

MINUTE ITEM

17. MANSFIELD-BENBOW CORPORATION, TIMBER TRESPASS, HUMBOLDT COUNTY -
S.W.O. 7946.

After consideration of Calendar Item 1 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REFER THE TIMBER TRESPASS OF MANSFIELD-BENBOW CORPORATION WHICH OCCURRED CIRCA 1962, INVOLVING A PORTION OF THE SE¹/₄ OF NE¹/₄ OF SECTION 19, T. 3 S., R. 2 E., H.M., TO THE OFFICE OF THE ATTORNEY GENERAL FOR SUCH ACTION AS MAY BE NECESSARY, INCLUDING ANY LEGAL ACTION, TO SECURE A SETTLEMENT FOR ANY AND ALL COSTS AND DAMAGES SUFFERED BY THE STATE AS THE RESULT OF TRESPASS.

Attachment

Calendar Item 1 (2 pages)

CALENDAR ITEM

1.

MANSFIELD-BENBOW CORPORATION, TIMBER TRESPASS, HUMBOLDT COUNTY - S.W.C 7946.

In October 1962, the State Lands Division received a report of a timber trespass on a portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, T. 3 S., R. 2 E., H.M., Humboldt County. Staff investigation revealed that the actual trespass, covering approximately six acres of a 40-acre parcel of State land acquired from the United States in July of 1958, occurred during the summer of 1962, and was committed by a contractor of the Erickson-Benbow Corporation. The investigation further disclosed that the contractor undertook logging in the area in the belief that the Mansfield-Benbow Corporation owned the timber over a substantial area. After discovery by the Erickson-Benbow Corporation that the contractor had apparently cut timber on adjoining land not owned by the corporation, a private surveyor was employed by them for the purpose of determining the property lines. When it was established that cutting had been done beyond the corporation's property lines, logging on the State parcel was discontinued immediately. On November 28, 1962, Division staff appraisers, accompanied by Mr. John Benbow of the Mansfield-Benbow Corporation, made a personal inspection of the area of State land on which the trespass had been committed.

Subsequent to the aforementioned inspection, a complete appraisal was undertaken by the staff to determine the extent of damages to the State parcel and the volume of timber removed. This appraisal revealed that 127 M.B.F. of Douglas Fir timber, with a value of \$25 per M.B.F. or a total of \$3,175, was removed from the State parcel. Under the double-damage feature provided by Section 3346 of the Civil Code, which the office of the Attorney General advises is applicable in this instance on the basis of information assembled, a claim in the amount of \$6,902, which includes costs in the amount of \$552, was submitted to the Mansfield-Benbow Corporation on August 19, 1963. Since the corporation failed to respond to this claim, a follow-up letter was mailed on September 18, 1963, and another on November 13, 1963. The first response was a letter dated December 2, 1963, signed by the Office Secretary for the corporation, wherein a request was made for a meeting with Division representatives in Garberville. Accordingly, by Division letter to the corporation under date of December 12, 1963, it was suggested that a meeting be held at 9:00 a.m., January 8, 1964, in the company office in Garberville. Division representatives appeared on the date and at the time specified, only to be advised that corporate representatives were unavailable. In addition to the Division's attempt, through letters, to arrange a personal meeting with corporate representatives, several unsuccessful telephone calls were made to the Garberville office.

In view of the foregoing, it is believed that every reasonable attempt has been made by the staff to arrange a meeting with Mansfield-Benbow Corporation representatives for the purpose of discussing a settlement of the trespass. It is felt that little could be accomplished by further attempts.

CALENDAR ITEM 1. (CONTD.)

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REFER THE TIMBER TRESPASS OF MANSFIELD-BENBOW CORPORATION WHICH OCCURRED CIRCA 1962, INVOLVING A PORTION OF THE SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 19, T. 3 S., R. 2 E., H.M., TO THE OFFICE OF THE ATTORNEY GENERAL FOR SUCH ACTION AS MAY BE NECESSARY, INCLUDING ANY LEGAL ACTION, TO SECURE A SETTLEMENT FOR ANY AND ALL COSTS AND DAMAGES SUFFERED BY THE STATE AS THE RESULT OF TRESPASS.