

MINUTE ITEM

30. TIMBER TRESPASS, LASSEN COUNTY, DEPARTMENT OF THE INTERIOR, UNITED STATES BUREAU OF LAND MANAGEMENT - S.W.O. 8034.

After consideration of Calendar Item 26 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE COMMISSION APPROVES A SETTLEMENT WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT OF THE TIMBER TRESPASS OCCURRING ON STATE LAND UNDER THE JURISDICTION OF THE COMMISSION DESCRIBED AT THE FIGURE OF \$1,380.55, THE AMOUNT OF ACTUAL DAMAGE INCURRED, AND AUTHORIZES THE EXECUTIVE OFFICER, UPON PAYMENT TO THE COMMISSION OF THE SUM OF \$1,380.55 TO EXECUTE SUCH AGREEMENT AS MAY BE REQUIRED BY THE UNITED STATES BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, TO RELIEVE THE BUREAU OF FURTHER LIABILITY, SUBJECT TO APPROVAL THEREOF BY THE OFFICE OF THE ATTORNEY GENERAL.

Attachment

Calendar Item 26 (1 page)

CALENDAR ITEM

26.

TIMBER TRESPASS, LASSEN COUNTY, DEPARTMENT OF THE INTERIOR, UNITED STATES
BUREAU OF LAND MANAGEMENT - S.W.O. 8034.

In June of 1964, representatives of the United States Bureau of Land Management in Sacramento advised the staff of a timber trespass that had been committed by the Bureau on forty acres of State land in Lassen County under the jurisdiction of the State Lands Commission, described as the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T. 38 N., R. 6 E., M.D.M. The land is located approximately four miles westerly of Bieber, Lassen County. Title to the parcel was acquired by the Commission from the United States on June 15, 1956.

The Bureau of Land Management has advised that the trespass was committed involuntarily, because of incorrect record information as to the Bureau's jurisdiction over the land. The trespass involves the removal and sale of various species of timber as follows:

<u>Species</u>	<u>Volume</u>	<u>Unit Price</u>	<u>Value</u>
Ponderosa Pine	34 M.B.F.	\$14.80	\$ 503.20
Sugar Pine	36 M.B.F.	15.45	556.20
White Fir	29 M.B.F.	4.35	126.15
Incense Cedar	<u>26 M.B.F.</u> 125 M.B.F.	7.50	<u>195.00</u> \$1,380.55

These volumes and values have been concurred in by staff appraisers as the result of a detailed stump cruise and value investigation.

While the nature of the timber trespass would ordinarily fall under the double indemnity feature for damages provided by Section 3346 of the Civil Code, the office of the Attorney General has advised (See Exhibit "A") that the State is not in a position to assess the federal government for double damages. Accordingly, it is in order to settle the trespass for the amount of actual damage incurred.

IT IS RECOMMENDED THAT THE COMMISSION APPROVE A SETTLEMENT WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT OF THE TIMBER TRESPASS OCCURRING ON STATE LAND UNDER THE JURISDICTION OF THE COMMISSION DESCRIBED AT THE FIGURE OF \$1,380.55, THE AMOUNT OF ACTUAL DAMAGE INCURRED, AND AUTHORIZE THE EXECUTIVE OFFICER, UPON PAYMENT TO THE COMMISSION OF THE SUM OF \$1,380.55 TO EXECUTE SUCH AGREEMENT AS MAY BE REQUIRED BY THE UNITED STATES BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, TO RELIEVE THE BUREAU OF FURTHER LIABILITY, SUBJECT TO APPROVAL THEREOF BY THE OFFICE OF THE ATTORNEY GENERAL.