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AUTHORIZATION FOR ACCEPTANCE OF OFFER BY  
UNITED STATES FOREST SERVICE FOR SETTLEMENT OF A 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 of the Shasta-Trinity National Forest. A timber sale contract was entered into on June 25, 1974 between the Forest Service and its timber purchaser Columbia Plywood Corp. The trespass occurred in 1978 or 1979.

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 State school lands under the jurisdiction of the Commission. On July 12, 1984, an on-the-ground examination of the State land was made by 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 harvesting operation. Commission staff determined that the resulting total values by species involved amounted to \$122,730.71 for White/Red Fir and \$358.40 for Lodgepole Pine, for a total of \$123,089.11; the current contract rates used by species were the adjusted tentative rates (bid prices) to the third calendar quarter of 1979. A claim for this amount and interest was filed with the Forest Service on January 4, 1985, following Commission

CALENDAR PAGE	71
MINUTE PAGE	92

CALENDAR ITEM NO. 19 (CONT'D)

authorization (Minute Item No. 14, Meeting of December 20, 1984).

The Forest Service replied with an offer to settle the entire claim for \$113,492.32. This offer excludes any payment of interest, because pursuant to 16 U.S.C., Section 499 the Forest Service claims it is unable to refund more money than it erroneously collected. Also, the current contract rates used by species by the Forest Service were the adjusted tentative rates (bid prices) to the third calendar quarter of 1978 instead of 1979, the period used in the calculations by the Commission's staff.

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.

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 24 CAL. ADM. CODE 15378.
2. APPROVE AND AUTHORIZE THE COMMISSION'S STAFF TO ACCEPT AN OFFER OF \$113,429.32 FROM UNITED STATES FOREST SERVICE IN SETTLEMENT OF A TIMBER TRESPASS ON SCHOOL LAND DESCRIBED AS THE SE1/4NE1/4, E1/2SE1/4, SECTION 36, T43N R1E, MDM, SISKIYOU COUNTY, CONTAINING 120 ACRES, MORE OR LESS, AND TO AUTHORIZE THE EXECUTION OF A COMPLETE RELEASE OF ANY FURTHER CLAIM AGAINST THE UNITED STATES BY REASON OF THE SAID TIMBER TRESPASS ON THE ABOVE-DESCRIBED STATE LAND.

