

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208

In Reply Refer to:
9230 (OR-931) P

July 2, 2003

EMS TRANSMISSION 07/08/2003
Instruction Memorandum No. OR-2003-092
Expires: 9/30/2004

To: All District Managers
From: State Director
Subject: Timber Trespass Procedure Handbook, 9231-1, Manual Update Release

Program Area: Timber Trespass

Purpose: The purpose of this Instruction Memorandum (IM) is to release an update to the Timber Trespass Procedures Handbook (TTPH).

Policy/Action: Replace TTPH Chapter IV – Trespass Law § 6 and § 7, pages IV-5 and IV-6 with the attached manual release.

Timeframe: Upon Receipt

Budget Impact: None

Background: IM No. OR-2003-077, released on June 2, 2003, specified that ORS 98.610 and ORS 98.620 were repealed and should no longer be referenced in or used to develop timber trespass cases. IM No. OR-2003-077 indicated that an update for the TTPH would be forthcoming. This IM contains that manual update.

Manual/Handbook Sections Affected: TTPH Chapter IV – Trespass Law § 6 and § 7

Coordination: This update was developed with the coordination of Mariel Combs, U.S. Department of the Interior, Office of the Solicitor, Pacific Northwest Region.

Contact: For further information contact David Roché, Forester, Oregon State Office, Bureau of Land Management.

Districts with Unions are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you assistance in this matter.

Signed by
/s/ Charles E. Wassinger
Associate State Director

Authenticated by
Mary O'Leary
Management Assistant

2 Attachment(s)

- 1 - [H-9231-1 Timber Trespass Procedure Handbook Series Transmittal Sheet](#) (1p)
- 2 - [H-9231-1 Timber Trespass Procedure Handbook Update](#) (2pp)

Distribution

WO-270 (204 LS)
OR-014 (Rodney Johnson)
OR-020 (Jon Reponen)
OR-035 (Dick Watson)
OR-050 (Steve Castillo)
OR-082 (Jeffrey Gordon)
OR-090 (Dave DeMoss)
OR-100 (Steven Niles)
OR-110 (David D. Reed)
OR-120 (Jon Menten)
OR-130 (Allen Gardner)

H-9231-1 – TIMBER TRESPASS PROCEDURE HANDBOOK

Chapter IV – Trespass Law

4. Recovery of Any Part of Tree From Private Land ORS 99.050

Any person may enter upon private property where any part of a fallen tree belonging to or under control of such person has been cast by freshets or highwater, for the purpose of recovering and reclaiming the same. Before entering the land he shall post a bond with the Public Utility Commissioner to be approved by the Commissioner, in such sum as the Commissioner may provide. The bond shall be held by the Public Utility Commissioner to insure to any landowner the payment of any damage resulting from removal or reclaiming of such property. The owner of the land shall be compensated for any damages resulting from removal.

5. Effect of Failure to Remove Logs From Another's Land ORS 99.060

If any person fails to remove and reclaim logs, timber or any part of a fallen tree within one year after it is cast upon private property as provided in ORS 99.050, it is deemed abandoned and the title thereto rests in the person entitled to the possession of the land upon which the same is found.

6. Fire Trespass ORS 477.090

In addition to penalties otherwise provided by law, the United States, State, political subdivision or private owners whose property is injured or destroyed by fires in violation of State Law may recover in a civil action double the amount of damages suffered if the fires occurred through willfulness, malice, or negligence. Persons causing fires by violation of any of the provisions of the statutes are liable in an appropriate action for the full amount of all expenses incurred in fighting such fires.

The Bureau assesses fire trespass damage at the value of the timber, buildings, reproduction, seed trees, fences, etc. before and after the fire. The involuntary fire trespasser is charged the difference in total value of the timber, buildings, reproduction, seed trees, fences, etc. before the fire minus credit for the value of remaining timber and improvements after the fire.

The willful trespasser is charged double the value of the timber and improvements in the burned area minus the credit for the value of the timber and or improvements not destroyed by the fire.

H-9231-1 – TIMBER TRESPASS PROCEDURE HANDBOOK

Chapter IV – Trespass Law

D. Washington State Trespass Laws

1. Treble Damage 64.12.030

Whenever any person cuts down, girdles, injures, or carries off any tree, timber or shrub on the land of another person, without lawful authority, judgment shall be given for treble the amount of damages claimed.

2. Single Damages 64.12.040

Upon investigation of such action, if it appears that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his won or that of the person in whose service or by whose direction the act was done, judgment shall only be given for single damages.