded 11/30/95; did not meet Eastside screens.	M
BUGOUT SLV	WAW	10/29/92	6400		N/A	Dodge Logging	Not Awarded; Sale no longer exists on ground	N/A
CANTREL SPRINGS	WAW	11/03/92	610		N/A	Kinzua	Not Awarded; no "responsible bidder" wanted sale	N/A
CINDER	WIN	09/28/92	5300		4400	Scott Timber	Awarded 11/14/95	L
EAGLE RIDGE HOUSELOG	UMA	09/30/91	170		170	Tuckor Logging	Awarded 3/13/96; awaiting operating plan, did not meet Eastside screens.	L
FORKS	MAL	04/28/93	5000		N/A	Snow Mountain Pine	Not Awarded; no "responsible bidder" wanted sale	N/A
GATORSON	COL	03/25/91	13700		11860	Vaagan Brothers	Awarded 5/6/93. Suspended 5/20/93. SMITH v. USFS, 93-0178-JLQ (E.D.Wa).	L
HILTON	WAW	09/26/91	5300		N/A	Malheur Lumber	Not Awarded; no "responsible bidder" wanted sale	N/A
HORN SALVAGE	WAW	11/17/92	1340		1340	Boise Cascade	Awarded 3/13/96; Will seek contract modification to meet PacFish Guidelines - can do within Sale Area.	H
JOHN	WIN	08/14/91	1800		1800	Huffman/Wright	Awarded 11/14/95	L
JOHN LODGEPOLE	WIN	08/22/91	2200		2200	Western Timber	Awarded 3/12/96	L
JOHNSON SLV	WAW	08/27/92	3600		N/A	Rosboro Lumber	Not Awarded; no "responsible bidder" wanted sale	N/A
LOCUST	MAL	04/14/93	1000		1000	Smerski Logging	Awarded 11/22/95; did not meet Eastside screens.	L
NELSON	WIN	01/06/92	7400		N/A	DAW	Not Awarded; no "responsible bidder" wanted sale	N/A
NICHOLSON SLV I	OKA	02/29/93	890		0	Vaagan Brothers	Awarded 11/3/95; cutting completed.	N/A
OFF BROADWAY	OCH	03/29/93	12300			Kinzua	Award pending-Letters sent to other bidders concerning their interest in sale; did not meet Eastside screens	
PARK HFR	WAW	11/03/92	700		0	Boise Cascade	Awarded 11/13/95; cutting completed.	N/A
PRONG SALVAGE	WAW	10/16/92	3800		N/A	Rogge	Not Awarded; no "responsible bidder" wanted sale	N/A
RD SALVAGE	WAW	10/29/92	3300		3300	Dodge Logging	Awarded 11/14/95; Seeking contract modification to meet PacFish Guidelines - can do within Sale Area.	H
STAGECOACH	UMA	09/29/91	200		N/A	Boise Cascade	Not Awarded; Sale no longer exists on ground	N/A
SWEET PEA	WAW	05/26/92	1280		N/A	Elfrington Lumber	Not Awarded; no "responsible bidder" wanted sale	N/A
TANHORSE	WAW	09/24/91	1340		1340	Boise Cascade	Awarded 11/15/95. Seeking contract modification (PacFish) - can do within Sale	H
TANYA	WAW	09/26/91	585		585	Boise Cascade	Awarded 11/15/95; Seeking contract modification (PacFish) - can do within Sale	H
TIP	WEN	03/08/94	751		751	Longview Fiber	Awarded 9/9/94; Enjoined 3/3/95. LEAF et al v. FERRARO, 94-1026 (W.D. WA)	L
TIPTOP	WEN	11/15/93	2200		2200	St. Joe Lumber	Awarded 2/16/94; Enjoined 3/3/95. LEAF et al v. FERRARO, 94-1025 (W.D. WA)	L
TOWER SLV	WAW	08/04/92	1010		N/A	Boise Cascade	Not Awarded; Sale no longer exists on ground	N/A
WILLY	WIN	09/26/91	4400		0	Boise Cascade	Awarded 11/14/95; cutting completed	N/A
YOSS	WIN	09/19/91	7100		2300	Boise Cascade	Awarded 11/14/95	L

Priority for Replacement Volume 2001(k) Sales; as of April 18, 1996

D. Other Sales

DRAFT

Sale Name	Forest	Bid Date	Original Volume	Acres	Remaining Volume	Meets Court's Nesting Criteria	High-Bidder	Sale Status	Priority for Replace.
ANCHOVY	WIL	09/28/90	3400				Thomas Creek	Awarded; Contract modified, Unit 5 deleted and replaced with timber within Sale Area.	L
Unit 5				23	900	N			
ABES WREN	LMP	12/27/89	6580				O.R. Johnson Company	Awarded; Unit 32 Suspended, Spotted Owls, screened	L-M
Unit 29				28	867	N			
Unit 30				17	270	N			
Unit 31				25	933	N			
Unit 33				29	1428	N			
BOULDER KRAB	SIS	09/27/90	6070				Scott Timber	Awarded 11/3/95; Unit 1 in Marbled Murrelet occupied stand, all activity on unit suspended on 12/5/95. Plan of operation received to cut Unit 4. Operating Schedule to begin operations by May 1996.	H
Unit 4A				4	0	N			H
Unit 4B				14	720	N			H
Unit 4C				25	960	N			H
CARACO CAT	OLY	05/18/90	3700		0	N	Mesa Resources	Awarded 11/21/95; Contract modified for riparian, buffers and some units deleted.	N/A
ENOLA	MTH	08/07/90	4800		4800	N	Hanel Lumber	Awarded 9/8/95; cutting started.	L
HEAD	ROR	09/18/90	3960		0	N	Boise Cascade	Awarded 9/8/95; Contract modified to add stream buffers and some units deleted; cutting completed.	N/A
HIACK THIN	SIU	12/30/93	1600		N/A	N	Hampton Tree Farms	Not Awarded; no "responsible bidder" wanted sale	N/A
HOLDAWAY 2	GIP	02/24/89	1700			N	Kyle Peters	Award pending-Letters sent to other bidders concerning their interest in sale	
HORSE BYARS	WIL	08/31/90	5700		5700	N	Freres Lumber	Awarded 12/19/95; awaiting Plan of Operation	L
RED 90	WIL	09/28/90	7300		7300	N	Freres Lumber	Awarded 12/18/95; Contract modified and 1 unit replaced; currently cutting.	L
ROCKY	OLY	07/18/90	2900		2900	N	Buse Timber	Awarded 11/30/95; Contract modified for buffers; cutting completed.	N/A

Name	Date
Steven Reich	6/4/99

Counsel

Name	Date
Steven Reich	6/4/99

Counsel