

CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 09/21/21
Public Hearing: 10/05/21
Adopted: 10/05/21

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 21-092**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 23.20 AFFECTING TIMBER SALVAGE SALES ON BOROUGH LAND BY ADOPTING BROADER TERMS TO ADDRESS FOREST HEALTH AND FACILITATE THE REMOVAL OF DAMAGED TIMBER; REPEALING MSB 28.60.070, TRAFFIC SAFETY PLAN; AND MSB 28.60.080, TIMBER TRANSPORT PERMIT.

WHEREAS, The Borough is heavily infested with spruce bark beetles and birch leafminers with hundreds of thousands of acres affected during the past several years; and

WHEREAS, in accordance with the adopted Borough Forest Management Plan, the intent of this Ordinance is to provide a sustainable supply of timber and other forest products, manage Borough forest stands to promote tree survival and growth, and reduce the risk of loss from fires, animals, insects, and diseases, and to achieve a balance between wood volume production, quality of wood, and timber value at harvest; and

WHEREAS, amending MSB 23.20 will incentivize removal of commercial timber either killed or damaged by events such as wildfire, windstorms, insects, or disease, and is consistent with management objectives for Borough resources; and

WHEREAS, offering a simplified avenue to salvage Borough timber in a timely, more efficient way before the market value of

the timber is lost to insect damage, fire, windthrow and rot provides much needed incentives to commercial loggers; and

WHEREAS, offering salvage sales by over-the-counter means is consistent with other Borough land and resource disposal programs under Title 23; and

WHEREAS, requirement for a timber transport permit and a traffic safety plan was adopted in 2007, with only one such timber transport permit having ever been issued for a harvest that was never cut; and

WHEREAS, local timber industry representatives have indicated the Code requirement is onerous and detrimental to the Borough's efforts to sell timber and is partially responsible for the lack of interest in Borough timber sales over the years; and

WHEREAS, the Alaska Forest Resources and Practices Act contains sufficient safeguards for the public health, safety, and environment, which are further supplemented by the Borough Code requirements for artificial lighting, noise, and buffers; and

WHEREAS, traffic safety standards promulgated by the Alaska Department of Transportation apply to all industries and all public roads and the Borough does not need to develop industry specific traffic safety standards; and

WHEREAS, no other local industry traffic, such as gravel, fuel, septage, or freight are required by Borough code to develop traffic safety plans or obtain transport permits; and

WHEREAS, Borough road maintenance concerns related to Borough timber sales can be adequately addressed in timber sale contracts that have been reviewed by the Public Works Department and the Borough Attorney's office; and

WHEREAS, Title 28 is adjudicated by the Borough Planning Department who has reviewed and provided input on the proposed amendments for Title 23 and Title 28.

BE IT ENACTED:

Section 1. Classification. Sections 2, 3, 4, 5, 6, and 7 of this Ordinance are of a general nature and shall become part of Borough Code.

Section 2. Amendment of Subsection. MSB 23.20.130(D) is hereby amended to read as follows:

(D) Firewood sales, timber sales, and salvage sales other than those in MSB 23.20.167, and non-timber product sales, leases, or permits for less than five years in duration and for less than 12,800 cubic feet of timber or 100 cords of firewood for timber, firewood and salvage sales, or \$25,000 for non-timber-product sales, may, after public notice pursuant to MSB 23.05.025, be offered over the counter by the manager without competitive bid.

Section 3. Amendment of Subsection. MSB 23.20.040(E) is hereby amended to read as follows:

(E) Timber harvest volumes sold, leased, or permitted and harvested under personal use of timber resources (MSB 23.20.170), or as a timber salvage sale under MSB 23.20.167 shall not count against annual allocable cut limitations established in this section. [TIMBER HARVEST VOLUMES SOLD, LEASED, OR PERMITTED AND HARVESTED WITHIN THE CHIJUK CREEK NATURAL RESOURCE MANAGEMENT UNIT, WHICH WILL TERMINATE BY JULY 1, 2019, SHALL NOT COUNT AGAINST ALLOWABLE CUT LIMITATIONS ESTABLISHED IN THIS SECTION.]

Section 4. Amendment of Section. The Title of MSB 23.20.165 is hereby amended as follows:

23.20.165 TIMBER SALVAGE ON BOROUGH LAND Due To
Conversion

Section 5. Adoption of Section. MSB 23.20.167 is hereby adopted to read as follows:

23.20.167 TIMBER SALVAGE ON BOROUGH LAND DUE TO
FOREST HEALTH

(A) The Borough may conduct salvage sales of timber
from Borough-owned forestland in effort to avoid loss of
the market value of timber damaged by fire, insect
infestation, or acts of nature, or the loss of the market
value of timber threatened by insect infestation, or to

create fuel breaks, or to reduce the fuel loading of the forest, or to reduce the spread of insect infestation.

(B) A salvage sale conducted for forest health purposes may be offered over the counter and is exempt from MSB 23.20.090, MSB 23.20.130, MSB 23.20.150, and does not count towards the annual allowable cut calculation.

(C) In order to be considered a forest health salvage operation and subject to a salvage sale or permit under this section, the project must be approved prior to the timber salvage operations commencing.

(D) The decision on whether a timber salvage operation will promote the forest health shall be made by the Community Development Director or Manager.

(E) The decision on whether the timber salvage operations should be considered as a sale or permit shall be made by the Community Development Director based on such factors such as timber volume and condition, harvest duration, and value.

(F) Forest health timber salvage sales up to 64,000 cubic feet or 500 cords may be approved by the Manager, after public notice pursuant to MSB 23.05.025, without competitive bid. Forest health salvage sales in excess

of 64,000 cubic feet or 500 cords shall be approved by
the Assembly prior to contract execution.

Section 6. Repeal of Section. MSB 28.60.070, Traffic Safety Plan is hereby repealed in its entirety.


Section 7. Repeal of Section. MSB 28.60.080, Timber Transport Permit is hereby repealed in its entirety.

Section 8. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 5 day of October, 2021.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



YES: Nowers, McKee, Yundt, Tew, and Sumner

NO: Boeve