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KENAI PENINSULA BOROUGH CODE OF ORDINANCES

17.50.010. Forest management plan.

A. The mayor or his designee shall publish a timber management report every year commencing November 1991. The report shall include all borough timber activities for that previous year, and the borough's most current inventory of all patented and selected approved lands for that previous year. The annual timber management report shall be provided to the borough planning commission and the borough assembly by their last regular meeting of November. The planning commission shall review the report and make recommendations to the assembly on the need to update the forest management plan by the first regular assembly meeting in January. If the assembly determines an update to be necessary, it shall be completed and put into operation no later than November of that same year.

B. The plan shall include the following: the borough's most current inventory of forest resources on borough patented lands and final approved lands; the borough patented lands and final approved lands; the terms, conditions, and limitations of permits and contracts for disposal of forest resources; cooperative management agreements; forest management guidelines including fish, wildlife, and habitat policies and appropriate silvicultural practices; identification of areas for disposal of forest resources; and information on other areas relevant to forest management in the Kenai Peninsula Borough.

C. The forest management plan shall be approved by resolution of the assembly after public hearing, review and recommendations by the planning commission.

(Ord. No. 91-5, § 1, 1991; Ord. No. 88-35, § 1(part), 1988)

17.50.020. Contract services.

A. The mayor may contract with an individual, organization or entity to assist in preparation of the Kenai Peninsula Borough forest management plan.

B. The mayor may enter into cooperative management agreements to assist in planning, management, disposal administration and reclamation for borough-owned forest resources. These agreements shall be approved by resolution of the assembly.

(Ord. No. 88-35, § 1(part), 1988)

17.50.030. Forest resources disposal.

A. Forest resources shall be disposed of by permit or contract pursuant to this title for the following uses as provided in the forest management plan:

1. Personal use firewood limited to a maximum of 10 cords of wood per household per anniversary year;
2. Personal use logs limited to a maximum of 10,000 board feet per household per anniversary year;
3. Commercial use firewood limited to a maximum of 25 cords of wood per operator per cutting season;
4. Commercial timber and/or commercial use firewood operations;

B. Nothing contained in this title shall be deemed to limit the authority of the mayor to dispose of forest resources in any manner deemed necessary in his discretion, with or without consideration or other payment, in emergency situations requiring action before assembly approval could be reasonably obtained.

C. Nothing contained in this title shall limit the authority of the mayor to dispose of forest resources in any manner deemed necessary in his discretion, whether or not for cash or other consideration, on land classified as government, institutional, utility/transportation, or waste handling, where the tract of land is less than 40 acres or where the primary purpose for removing forest resources is to remove trees that potentially create a hazard to people or facilities.

(Ord. No. 98-63, § 1, 1998; Ord. No. 88-35, § 1(part), 1988)

17.50.035. Forest management sale report.

A. Prior to disposal of forest resources the mayor or his designee shall prepare a forest management sale report which shall set the terms and conditions for each sale as set forth in section 17.50.040 and additional terms as deemed necessary for specific site conditions.

B. The planning commission shall hold a public hearing on the provisions of the forest management sale report and make recommendations to the assembly.

C. Adoption of a forest management sale report under this chapter shall be by assembly resolution.

D. Disposal of forest resources under KPB 17.50.030(C) does not require a forest management sales report.

(Ord. No. 98-63, § 2, 1998; Ord. No. 94-55, § 1, 1994; Ord. No. 88-35, § 1(part), 1988)

17.50.040. Notice of forest resource disposal.

The mayor or his designee shall give public notice for disposal of forest resources by permit or contract by legal advertisement in a newspaper of general circulation in each locality of the borough. Public notice shall be advertised a minimum of 30 days prior to the disposal of forest resources and shall include the following:

- A. Type of permit or contract;
- B. Location of proposed disposals;
- C. Minimum acceptable bid, if applicable;
- D. Method of bidding;
- E. Time and place of permit issuance or bidding;
- F. Duration of permit or contract; and
- G. Location of detailed information on the disposal.

(Ord. No. 88-35, § 1(part), 1988)

17.50.050. Qualifications for application for permits or contracts.

- A. A household, organization or firm is qualified to apply for a permit or to bid if they are:
 - 1. Represented by individual at least 18 years of age;
 - 2. Legally competent and/or authorized to carry out the provisions of a permit or contract;
 - 3. Licensed to do business in the borough and state, if the permit or contract is for commercial purposes; and
 - 4. Not in violation of current permits or contracts and performed satisfactorily on previous permits or contracts, if applicable.
 - 5. In compliance with the borough code provisions with respect to tax compliance requirements.

B. In addition to the threshold requirements for application as set out in subsection A of this section, criteria for award or selection of permits or contracts shall include any additional conditions or terms set out in the borough forest management plan or as established by the mayor for any specific individual sale or disposal.

(Ord. No. 88-35, § 1(part), 1988)

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 where larger parcels have been through the detailed plan of operations review process may be modified as the mayor deems in the best interests of the borough. For properties of ten acres or less for which there are no qualifying bids or proposals, the mayor is authorized to open the properties for personal use timber disposal pursuant to KPB 17.50.030(A)(1) and (2).

(Ord. No. 2000-50, § 8, 12-12-00; Ord. No. 97-65, § 7, 1997)

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