

PART 223—SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER**Subpart A—General Provisions**

Sec.

- 223.1 Authority to sell timber.
- 223.2 Disposal of timber for administrative use.
- 223.3 Sale of seized material.
- 223.4 Exchange of trees or portions of trees.
- 223.5 Scope of free use granted to individuals.
- 223.6 Cutting and removal of timber in free-use areas.
- 223.7 Permission for free use of timber outside free-use areas.
- 223.8 Delegations of authority to approve free use by individuals.
- 223.9 Free use to owners of certain mining claims.
- 223.10 Free use to Alaskan settlers, miners, residents, and prospectors.
- 223.11 Free use to other Federal agencies.
- 223.12 Permission to cut, damage, or destroy trees without advertisement.
- 223.13 Compliance.
- 223.14 Where timber may be cut.

Subpart B—Timber Sale Contracts

CONTRACT CONDITIONS AND PROVISIONS

- 223.30 Consistency with plans, environmental standards, and other management requirements.
- 223.31 Duration of contracts.
- 223.32 Timber sale operating plan.
- 223.33 Redetermination of stumpage rates and deposits.
- 223.34 Advance payment.
- 223.35 Performance bond.
- 223.36 Volume determination.
- 223.37 Revegetation of temporary roads.
- 223.38 Standards for road design and construction.
- 223.39 [Reserved]
- 223.40 Cancellation for environmental protection or inconsistency with plans.
- 223.41 Payment when purchaser elects government road construction.
- 223.42 Transfer of effective purchaser credits.
- 223.43 Limitation on amounts of transferred purchaser credit.
- 223.44 Collection rights on contracts involved in transfer of purchaser credit.
- 223.45 Definitions applicable to transfer of purchaser credit.
- 223.46 Adjustment of contract termination date.
- 223.47 Date of completion of permanent road construction.
- 223.48 Restrictions on export and substitution of unprocessed timber.
- 223.49 Downpayment.
- 223.50 Periodic payments.

- 223.51 Bid monitoring.
- 223.52 Market-related contract term additions.
- 223.53 Urgent removal contract extensions.

APPRAISAL AND PRICING

- 223.60 Determining fair market value.
- 223.61 Establishing minimum stumpage rates.
- 223.62 Timber purchaser road construction credit.
- 223.63 Advertised rates.
- 223.64 Appraisal on a lump-sum value or rate per unit of measure basis.
- 223.65 Appraisal of timber for land exchange; right-of-way, or other authorized use.
- 223.66 [Reserved]

ADVERTISEMENT AND BIDS

- 223.80 When advertisement is required.
- 223.81 Shorter advertising periods in emergencies.
- 223.82 Contents of advertisement.
- 223.83 Contents of prospectus.
- 223.84 Small business bid form provisions on sales with purchaser road construction credit.
- 223.85 Noncompetitive sale of timber.
- 223.86 Bid restriction on resale of noncompleted contract.
- 223.87 Requirements of bidders concerning exports.
- 223.88 Bidding methods.
- 223.89 Relation to other bidders.

AWARD OF CONTRACTS

- 223.100 Award to highest bidder.
- 223.101 Determination of purchaser responsibility.
- 223.102 Procedures when sale is not awarded to highest bidder.
- 223.103 Award of small business set-aside sales.

CONTRACT ADMINISTRATION

- 223.110 Delegation to regional forester.
- 223.111 Administration of contracts in designated disaster areas.
- 223.112 Modification of contracts.
- 223.113 Modification of contracts to prevent environmental damage or to conform to forest plans.
- 223.114 Acquisition by third party.
- 223.115 Contract extensions.
- 223.116 Cancellation.
- 223.117 Administration of cooperative or Federal sustained yield units.
- 223.118 Appeal process for small business timber sale set-aside program share re-computation decisions.

Subpart C—Suspension and Debarment of Timber Purchasers

- 223.130 Scope.

§ 223.1

- 223.131 Applicability.
- 223.132 Policy.
- 223.133 Definitions.
- 223.134 List of debarred and suspended purchasers.
- 223.135 Effect of listing.
- 223.136 Debarment.
- 223.137 Causes for debarment.
- 223.138 Procedures for debarment.
- 223.139 Period of debarment.
- 223.140 Scope of debarment.
- 223.141 Suspension.
- 223.142 Causes for suspension.
- 223.143 Procedures for suspension.
- 223.144 Period of suspension.
- 223.145 Scope of suspension.

Subpart D—Timber Export and Substitution Restrictions

- 223.159 Scope and applicability.
- 223.160 Definitions.
- 223.161 [Reserved]
- 223.162 Limitations on timber harvested from all other states.
- 223.163 [Reserved]
- 223.164 Penalty for falsification.

Subpart E [Reserved]

Subpart F—The Forest Resources Conservation and Shortage Relief Act of 1990 Program

- 223.185 Scope and applicability.
- 223.186 Definitions.
- 223.187 Determination of unprocessed timber.
- 223.188 Prohibitions against exporting unprocessed Federal timber.
- 223.189 Prohibitions against substitution.
- 223.190 Sourcing area application procedures.
- 223.191 Sourcing area disapproval and review procedures.
- 223.192 Procedures for a non-manufacturer.
- 223.193 Procedures for reporting acquisition and disposition of unprocessed Federal timber.
- 223.194 Procedures for reporting the acquisition and disposition of unprocessed private timber.
- 223.195 Procedures for identifying and marking unprocessed timber.
- 223.196 Civil penalties for violation.
- 223.197 Civil penalty assessment procedures.
- 223.198 Administrative remedies.
- 223.199 Procedures for cooperating with other agencies.
- 223.200 Determinations of surplus species.
- 223.201 Limitations on unprocessed timber harvested in Alaska.
- 223.202 Information requirements.
- 223.203 Indirect substitution exception for National Forest System timber from within Washington State.

36 CFR Ch. II (7–1–05 Edition)

AUTHORITY: 90 Stat. 2958, 16 U.S.C. 472a; 98 Stat. 2213, 16 U.S.C. 618, 104 Stat. 714–726, 16 U.S.C. 620–620j, unless otherwise noted.

SOURCE: 42 FR 28252, June 2, 1977, unless otherwise noted. Redesignated at 49 FR 2760–2761, Jan. 23, 1984.

Subpart A—General Provisions

§ 223.1 Authority to sell timber.

Trees, portions of trees, and other forest products on National Forest System lands may be sold for the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960, as amended (74 Stat. 215; 16 U.S.C. 528–531), and the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (88 Stat. 476; as amended, 16 U.S.C. 1600–1614), and the Program thereunder.

§ 223.2 Disposal of timber for administrative use.

Trees, portions of trees, or other forest products in any amount on National Forest System lands may be disposed of for administrative use, by sale or without charge, as may be most advantageous to the United States, subject to the maximum cut fixed in accordance with established policies for management of the National Forests. Such administrative use shall be limited to the following conditions and purposes:

(a) For construction, maintenance or repair of roads, bridges, trails, telephone lines, fences, recreation areas or other improvements of value for the protection or the administration of Federal lands.

(b) For fuel in Federal camps, buildings and recreation areas.

(c) For research and demonstration projects.

(d) For use in disaster relief work conducted by public agencies.

(e) For disposal when removal is desirable to protect or enhance multiple-use values in a particular area.

§ 223.3 Sale of seized material.

Seized material (trees, portions of trees or other forest products cut in trespass from National Forest System lands) may be sold to the highest bidder under specific authorization from