

E. NEW BUSINESS

- 8. Ordinance 2022-11: 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.**

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor *AK for CP*
Melanie Aeschliman, Planning Director *MA*
Marcus A Mueller, Land Management Officer *MA*

FROM: Dakota Truitt, Land Management Agent *MA*

DATE: April 21, 2022

RE: Ordinance 2022-___, 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 (Mayor)

KPB Land Management has been working to develop management framework for a coordinated Spruce Bark Beetle (SBB) mitigation response in light of the progressing SBB outbreak that began in 2016. The estimated 195,000 acres severely impacted on the Kenai Peninsula are closely monitored and surveyed by the AK Division of Forestry Forest Health Program. These forests are experiencing high rates of spruce mortality averaging 60-70%, and up to 90% mortality, in highly impacted areas.

Implementing a KPB SBB mitigation response will depend upon authorization of necessary measures for emergency harvest on affected parcels of land, regardless of land classification. Framework for guidance would account for existing classifications, adjacent landowner notification, community meetings, and management best practices, through a defined process to guide forest treatments that incorporate public input.

The proposed program outlines forest management sale reports as the central format that include treatment prescriptions and harvest practices to reduce wildland fire hazard and encourage utilization of economically viable forest product values. Environmental protections and practices are enumerated in KPB 17.08, 17.10, 17.50, 21.18, and the Alaska Forest Resources and Practices Act. Practices will be adapted and applied for site-specific conditions for harvest and post-harvest treatments that include site preparation, reforestation practices, and harvesting infrastructure retainment or closure methods.

The project timeline includes hiring a temporary Forester position by July 2022 to produce SBB mitigation projects, analysis of forest inventory and prioritization of

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April 21, 2022
RE: O2022-_____

initial forest management units, with the goal of releasing SBB timber sales at the beginning of 2023.

The ordinance includes a proposed sunset date of June 2025, with an annual comprehensive review. The ordinance sunset could be extended by future action of the assembly.

A project page has been developed online at www.kpb.us/forestmanagement.

Your consideration is appreciated.

Introduced by:	Mayor
Date:	05/03/22
Hearing:	05/17/22
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 Kenai Peninsula Borough (“KPB”) Land Management Division has identified 21,000 acres of KPB -managed forested lands impacted by Spruce Bark Beetle; and
- WHEREAS,** Spruce Bark Beetle is killing White and Lutz Spruce, generally five-inch diameter-at-breast-height 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 new fire risk and a significant vegetation shift; and
- WHEREAS,** in combination with increased hazards, KPB is losing a valuable timber resource which could be utilized for fuelwood, fiber wood, lumber, or house logs for building which could stimulate the local economy by providing forest products to the marketplace; and
- WHEREAS,** the 21,000 identified KPB acres are a high priority for planning and implementing forest management treatments, and additional areas are anticipated to 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 and 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, generating an urgent need to take action; 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 future generations; and

WHEREAS, treatments will establish and preserve logging infrastructure such as roads, resource management access, and recreational trails, along with 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, forest management sale reports are the form which timber units are described, including location, unit size, access, harvest treatments, prescriptions, reforestation techniques, post-harvest treatments, and maps, and plans for compliance with the Alaska Forest Resource and Practices Act; and

WHEREAS, forest management sale reports designed for a given unit may exceed the standards of the Alaska Forest Resource and Practices Act, especially in areas determined to be sensitive, susceptible to damage, and in need of additional protection; and

WHEREAS, KPB's Planning Commission at its regularly scheduled meeting of May 9, 2022, recommended _____;

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

SECTION 1. That in addition to the authority under KPB 17.08.010 for the salvage or other harvest of dead and mature timber upon KPB-owned or KPB-managed lands, and notwithstanding KPB 17.08.020(J), the mayor is authorized to conduct salvage or other harvest of dying spruce and spruce susceptible to dying, due to Spruce Bark Beetle tree mortality in accordance with the provisions of this ordinance and KPB Chapter 17. Clear cutting practices are not authorized by this ordinance.

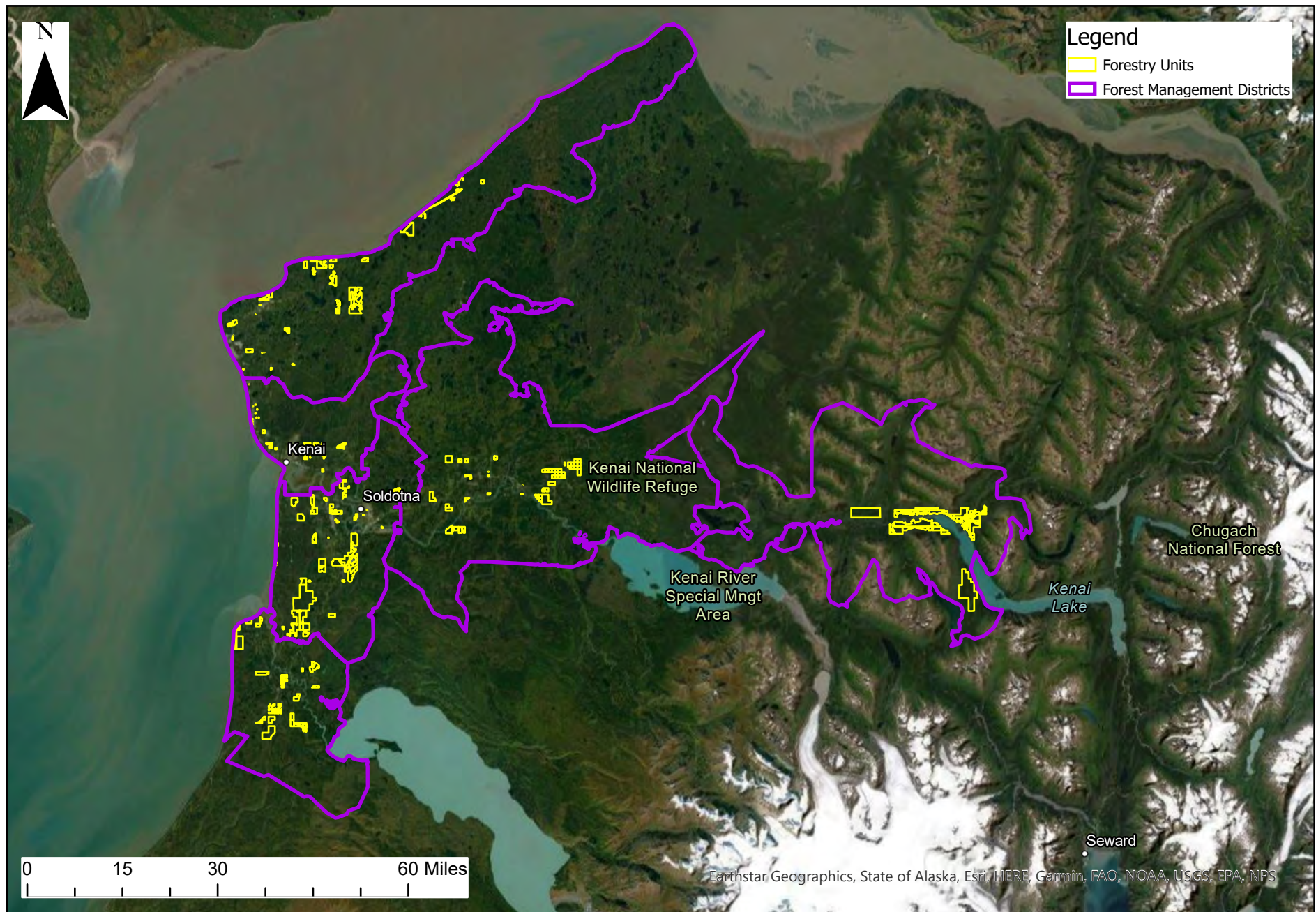
- SECTION 2.** That the mayor shall publish a map showing the location of forestlands dominated by White or Lutz Spruce that are affected by or susceptible to Spruce Bark Beetle infestation subject to this ordinance.
- SECTION 3.** That the KPB Land Management office will notify, solicit comments, and, when requested, consult with private landowners that share a border with a unit of borough land to be managed for forestry activities, before a forest management sale report for that unit is finalized.
- SECTION 4.** 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 not have a classification requirement. Treatment types, means and methods shall be consistent with the purposes of any parcel's classification.
- SECTION 5.** That for the disposition of above-described timber resources, the 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, the KPB Planning Commission and approval through resolution by the assembly in accordance with KPB 17.50.035.
- SECTION 6.** 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 7.** That the mayor shall provide the assembly with quarterly reports on the status of such timber activities and revenues as of December 31, March 31, June 30 and September 30, along with any changes to the map described in Section 2.
- SECTION 8.** That all timber sale receipts shall be deposited in account 250.00000.22SBB.37130 and will be available for appropriation for reforestation.
- SECTION 9.** That reforestation methods shall be prescribed, planned and implemented within three years of harvest, subject to appropriation and procurement requirements.
- SECTION 10.** That Sections 1 through 9 shall be subject to annual review and shall be automatically repealed on June 21, 2025, unless the assembly, by ordinance, extends that date.
- SECTION 11.** That the mayor is authorized to sign any documents necessary to effectuate this ordinance.
- SECTION 12.** That this ordinance shall be effective immediately upon its 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



Official map is available at www.kpb.us/forestmanagement

Exhibit One.

