

**SUMMARY OF CHANGES BETWEEN
2002 ODF Timber Sale Contract and
2005 ODF Timber Sale Contract**

All the sections have been reordered and renumbered. Following are specific changes by section.

Signatures of Contract Parties

[Section 1000]

NEW SECTION ADDED.

Sale of Timber

[Was Section 1; now Section 1020]

No substantial changes.

Quality and Quantity of Timber

[Was Section 2; now Section 1040]

Minor language change.

Entire Agreement; No Modification

[Was in Section 2, now Section 1380]

Minor language change.

Definitions of Terms

[Was Section 3; now Section 1010]

Many more definitions were added to this section.

Examination of Plans, Exhibits, and Areas of Operations

[Was Section 4; now Section 1050]

Minor language change and last sentence of section was deleted.

Title to Timber

[Was Section 5; now Section 1030]

No substantial changes.

Bond and Time

[Was Section 6; now Sections 1110 and 1120]

This section is now part of "Commencement of Work" section and "Completion Date of Contract" section.

Commencement of Work

[Was in Section 6; now Section 1110]

NEW SECTION ADDED.

Completion Date of Contract

[Was in Section 6; now Section 1120]

NEW SECTION ADDED.

Assignment of Contract

[Was Section 7; now Section 1320]

No substantial changes.

Subcontracting

[Was Section 8; now Section 1325]

Minor language changes.

Hold Harmless

[Was Section 9; now Section 1355]

Changed to "General Indemnification." Significant information added to the section.

NOTEWORTHY ADDED LANGUAGE:

PURCHASER's obligation to pay for all costs and expenses shall include those incurred by STATE in assuming its own defense. All provisions of this Section shall survive the termination of this Agreement.

Severability

[Was Section 10; now Section 1360]

No substantial changes.

Waiver

[Was Section 11; now Section 1365]

No substantial changes.

Choice of Law and Venue

[Was Section 12; now Section 1370]

No substantial changes.

Performance and Payment Bonds

[Was Section 13; now Sections 1210 and 1240]

Changed to "Performance Bond" and "Payment Bond" sections. Minor changes.

Claims Against PURCHASER's Performance Bond

[Section 1220]

NEW SECTION ADDED.

Insurance

[Was Section **14**; now Section 1240]

Significant information added to the section, including expanded definition of required coverage and requirement that all insurance be provided by a company with an A or better rating.

NOTEWORTHY CHANGED & ADDED LANGUAGE:

[STATE minimum for (a) and (b): **\$1,000,000** combined single limit per occurrence and **\$2,000,000** per aggregate; revise when higher limits required by access documents.]

[STATE minimum for (c): **\$1,000,000**; revise when higher limits required by access documents.]

Required coverage shall be for operations and completed operations, independent contractors, blanket contractual liability, and explosion, collapse and underground damage if blasting or excavation is required or performed under the Contract.

All insurance shall be provided by a company with an A or better rating, as determined by A.M. Best Company, unless otherwise approved in writing by STATE.

Payments, Contributions, and Liens

[Was Section **15**]

This section deleted.

Permits, Licenses, and Safety

[Was Section **16**; now Section 1610]

Minor language change; paragraph added.

Worker's Compensation Insurance

[Was Section **17**; now Section 1620]

Minor language change and last two sentences deleted.

Identification and Protection of Cultural Resources

[Section 1640]

NEW SECTION ADDED.

Protection of Soil, Air and Water Resources

[Section 1650]

NEW SECTION ADDED.

Tax Liability

[Section 1660]

NEW SECTION ADDED.

Compliance With Tax Laws

[Section 1670]

NEW SECTION ADDED.

Labor Laws and Prevailing Wages

[Was Section **18**]

This section deleted.

Laws, Regulations, and Orders

[Was Section **19**; now Section 1630]

Changed to "Endangered and Threatened Species." Major changes. Most of section, including agency table, deleted.

Endangered and Threatened Species

[Section 1630]

NEW SECTION ADDED.

Trespass

[Was Section **20**; now Section 1580]

Minor language change.

Materials from State Property

[Was Section **21**; now Section 1410]

No substantial changes.

Materials and Improvements

[Was Section **22**; now Section 1420]

Minor language change first paragraph. Major language change second paragraph.

Removal of Equipment and Materials

[Was Section **23**; now Section 1430]

Minor language change.

