

## PART 5420—PREPARATION FOR SALE

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**Authority:** 61 Stat. 681, as amended, 69 Stat. 367; Sec. 5, 50 Stat. 875; 30 U.S.C. 601 et seq.; 43 U.S.C. 1181e.

**Source:** 35 FR 9785, June 13, 1970, unless otherwise noted.

### Subpart 5420—Preparation for Sale; General

**§ 5420.0-6** Policy.

All timber or other vegetative resources to be sold shall be appraised and in no case shall be sold at less than the appraised value. Measurement shall be by tree cruise, log scale, weight, or such other form of measurement as may be determined to be in the public interest.

### Subpart 5422—Volume Measurements

**§ 5422.1** Cruise sales.

As the general practice, the Bureau will sell timber on a tree cruise basis.

**§ 5422.2** Scale sales.

(a) Scaling by the Bureau will be used from time to time for administrative reasons. Such reasons would include but not be limited to the following: To improve cruising standards; check accuracy of cruising practices; for volumetric analysis; and for highly defective timber where it is impossible to determine the tree cruise volume within a reasonable degree of accuracy.

(b) (1) BLM may order third party scaling after determining that all of the following factors exist:

(i) A timber disaster has occurred;

(ii) A critical resource loss is imminent; and

(iii) Measurement practices listed in § 5422.1 and paragraph (a) of this section are inadequate to permit orderly disposal of the damaged timber.

(2) BLM may also order third party scaling, only by scalers or scaling bureaus under contract to BLM, for the scaling of density management timber sales when the quadratic mean diameter of the trees to be cut and removed is equal to or less than 20 inches.

(3) Third party scaling volumes must be capable of being equated to BLM standards in use for timber depletion computations, to insure conformance with sustained yield principles.

[35 FR 9785, June 13, 1970, as amended at 71 FR 30294, May 26, 2006]

### Subpart 5424—Preparation of Contract

**§ 5424.0-6** Policy.

(a) All timber sales shall be made on contract or permit forms approved by the Director, BLM.

(b) Other than for incidental use, the severance and/or removal of any vegetative resource for personal or commercial use requires a written contract or permit issued by the authorized officer or other person authorized by the United States. All contracts or permits shall contain the following:

- (1) The name of the purchaser or his/her authorized representative with complete mailing address.
- (2) The specific vegetative resources authorized for removal and their respective quantities and values.
- (3) The specific location from which the vegetative resources are to be removed.
- (4) The term for which the contract or permit is valid.
- (5) Contract or permit conditions and stipulations.
- (6) Signature of purchaser or authorized representative.

(c) The authorized officer may include additional provisions in the contract or permit to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and the protection of improvements, watersheds, recreational values, and the prevention of pollution or other environmental degradation.

(d) The contract or permit from and any additional provisions shall be made available for inspection by prospective bidders during the advertising period. When sales are negotiated, all additional provisions shall be made part of the contract or permit.

(e) Except for such specific quantities of grades and species of unprocessed timber determined to be surplus to domestic lumber and plywood manufacturing needs, each timber sale contract shall include provisions that prohibit:

- (1) The export of any unprocessed timber harvested from the area under contract; and
- (2) The use of any timber of sawing or peeler grades, sold pursuant to the contract, as a substitute for timber from private lands which is exported or sold for export by the purchaser, an affiliate of the purchaser, or any other parties.

[56 FR 10175, Mar. 11, 1991]

**§ 5424.1 Reporting provisions for substitution determination.**

(a) To determine whether substitution has occurred, the authorized officer may require that information identified in the contract be reported by:

- (1) A purchaser who has exported private timber within one year preceding the purchase date of Federal timber, and/or
- (2) An affiliate of a timber purchaser who exported private timber within one year before the acquisition of Federal timber from the purchaser.

(b) Purchasers or affiliates of purchasers shall retain a record of Federal timber acquisitions and private timber exports for three years from the date the activity occurred.

(Information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 1004-0058)

[46 FR 29263, June 1, 1981]