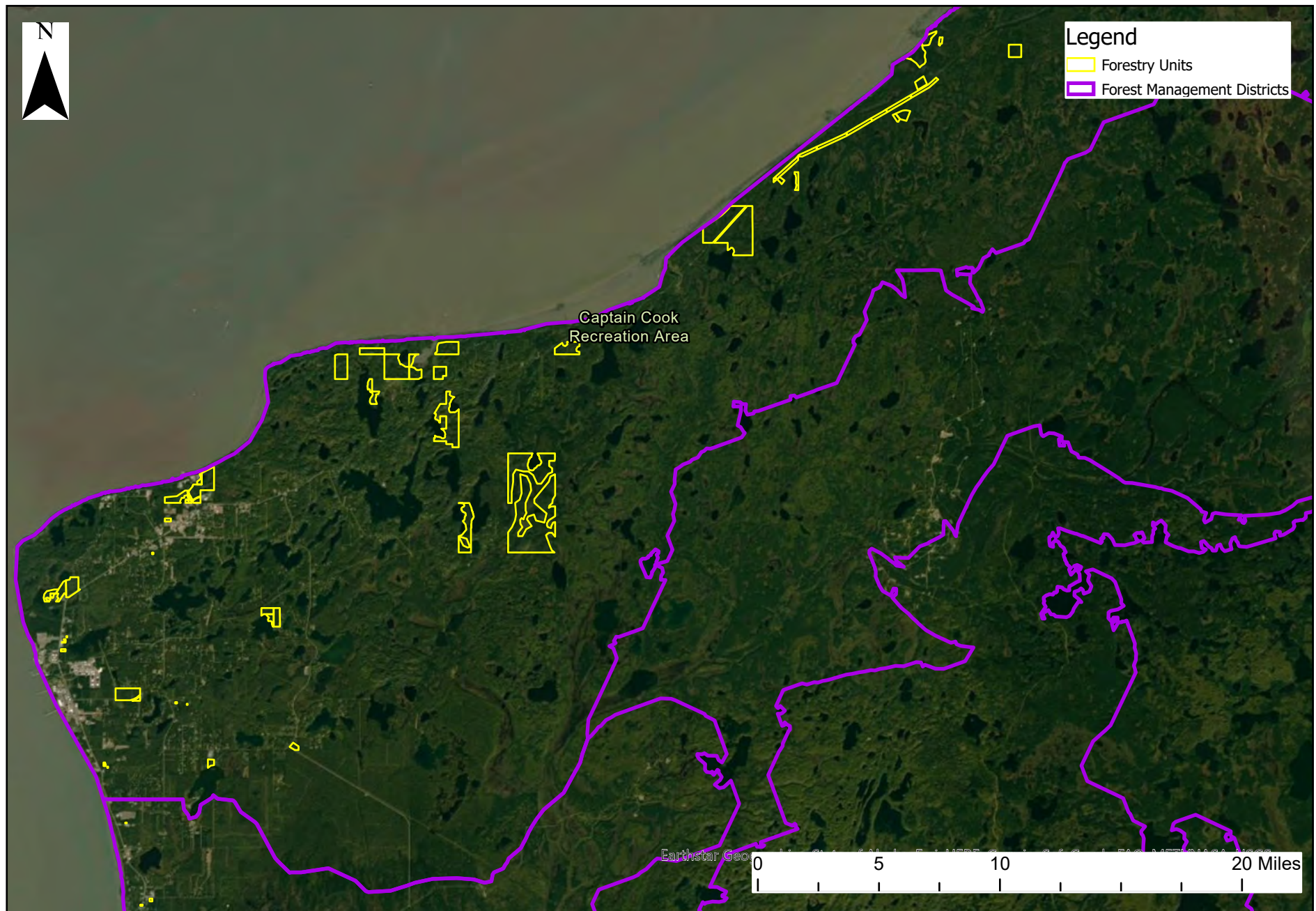
Kenai Peninsula Borough Forest Management Districts

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle. Forestry units are parcels with gross acreage. The net acreage considered for management activities will be determined through unit inventory and analysis presented through the Forest management sale report.

