

DURATION: This amendment is effective until superseded or removed.

**FSM 2400 - TIMBER MANAGEMENT
CHAPTER 2450 - TIMBER SALE CONTRACT ADMINISTRATION**

2453.11c - Urgent Removal Extension

1. Regional Forester Determination. Promptly after a significant catastrophic event that affects timber on other ownerships, Regional Foresters shall determine if adequate cause for urgent removal extensions exists (36 CFR 223.53). Based on discussions with Contracting Officers, timber sale purchasers, and their staff, the Regional Forester must verify in writing whether:

- a. A specific catastrophe has occurred for which urgent removal extensions can be granted;
- b. The manufacturing facilities or logging equipment capacity available to purchasers are insufficient to provide for both the rapid harvest of damaged non-National Forest System timber in need of expeditious removal and the continued harvest of undamaged (green) timber under contract with the Forest Service; and
- c. Failure to harvest the damaged non-National Forest System timber promptly could result in the following:
 - (1) Significant private or other public resource loss,

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CHAPTER 2450 - TIMBER SALE CONTRACT ADMINISTRATION**

(2) Pose a threat to public safety, or

(3) Create a threat of an insect or disease epidemic to National Forest System or other lands or resources.

2. Contracting Officer Actions. Upon a determination by a Regional Forester that urgent removal extensions may be granted to facilitate harvest of non-National Forest System timber in a particular geographic area, the Contracting Officer must take the following actions:

a. Accept written requests from timber sale purchasers, which include:

(1) An explanation of why the harvest of undamaged (green) National Forest System timber within the term of the existing contract(s) will prevent or otherwise impede the expeditious removal of damaged non-National Forest System timber;

(2) Documentation that the manufacturing facilities or logging equipment capacity available to a purchaser would be insufficient to provide for both the rapid salvage of damaged non-National Forest System timber in need of expeditious removal and continued harvest of undamaged (green) timber under contract with the Forest Service; and

b. Within 14 days of receiving a request from a timber sale purchaser, the Contracting Officer must make a binding preliminary determination that the purchaser's sales will qualify for urgent removal extensions, based on the assumption that certain volumes of catastrophically damaged timber from non-National Forest System lands were purchased. Before making the preliminary determination, or granting the extension, the Contracting Officer must verify:

(1) That it is likely that the undamaged (green) timber from National Forest System land would be delivered to the same manufacturing facilities as are needed to process the damaged non-National Forest System timber or the National Forest System timber sale contract would require the use of the same logging equipment as is needed to remove the damaged non-National Forest System timber from the area affected by the catastrophe. If the purchaser's documentation is logical, well-presented, appears reasonable, and is consistent with the Contracting Officer's general knowledge of the purchaser's

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operations, the documentation must only be sufficient that the Contracting Officer is satisfied that a need exists;

(2) That extension of the contract will not be injurious to the United States and will protect, to the extent possible, the health of the National Forest System lands;

(3) That the extension would not adversely affect other resource management objectives to be implemented by the timber sale being extended;

(4) That the timber sale contract to be extended is not a sale containing damaged, dead, or dying timber subject to rapid deterioration;

(5) That the purchaser has not been granted a previous urgent removal extension on the same timber sale contract based on the current catastrophic event;

(6) That the revised timber sale contract term will not exceed 10 years from the date the contract was awarded; and

(7) That the contract is not in breach, and all work items, payments, and deposits are current.

c. Grant the urgent removal extension for the estimated amount of time required to harvest and process the damaged timber on non-National Forest System lands, up to a maximum of 1 year. If needed, the extension must include a requirement that purchasers make cash payment to cover the costs of remarking the timber on the sale area or reestablishing cutting unit boundaries.