

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 23.20.130 AFFECTING TIMBER SALVAGE SALES ON BOROUGH LAND BY ADOPTING BROADER TERMS TO ADDRESS FOREST HEALTH AND REPEALING MSB 28.60.070 TRAFFIC SAFETY PLAN AND MSB 28.60.080 TIMBER TRANSPORT PERMIT IN THEIR ENTIRETY.

**AGENDA OF:** September 21, 2021

**ASSEMBLY ACTION:**  
*Adopted with Assemblymember  
 Beeve opposed 10-5-21 (BOP)*

**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:** *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>EK</i>	
	Community Development Director	<i>ex</i>	
	Finance Director	<i>of</i>	
	Borough Attorney	<i>ENB for MB</i>	
	Borough Clerk	<i>MB 9/13/21</i>	<i>(BOP)</i>

**ATTACHMENTS:** Fiscal Note: YES \_\_\_ NO X  
 MSB 28.60.070 Traffic Safety Plan (2 pp)  
 MSB 28.60.080 Timber Transport Permit (2 pp)  
 Michigan State University Extension Pamphlet (4 pp)  
 Assembly Ordinance Serial No. 21-092 (6 pp)

**SUMMARY STATEMENT:** The amount of beetle kill spruce and other dead and damaged trees across forestland in the Borough is at an all-time high. Borough-offered timber sales have received zero interest from the public in the last several years; therefore, in an effort to help improve forest health and reduce fire hazard, a Code amendment to MSB 23.20.130 is proposed to make it easier and more productive to salvage dead and dying timber. The amendment would exempt harvest of dead and dying trees from the five-year timber harvest schedules, provide for over-the counter sales, remove the fair market value determination, and remove the traffic safety plan and timber transport permit requirement in their entirety. Amending Borough Code is intended to attract commercial

interest and contracts before the trees die, blow over, or simply rot on the ground.

The goal under the amended harvest requirements is to target Borough-owned forestland comprised primarily of beetle-killed spruce and over-mature and insect damaged birch. The amendment would reduce the time required to offer timber harvest permits and sales thereby encouraging the local timber industry to remove dead and dying trees from Borough-owned land. Public notice would still be required for individual applications under the amended Code and harvests in excess of 64,000 cubic feet or 500 cords would still be presented to the Assembly for approval.

**DISCUSSION:** The recent spruce die-off associated with the bark beetle has reached levels never seen before in the Borough. Over 1.2 million acres of forest in South Central Alaska have been affected, with over 60,000 acres of land in the Borough impacted in 2020 alone. Additionally, the invasive birch leafminer has impacted over 170,000 acres. The birch defoliation coupled with birch trunk and canker rot are increasing the mortality of over-mature birch trees.

According to Alaska Forest Health Condition Reports, insect infestations continue to expand across South Central Alaska. Roughly half of the Borough-owned forestland is covered with over-mature, diseased, or defective trees which present a higher fire danger. Forestland owned by the State, Native Corporations, Alaska Mental Health Trust, and the University, comprise over 80% of the forestland in the Borough, and are in a similar condition. Removal of damaged/dying trees is proven to enhance growth of younger, healthier, fire-resistant trees.

Demand has been rapidly outpaced by supply for low value timber products such as wood chips and firewood. The local timber industry has been inundated with requests to cull the dead trees from public and private land; however, there is little to no interest from loggers to pay the Borough to cut timber on Borough forestland when they are actually receiving compensation to cut private timber. Removal of beetle-kill spruce on Borough-owned land is estimated to cost taxpayers millions based simply on the volume of dead trees and access challenges.

The U.S. Forest Service defines timber salvage as: the removal of dead, damaged, or susceptible trees, essentially to prevent the spread of pests or pathogens and promote forest health. Proposed Borough timber salvage locations will be designated in areas with high concentrations of standing dead or dying trees, areas with high fuel loads, areas for fuel breaks, and areas determined to be in the path of insect infestations. Michigan State University

Extension Service provided a very good recap pamphlet about timber salvage which is included herein for informational purposes.

Timber salvage sales targeting dead and dying trees is part of the Borough's wildfire preparedness effort. In addition, the Borough implemented a new policy in 2021 allowing homeowners to thin trees on Borough-owned land in accordance with the FireWise prescription to reduce wildfire risk to their property. A Borough policy was also approved in 2021 allowing homeowners to fell hazard trees on Borough-owned land that could fall and damage their private property.