E8-7

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough





**Exhibit A. Kenai Peninsula Borough Forest Management District
Nikiski/ Point Possession**

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



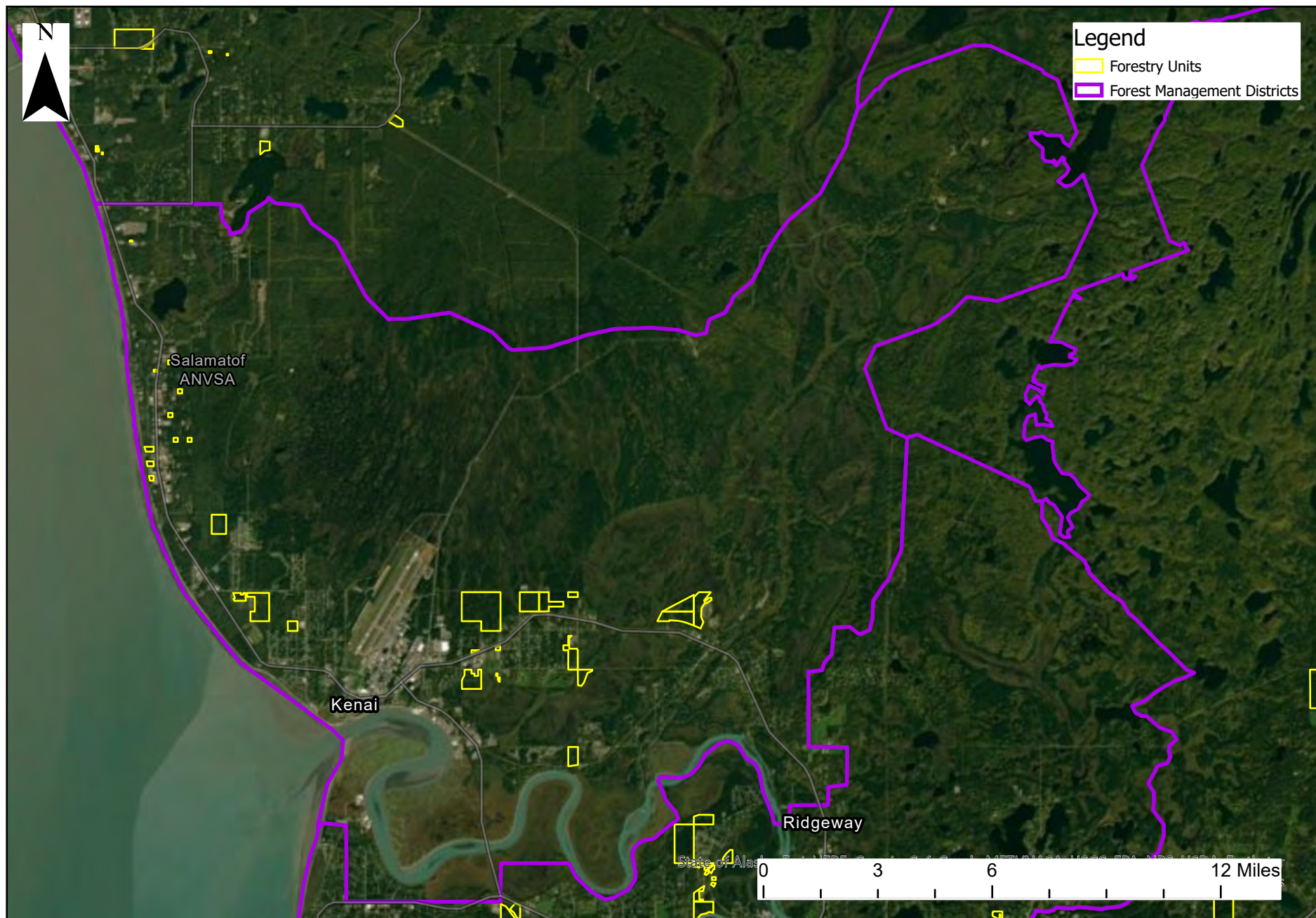


Exhibit B. Kenai Peninsula Borough Forest Management District Kenai

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



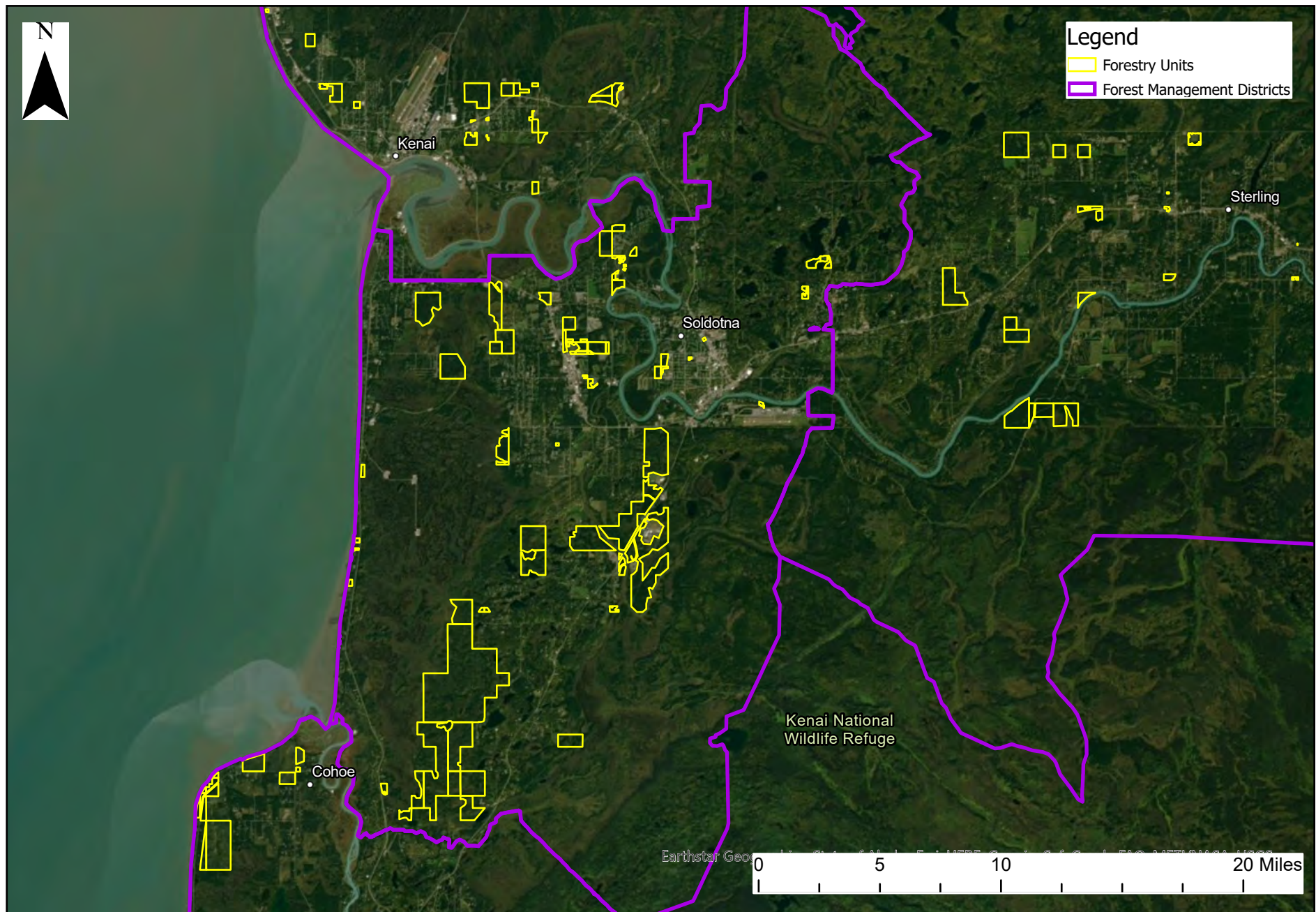


Exhibit C. Kenai Peninsula Borough Forest Management District Soldotna

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



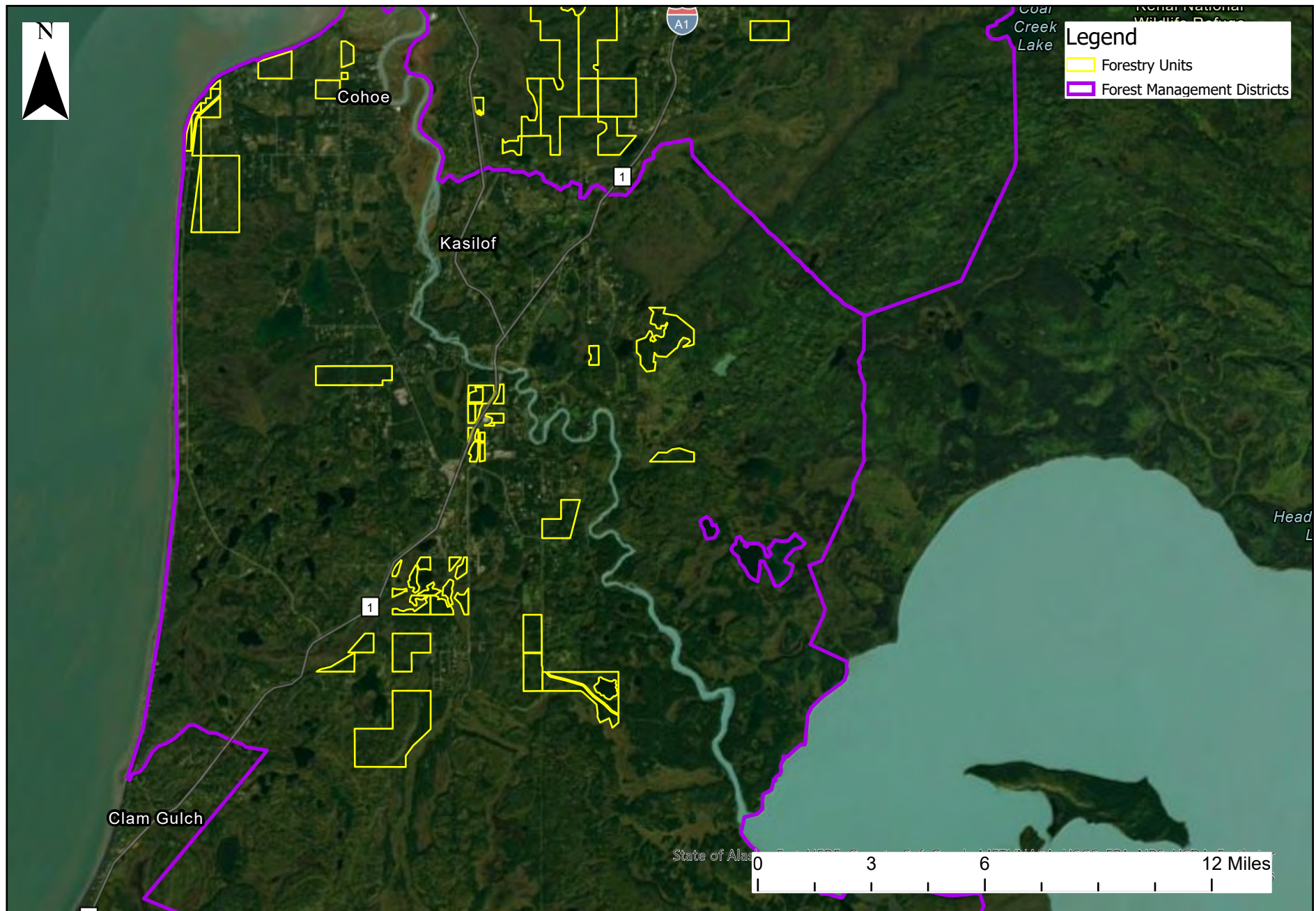


Exhibit D. Kenai Peninsula Borough Forest Management District Kasilof/ Cohoe

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

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Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



