

KENAI PENINSULA BOROUGH

Spruce Bark Beetle Office

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MEMORANDUM

TO: Milli Martin, Assembly President
Members of the Kenai Peninsula Borough Assembly

THRU: David R. Carey, Borough Mayor *DR Carey*
Max Best, Planning Director *MB*
Marcus Mueller, Land Management Officer *MM*

FROM: Duane A. Bannock, Program Manager *DB*

DATE: June 25, 2009

SUBJECT: Ordinance 2009-38, amending KPB Title 17 clarifying procedures for planning and disposition of forest resources

This review and subsequent amendments is the work product of a collaborative effort between the Planning Department, the Land Management Division, the Spruce Bark Beetle Program and the Legal Department. Many hours of research and cross-referencing of other ordinances have led to the proposed changes.

Many of the changes are edits of a grammatical nature with no major policy adjustments; others attempt to set forth a clear difference between uses of land resources for personal consumption versus those of a commercial nature.

Section 1 - KPB 17.08.010

The use of the phrase harvest areas is substituted for tracts and parcels for areas to be harvested. This change is consistent with U.S. Forest Service and State of Alaska Forestry Division jargon.

Section 2 - KPB 17.10.150(B)

Removes gender reference.

Section 3 - KPB 17.10.170

Deletes this section as it is redundant.

Section 4 - KPB 17.10.180(A)

The referenced KPB 17.10.120(F) reads: "The mayor shall not sell, lease or authorize any other use or disposition of borough land to a person who is delinquent in the payment of any tax, debt or obligation owed to the borough."

This change is merely rearranging the sentence to be consistent with tense of the code. The responsibility for ensuring tax compliance is placed on the mayor, as described above, rather than the applicant. No change in the intended result is anticipated.

New language will read: "KPB 17.10.120(F) shall apply."

Section 5 - KPB 17.10.200

Title change recognizes the definition of Materials in KPB 17.10.250 as including sand and gravel.

- A. The land classification named resource extraction was replaced with resource development and resource management. This change is consistent with Ordinance 94-16.
- B. Same as above.
- D. Syntax change only – same as Section 4.
- H. Clarifies that the bond amount shall be the greater of \$100 or 10 percent of the negotiated price.

Section 6 - KPB 17.10.210

Title change to include forest resources.

- A. Land classification named resource extraction was replaced with resource development and resource management. (Ordinance 94-16).
- C. Syntax change only – same as Section 3.
- D. Slightly reworded with no change in meaning.
- E. Requires commercial buyer of forest resources to file a detailed plan of operations as required by AS 41.17.090.
- I. Clarifies that all buyers must comply with all applicable laws to continue buying forest resources.

Section 7 - KPB 17.10.250(EF) - (PP)

This only renumbers and alphabetically reorders the definitions. No change of definitions is made.

Section 8 - KPB 17.50.010

- A. Former paragraph B was moved to paragraph A as it addresses the topic in the title, the forest management plan.

- B. Changes the timber management report from an annual report to a biennial report. Also removes reference to the specific month of review by the planning commission and assembly.

Section 9 - KPB 17.50.030

- A. These changes are designed to define a difference between personal use (by permit) and commercial use (by contract).
 - 1. Adds five more cords of wood for personal use in conjunction with new paragraph 2 and changes firewood and logs to wood products. Also defines an annual personal use permit and provides that no fee shall be charged. Former Nos. 2 and 3, which placed limits on personal and commercial use logs and firewood, are deleted.
New No. 2 designates commercial use by contract with fees established in the contract.
- C. Removes gender reference. Also removes specific land classification and includes reference to harvest area.
- D. Removes gender reference and redundant use of "discretion."

Section 10 - KPB 17.50.035(A)

Removes gender reference and corrects reference to KPB code.

Section 11 - KPB 17.50.040

Removes gender reference and all references to a permit. Changes make a contract the instrument of disposal agreement rather than permit. Also changes publication requirement to require advertising once in a newspaper of general circulation in the borough rather than in each locality.

Section 12 - KPB 17.50.050

Removes reference to permit.

Section 13 - KPB 17.50.060

Removes gender reference.