

Introduced by: Mayor  
Date: Feb. 5, 1981  
Hearing: March 5, 1981  
Vote: 14 Yes, 2 No  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-3

PROVIDING FOR THE SALVAGE AND HARVEST OF DEAD AND MATURE  
TIMBER UPON BOROUGH SELECTED LANDS.

WHEREAS, the Borough has acquired title to certain forest lands through the State of Alaska, or has selected these lands for patent from the State of Alaska; and

WHEREAS, many of these lands contain stands of dead and mature timber of commercial value; and

WHEREAS, it is necessary to harvest or otherwise salvage this dead timber as quickly as possible in order to prevent the decay of the timber and the loss of commercial value to the land; and

WHEREAS, the Assembly decides to provide a mechanism whereby contracts may be awarded for the harvest or other salvage of dead and mature timber from Borough lands in turn for a payment to the Borough which is proportional to the value of the timber harvested; and

WHEREAS, the Assembly desires to permit the harvest and salvage of timber while protecting the value of Borough selected lands and their surrounding environment;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Title 17 of the Borough Code is amended by adding a new Chapter 17.08 which reads:

17.08 Forest Resources.

17.08.010 Authority to Dispose of Forest Resources.

A. The Mayor is authorized to negotiate with private individuals or firms for the salvage or other harvest of dead and mature timber of commercial value upon Borough-owned or Borough-selected lands.

B. The Mayor shall identify tracts containing commercially valuable amounts of dead and mature timber and shall identify those tracts as readily ascertainable forty (40) acre parcels. Notice of the parcels proposed for salvage or harvest of dead and mature timber shall be published twice in a designated publication of general circulation and shall inform prospective purchasers of the size, location and other pertinent information about the parcel. The Mayor may request that proposals be submitted by interested parties stating the parcels from which the parties propose to salvage or harvest their timber and the amount which the prospective purchaser would pay to the Borough for harvest of timber.

C. The Mayor shall negotiate a contract for the salvage or harvest of timber from designated parcels with persons who have expressed interest in those parcels whether through the submission of a proposal or separate negotiation. Timber shall be sold by the board foot or by acreage, or other basis which may be agreed upon by the parties.

D. The Mayor shall prescribe such terms and conditions of sale in the contract and such conditions for the protection of the land as he deems to be in the best interests of the Borough.

17.08.020 General Terms and Conditions Applicable to All Contracts.

A. The purchaser shall be solely responsible for the access to the location of the property from which timber may be salvaged or otherwise harvested and shall take no timber from outside the boundary of the sale.

B. The purchaser shall be solely responsible for provision and maintenance of access to the site and for the cost of clean-up, if any.

C. The purchaser shall post notice that the Borough will not be held responsible for any claims or damages caused at the site, and upon access leading to it, and shall hold the Borough harmless from any claims which might be asserted against the Borough, or on any damages to the

persons or the land or adjacent land, arising in connection with the purchaser's activities.

D. The purchaser shall provide a bond in an amount and form satisfactory to the Mayor and made for the benefit of the Borough which will indemnify the Borough against any claims, liabilities or law suits or damage to land arising in connection with the purchaser's activities.

E. The purchaser shall keep adequate and current records of all timber cut.

F. The Borough may file with the appropriate State office a lien upon all timber removed from the land and such lien will not be released until payment has been made to the Borough or has been deposited in an appropriate escrow account.

G. The purchaser will take all measures necessary to prevent and control damage arising from fire, or other causes in the harvesting operation.

H. The purchaser shall not remove any gravel or other minerals from the land without prior approval of the Borough, mineral rights being excluded from the operation of this ordinance.

I. All timber shall be cut, trimmed and moved in accordance with sound logging practice and shall be done in such a manner as to minimize scarring of the land and unnecessary destruction of live vegetation.

J. The purchaser shall not engage in the practice known as "clear cutting" and may take only dead and mature timber, whether standing or down.

Section 2. The Mayor is authorized to effectuate this ordinance, which takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS 3rd DAY OF March, 1981.

  
Paul Fischer, Assembly President

ATTEST:

  
Borough Clerk

Kenai Peninsula Borough  
Ordinance 81-5  
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