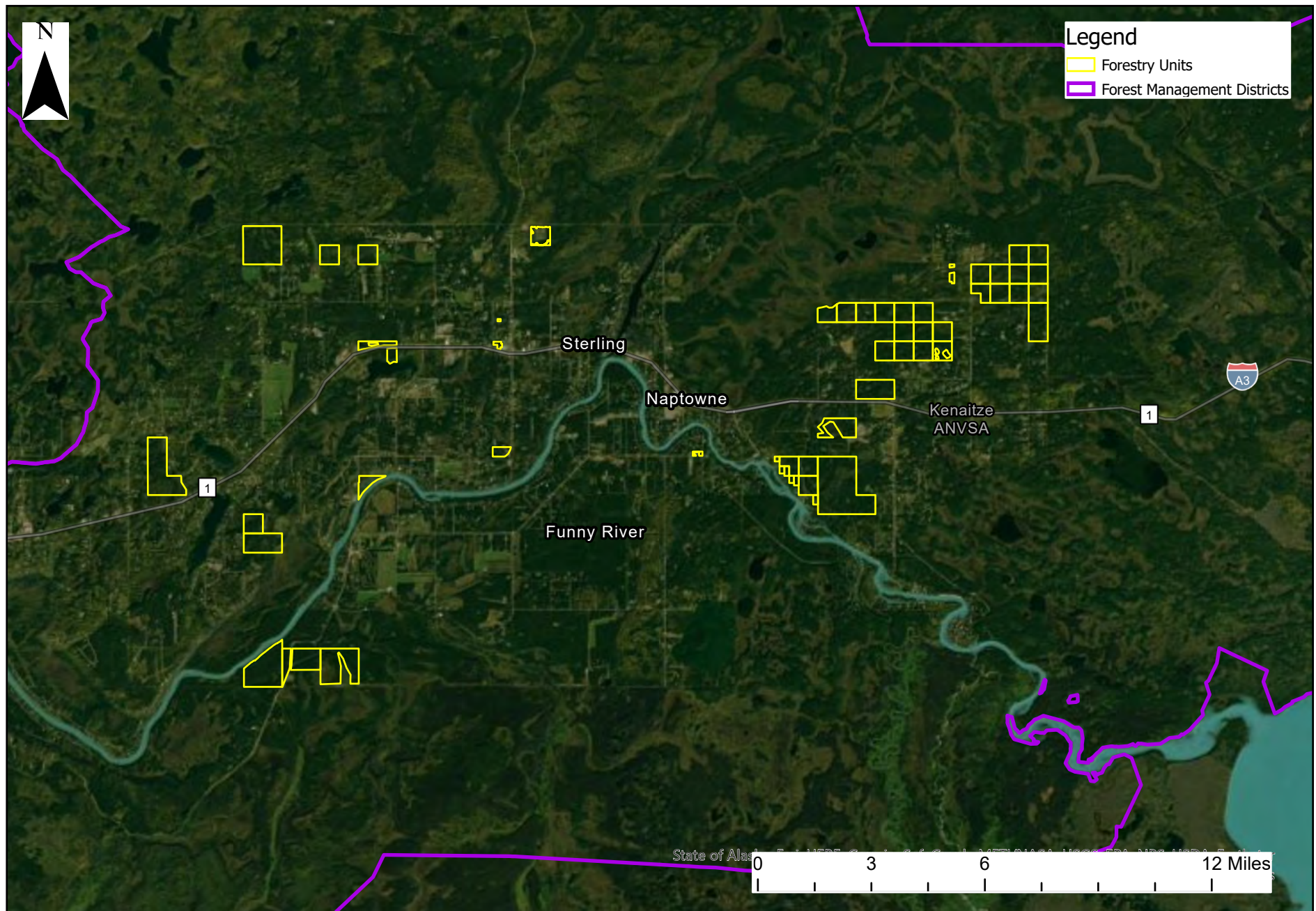


Exhibit E. Kenai Peninsula Borough Forest Management District Sterling/ Funny River

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



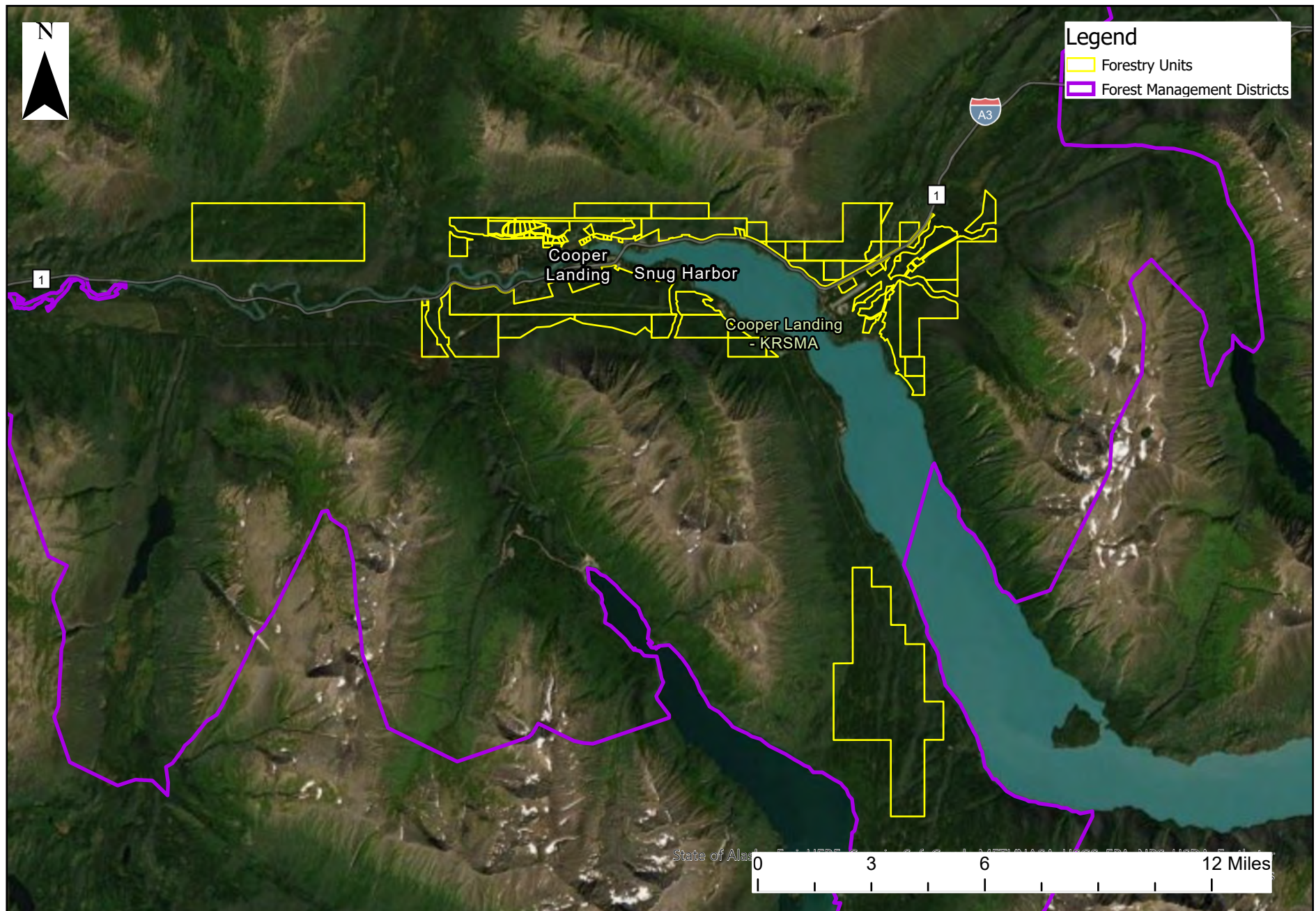


Exhibit E. Kenai Peninsula Borough Forest Management District Sterling/ Funny River

Areas in yellow indicate forested land with White/Lutz Spruce component that is Affected by or susceptible to Spruce Bark Beetle

April 2022
Dakota Truitt, Land Management Agent
Kenai Peninsula Borough



Public Comment on Kenai Peninsula Borough Management of Forested Lands in Response to Spruce Bark Beetle

Thank you for the opportunity to provide public comment. I have outlined my comments by subtopic as the proposed management plan and ordinance change covers a wide breadth of content that is important to address. These comments are specific to the proposed management activities in Cooper Landing.

