

H. PRESENTATION


ORDINANCE 2022-XX:

An ordinance authorizing emergency harvest of spruce bark beetle impacted forestlands and amending KPB 17.08.020(J) to remove limitation of harvestable timber.



SBB TIMBER SALES & REFORESTATION

LAND MANAGEMENT DIVISION



**“AN ORDINANCE AUTHORIZING EMERGENCY
HARVEST OF SPRUCE BARK BEETLE IMPACTED
FORESTLANDS INCLUDING SPRUCE WHICH ARE
DYING OR SUSCEPTIBLE TO DYING AND
ESTABLISHING A FRAMEWORK TO GUIDE FOREST
TREATMENTS”**

MAJOR POINTS

- ▶ The management and disposal of timber is provided for under KPB 17.08, 17.10.210, and 17.50
- ▶ 17.08 speaks to dead, down and mature timber, but does not provide for harvest of dying spruce or susceptible spruce. This ordinance would allow for dying and susceptible spruce to be harvested
- ▶ That the scope of this ordinance would be bound by those KPB spruce dominated forestland that are impacted by spruce bark beetle. And that such area would be publicly available through the publication of a map. An online interactive map has been prepared.
- ▶ That the ordinance clarify or allow for spruce bark beetle timber treatments regardless of land classification. There is a bit of confusion as the only place in code that timber harvest and classification are spoken of together is at 17.10.230, which affirms that timber can be harvested from land classified as resource management. Neither is it practical to classify all beetle kill stand areas as “resource management” nor is it practical to ignore the need to treat beetle kill stands across any land classification status. What is practical, however is to use any existing land classification to guide the treatment method and means so that treatments are consistent with the underlying management intent at each site.
- ▶ Reinforces “Forest Management Sale Reports” to be used for timber unit planning, documentation, review and approval process, including reviews at APC levels. This provision was adapted from Ordinance 2000-50, the prior emergency timber authorization. 17.50.035 provides “Forest Management Sale Reports” as being the vehicle used to describe timber management units, treatment specifications, and contract terms to be adopted prior to a timber disposal.
- ▶ Establishes a standard for Detailed Plan of Operations forms to be completed and submitted to SOA DNR, whether or not required by the Alaska Forest Practices Act.
- ▶ Requirement for quarterly updates to the Assembly along with notification of any changes to the published map of beetle kill stands subject to treatment under the ordinance
- ▶ Establishing a reforestation requirement and a statement of intent that timber receipts be available for reforestation (assembly appropriation is required to actually make that happen).
- ▶ Puts in place a sunset clause, 3 years out. Provides a statement of intent for annual review of the ordinance.

Introduced by:	Mayor
Date:	05/03/22
Hearing:	
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-**

**AN ORDINANCE AUTHORIZING EMERGENCY HARVEST OF SPRUCE BARK
BEETLE IMPACTED FORESTLANDS INCLUDING SPRUCE WHICH ARE DYING
OR SUSCEPTIBLE TO DYING AND ESTABLISHING A FRAMEWORK TO GUIDE
FOREST TREATMENTS**

WHEREAS, Southcentral Alaska is experiencing a severe spruce bark beetle outbreak with more than 1.6 million acres infested during the past 6 years; and

WHEREAS, the Land Management Division has identified 21,000 acres of forested lands in the Kenai Peninsula Borough impacted by spruce bark beetle; and

WHEREAS, spruce bark beetle is killing white and lutz spruce generally 5” Diameter-at-breast-Height (DBH) and greater, which then create hazards in the forest in the form of falling, jackstrawing, fuel loading, and leading to invasion of grasses that present a heightened level of increased fire risk and a significant vegetation shift; and

WHEREAS, in combination with increased hazards, the KPB is losing a valuable timber resource which could be utilized as fuelwood, fiber-wood, lumber, or house logs for building and which could stimulate the local economy by providing commercial and non-commercial forest products to the market; and

WHEREAS, these 21,000 acres are a high priority for planning and implementing forest management treatments, and additional areas may become mapped as the infestation progresses; and

WHEREAS, timber harvest via selective thinning, sanitation cuts, and/or salvage harvests can be an economical means to mitigate fire hazard and prevent further degradation of resources, and could promote utilization of timber with commercial value ; and

WHEREAS, the KPB Code of Ordinances provides for the disposition of KPB-owned forest resources by competitive bidding and for the over-the-counter sale of forest resources when a competitive bidding process results in no bids; and

WHEREAS, vegetation management treatments are needed regardless of how the land is classified; however, land classifications are used to inform the most appropriate types and methods of treatment; and

WHEREAS, the forest conditions are anticipated to rapidly deteriorate, as will the quality and value of the timber, translating to an urgent need to take actions; and

WHEREAS, competition with *Calamagrotis canadensis* (Canada bluejoint) grass occurs rapidly, often within three years, and impacts spruce regeneration by creating thick root and litter mats that prevent spruce germination and recruitment thereby lowering natural regeneration success, without intervention; and

WHEREAS, site preparation and/or reforestation practices with resilient tree species are necessary management steps to conserve forest values, ecosystem services, and functions and will provide important forest resources for the next generation; and

WHEREAS, treatments will establish and preserve logging infrastructure such as roads, resource management access, and recreational trails, as well as methods to close out temporary forest access; and

WHEREAS, allocating revenue generated from timber sales to reforestation efforts would support a responsible timber program; and

WHEREAS, KPB's planning commission at its regularly scheduled meeting of ____, 2022, recommended _____;

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

SECTION 1. That in addition to the authority under 17.08.010 for the salvage or other harvest of dead and mature timber upon KPB-owned or KPB-selected lands, and not withstanding 17.08.020(J), the borough mayor is authorized for the salvage or other harvest of dying spruce and spruce susceptible to dying, due to spruce bark beetle tree mortality; clearcutting is not authorized, in accordance with the provisions of this ordinance and KPB Chapter 17.

SECTION 2. That the mayor shall publish a map showing the location forestlands dominated by white or lutz spruce that are affected by or susceptible to spruce bark beetle infestation subject to this ordinance.

SECTION 3. That the salvage or other harvest of dead, dying, or susceptible to dying spruce, due to spruce bark beetle tree mortality, and mature timber subject to this ordinance shall have a classification requirement, however treatment types, means and methods shall be consistent with the purposes of any parcel's classification.

SECTION 4. That disposition of above-described timber resources, the KPB mayor is hereby authorized to prepare a single forest management sale report for each unit. The forest management sale report shall be subject to review by the advisory planning commissions, where applicable, planning commission and approval by the assembly in accordance with KPB 17.50.035.

SECTION 5. That detailed Plans of Operations for all timber units shall be submitted to the Alaska Department of Natural Resources, Division of Forestry for review and approval prior to any salvage or other harvest.

SECTION 6. That the mayor shall provide the assembly with quarterly reports on the status of such timber activities and revenues as of Dec 31, March 31, June 30, Sept 30, along with any changes to the map described in Section 2.

SECTION 7. That all timber sale receipts shall be deposited in account 250.21210.____.____ and will be available for appropriation for reforestation.

SECTION 8. That reforestation methods shall be prescribed, planned and implemented within 3 years of harvest, subject to appropriation and procurement requirements.

SECTION 9. That Sections 1 through 8 shall be subject to annual review and shall be automatically repealed on June 21, 2025, unless the assembly by ordinance has extended that date.

SECTION 10. That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 11. That this ordinance takes effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS __th DAY OF ____ 2022.

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk