



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: July 14, 2014

CBCA 3464

TRICON TIMBER, LLC,

Appellant,

v.

DEPARTMENT OF AGRICULTURE,

Respondent.

Julie A. Weis of Haglund Kelley LLP, Portland, OR, counsel for Appellant.

Jennifer T. Newbold, Office of the General Counsel, Department of Agriculture, Missoula, MT, counsel for Respondent.

Before Board Judges **DANIELS** (Chairman), **HYATT**, and **DRUMMOND**.

**DANIELS**, Board Judge.

The Forest Service (FS), a bureau of the Department of Agriculture, entered into a contract with Tricon Timber, LLC (Tricon) which included reconstruction of a road in the Lolo National Forest in Montana. As part of this work, Tricon was required to cut and remove trees along the route. According to Tricon, it was required to cut and remove many more trees than the fifty estimated by the FS. Tricon claimed that it is entitled to be paid \$35,905 more than the FS has paid because it cut and removed the additional trees. The FS contracting officer denied the claim, and Tricon appealed the decision.

Following a successful mediation conducted by a Board judge, the parties have filed a motion for a stipulated award to Tricon of \$4000, inclusive of interest under the Contract

Disputes Act, 41 U.S.C. § 7109 (2012). In the motion, the parties represent that neither will seek reconsideration of or relief from a decision which makes such an award, and neither will appeal such a decision.

Decision

The appeal is **GRANTED IN PART**. We award to Tricon Timber, LLC the agreed-upon amount of \$4000. This money is to be paid from the permanent indefinite judgment fund, 31 U.S.C. § 1304.

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STEPHEN M. DANIELS  
Board Judge

We concur:

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CATHERINE B. HYATT  
Board Judge

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JEROME M. DRUMMOND  
Board Judge