Agency and Organization Coordination:

There is a glaring omission of two groups that are integral to managing a project of this scope within the Upper Kenai River watershed. These groups should have a place at the table throughout this process: Kenai Watershed Forum and The Kenai River Special Management Area Advisory Board.

New Ordinance Authorizing Forest Management

Land Classifications- All land classifications should be authorized to be treated; however, there needs to be a distinction made regarding what treatments shall be carried out in each land classification type. Lands that are designated for preservation *should not* be treated in a way that removes the live (susceptible) trees. It should be outlined in the ordinance that only diseased and dead timber shall be removed in the parcels classified for preservation.

Borough Responsibility Requirements for the Authorization of Timber Sales- Any proposed ordinance that fails to outline the Borough's specific responsibilities and timeline for deliverables is deficient and should be rejected. The ordinance should not be a carte blanche blank check to authorize a timber sale with out any controls in place. The following responsibilities of the Borough should be acknowledged and outlined within the ordinance:

Monitoring, minimizing, and mitigating ecologic impacts: The management of a timber sale and related logging activities within as sensitive a watershed as the Upper Kenai River should involve crucial controls that provide for limiting ecologic impacts to the Upper Kenai River. It is imperative that the Borough land managers recognize that any activities anywhere within a catchment affect the entire watershed ecosystem. Proposed best management practices need to be developed for the entire catchment, not simply for a 300 foot buffer of protection near flowing waters. Within the ordinance, the Borough must declare responsibility for minimizing watershed-wide impacts, and recognize their duty to hold any contractor responsible for such, in these specific categories:

Catchment sediment yield: Turbidity of the Upper Kenai River and each tributary stream should be monitored prior to commencement of forestry management activities for baseline measurement and throughout any treatment periods to monitor impacts of sediment transport caused by the management activities. The same climate change that has created the spruce beetle infestation has also created large rain events, even unseasonably during winter months, that threaten to increase sediment transport to the Upper Kenai River. Contractors should also be required to install sediment barriers at any downslope point and in the riparian areas of all tributary streams within the treatment areas of the watershed in order to prevent increased sediment transport to the Upper Kenai River.

Slope stability: There already exist slope stability issues along the Sterling Highway Corridor in Cooper Landing. There have been landslides occurring after large rain events, as recently as October 2021. The Borough should outline their responsibility for preserving slope stability throughout the forestry management project within the ordinance. The parcels which have identified large slopes and runoff/erosion limitations should be managed in a way that only removes diseased and dead timber but preserves the live standing (susceptible) trees in order to limit impacts to slope stability. In these parcels, contractors should be required to immediately plant willow and alder after treatment in the downslope areas to improve slope stability.

Wildlife: A full survey of wildlife resources within the treatment parcels should be conducted prior to commencement of any management activities. All trees containing eagle nests should be identified and given an appropriate buffer to management activities. All activities should be halted by spring in order to minimize impacts to calving moose and bears coming out of winter hibernation.

Closing any new roads or paths created by management activities: The Borough should declare responsibility for closing access to all roads and paths created by the management activities within the ordinance. Logging roads open up access that is easily utilized by UTV's and ATV's which further leads to increased anthropogenic impacts including land degradation, garbage and human feces, and wildfire threats to the community by the related increase of campfires. These impacts are already currently occurring on Borough lands in Cooper Landing without any enforcement.

Commitment to Reforestation Efforts: The ordinance should contain written commitment that the Borough will follow through with all proposed reforestation efforts within the 3 year timeline of commencement of the timber sale.

Project Economics

Overvaluation of Timber Assets: The Borough should recognize that there is a good possibility that the timber assets within the lands intended for treatment are overvalued and perform due diligence to create a contingency plan for much lower values than have been previously determined.

Cost to Contractors: The Borough should also recognize that there will be a great cost to any contractor who bids this project and that the economic viability of the project for a contractor could be much lower than expected, particularly with recent rises in costs of fuel and difficulty finding and retaining workers in the current economic environment. This could lead to corners being cut by the contractors. Again, the Borough needs to declare responsibility for oversight of the project forester as well as the contractors awarded the sales within the ordinance.

Project Budget and Allocations: The Borough should outline in the ordinance specifically how each step of the project will be funded. For example, if revenues fall below forecasts, the Borough needs to ensure that the most important deliverables i.e. mitigation and reforestation are accomplished before funds are allocated to formulating a forestry management plan.

In conclusion, I think the Borough recognizes that it is important that we do not trade one ecological disaster for another. However, we must recognize that verbal guarantees represent

a shortcoming and everything outlined above needs to be put in writing, in the ordinance, so that we can be ensured that the Borough will deliver what is promised and our resources, residents, and stakeholders will be protected. I appreciate your good faith effort to involve the Community in this process, and I hope you value the input provided and allow it to steer the project accordingly.

Sincerely,

Heather Pearson
Cooper Landing Resident

CC: (via email)

Marcus Mueller, Kenai Peninsula Borough Land Manger
Branden Bornemann, Kenai Watershed Forum Executive Director
Tel Wellman, Kenai River Special Management Area Advisory Board President
Janette Cadieux, Cooper Landing Advisory Planning Commission Chair
Cindy Ecklund, Kenai Peninsula Borough Assembly District 6- Eastern Peninsula Representative
Virginia Morgan, Kenai Peninsula Borough Planning Commission Representative
Brent Hibbert, Kenai Peninsula Borough Assembly Vice President
Richard Derkevorkian, Kenai Peninsula Borough Assembly Representative
Jesse Bjorkman, Kenai Peninsula Borough Assembly Representative
Tyson Cox, Kenai Peninsula Borough Assembly Representative
Bill Elam, Kenai Peninsula Borough Assembly Representative
Brent Johnson, Kenai Peninsula Borough Assembly President
Lane Chesley, Kenai Peninsula Borough Assembly Representative
Mike Tupper, Kenai Peninsula Borough Assembly Representative
Kenai Peninsula Borough Planning Commission

March 20, 2022

Kenai Peninsula Borough Land Management
Attn: Dakota Truitt, Land Agent
144 N. Binkley St.
Soldotna, AK 99669-7520

Dear Ms. Truitt:

I am writing to express my thoughts about the Kenai Peninsula Borough (KPB) Spruce Bark Beetle (SBB) Forest Management Project (FMP). I am using email to submit my comments because the online forum limits input to 4000 characters and my letter went beyond those constraints. I trust that you will incorporate my letter into public comment gathered by KPB on this timber harvest plan.

Our forests have significantly changed for a second time in 40-50 years. It is clear that some areas of the KPB will be getting removal of the SBB killed trees to hopefully protect communities from fire and to allow regeneration to move forward more rapidly. The clear message that comes forth so far from the Land Management materials online and from the presentation to the Cooper Landing Advisory Planning Commission (CLAPC) has been that the main goal is to avoid costs to KPB by developing a money-making timber harvest program. With financial constraints taking such a high level of priority, there is reason for concern about forest ecology and habitat for all animals and especially salmon/fish in the highly sensitive lands of the KPB encompassing communities such as my own, Cooper Landing. For this reason, I believe the crafting of an ordinance allowing this action to move forward should include specific language and not remain broad, generalized, and without assurances for the care that is otherwise warranted.

