

MINUTE ITEM

Timber Calendar Item No. 14  
 Approved by S.A. [unclear] on 12/20/84  
 by [unclear] on 12/20/84  
 by [unclear] on 12/20/84

CALENDAR ITEM

A 1  
 S 1

14

12/20/84  
 W 23477  
 Bjornsen

AUTHORIZATION FOR SUBMITTAL OF CLAIM  
 FOR DAMAGE TO UNITED STATES FOREST  
 SERVICE FOR SETTLEMENT OF 1979 TIMBER  
 TRESPASS ON SCHOOL LAND IN  
 SISKIYOU COUNTY

BACKGROUND:

The timber trespass involved in this case occurred during the term of the Red Cap Timber Sale conducted by the Forest Service within the McCloud Ranger District. A timber sale contract was entered into on June 25, 1974 between the Forest Service and its timber purchaser Columbia Plywood Corp. The best estimate of the time of the trespass cutting is in the period of July - August - September 1979.

A summation of the timber volumes and values per thousand board feet (M.B.F.) follows:

Species	No. of Trees	Total Net Volumes (M.B.F.)	Values Per M.B.F.	Total Value
White Fir/				
Red Fir	315	778.60	\$157.63	\$122,730.71
Lodgepole Pine	24	4.48	80.00	358.40
Totals	339	783.08		\$123,089.11

An investigation of the SE1/4NE1/4, E1/2SE1/4, Section 36, T43N, R1E, MDM, began in March 1984. Forest Service local representatives initially expressed belief the subject 120-acre parcel was in federal ownership, administered by the Forest Service. However, ownership of the above-described land was shortly thereafter confirmed (by Commission records and Bureau of Land Management records) to be in the State under the jurisdiction of the Commission. On July 12, 1984, an on-the-ground examination of the State land was made by

CALENDAR PAGE 80  
 MINUTE PAGE 2990

CALENDAR ITEM NO. 14 (CONT'D)

Commission staff which confirmed a timber trespass. During the week of August 13, 1984, Commission staff, accompanied by McCloud Ranger District representatives, performed a joint count and measurement of the tree stumps by species remaining on the school land following the 1979 harvesting operation. Values for the stumpage were adjusted in accordance with provision B3.2 of the Forest Service Timber Sale Contract, Division 8 for July - August - September 1979: \$157.63 per M.B.F. for White Fir/Red Fir and \$80 per M.B.F. for Lodgepole Pine. The resulting total values by species involved amount to \$122,730.71 for White Fir/Red Fir and \$358.40 for Lodgepole Pine, for a total of \$123,089.11. The adjusted contract price is believed to be the best indicator of fair market value as of the date of the trespass.

In addition, interest is being claimed on the amount of \$123,089.11 for the period of October 1, 1979 through November 30, 1984. The rate of interest is based on the State's pooled money investment rates during the stated period of time. The interest due the State is \$69,675.64.

The total amount of \$192,764.75 is the claim for damage proposed for submittal to the United States Forest Service, Shasta-Trinity National Forest as a settlement for this 1979 timber trespass on school land.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1.

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT:

A.

Location Map.

CALENDAR ITEM NO. 14 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. APPROVE AUTHORIZATION FOR STAFF SUBMITTAL OF A CLAIM FOR DAMAGE IN THE AMOUNT OF \$192,764.75 TO THE UNITED STATES FOREST SERVICE FOR A TIMBER TRESPASS OF JULY - AUGUST - SEPTEMBER 1979 ON SCHOOL LAND IN THE SE1/4NE1/4, E1/2SE1/4, SECTION 36, T43N, R1E, MDM, SISKIYOU COUNTY.
3. AUTHORIZE STAFF AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO EFFECT PAYMENT IN SETTLEMENT FOR THIS TIMBER TRESPASS ON SCHOOL LAND.