Conditions of Areas of Operations

[Was Section **24**; now Sections 1330, 1335, 1340, 1345, 1350, and part of 1610]

Wording has been substantially revised. The "Environmental Pollution" paragraphs are now a separate section called "Hazardous Substances Discovered by PURCHASER". The "Spill Responsibility" paragraphs are now a separate section called "Hazardous Substances Generated/Aggravated by PURCHASER". The "Environmental Clean-up" paragraph is now two separate sections called "Notice of Environmental Compliance" and "Environmental Indemnification." The sixth paragraph from Section 24 has been moved to the end of Section 1610.

Hazardous Substances Discovered by PURCHASER

[Section 1335]

NEW SECTION ADDED.

Hazardous Substances Generated/Aggravated by PURCHASER

[Section 1340]

NEW SECTION ADDED.

Notice of Environmental Compliance

[Section 1345]

NEW SECTION ADDED.

Environmental Indemnification

[Section 1350]

NEW SECTION ADDED.

Causes Beyond Control

[Was Section 25; now Section 1510]

Minor language change.

Cooperation With Species Protection Efforts

[Section 1520]

NEW SECTION ADDED.

Extension of Time

[Was Section 26; now Section 1530]

No substantial changes.

Contract Modifications

[Was Section 27; now Section 1540]

Minor language change.

Adjustment of Contract

[Was Section 28; now Section 1550]

No substantial changes.

Violations, Suspensions, and Cancellation

[Was Section 29; now Sections 1560 and 1570]

Changed to "Violations; Default; Remedies." The paragraphs "STATE's Right to Suspend the Operations", "Extension After Suspension", and "PURCHASER's Responsibilities" are now a separate section called "STATE's Right to Suspend Operations."

STATE's Right to Suspend Operations

[Section 1570]

NEW SECTION ADDED.

Operation Delays

[Was Section 30]

Some parts deleted. Some information moved to "STATE's Right to Suspend Operations" section.

Disputes, Mediation, Arbitration, and Fact Finding

[Was Section 31]

Deleted.

Termination

[Was Section 32]

Deleted.

Remedies

[Was Section 33]

Deleted.

Breach; STATE's Remedies

[Was Section 34]

Deleted.

Work Responsibility and Acceptance

[Was Section 35]

Deleted.

Notices

[Was Section 36; now Section 1375]

No substantial changes.

Authorized Representatives

[Was Section 37; now Section 1310]

No substantial changes.

Inspection

[Was Section 38; now Section 1315]

Minor language change.

Pre-Operations Meeting and Operations Plan

[Was Section 39; now Sections 2445, 2450, and 2455]

Minor language change.

Pre-Operations Meeting

[Section 2445]

NEW SECTION ADDED.

Operations Plan

[Section 2450]

NEW SECTION ADDED.

Seasonal Restrictions

[Section 2455]

NEW SECTION ADDED.

Repair of Injury or Damage

[Section 2460]

NEW SECTION ADDED.

Inspection and Acceptance

[Section 2465]

NEW SECTION ADDED.

Protection of Markings and Monuments

[Was Section **40**; now Section 2430]

No substantial changes.

Simultaneous Use of Area

[Was Section **41**]

Deleted. Information moved to Section 1330, "Conditions of Areas of Operations."

Payment Schedule [BOF/CSL Cash]

[Was Section **42**; now Section 1720]

Section revised; minor changes.

Payments and Interest [BOF/CSL Cash]

[Was Section **43**; now Section 1730]

Section revised; language changes.

Payment Schedule [BOF/CSL Recovery]

[Was Section **42**; now Section 1750]

Section revised; minor language changes and hardwood payment language revised.

Payments and Interest [BOF/CSL Recovery]

[Was Section **43**; now Section 1760]

Section revised; language changes.

Log Prices [Cash]

[Was Section **44**; now Section 1710]

Section revised. Renamed "Purchase Price [Cash Sales]" and some language changes.

Log Prices [Recovery]

[Was Section 44; now Section 1740]

Minor changes.

Log Removal [Cash]

[Was Section 45; now Section 2040]

No substantial changes.

Log Removal [Recovery]

[Was Section 45; now Section 2045]

No substantial changes.

Log Accountability [Cash Sales]

[Now Section 2010]

Minor changes.