The following are some main points the ordinance should include:

1. Language in the ordinance should specifically state how sensitive and "Preservation" classification lands will be treated with extra care. If "best practices" are cited, they should be outlined and references given as to why they apply.
2. If regeneration is the goal then the ordinance should indicate how replanting is clearly funded and sources of seedlings identified before cutting begins. Live stands must be left standing.
3. If forest regeneration is not the end purpose for a specific parcel or forest stand then the ordinance should state specifically what those other "best uses" will be and where this will occur.
4. The ordinance must state that the KPB Forester will make the decisions for specific parcel prescriptions in conjunction with local land management plans, communities, neighborhoods, and adjacent land owners. Decision-making for forest prescriptions must not be left to timber harvest contractors.
5. Grassland conversion is difficult but avoidable and the ordinance must state clearly how KPB plans to prevent this from happening. Planting and tending are the keys.

6. Cooperation with other land managers such as USFS must be outlined in the ordinance so that prescriptions are best suited for individual communities, neighborhoods, and adjacent land owners through land manager cooperation.
7. Mitigation measures must be clearly outlined in the ordinance to assure communities and adjacent land owners that forestry cuts/roads will not become FWD and OHV mud-bogging routes that degrade habitat, bring down property values, create spaces for illicit camping increasing fire risk from untended campfires, and provide backdoor routes for home invasion.

Point #1:

Within many communities of KPB there are streams, trickles, seeps, and wetlands that support the health of the Kenai River Watershed, (KRW) and other anadromous waters by filtering and feeding them. The proposed KPB FMP has huge potential to negatively impact the uplands that surround and protect the Kenai River and other watersheds. The language of the ordinance should specifically state how those waters and surrounding uplands will be protected and which ones will be targeted at all. Chapter 17 of the KPB Code of Ordinances refers to limiting timber harvest 300' from anadromous streams and 100-300' of any riparian water body. The ordinance should specifically state how all of the small seeps, bogs, and wetlands are considered water bodies because we know of their high importance within the Kenai watershed system. Chapter 17 language should be recognized to include streams/seeps/bogs/wetlands/trickles that flow into anadromous waters and are vital to the health of the anadromous system. There should be a very clear statement within the ordinance that delineates how timber harvesting will be carried out in sensitive areas, both because of wet status and because of land designation as "Preservation" to protect them.

Points 2, 3, and 4:

The plan to cut all SBB killed trees plus any that "might" be susceptible and to take additional birches is incongruous with best practice in sensitive areas such as those listed above. It also is seemingly contradicting to the KPB statement that selective harvesting will be done to have mother trees that can both provide spruce seeds and support the very important mycorrhizal networks important to forest regeneration. Additionally, taking some of the oldest birches in these stands could also be detrimental to mycorrhizal networks within an area. (See Simard research.) For this reason, some work by the proposed Forester position with KPB may need to occur prior to the drafting and passing of a timber harvest ordinance. It should be made clear in the ordinance that the KPB Forester will make the determinations, in cooperation with local communities and adjacent property owners, of which stands of forest will be cut the most and which are sensitive and should be cut the least or not cut at all. It should not be left up to the timber harvest contractor no matter what the language of the contract stipulates. Where there are stands of spruce that are not impacted by SBB they should be allowed to stand. This language must be clear in the ordinance.

Points 2 and 3:

It may be reasonable to expect spruce forests to regenerate in the coming 50-100 years despite climate change and future possible SBB outbreaks. It is also possible that between SBB activity

and timber harvesting that our forests could convert to grasslands as they did with the timber harvest treatment on the southern peninsula during the last big SBB outbreak. On the one hand the KPB SBB FMP states that planting is a part of the planning and that will be necessary to avoid the worst grassland conversions but then it speaks about other “best uses.” Any ordinance that is developed should specifically outline which lands are to be reforested. Funding and plans must be in place for replanting before timber is cut. The ordinance must state which forest stands or parcels are to be assigned other, “best uses.” Explanation/reasoning for other “best uses” vs reforestation must be clear and have support of local land management plans, local communities, neighborhoods, and adjacent property owners. This must occur within the ordinance, not after.

Points 2 and 5:

Grassland fires travel very swiftly. There is some evidence that they are a greater risk than leaving SBB killed trees in place. Greater effort than that seen in the past must be made to avoid development of grasslands where forests previously existed. Past United States Forest Service (USFS) fire mitigation and moose browse enhancement projects in the areas surrounding Cooper Landing have had some success and some failure with regards to bluejoint grass invasion. The best work left stands of trees intact to provide seeds, mycorrhizal networks, and habitat support. These small isolated stands also tend to be more resistant to SBB kill. Additionally, there has been less blow-down in areas where stands of trees were left together. This should be an approach taken by KPB and language stating such should be in the ordinance. This is going to require tending of the parcels and funding for this should be in place before trees are cut.

Points 6 and 7:

KPB and USFS are already working together on the SBB problem in places where lands are adjacent. This of course exists in Cooper Landing where I live. The USFS did a large fire mitigation and moose browse enhancement project on the benchlands between Devil’s Creek and Dena’ina Creek in the 80s and 90s. Much of this effort is still working as a fuel break and line of defense from fire progress. KPB should work with USFS in this particular area to establish fire or fuel breaks that can protect the Russian Gap neighborhood and the community from wind-driven fire from the east. Revision of the project on USFS lands may mean that less harvesting will be needed on sensitive KPB lands. Since the USFS lands in this area are largely not immediately adjacent to the neighborhood and private property lines, efforts here will be less impactful and invasive to private property owners. This example is likely true for other specific locations across the peninsula.

Point #1:

The benchlands between Devil’s and Dena’ina Creeks are wet with seeps, small creeks, and wetlands dotted throughout. Special care will need to be taken to protect these areas if they are treated with tree removal. Dena’ina Creek is anadromous so the branched headwaters of it must be treated especially carefully. Where stands of trees are unaffected by SBB they should certainly not be harvested. The creek needs shade and materials that provide nutrients that not only support the Dolly Varden in the upper creek but the spawning red salmon in the lower

creek. This creek formerly supported silver salmon. The habitat for silver salmon fry remains good in the upper reaches of Dena'ina Creek according to former ADF&G biologist, Patty Berkhahn. Just because silvers are not currently using the habitat doesn't mean we are free to change the habitat and ensure that they cannot return.

Point #7:

The idea that all forests should be walkable is laudable. Studies have shown that bike/pedestrian pathways and trails adjacent to neighborhoods can improve property values. Studies also prove that torn-up terrain from four-wheel drive (FWD) and off-highway vehicle (OHV) activity can reduce property values. In some cases leaving backdoor routes to neighborhoods can also provide backdoor routes for home invasion and illicit camping with untended fires. The Russian Gap neighborhood of Cooper Landing used to have open trails surrounding it both on KPB and USFS lands. When this was the case my husband and I often found untended fires and a lot of garbage that we had to clean up from folks who didn't want to pay for one of the campsites in town. Since the alders have grown in on these tracks and they are no longer readily traveled on wheeled vehicles we have found no fires burning. This does not mean there are less people using the land since an ever-increasing number of people use the trails to access hunting areas and hiking into the mountains. So yes, forests should be walkable but they should not be rideable by motorized vehicles. The ordinance should provide plans for how the forestry work will be mitigated once it is complete. Simply dropping a few large rocks or downing a large tree is frequently not enough to deter motorized incursion. Gates may be needed and posts used to widen the gate to block vehicles from just going around the gates.

