

Introduced by: Mayor
Date: 03/19/24
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-010**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
MEMORANDUM OF AGREEMENT WITH CHUGACH ELECTRIC ASSOCIATION
TO PROVIDE FOR EFFICIENT DANGER TREE REMOVAL ADJACENT TO
ABOVE-GROUND UTILITY INFRASTRUCTURE WITHIN KPB LANDS
AND KPB ROAD RIGHTS-OF-WAY**

- WHEREAS,** the Kenai Peninsula Borough (“KPB”) and Chugach Electric Association (“CEA”) have identified common goals in the KPB Community Wildfire Protection Plan; and
- WHEREAS,** “danger tree” is a term used to describe a tree that due to its size, condition and location poses a risk of falling into above-ground utility infrastructure; and
- WHEREAS,** proactively mitigating damage from danger trees to above-ground utility infrastructure is an important step for reliable energy distribution to KPB residents; and
- WHEREAS,** KPB owns and manages land and KPB rights-of-way adjacent to many miles of CEA above-ground utility infrastructure and associated utility rights-of-way; and
- WHEREAS,** KPB has proposed through a US Forest Service Community Wildfire Defense Grant, to assist power utilities with obtaining long-standing permissions from large landowners, for which this Memorandum of Agreement (“MOA”) can serve as an example; and
- WHEREAS,** CEA has effective operational methods to handle dangerous trees and to reduce fire risks along its above-ground utility infrastructure, which are suitable for general application on KPB lands and rights-of-way in both rural and developed settings, and which operational methods form many of the standards set forth in this MOA; and
- WHEREAS,** the KPB Road Service Area Board at its regularly scheduled meeting of March 12, 2024, recommended approval by unanimous consent;

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


SECTION 1. That the Mayor is authorized to enter into an MOA with CEA for Danger Tree Removal on KPB-Owned or Managed Land and within KPB Road Rights-of-Way similar to the draft accompanying this resolution.

SECTION 2. That the activities covered by the MOA are of a maintenance nature. The danger trees are deemed to be of no commercial value for the purposes of the KPB code provisions applicable to disposal of commercial quantities of materials and forest resources.


SECTION 3. That the removal of danger trees for these purposes along rights-of-way is deemed to be a general vegetation maintenance activity in the management of land and rights-of-way, and are not considered to be governed by more specific forestry provisions of KPB Chapter 17.

SECTION 4. That the resolution is effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 19TH DAY OF MARCH 2024.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Borough Clerk



Yes: Cooper, Cox, Ecklund, Elam, Hibbert, Ribbens, Tunseth, Tupper, Johnson
No: None
Absent: None