The Borough hired a contractor in 2021 to fell hazard trees - many of which were beetle killed spruce - along public trails in Alcantra Sports Complex, Crevasse Moraine Trail System, Government Peak Recreation Area and the Jim Creek Recreation Area. Borough staff and the public have partnered to remove these trees for personal use firewood as well as sale of firewood at Borough campgrounds. In order to avoid conflicts between timber salvage areas and public recreation, proposed salvage areas will not overlap existing designated recreation areas.

Beetle-kill firewood harvest areas opened to the public by the Borough in 2020 were very successful. New personal use firewood harvest areas were opened in June 2021 offering free permits to the public to harvest beetle-killed spruce from Borough forestland. The Borough is also working with the State Division of Forestry to reduce fuel loading at the urban-wildland interface and is planning additional fuel reductions for the coming winter.

The requirements for a traffic safety plan and timber transport permit were adopted into Borough Code in 2007. One timber transport permit has been issued since 2007, for a harvest that was not cut. General traffic safety and commercial traffic standards enforced by the Alaska Department of Transportation and Department of Safety apply to timber harvest operations utilizing public roads. Repealing MSB 28.60.070 and MSB 28.60.080 will alleviate an additional layer of regulation already covered by state requirements and supplemented by other Borough Code requirements for artificial lighting, noise, and buffers. Singling out logging trucks for a transport permit while allowing gravel trucks, fuel trucks and septage trucks to operate without similar safety considerations is disproportionate to the volume of regular truck traffic. There are no similar rules for coal, gasoline, oil, trash, waste, septage, building materials, concrete trucks or even transportation of hazardous materials. There have been no permitted logging operations on borough roads since the permit requirement was adopted in 2007. There have been countless gravel, fuel, and septage trucks on borough roads each year.

Additionally, road maintenance concerns can be adequately addressed during contract review by the Borough Public Works Department and Borough Attorney's office. Repealing these Borough requirements are anticipated to help spur future timber harvests. Title 28 is adjudicated under the Planning Department who has reviewed the Title 23 amendments, concurs it will provide a public benefit, and supports repealing MSB 28.60.070 and MSB 28.60.080 in their entirety.

The Borough Planning Commission held a public hearing on this legislation during their regularly scheduled meeting August 16, 2021. A Planning Commission Resolution supporting Assembly adoption of the legislation failed with three votes in favor and one vote in opposition.

**RECOMMENDATION OF ADMINISTRATION:** Adoption of Ordinance 21-092 amending MSB 23.20 and repealing MSB 28.60.070 Traffic Safety Plan and MSB 28.60.080 Timber Transport Permit in their entirety.

**28.60.070 TRAFFIC SAFETY PLAN.**

- (A) The state of Alaska has primary responsibility for regulating and enforcing commercial vehicle enforcement, traffic control, and equipment standards on all highways.
- (B) A traffic safety plan under this section is only required as part of a timber transport permit in accordance with MSB 28.60.080.
- (C) If applicable the person shall prepare a traffic safety plan prior to beginning timber harvest transportation operations.
- (D) The purpose of a traffic safety plan is to identify road or traffic conditions potentially adverse to safe cargo-carrying vehicle operations and public health, safety, and welfare, and to identify specific actions to be taken by the operator to mitigate such conditions.
- (E) The traffic safety plan shall apply to the most likely used road routes from the point of leaving the operations area to its initial intersection with any state or borough road classified as a major collector, arterial, or highway under the functional classification system.
- (F) The person shall provide the borough public works department a map showing the route(s) to be used described in subsection (E) of this section.
- (G) The borough public works department shall provide the person with a description and a map at a sufficient scale that clearly shows, but not limited to, the following general road conditions:
- (1) width of drivable surface;
  - (2) existence and width of shoulders;
  - (3) curves subject to off-tracking at posted speed;
  - (4) steep grades requiring sustained braking;
  - (5) presence of school bus routes, times that buses are picking up or dropping off students along the route, specific stops where line of sight to a bus is limited (e.g., the State Department of Transportation and Public Facilities considers less than 700 feet at 35 miles per hour and less than 1,000 feet at 55 miles per hour to be a reason for closer analysis); and
  - (6) presence of known "walk to school" or "pedestrian" crossing areas, trails, or other uses on or adjacent to the road surface.
- (H) Using the information from subsection (G) of this section, the person shall prepare a traffic safety plan

prior to beginning timber harvest transportation operations. At a minimum the traffic safety plan will address:

- (1) time(s) of day cargo-carrying vehicle use will occur;
- (2) type, gross vehicle weight and overall length of cargo-carrying vehicles that will be utilized; and
- (3) number of trips by cargo-carrying vehicles that will occur per day or week.

