

MINUTE ITEM

7. SETTLEMENT OF UNITED STATES FOREST SERVICE TIMBER TRESPASS, PLUMAS COUNTY - S.W.O. 7809.

During presentation of Calendar Item 1 attached, the Executive Officer, pursuant to a question received from the office of the Lieutenant Governor, summarized for the record the complete staff report which had been prepared on the subject trespass.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, THE FOLLOWING RESOLUTION WAS ADOPTED:

THE COMMISSION:

1. APPROVES THE ACCEPTANCE OF THE SUM OF \$15,544.50 FROM THE UNITED STATES FOREST SERVICE AS FULL SETTLEMENT FOR TIMBER TRESPASS ON TWO PARCELS OF STATE-OWNED LAND DESCRIBED AS THE $N\frac{1}{2}$, $N\frac{1}{2}$ OF $SW\frac{1}{4}$, $SE\frac{1}{4}$ OF $SW\frac{1}{4}$, $W\frac{1}{2}$ OF $SE\frac{1}{4}$, AND $SE\frac{1}{4}$ OF $SE\frac{1}{4}$ OF SECTION 16, T. 25 N., R. 14 E., CONTAINING 560 ACRES, AND ALL OF SECTION 16, T. 25 N., R. 15 E., M.D.M., CONTAINING 640 ACRES;
2. AUTHORIZES THE EXECUTIVE OFFICER TO:
 - A. PROCEED WITH FINAL SETTLEMENT AND DEPOSIT OF SAID AMOUNTS TO THE CREDIT OF THE SCHOOL LAND FUND;
 - B. EXECUTE ANY AGREEMENT NECESSARY TO RELIEVE THE FOREST SERVICE OF ANY FURTHER LIABILITY IN CONNECTION WITH THE SUBJECT TRESPASS.

Attachment
Calendar Item 1 (2 pages)

CALENDAR ITEM

1.

SETTLEMENT OF UNITED STATES FOREST SERVICE TIMBER TRESPASS, PLUMAS COUNTY - S.W.O. 7809.

During the course of negotiating an exchange application with the United States Forest Service, for the benefit of the California State Division of Forestry, involving the proposed acquisition of substantial timber lands under the jurisdiction of the United States Forest Service in Tulare County, it was found that portions of two parcels of State land proposed to be offered by the State under the exchange transaction had been inadvertently cut over and the timber sold by the United States Forest Service. This land is situated in Plumas County, particularly described as the $N\frac{1}{2}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $SW\frac{1}{4}$, $W\frac{1}{2}$ of $SE\frac{1}{4}$, and $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 16, T. 25 N., R. 14 E., containing 560 acres, and all of Section 16, T. 25 N., R. 15 E., M.D.M., containing 640 acres. The land is situated within the exterior boundaries of Plumas National Forest and was considered by the Forest Service to be Federal land. The Forest Service has reported that the Federal records failed to show that title to the land passed to the State of California under the School Land Grant (Act of Congress approved March 3, 1853, 10 Stat. 244).

Records of the Forest Service indicate that 312 acres of the 560-acre parcel were logged by the Clover Valley Lumber Company in 1937 under a sale contract dated October 6, 1930, between said company and the Forest Service. Similarly, a total of 561 acres of the 640-acre parcel were logged by the Clover Valley Lumber Company in 1946, pursuant to a timber sale contract of May 2, 1942.

It was agreed between representatives of the State and of the Forest Service, during preliminary exchange negotiations, that the State should be compensated for this trespass by assignment of appropriate values for the timber removed to the total land and timber value offered by the State under the exchange. Inasmuch as the exchange transaction is still pending between the State and Forest Service, it has been considered advisable to settle this trespass independent of the exchange transaction.

For the purpose of reaching a settlement, the Forest Service has reported the total volume cut and the prices received at the time of sale as follows:

$N\frac{1}{2}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$ of $SW\frac{1}{4}$, $W\frac{1}{2}$ of $SE\frac{1}{4}$, and $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 16, T. 25 N., R. 14 E., M.D.M. (560 acres)

	<u>Ponderosa Pine</u>
Volume cut	1,904 MCM
Stumpage rate	<u>\$2.75 per M</u>

TOTAL \$5,236.00

\$ 5,236.00

CALENDAR ITEM 1. (CONTD.)

Section 16, T. 25 N., R. 15 E., M.D.M. (640 acres)

	<u>Ponderosa Pine</u>	<u>Whit. Fir</u>	
Volume cut	2,031 MBM	1,169 MBM	
Stumpage rate	<u>\$4.50 per M</u>	<u>\$1.00 per M</u>	
TOTALS	\$9,139.50	\$1,169.00	<u>\$10,308.50</u>
		TOTAL AMOUNT	\$15,544.50

A recent stump cruise by staff appraisers has confirmed the total volume removed and the selling price as reported by the Forest Service. Accordingly, the United States Forest Service is willing to settle this trespass by making payment to the State of the sum of \$15,544.50.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE THE ACCEPTANCE OF THE SUM OF \$15,544.50 FROM THE UNITED STATES FOREST SERVICE AS FULL SETTLEMENT FOR TIMBER TRESPASS ON TWO PARCELS OF STATE-OWNED LAND DESCRIBED AS THE N $\frac{1}{2}$, N $\frac{1}{2}$ OF SW $\frac{1}{4}$, SE $\frac{1}{4}$ OF SW $\frac{1}{4}$, W $\frac{1}{2}$ OF SE $\frac{1}{4}$, AND SE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 16, T. 25 N., R. 14 E., CONTAINING 560 ACRES, AND ALL OF SECTION 16, T. 25 N., R. 15 E., M.D.M., CONTAINING 640 ACRES;
2. AUTHORIZE THE EXECUTIVE OFFICER TO:
 - A. PROCEED WITH FINAL SETTLEMENT AND DEPOSIT OF SAID AMOUNTS TO THE CREDIT OF THE SCHOOL LAND FUND;
 - B. EXECUTE ANY AGREEMENT NECESSARY TO RELIEVE THE FOREST SERVICE OF ANY FURTHER LIABILITY IN CONNECTION WITH THE SUBJECT TRESPASS.