



**TO:** Parks & Recreation Advisory Committee  
**FROM:** George Schaaf, Parks & Recreation Director  
**DATE:** July 31, 2020  
**RE:** Use of Montana Creek Road by Motorized Vehicles

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### **Background**

Montana Creek Natural Area Park is one of Juneau's largest parks, consisting of forests, muskeg, and waterways that support some of the most productive salmon habitat in Southeast Alaska. The area also offers a wide range of recreational activities throughout the year.

The State of Alaska Department of Transportation & Public Facilities transferred a portion of Montana Creek Road to the City & Borough of Juneau in 2007. The section of road transferred to CBJ ends at the abutment of the timber foot bridge across Montana Creek; that bridge is still owned by DOT&PF, and it is unclear which agency (DOT&PF, DNR, or CBJ) manages the road/trail beyond the bridge. The section of road transferred to the CBJ in 2007 is considered a city street, and is managed by the CBJ Engineering & Public Works Department. Winter maintenance historically has not been provided beyond the Hank Harmon Rifle Range. Summer maintenance is shared between the Department of Engineering & Public Works and the Parks and Recreation Department: Public Works maintains the road surface, drainage structures, and signage; Parks & Recreation removes garbage and supports recreational facilities such as parking areas, gates, and trails.

Montana Creek Road passes through and provides access to lands and facilities managed by the CBJ Parks & Recreation Department, including Montana Creek Natural Area Park, Hank Harmon Rifle Range, Juneau Community Garden, and the Juneau Archery Range. It also provides access to lands managed by the Alaska Department of Natural Resources, the Montana Creek Trail, Tongass National Forest, and a number of private mining claims. The road itself has a history of legal use by snowmachines in winter.

The section of road between the Hank Harmon Rifle Range and the timber bridge has a history of problems, including illegal dumping, abandoned vehicles, illegal camping, arson, drug activity, illegal shooting, theft of resources (including of peat moss), and illegal use of motorized vehicles. These problems resulted in significant damage to natural resources, and became an increasingly expensive burden for the Parks & Recreation Department. In 2012, the Department installed several cameras along the road to deter and prosecute illegal dumping. These efforts successfully reduced the frequency of illegal dumping along the road, but illegal motorized use continued to damage the adjacent muskeg.

The existing gate was installed by CBJ in 2014 after extensive consultations with stakeholders, including the U.S. Forest Service, Alaska Dept. of Natural Resources, Juneau Archery Club, off-road vehicle users, and the owners of mining claims in the area. These stakeholders agreed that the gate should be closed nightly during the summer and 24 hours per day in winter. The gate was approved by the Parks & Recreation Advisory Committee and the Assembly Public Works & Facilities Committee. Illegal dumping and other problems decreased significantly after the gate was installed, and the road quickly became popular with Nordic skiers. The Juneau Nordic Ski Club (JNSC) began setting tracks the following winter, and today Montana Creek Road is one of the most popular Nordic skiing destinations in Juneau.

### **Municipal Code and State Statute**

It is illegal to operate a motor-driven vehicle in Montana Creek Natural Area Park, except on Montana Creek Road or within designated parking areas (CBJ 67.01.090(e)):

**CBJ 67.01.090 - Prohibited uses.**

- (e) *Motor-driven vehicles prohibited.* No person shall operate any motor-driven vehicle within any recreation area except on the roadways and parking areas designated for such motor vehicles and no person shall allow a motor vehicle owned or controlled by him or her to be so operated.

Snowmachines and ATVs may be driven on Montana Creek Road when it is impassable to other vehicles due to ice and/or snow (13 AAC 02.455 and CBJ 72.02.455(a)(2)):

**CBJ 72.02.455 - Operation on highways and other locations.**

- (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:
- (2) When use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;

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The City Manager may close a street to vehicles (CBJ 72.01.090):

**72.01.090 - Street closed to traffic.**

- (a) The manager is authorized to close streets to vehicle or pedestrian traffic.
- (b) Whenever any street is closed to the use of traffic and the same so indicated by authorized signs or barriers, no vehicle shall proceed into the street or any portion thereof except as directed by the signs. Whenever a street is closed, notice shall immediately be given to the fire chief and manager.

**Current Situation**

The new gate at the Hank Harmon Rifle Range, combined with cameras and increased enforcement, has reduced illegal activity and resource damage in Montana Creek Natural Area Park. The gate also changed how people use the area for winter recreation. As the area has become more popular with Nordic skiers, there has been an increase in conflicts between motorized and non-motorized users during the winter:

- Due to limited parking, the parking lot for the Hank Harmon Rifle Range is often filled with skiers who have nowhere else to park. This creates a conflict between range users and skiers.
- Snowmachines and ATVs using the road during the winter destroy Nordic ski tracks set by JNSC. This creates a conflict between skiers and motorized users.

Summer sees fewer conflicts in use, and illegal operation of ATVs within Montana Creek Natural Area Park has generally ceased (visible damage to the muskeg alongside Montana Creek Road today is the result of people harvesting peat for use in their gardens). Resource damage is evident on state lands north of Montana Creek, where ATVs are a generally allowed use under state law. To the best of our knowledge, the state-owned portion of the Montana Creek Trail is one of only two places in Juneau where ATVs may be ridden legally (the other is located on the Tongass National Forest near 25-mile).

Since June, the Parks & Recreation Department has been contacted by a number of citizens requesting that a portion of Montana Creek Road be closed to motorized vehicles, either seasonally or year-round. The Juneau Nordic Ski Club has also asked that the road be closed to motorized vehicles in the winter. All of these communications are contained in the packet for tonight's meeting.

### **Next Steps**

Public comments received by the Department over the last few weeks focus on two main issues:

- 1) Whether a portion of Montana Creek Road should be closed to motorized vehicles during the winter; and
- 2) Whether a portion of Montana Creek Road should be closed to motorized vehicles year-round.

The first issue is relatively straightforward and can probably be addressed before user conflicts between winter users become an issue again. Juneau's municipal code authorizes the city manager to close a street to motorized vehicles, and a robust public process should inform that decision. To begin this process, the Department will consult with known stakeholders, as well as CBJ Public Works, the U.S. Forest Service and the Alaska Department of Natural Resources. We will also invite the public to submit written comments before seeking a recommendation from the PRAC later this fall (comments already received will be included in the record).

The second issue is more complicated. Closing a portion of Montana Creek Road to motorized vehicles year-round would not only have a large impact on public use of the area, but would also affect lands managed by other state and federal agencies. As a first step, the Department will reach out to the Alaska Department of Natural Resources and the U.S. Forest Service to share the concerns we've heard from the public, and develop a plan to collaboratively review our joint management of the area. This will likely be a complicated process, and staff will keep the PRAC updated on our discussions with agencies and stakeholders as we chart a way forward.