(l) The plan shall serve as the basis for determining the requirements to be included in the timber transportation permit, and by the person to:

- (1) identify topics and issues to be discussed at regular truck driver safety meetings;
- (2) identify hauling time-period limitations that may be necessary for traffic safety or noise abatement;
- (3) identify vehicle operator actions such as reduced speed where road conditions or other uses warrant; and
- (4) identify the means of public information to be taken by the person to notify the public about timber harvest plan of operations and mitigating actions that will be taken in the traffic safety plan.

(Ord. 18-093, § 2, 2019; Ord. 06-223(SUB)(AM), § 2 (part), 2007)

**28.60.080 TIMBER TRANSPORT PERMIT.**

(A) A timber transport permit (TTP) is required when the person will be utilizing roads outside of the timber harvest area for the transportation of harvested timber or timber harvest products in excess of two cargo-carrying vehicles per day, or 10 cargo-carrying vehicles in a one-calendar-week period, whichever is more.

(B) A complete application shall include a proposed traffic safety plan that meets the criteria set forth in MSB 28.60.070, and a copy of the summary page of the FRPA Detailed Plan of Operations as submitted to the State Division of Forestry, or the Forest Land Use Plan (FLUP).

(C) *Public notice.*

- (1) Public notice shall be provided within five working days of receipt of the information required in subsection (B) of this section.
- (2) Public notice required under this chapter shall be given in accordance with MSB 23.05.025, Public notice.
- (3) The public notice shall contain the provisions of the traffic safety plan; and the Detailed Plan of Operations as filed with the State Division of Forestry or the Forest Land Use Plan (FLUP). The FLUP or

the Detailed Plan of Operations shall not be subject to comment under this notice, but shall be provided for the reviewers' information.

(4) The borough shall prepare and be responsible for the distribution and publication of the legal notice.

(5) The person shall be responsible for costs of distribution and publication of the legal notice.

(D) The director shall consider the information supplied by the person and the comments received from the public notice in making their decision.

(E) The timber transport permit shall be issued by the director if the traffic safety plan effectively addresses the following objectives and standards:

(1) the adequacy of access to and from the operations area and the effect on pedestrian and vehicular circulation and safety;

(2) adequacy of the proposed transportation plan to deal with intersections, road conditions, site distances, traffic volumes, types of equipment, existing road use, and may include, under certain circumstances, dust control and snow removal;

(3) the effect of the proposed transportation on recreational uses and tourism-related activities; and

(4) the effect the proposed transportation will have on general public health, safety, and welfare.

(F) The permit will contain:

(1) time(s) of day cargo-carrying vehicle use is permitted to occur;

(2) type, gross vehicle weight and overall length of cargo-carrying vehicles that may be utilized;

(3) maximum number of trips by cargo-carrying vehicles that shall occur per day or per week;

(4) presence of school bus routes, times that buses are picking up or dropping off students along the route, specific stops where line of sight to a bus is limited;

(5) presence of known "walk to school" or "pedestrian" crossing areas, trails, or other uses on or adjacent to the road surface;

(6) identify vehicle operator actions such as reduced speed where road conditions or other uses warrant;

(7) identify the means of public information to be taken by the person to notify the public about timber harvest operations and actions that will be taken to implement a traffic safety plan;

(8) traffic signs or warning signs that shall be posted during timber hauling operations; and

(9) any road maintenance that shall be required during and after timber hauling operations.

(G) An application for a TTP shall be issued or rejected by the director within five working days following completion of the public notice as required under this section.

(H) The time period for issuance or denial of the permit may be extended by either the director or the person for a period of time mutually decided by the director and the person, but not to exceed 30 days.

