

Introduced by: Jack Brown  
Date: Debra Horne  
Hearing: 08/19/97  
Action: 09/16/97  
Vote: Enacted as Amended  
7 Yes, 1 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-65**

**AN ORDINANCE AUTHORIZING EMERGENCY TIMBER HARVEST  
ON BOROUGH LANDS INFESTED WITH THE SPRUCE BARK BEETLE  
AND AMENDING KPB 17.50 TO PROVIDE FOR  
OVER-THE-COUNTER DISPOSAL OF FOREST RESOURCES  
WHEN NO QUALIFYING PROPOSALS ARE RECEIVED IN RESPONSE TO  
REQUESTS FOR PROPOSALS OR BIDS**

- WHEREAS,** the Kenai Peninsula Borough is heavily infested with the spruce bark beetles with more than 1,000,000 acres infested during the past six years; and
- WHEREAS,** aerial detection has indicated that over 31,000 acres of borough timber lands have been infested; and
- WHEREAS,** due to the rapid spread and level of infestation the assembly recognizes that these trees may present a fire hazard in and around our communities; and
- WHEREAS,** the Kenai Peninsula Borough Code of Ordinance requires the assembly to approve cooperative agreements for the management of borough timber owned resources; and
- WHEREAS,** the Kenai Peninsula Borough Code of Ordinances provides for the disposition of borough-owned forest resources by competitive bidding but does not specifically provide for the over-the-counter sale of forest resources when a competitive bidding process results in no bids; and
- WHEREAS,** the administration recently solicited bids for disposing of forest resources in the Salmo Lake Tract, Wildwood Tract and Coho Tower Tract and received no bids;
- WHEREAS,** it is desirable to provide for such over-the-counter sales in order to facilitate the planned disposition of forest resources without further delay and expense; and
- WHEREAS,** it is the intent of the Kenai Peninsula Borough to participate in a coordinated effort with federal and state agencies to address the fire hazard within the Kenai Peninsula Borough;

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

**SECTION 1.** That the borough mayor is authorized to cause the removal of trees from borough lands where the level of spruce bark beetle infestation is 30% or more, in accordance with the provisions of this ordinance.

**SECTION 2.** That the borough mayor is authorized to cause such beetle infested trees to be removed without classification of these lands as resource management.

**SECTION 3.** That the borough mayor shall prioritize the disposal of such timber with the highest priority given to infested areas which would provide fire breaks located near public facilities, residential and commercial areas.

**SECTION 4.** For disposition of the above-described timber resources only, the Borough Mayor is hereby authorized to adopt forest management sale reports and enter into necessary contracts with assembly approval by resolution, as is otherwise required in KPB 17.50.020 and 17.50.035. The planning commission shall hold public hearings as provided in KPB 17.50.035(B) and make recommendations to the mayor and the assembly. When adopting such forest management sale reports the mayor shall consider any such planning commission recommendations. This provision may not be construed to waive the public notice requirements contained in KPB 17.50.040 prior to the disposition of forest resources.

**SECTION 5.** That the borough mayor shall provide the Assembly with reports on the status of such timber activities and revenues.

**SECTION 6.** That the borough mayor may suspend this program if the revenues generated are not sufficient to support the program.

**SECTION 7.** That KPB 17.50.060 is hereby enacted to read as follows:

**17.50.060. Over-the-counter sale of forest resources.**

If no qualifying bids or proposals are received in response to requests for bids or proposals for the disposition of forest resources advertised pursuant to KPB 17.50.040, the mayor or his designee is authorized to sell such forest resources over-the-counter on the same terms and conditions as advertised except that minimum bid, insurance and tract size requirements may be modified as the mayor deems in the best interests of the borough.

**SECTION 8.** That the mayor is hereby authorized to sell forest resources in the Salmo Lake Tract, Wildwood Tract and Cohoe Tower Tract, as described in the Forest Management Sale Report for those tracts, approved in Resolution 95-056, over-the-counter as provided in section 7 of this ordinance.

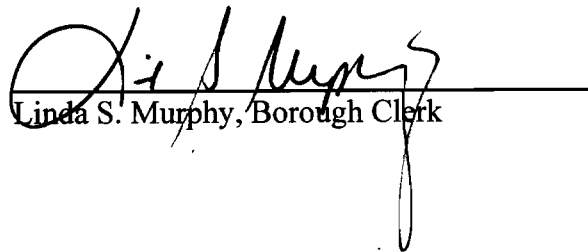
**SECTION 9.** Sections 1 through 6 shall be automatically repealed on December 31, 1999 unless the assembly by ordinance has altered or extended that date.

**SECTION 10.** This ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 1997.**

  
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Jack E. Brown, Assembly President

ATTEST:

  
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Linda S. Murphy, Borough Clerk