Point #7:

Studies done by State Forestry have shown that winter forestry trails become avenues for OHV to run and the result has been torn up and degraded habitat. The ordinance for this timber harvest plan should be specific about how it will prevent habitat degradation from 4WD and OHV from happening. I have in the past and again will advocate for working with USFS where trails start on KPB lands and go onto USFS lands. Have one common gate that blocks motorized vehicle passage except in some cases over snow in winter. That gate should be at the start of the trail on KPB lands, not part way up the trail where USFS lands begin. There's a reason people destroy gates and break locks. Once they've gone the distance, they don't want to turn around. If the gate is at the beginning the message is clear. Any breaking of locks or gates are more easily seen and quickly addressed. Since KPB largely does not have enforcement powers then USFS as a partner can make enforcement possible. Human activity causes the most fires. If enforcement is not possible then means must be developed to control access in a way so as to avoid putting properties at higher risk from campfires left burning, creation of home invasion routes, or mud-bogging routes that degrade habitat, lower property values, and change the quality of life for adjacent property owners. "Shared resources without strong management often fall victim to selfish acts by individuals." (Craig Welch, National Geographic, April 2017).

The Kenai Peninsula forests are changing due to spruce bark beetle infestation. This is a big change to adapt to for us all. Timber harvesting has the potential to worsen that change or

speed the recovery of the forests. KPB must work carefully to avoid negative consequences to their work, prescribe treatments specific to areas and land classifications, include language in the ordinance that acknowledges sensitive areas that will be treated differently than other borough lands, and include language in the ordinance that commits KPB to working with other agencies, communities, neighborhoods, and adjacent property owners to develop prescriptions for stands of forest.

Thank you for allowing me to express my thoughts on this complex issue. I hope I have contributed some ideas that can be incorporated into the language of the ordinance and guide future actions taken with regard to spruce bark beetle infestation on the Kenai Peninsula.

Sincerely,

Janette Cadieux
Cooper Landing

Cc: Marcus Mueller, KPB Land Manager
Cc: Cindy Eklund, KPB Assembly Representative
Cc: Virginia Morgan, KPB Planning Commission Representative
Cc: Johni Blankenship, KPB Clerk
Cc: Ann Shirnberg, Administrative Assistant KPB Planning Department
Cc: Ted Wellman, Chair, Kenai River Special Management Area Board
Cc: Branden Bornemann, ED, Kenai Watershed Forum

Theo Lexmond
P.O. Box 873
35925 Denaina Circle
Cooper Landing, AK 99572

Dakota Truitt, Land Management Agent
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669

March 14, 2022

Dear Ms. Truitt,

I am writing to offer comment on the Kenai Peninsula Borough's proposed plan for harvesting forest products from areas in the borough affected by spruce bark beetle infestation. I have reviewed the entire KPB Spruce Bark Beetle Forest Management Project descriptions online as well as the slide show that you developed, Ms. Truitt, and delivered to the Cooper Landing Land Use Advisory Planning Commission. I have also studied the project maps provided for the Cooper Landing area. Thank you for providing this information. My wife and I own a home in the Russian Gap neighborhood of Cooper Landing. Our home borders 425 feet of borough land. Because our property lies on a steep hillside, it was necessary to build our home right up against our property line with the borough, where the only relatively flat piece of our property is located. Our neighbors on either side of us were in the same situation and built their homes near their property line with the borough as well. Our property will be heavily impacted by any forest harvesting that occurs on the borough's side of our shared property line. The borough's forest harvesting plan, as currently proposed, may yield several unintended consequences that I wish to point out.

1) The Impact of Mechanized "Clearcutting" or Near-Clearcutting on the Kenai Peninsula Borough's Private Landowner Neighbors Needs to be Addressed. A Tree Harvest Buffer Zone Between Borough Land and Private Land is Needed and/or, an Objection and Dispute Resolution Process is Needed for Landowners Who Object to the Borough "Clearcutting" or Near-Clearcutting up to Their Property Lines.

It is my understanding that the proposed Kenai Peninsula Borough forest harvesting plan calls for using heavy machinery to mechanically cut nearly all of the spruce trees of medium to large diameter, whether they are beetle infested or not, as well as nearly all of the medium to large birch trees on forest lands designated for timber harvest. If this proves to be so, it essentially equates to "clearcutting" of the forests on borough land. More specifically, if such a harvest occurs on the borough's forest, just thirty feet from my home, it will vastly degrade the ecology and aesthetics of the forest that surrounds us in the Russian Gap Neighborhood. **The borough's forest harvest plan should include a provision to ensure that only beetle killed trees are removed from borough lands that lie within fifty yards of a private property owner's property line.** Maintaining the integrity of the forest near private property lines is a neighborly

responsibility that the borough has toward private property owners around the borough. “Clearcutting” this borough forest would destroy the ecology and aesthetics of the forest that surrounds these private homes that the borough, in fact, encouraged private citizens to build (by offering these lands for sale). **The borough’s harvest of timber within a buffer of 50 yards along private property lines should be selective in nature, culling by hand, only beetle infected spruce trees, not other tree species, and not a mechanical “clearcut.” If the borough planning department and assembly find that a 50 yard no “clearcut” buffer zone along all private property lines is not feasible, then the ordinance implementing the borough’s timber harvest plan should include a formal process for property owners to file a written objection to “clearcutting” or near-clearcutting up to the borough’s property line.** The borough ordinance should specify that for residents who file a formal objection, the borough land management department will work with the property owner to find a reasonable solution to resolve the property owner’s objection. Property owners would not have the right to veto the borough’s intent to harvest timber on its land, but neither would the borough have the right to force mechanized “clearcutting” or near-clearcutting, up to the property line, on its private property owners. A solution between these extremes would be the goal to be sought by the borough and its private landowner neighbors. As an example of such a solution, the borough and a private property owner might agree to keep mechanized logging equipment out of an area within 10 or 20 or 50 yards or so of the private property owner’s property line if the private property owner agrees to hand-harvest any dead spruce trees that emerge on that portion of the borough’s property. This would ensure effective removal of fuel materials while preserving the integrity of the unlogged forest and understory surrounding the property of nearby private landowners.

2) Mechanized “Clearcutting” or Near-Clearcutting of Borough Lands Around Cooper Landing May Increase Fire Danger.

Mechanized “Clearcutting,” or cutting nearly all of the trees on the borough property behind our home, will create roads or other incursions into the forest that do not exist there now. If these incursions are left open by the borough they will be used by the public to access these lands for illicit, free-of-charge camping activity, particularly during the busiest periods of the summer. **The single greatest threat from wildfire to the homes in the Russian Gap neighborhood, is from fires left abandoned and smoldering by illicit campers.** When we moved into our home twelve years ago there existed a partially open road, from an old U.S. Forest Service logging cut, directly behind the Russian Gap neighborhood. My wife and I, on multiple occasions, while walking this old road, encountered abandoned camping sites with fires still smoldering. We have put out fires and cleaned up substantial trash left behind by illicit campers who do not wish to use paid camping facilities in the area when free camping can be had by accessing unregulated, unblocked incursions into the borough and federal forest near our homes. Over the past twelve years the old forest road to which I am referring became overgrown with alders and campers stopped using it because it became impassable, even to four wheelers. During the forest fire of 2019 this road was partially reopened by the U.S. Forest Service in order to provide a fire break to the neighborhood. After the danger had passed, however, the U.S. Forest Service “rehabilitated” this newly reopened incursion into the forest, by pulling tree stumps and brush back into the roadway, making it impassable once again. This

was done, in part, at our insistence, for the reasons specified above, to prevent future illicit camping activity that would, once again, put our neighborhood at risk of burning due to human-caused fire in the forest. The “rehabilitation” of this incursion into the forest has been successful. We have not had problems with illicit camping activity behind our neighborhood as a consequence of the Forest Service’s activity. I believe that the borough’s current forestry management proposal threatens our neighborhood once again if new roads are put in and old roads opened up by timber harvesters that will be left unblocked and unattended by the borough. Illicit campers will soon be back and the risk to our neighborhood from abandoned campfires will again be high. **The Kenai Peninsula Borough’s forest harvesting plan should include funds to “rehabilitate” new incursions into the forest so as to leave these roads in a state that make them impassable to four wheel drive vehicles.** If this is not done, illicit camping will increase dramatically in the forests around Cooper Landing wherever timber harvesting occurs. Forest fires, not to mention trash and other problems like occurred in the well-publicized, unregulated Jim Creek area of the Mat-Su Borough, will surely follow. This would be a travesty for Cooper Landing. Camping should only occur in the numerous designated campgrounds in the Cooper Landing area where human-caused fire risks can be observed, managed and controlled.

