

Introduced by:	Mayor
Date:	05/03/22
Hearing:	05/17/22
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
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**

- 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 be planned to establish, preserve and regulate logging infrastructure such as roads, resource management access, and recreational trails, along with methods to close out temporary forest access when necessary with the understanding that public access will be preserved when determined to be in the public interest; 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 riparian buffer regulations of the Alaska Forest Resource and Practices Act (AK FRPA), and should meet or exceed standards of the AK FRPA regulations 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 approval by unanimous consent;

**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.

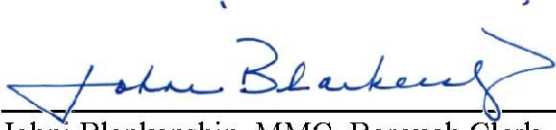
**SECTION 11.** That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

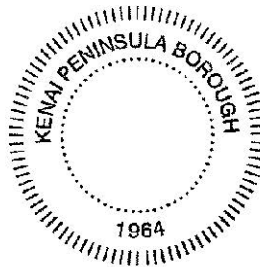
**SECTION 12.** That this ordinance shall be effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MAY, 2022.**

  
Brent Johnson, Assembly President

ATTEST:

  
John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Tupper, Johnson  
No: None  
Absent: Hibbert