

Introduced by: Mayor
Date: 05/21/24
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-022**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
MEMORANDUM OF AGREEMENT WITH HOMER ELECTRIC ASSOCIATION, INC.
TO PROVIDE EFFICIENT DANGER TREE REMOVAL ADJACENT TO ABOVE-
GROUND UTILITY INFRASTRUCTURE WITHIN KPBLANDS AND KPBRIGHTS-
OF-WAY**

WHEREAS, the Kenai Peninsula Borough (“KPBL”) and Homer Electric Association, Inc. (“HEA”) have identified common goals in the KPBL Community Wildfire Protection Plans; 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 KPBL residents; and

WHEREAS, KPBL owns and manages land and KPBL rights-of-way adjacent to many miles of HEA above-ground utility infrastructure and associated utility rights-of-way; and

WHEREAS, KPBL 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, HEA 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 KPBL lands and rights-of-way in both rural and urban settings, and which operational methods form many of the standards set forth in this MOA; and

WHEREAS, the KPBL Road Service Area at its regularly scheduled meeting of May 14, 2024, recommended approved 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 HEA 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-ways 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 17.10.

SECTION 4. That this resolution is effective immediately.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY MAY, 2024.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Borough Clerk



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