3) **The Impacts of Mechanized “Clearcutting” or Near-Clearcutting on Water Quality in the Kenai River Valley Watershed. A Highly Selective Tree Harvest Buffer Zone Around Creeks and Wetlands is Needed.** There are many small creeks and wetlands that wind through the mountains around Cooper Landing. These small creeks and wetlands form the high ground of the entire Kenai River watershed. Indiscriminate mechanized “clearcut” or near-clearcut logging along these creeks and wetlands will have a highly detrimental effect on their quality. This degrading effect will impact the overall quality of the whole Kenai River watershed. As an example, Denaina Creek runs several hundred feet behind the homes of the Russian Gap neighborhood in Cooper Landing. The east fork of this creek emerges fully formed from the ground about a half mile from our home. It flows through the forest, collecting water from many small wetlands and mountain seeps as it tumbles along toward the Sterling Highway. It crosses under the highway, through a long underground culvert, just southwest of Russian Gap Road. Most people never notice that a large creek crosses there as it is unmarked and unnamed at the highway. Yet, this creek makes a substantial contribution of water flow where it enters Quartz Creek a short distance beyond its crossing beneath the Sterling Highway. Quartz Creek, of course, is a major salmon spawning stream and home to a robust fall trout fishery. Quartz Creek feeds into Kenai Lake, which a short while later, becomes the headwaters of the Kenai River in Cooper Landing. Mechanized “Clearcut” or near-clearcut logging of the land on top of and around creeks and wetlands like Denaina Creek, in the Kenai River watershed, should never, ever happen. **The Kenai Peninsula Borough’s forest harvesting plan should include the identification of Kenai River Watershed headwaters, like Denaina Creek, and protection of the forest around these headwaters from “clearcutting” or near-clearcutting by creating a 25 yard buffer zone on both sides of these waters where only carefully selected harvesting of beetle infested spruce trees will be allowed to occur. Heavy equipment should not be allowed to cross and damage these creeks.** The permanent degradation of these waters through the siltation and loss of vegetative protection that mechanized near-clearcutting would cause should never be allowed to happen. It is contrary to

all of the efforts that the borough has made to protect the Kenai River. There is a real danger that the borough's forest harvesting plan, as currently proposed, implemented on many parcels over a short period of time, could result in an unintended, large scale degradation of wetlands and streams that are the bedrock of a healthy Kenai River watershed.

4) **The Dangers of Invasive grass.** My wife and I have observed that, wherever "clearcutting" of timber has occurred around Cooper Landing, the previously forested lands are frequently replaced, not by the former mosses, shrubs and small trees that formed the understory of a mature forest, but by knee to waist high grass that quickly covers nearly all the ground. This grass, known as Blue-Joint, dies off and regrows each year, eventually forming a thick mat of very dry grass through which fire might easily travel in the future, especially in dry windy conditions, like often occur in late spring and early summer, before summer green-up occurs. Mechanized "clearcutting" or near-clearcutting of forest on borough lands is likely to result, in a few years, in large swaths of dense, dry grass creating a new kind of fire danger to replace the danger posed by beetle killed spruce trees that the "clearcutting" was designed to fix. The proposed KPB forest harvesting plan speaks to the dangers posed by Blue-Joint grass if it is allowed to proliferate. **The Kenai Peninsula Borough's forest harvesting plan should ensure, with absolute clarity, that replanting of cut areas will be financially guaranteed and that specific measures will be taken to prevent invasive grass from overtaking large swaths of the borough's Cooper Landing area forests.**

Ms. Truitt, I look forward to hearing your thoughts regarding my concerns. Given the impact that this project will have on the ecology of the Kenai River watershed and on private properties that border borough lands, it may be wise for the borough to form a stakeholder/citizen's advisory committee to assist the borough in developing the details of this Spruce Bark Beetle Forest Management Project. If such a group is formed please know that I would be happy to serve.

Sincerely,

Theo Lexmond

cc: Marcus Mueller, Kenai Peninsula Borough Land Management Officer

KPB Planning Commission Testimony Delivered on 4-12-22
Re: KPB Spruce Bark Beetle Forest Management Project Ordinance

Theo Lexmond
P.O. Box 873 35925 Denaina Circle (Russian Gap Neighborhood)
Cooper Landing, AK 99572

Mr. Chairman and Commission Members,

I am here to address the borough's Spruce Bark Beetle Forest Management Project, which is being introduced as a general draft ordinance this evening. I will likely be travelling when the Planning Commission meets two weeks from now, when the ordinance may be up for adoption, so I wanted to provide my comments on the subject to you this evening.

I have spent considerable time studying the borough's Forest Management Project website for information and studying pertinent borough ordinances and state regulations. I have attended a public meeting with borough land managers, I have written to the borough's Spruce Bark Beetle Forest Management project leaders regarding my concerns, and I have spoken with the Alaska Division of Forestry's Area Forester. Borough land managers have allayed some concerns with explanations of how the project is expected to unfold, and this I appreciate. But because these explanations remain oral, and are not yet reflected in the proposed general project ordinance that was unveiled to you this evening, I feel the need to express my concerns to you directly as well.

Briefly, my concerns are as follows:

- For private landowners whose homes are very close to borough property lines, next to units to be logged, how can this project be managed to avoid the worst impacts of mechanized logging on those home owners.
- How will logging roads that are put in behind neighborhoods be treated when logging is done? Logging roads left indefinitely open as four-wheel-drive accessible routes will invite unregulated camping activity with attendant drinking, shooting, trash and abandoned, smoldering campfires. This kind of unregulated camping, behind and close to existing neighborhoods, threatens the security of nearby homes by setting the stage for break-ins, property damage and worse. Smoldering campfires abandoned by unregulated campers represent a prime source for forest fires in the future. Most wildfires, after all, are human caused.
- Will there be an appeals process for homeowners who disagree with the borough's plan for mechanized logging on a borough parcel next to their home?
- How will delicate streams and wetlands that form the uplands of the Kenai River Watershed be protected under this ordinance? With multiple loggers operating at once over large swaths of land, and only one borough forester on staff, the potential for miscues and damage to the watershed seems high. I understand that the Kenai Watershed Forum is expected to be partnering with the borough on this project. This is hopeful. What role will the Watershed Forum play?

Since the borough ordinance that sets this project in motion is to be general in nature, I would like to offer two general concepts, for your consideration, to be added:

First: **Whereas,** It is deemed inevitable that riparian areas (streams and wetlands) within the Kenai River Watershed will be impacted by logging activities carried out through this ordinance, the Kenai Peninsula Borough Land Management Department will make every effort to ensure that “Best Management Practices for Timber Harvest Operations,” as specified in the Alaska Forest Resources and Practices Act (FRPA), will be followed. In addition, the borough may require within the “forest management sale report,” for a given unit, that specific FRPA standards may be exceeded, under this ordinance, in riparian areas deemed, by the borough’s forester, to be especially sensitive, susceptible to damage, and in need of additional protection.

Second: **Whereas,** KPB lands to be logged frequently share a property line with private landowners, it is acknowledged that the value of private property and the security of neighborhood residents may be adversely affected by logging and the long term impacts of logging roads constructed to carry out logging activity under this ordinance, particularly where logging is occurring very close to established neighborhoods. The KPB Land Management Office will notify, solicit comments, and when requested, consult with private landowners who share a border with a unit of KPB land to be logged, before a “forest management sale report” for that land is finalized. For landowners who object to the conditions specified within a final “forest management sale report,” a process whereby that objection can be registered and appealed will be developed.

Title 17 of Borough Ordinance addressing the use and disposal of Borough Lands and Resources notes in Chapter 17.10.010 (A 6) that, “It is the policy of the Kenai Peninsula Borough to manage all borough owned and municipal entitlement lands and resources to provide for, the orderly disposal of lands and resources in a manner which is fair to all.”

Through my testimony, this evening, I am hoping to secure explicit acknowledgement of the need to make extra effort to protect the Kenai River Watershed. I am also invoking the borough’s stated intention to treat myself and other neighboring landowners, who stand to be heavily impacted by the logging actions proposed in this ordinance, fairly.

Thank you very much for taking my comments at the end of such a long meeting.