(I) A TTP may be amended, suspended or revoked by the director based on significant changes to the:

(1) volume of timber, timing of harvest, or size of area being harvested; or

(2) changes in volume of traffic or other conditions that require changes to the traffic safety plan; or

(3) changes, damages, or wear to borough roads.

(J) If a change is determined to be significant by the director, or a permit is to be suspended or revoked, a new public notice shall be required.

(K) If a proposed change is determined to be significant by the director, the original terms and conditions of the TTP shall be followed until the proposed terms and conditions of the TTP are accepted, amended or denied.

(L) *Administrative appeal.*

(1) A decision by the director including amendment, suspension or revocation of a timber transport permit may be appealed in writing to the manager within 10 working days of being approved or denied in writing by the director. A copy of the written decision shall be mailed to the applicant and to any person who meaningfully participated during the public notice and comment period.

(2) The 10 working days begins on the date the decision is postmarked or personally delivered.

(3) An appeal must be postmarked or received by the manager within the 10-day period. The appeal must specifically state the reasons for the appeal and a proposed resolution.

(M) The manager may uphold, amend, or overturn the decision by the director. The decision of the manager is the final decision of the borough.

(Ord. 06-223(SUB)(AM), § 2 (part), 2007)



# Timber salvage

Bill Cook - October 4, 2018

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Windstorms, insect outbreaks, disease epidemics, wildfire, and other disturbance events can create havoc (or opportunity!) in our woodlands. Many forestowners need to know what to do with the damaged trees before it is too late.



*1M 21-181  
OR 21-092*

Salvaging damaged timber is a fairly easy concept to understand but can be quite difficult to implement. Every situation is going to be different. Salvage operations can sometimes be combined with other cutting practices, such as thinning or pre-commercial work. Given the need for timber salvage, having a management plan on-hand can be a helpful resource.

Usually, salvage involves lower quality timber because it is cracked, bent, burned, full of holes, or otherwise degraded by a particular event. There are often safety issues, especially with wind damage, due to the stressed trunks from bent or leaning trees.

There is also a time-sensitive element. The wood needs to be harvested before stain and wood-rot fungi result in further degradation, or simply render the standing trees non-commercial. The season in which the disaster occurs is important. During the growing season, high quality trees in a salvage situation can be stained within weeks. In conifers, the wood boring insects will attack the newly available food source within a similar time frame, and then will turn towards standing live trees. Another element to consider is the availability of logging contractors and the operability of the forest stand. Loggers usually have aggressive schedules. A tough job with an insufficient dollar value and a higher risk factor can be serious barriers to attracting a logger. Fitting-in a salvage job is generally not on their high priority list. What to do? The best action will be to hire a consulting forester.

Consulting foresters can provide a reasonable description of the unique opportunities and challenges with a particular salvage situation. They are familiar with the regional logging contractors, their equipment configurations, and (perhaps) their general availability. They also understand the need for urgent action, if at all possible.

*1M 21-181  
OR 21-092*



*Fire damage to a forest.*

Area markets are another important consideration. Where a robust community of wood-based mills exist, the odds of a successful timber sale increase. In areas where markets are limited, so are the timber sale odds.

A salvage operation that involves higher-quality material will be substantially more attractive to loggers than lower quality stands. Or, having a logging crew on-hand can be a good opportunity to thin or harvest a nearby undamaged stand that, by itself, would not be commercially attractive. Bundling non-salvage work with a salvage operation can, sometimes, sweeten the pot. Given a salvage situation, thinning or cleaning operations might add to the pot of marketable timber. Sometimes, a forest owner can negotiate with a logger with no-stumpage salvage in exchange for road improvement or other objectives. "Stumpage" is the monetary value of standing trees.

Along these same lines, there may be neighbors in a similar salvage situation. Combining multiple jobs at the same time will be more attractive to a logger. When considering a salvage, from damage done by a discreet event over a short time period, there may timber sale income tax provisions that work in a forestowner's favor. This is a situation to bring to a federal income tax expert familiar with the IRS rules regarding woodland ownership.

The bottom-line when presented with a timber salvage situation is that there are often several ways to skin that cat. Working with a professional forester can be quite helpful in identifying various alternatives. And, a salvage operation is not something to put onto the back burner. If salvage is desired, don't delay!

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