Log Accountability and Log Load Receipts [Recovery Sales]

[Now Section 2015]

Section revised; switched the order of the first three paragraphs.

Log Measurement [Recovery Sales - Remote Scaling]

[Now Section 2020]

Section revised; some language changes.

Log Measurement [Recovery Sales - On-Site Scaling]

[Now Section 2025]

Minor changes.

Log Branding [All Sales]

[Now Section 2030]

Minor changes.

Hauling and Operating Time Restrictions [Recovery Sales]

[Now Section 2035]

No substantial changes.

Route of Haul [Recovery Sales - Remote Scaling Only]

[Now Section 2050]

Section revised; second paragraph was moved to become second paragraph in Section 2020.

Utilization Scale [Recovery Sales]

[Now Section 2055]

No substantial changes.

Special Products [All Recovery Sales - Optional for Cash Sales]

[Now Section 2060]

Section revised.

Public Safety Road Fee

[Section 2110]

NEW SECTION ADDED.

Access

[Now Section 2120]

Section revised. Minor language change and "Non-Project Roads" information was moved to Section 2360, "Non-Project Roads and Landings."

Road Maintenance

[Now Section 2130]

Minor changes.

Designated Timber

[Now Section 2210]

Minor changes.

Reserved Timber

[Now Sections 2220, 2230, 2240, 2250, and 2260]

Section revised.

Reserved Timber - Down Material

[Section 2230]

NEW SECTION ADDED.

Reserved Timber - Trees and Snags

[Section 2240]

NEW SECTION ADDED.

Reserved Timber - Boundary Trees

[Section 2250]

NEW SECTION ADDED.

Reserved Timber - Damages

[Section 2260]

NEW SECTION ADDED.

Felling

[Now Section 2310]

Minor changes.

Stage Logging [Eastside Option]

[Now Section 2315]

Minor changes.

Thinning Specifications

[Now Section 2320]

Minor changes.

Felling Inspection

[Now Section 2325]

Minor changes.

Controlled Felling Area

[Now Section 2330]

Minor changes.

Stump Treatment

[Section deleted.]

Snag Creation

[Now Section 2335]

Minor changes.

Felling for Down Wood [Option 1]

[Now Section 2340]

No changes.

Felling for Down Wood [Option 2]

[Now Section 2340]

Section revised. New option added within this option.

Substitution of Trees

[Now Section 2345]

Minor changes.

Cable Yarding Specifications

[Now Section 2350]

Minor changes.

Ground-Based Operations

[Now Section 2355]

Minor changes.

Non-Project Roads and Landings

[Was in both the Access and Project Work sections; now Section 2360]
NEW SECTION ADDED.

Progressive Operations

[Now Section 2365]
A few changes and new options added.

Damage to Reforested Areas

[Now Section 2410]
Minor changes.

Protection of Watershed

[Now Section 2415]
Minor changes.

Protection of Utility Lines

[Now Section 2420]
No changes.

Recreation Trail Protection

[Section 2425]
NEW SECTION ADDED.

Protection of Cultural Resources

[Section 2435]
NEW SECTION ADDED.

Warning Signs

[Now Section 2440]
Minor changes.

Precautions Against Fire

[Now Section 2510]
Minor changes.

Efforts on Fire

[Now Section 2520]
Minor changes.

Indemnification

[Section 2530]
NEW SECTION ADDED.

Fire Equipment

[Now Section 2540]

Minor changes.

Fire Trails

[Now Section 2550]

Minor changes.

Slash Disposal

[Now Section 2560]

Section revised; some minor language changes in the first part, with more significant changes in the Eastside option (last two paragraphs), Slash Release option, and Payment option.

Helicopter Use

[Now Section 2570]

Minor changes.

Project Work

[Now Section 2610]

Minor changes.

Completion of Projects

[Now Section 2620]

Minor changes.

Credit for Project Work

[Now Section 2630]

Minor changes.

Sale Area Map & Vicinity Area Map

[Exhibit "A"]

No changes.

Operations Plan

[Exhibit "B"]

NEW EXHIBIT ADDED.

Scaling Instructions [Form]

[Exhibit "C"]

NOW EXHIBIT "C" RATHER THAN LAST EXHIBIT.

Other Exhibits

[Exhibit "D", "E", "F", etc.]

No significant changes.