

2006 Cooperative Agreement  
For  
Hazard Tree Removal from Public Facilities

A. Parties/Purpose:

The Kenai Peninsula Borough of 144 N. Binkley, Soldotna, Alaska 99669, ("KPB"), enters into this Cooperative Agreement with the State of Alaska, Department of Natural Resources, Division of Forestry, 42499 Sterling Highway, Soldotna, Alaska 99669, ("State"). Under this agreement the State will hire a firefighting crew and one crew supervisor. The state firefighting crew will be used to complete several tasks outlined in the Project Prioritizing Plan approved by the Borough Assembly in Resolution 2000-042 in accordance with the terms and conditions of this agreement. The purpose of this project is to reduce the fire hazard around public facilities and Borough communities by treating vegetation on selected public property to make it less hazardous. It is understood and agreed that the state firefighting crew may be dispatched for fire fighting assignments by the State at any time the State feels appropriate. The public facilities and Borough communities governed by this contract are included in the list attached as Appendix A, and incorporated herein by reference. It is understood and agreed that these facilities will be cleared to the extent possible with the funds agreed upon in this agreement. The allocated funds may not be sufficient to clear trees from all of the listed facilities, and nothing in the agreement shall be construed to entitle the state to additional funds in order to remove trees from all of the listed public facilities, public properties, and Borough communities.

B. Kenai Peninsula Borough:

The KPB Spruce Bark Beetle Program Manager, hereinafter referred to as the SBBPM, is responsible for implementing and overseeing this project. The SBBPM shall consult and coordinate with the borough maintenance department as appropriate in accomplishing this project. KPB agrees to:

- Reimburse the State for use of the Kenai Fire Crew, crew supervisor, Division of Forestry equipment, and administrative support and other costs to accomplish the fuel management objectives described above, subject to the terms and conditions of this agreement;
- Provide direction to the crew superintendent for project planning through the SBBPM.

C. Alaska Department of Natural Resources, Division of Forestry:

The State is responsible for the certification and mobilization of the Kenai Fire Crew. The State will add indirect costs of not greater than 18% percent to the wage costs to recover payroll and administrative processing costs. The State will prepare the final Bill for Collection no later than March 15, 2007. The State agrees that it will only perform work within the scope authorized and directed by the SBBPM.

D. Compensation:

This agreement will be effective with the date of last signing and crew project work will end before October 15, 2006. Total compensation under this agreement will not exceed \$90,000.00 (Ninety Thousand Dollars and No Cents) and the agreement shall terminate upon receipt of final payment and completion of the crew project work.

E. Modification:

Modifications or termination may be proposed at any time during the period of performance by either party and shall become effective upon written approval by both parties. Either party may terminate this agreement at any time with 15 days written notification or my mutual written agreement. The State shall be compensated for services only actually provided by the effective date of termination.

F. Appropriations/Expenditures:

Nothing in this agreement shall obligate any party to the expenditure of funds, or for future payments of money in excess of duly authorized appropriations.

G. Conflict with Laws:

Nothing in this agreement is intended to conflict with Federal, State or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with applicable laws or regulations.

H. Hold Harmless:

Each party shall be responsible for its own actions and indemnify, hold harmless, and defend the other from liability of any nature or kind, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property as a result of any error, omission, or negligent acts relating from performance of this agreement.

I. Funding Verification: The Borough funding codes for this project are 262.21320.O1BT6.43011 (\$17,000.00) and 262.21320.O5BT6.43011 (\$73,000.00).

John C. Maisei  
Director, Division of Forestry

4/10/06  
Date

John Williams  
John Williams, Borough Mayor

5-3-06  
Date

Approved as to form and legal sufficiency:

Colette Thompson  
Colette Thompson, Borough Attorney

ATTEST:

Sherry Biggs



5-3-06  
Date

Sherry Biggs, Borough Clerk

## **Appendix A to 2006 Cooperative Agreement Between KPB and ADOF**

### **Spruce Bark Beetle Mitigation Plan 2006**

#### **Wildfire Hazard Reduction Projects For Public Facilities, KPB Parcels, and Threatened Communities**

The SBB Office, in conjunction with KPB Maintenance Department, Alaska Division of Forestry, the Alaska Department of Natural Resources State Parks, and municipal government staff are currently identifying the public facilities, high-use public areas, and threatened Borough communities for wildfire hazard reduction work by the ADOF Kenai Fire Crew in 2006. The ongoing hazard analysis of public facilities, high use public areas, and threatened communities by the SBB Office will continue to identify specific sites requiring treatment by the Kenai Fire Crew in 2006.

#### **Following are the treatment areas of public facilities, KPB parcels, and potential community projects identified to date:**

- Public Facilities (KPB Schools, public facilities) as identified by spring 2006 survey for ongoing spruce mortality: Coordinated with KPB Maintenance. Target date for project list 5/01/06.
- Public facilities (Campgrounds, Parks, etc): as identified by public landowners
  - Kenai project (High School complex, coordinated with City of Kenai work)
  - Soldotna projects (Swiftwater and Centennial Campgrounds)
- Alaska State Parks as identified by Park personnel: Target date for project list 5/01/06
- KPB Parcels as identified by KPB and SBB staff as requiring hazard mitigation to protect adjacent residences/communities: Target date for project list 5/01/06
- Community projects identified in the development of Community Wildfire Protection Plans (CWPPs): CWPPS priorities to be developed by 5/01/06
- Cooperative inter-agency Fuel Reduction Projects designed to protect threatened Borough Communities. Coordinate with USFS & ADOF on Hope/Sunrise Mitigation Project and on Moose Pass Mitigation Project