

TONGASS NATIONAL FOREST

Sitka Ranger District

Sitka, Alaska

Order No. 10-05-31-12-08

FOREST ORDER BLUE LAKE AND HARBOR MOUNTAIN ROADS

Pursuant to **36 CFR 261.50(a) and (b)**, the following act is prohibited on or along Blue Lake Road (Road 7577); Harbor Mt Road (Road 7576) and within Harbor Mountain Recreation Area. These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36, Code of Federal Regulations, and become effective when signed and will remain in effect until rescinded.

36 CFR 261.58 (e) - Occupancy and Use: Camping.

Overnight camping is prohibited:

- 1) within 100 feet of the centerline of Blue Lake Road from the national forest boundary to the end;
- 2) within 50 feet of the centerline of Harbor Mountain Road between Gate Zero and the national forest boundary and
- 3) within a quarter mile of the centerline of Harbor Mountain Road from the national forest boundary to the road end (this area is also called Harbor Mountain Recreation Area).

Pursuant to **36 CFR 261.50(e)**, the following are exempt from this order:

- 1) Person(s) with a permit specifically authorizing the prohibited act.
- 2) Any Federal, State or Local Officer, or member of any organized rescue or fire fighting force in the performance of an official duty.

This Order supersedes and terminates Order SRD-94-2 and Order SRD – 94-3 signed 12/21/94 and Order SRD 97-5 and Order SRD 97-2, signed April 4th, 1997. This Order may be made more restrictive by temporary order issued by the Regional Forester or the Forest Supervisor as needed to promote public safety, and to protect public property and resources.

Executed in Ketchikan, Alaska this 20 day of April 2012.



Forrest Cole
Forest Supervisor
Tongass National Forest

Penalty: Violation of these prohibitions is punishable by a fine of not more than \$5,000.00 or imprisonment for not more than six months or both. (**TITLE 16 USC, SECTION 551 AND 18 USC 3559 AND 3571**)

Notification: A copy of this order shall be posted as prescribed under 36 CFR 261.51.

Sitka Ranger District

Assessment of Need –Order 10-05-31-12-08

Background – Both Blue Lake Road and Harbor Mountain Road are roads adjacent to the Sitka highway system.

- 1) **The first instance of closures of these roads was in “Unnumbered Order entitled FINAL ORDER” for Sitka Ranger District Roads signed August 10, 1984 by Chatham Area Forest Supervisor K.W. Roberts.** Harbor Mt Road and Blue Lake Road were listed with the following restrictions:
 - A. Closed to three-wheeled vehicle and snowmachine use during the period April 1, to November 30 (36 CFR 261.54 (a));
 - B. Closed to use by all vehicles with GVW (gross vehicle weight) in excess of 1000 pounds during the period December 1 to March 31 except for administrative use, commercial use by permit, or use by written authorization from the Sitka Ranger District (36 CFR 261.54(d)).

The above Unnumbered Order was a result of recognizing the safety issues associated with managing mixed traffic on these two roads.

- 2) **SRD -94-2 and SRD-94-3 were new 1994 Orders respectively for Harbor Mountain Road and Blue Lake Road.** By 1994, ATV's had 4 wheels and not just 3 and there was public confusion on the dates the roads were open to ATV's. The district also had difficulty keeping “No ATV allowed signage posted” along the road. How these Orders changed the 1984 district roads order for these two roads:
 - A. included “motorized off-road vehicle, non-street legal motorized vehicle,” as well as snowmobiles and removed the need for specified dates these vehicles could operate on the road by as the order prohibited their use unless posted otherwise (a more positive signing approach);
 - B. making the prohibition for these vehicles be “at all times unless posted otherwise. (36 CFR 261.54(a))”.
 - C. Continuation of active gate management to separate mixed use vehicle traffic.
- 3) **SRD-97-2 and SRD-97-5 Orders revised and updated Orders listed in #2 above for Harbor Mountain Road and Blue Lake Road.** This began active management of Gate 3 for the winter season. In 1997, these new Orders refined the previous two Orders more:
 - A. Prohibited overnight camping along road in response to several instances of long term camping.
 - B. ORV use prohibition off-road unless posted otherwise.

- 4) **Regional roads Order R10-96-01 was in effect in 1996.** The district created two exhibits to this Regional Order that included Harbor Mt Road and Blue Lake Road as well as Starrigavan roads and the Sawmill Creek Campground road. Access to both the top of Harbor Mt and the Blue Lake area is confined to each of these roads. The Regional order exhibits controlled vehicles seasonally as needed. This was the beginning of active gate management to control seasonal use of various vehicles.
- 5) **District Orders referenced in #'s 1-4 above were never terminated.**
- 6) **District MVUM came into being in 2008.** All other aspects of the roads mentioned in the orders in # 1,2 and 3 above were now controlled by the MVUM. The MVUM allowed overnight camping within 100 feet of a road centerline as long as vehicles remained on the hardened road surface. This was contrary to what the old ORDERS in #3 above stated. No camping and incorporating the previous Order prohibiting camping was overlooked when the District MVUM map was created.

Intent of Subpart B Order: Order 10-05-31-12-08 updates, supercedes and terminates SRD-94-2 and SRD-94-3, signed 12/21/94 and Order SRD-97-5 and SRD-97-2, signed April 4, 1997 which were in effect for Blue Lake Road and Harbor Mountain Road before the district MVUM. Old Orders prohibited camping along these roads as roadside camping has been an issue. The district MVUM approves of dispersed camping within 100 feet of the road centerline. Since the old orders were overlooked when creating the district MVUM, the intent has been to correct the district MVUM as soon as possible. Until this correction is made, this updated Order 10-05-31-12-08 prohibits overnight camping along these two roads and within the Harbor Mountain Recreation Area. Once the MVUM is updated a new order will be created to cover the camping prohibition within the Harbor Mt Recreation Area beyond the 100 ft center line of the road.