

Guidance for All-Terrain Vehicle Use on Department Lands

1. Introduction:

There is a growing demand for ATV use on Department lands. Because unauthorized ATV use and inappropriate siting can have adverse impacts on natural resources and other property users, requests for ATV use on Department lands should be evaluated using the process and criteria specified below.

It is not the intent of this guidance to direct property managers to evaluate all department properties to determine if ATV trails are suitable on those properties. The purpose is to provide criteria based decision-making model in the event that a ATV trail is proposed for a property. This guidance is intended to assist Department staff in evaluating requests for ATV trails on Department owned or managed lands. The department will review each trail proposals on a case by case basis and is not obligated to establish an ATV trail in every case.

2. Where ATV's May Be Authorized:

All-terrain vehicle (ATV) use is permitted on Department lands only:

- a) By permit for persons with disabilities as a mode of personal conveyance. Permits can be obtained on a case-by-case basis per the procedure and restrictions in MC 2527.7
- b) As a designated use by posted notice (s. NR45.05(3) Wis. Adm. Code), authorized by approved plan, in the following situations:
 - A connector trail leading to a local or regional trail system under county or municipal management.
 - On a linear State Trail. Linear State Trails may be state or cooperatively managed.
 - A loop trail on a property in those limited situations where the size and configuration of that property can accommodate ATV use that is in compliance with the criteria outlined below.
 - Within an intensive use area on lands purchased for that specific purpose, or on lands no longer necessary for conservation purposes, that will be operated under a lease agreement.

3. General Guidelines for Designing, Siting, and Maintaining Trails:

The goal of the Department regarding all trails is to design, site, and maintain trails that provide a quality experience for the user and which are sustainable.

Sustainable trails:

- a) Are ecologically sustainable—they minimize ecological impacts of trails.
- b) Are physically sustainable—they are created to retain their shape throughout time without abrupt change by accommodating the human and natural forces acting upon them. Routine maintenance may be necessary periodically.
- c) Are social/economically sustainable --Are accepted and/or substantially supported by affected parties.

These principles should be an integral part of decision-making for any trail or trail use. One result of developing sustainable trails is that the trail experience may foster a sense of stewardship, i.e. a desire by the user to sustain the trails and the land that supports them, in the user.

4. ATV Trails:

ATV trails, like all Department trails should be considered within the context of sustainability (see above). All trails have ecological impacts, yet we try to stay within the site-specific capability of each location to accommodate the trail. Although the wear surface of natural-surface trails continually changes, attempts must be made to design trails that can remain relatively stable with appropriate management and maintenance.

ATV use on Department lands should be authorized as part of a comprehensive property master planning process so that the location of ATV use can be considered with both existing and potential future uses of the property. If ATV use is being considered for properties that have an existing master plan, the use would have to be authorized through a plan amendment or variance process. There will also be times that there will be legitimate requests (e.g., critical linkages with trail systems, cooperative State Trails) that will have to be carefully evaluated on properties where no master plan exists. Regardless of whether a master plan exists, an evaluation of the impacts on the resources and public input is essential components of the process.

5. Criteria for Evaluating ATV Use on Department Lands:

This document contains a list of criteria that should be addressed when evaluating proposals for ATV use on Department property. In some cases, analysis of one (such as property designation, potential effects on the resources, etc.), or more, of the criteria will result in a determination by the Department that the proposed ATV use is not feasible. However, in order for ATV use to be approved, all of the criteria below should be evaluated following the procedure explained on Page five. Use the form on page six of this guidance to address the criteria.

a) Property Designation/Funding Source

New trails must be compatible with the existing setting and uses of a property, including its statutory designation, deed restrictions or covenants, and any restrictions/purposes related to the funding source used to purchase or manage the property such as any restrictions that may be associated from federal (e.g. PR, DJ, ORAP, LAWCON, TE) funding.

Using the criteria contained in this document, State Natural Areas, State Parks, Wild Rivers properties, and State Ice Age and North Country Trail Areas will generally not be suitable for ATV use. On these properties, ATV use will only be considered by exception (Secretary sign-off) and will generally be restricted to a select few larger properties where the trail siting criteria can be met. Requests for trails on other property types will be reviewed on a case by case basis. Other property types (e.g. Wildlife Areas, Fishery Areas) may have limited potential for ATV trail connectors due to existing use patterns, existing stipulations and restrictions that would not allow for uses that would interfere with the purpose that the property was established (e.g. hunting, fishing, wildlife propagation)

b) Potential Effects on the Resources

The trail should not be in a location where significant adverse impacts on natural resources cannot be prevented through proper siting and trail construction and maintenance. Utilizing proper design standards, trails should generally be located within existing upland travel corridors as much as possible to avoid fragmentation of properties and habitat and should be located away from identified sensitive areas such as high-quality natural communities, wetlands, nesting areas, wild resources, scenic areas, and unique aquatic or terrestrial habitat. The sensitivity of the natural community in the area of use will need to be evaluated for potential impacts, such as invasive species introduction concerns, and noise and dust effects. Certain animal species and vegetation communities may be particularly vulnerable during certain seasons (e.g. ground bird-nesting season). Limits on the season of use may be warranted in some situations.

The potential for adverse impacts to adjacent off-trail areas, not just the trail itself, will be evaluated in case of unauthorized, off-trail use. Some indications of adverse impacts are erosion scars, severe rutting, washouts, streambank and wetland damage, and siltation.

Whenever possible trails should be located away from waterways to minimize potential impacts and discourage inappropriate use. Stream and wetland crossings should only be permitted if other practicable alternatives are not available. State statutes and administrative rules must be complied with, and county zoning requirements should be complied with, to assure protection of lakes, streams, and wetlands, and consideration of the public interest associated with them. Federal permits are also required for certain wetland modifications (see table), and local land use ordinances should be considered.

WATERWAY AND WETLAND PROTECTION REQUIREMENTS (PARTIAL LIST)

Environmental Issue	Authority	Contact
Waterway Crossings and Modifications	Chapter 30 Stats	DNR Water Management Specialist
Wetland Crossings and Modifications	NR 103 (Chapter 281, Stats) Federal Clean Water Act, Section 404	DNR Water Management Specialist US Army Corps of Engineers
Stormwater and Grading	NR 216 (Chapter 283, Stats)	DNR Water Management and Wastewater Specialists
Shorelands and Floodplain	County Shoreland and Floodplain Zoning Ordinances Pursuant to Chapters NR 115, (Chapter 59, Stats) and NR 116 (Chapter 87, Stats)	County Zoning office Also check with local jurisdiction (township, village, city)

c) Safety

Assess whether there are conditions that pose potential safety problems for trail users. Are there terrain features that pose potential hazards to trail riders, e.g., steep drop-offs, rocky outcroppings, unstable native tread surfaces? Can these potential hazards be minimized through trail construction or signing techniques or be avoided? Are there existing infrastructure situations that might pose safety concerns, e.g., necessity to cross roads, utilize highway rights-of-way or highway bridge structures to cross streams or rivers? Are there alternatives that can be sited or constructed at reasonable costs to avoid or minimize these situations, e.g., construction of a ramp to approach a highway or road-crossing at grade?

d) Social Considerations

Trails should be located to minimize impacts to other recreational uses, such as camping, hiking, wildlife viewing, hunting, or fishing that are already established on the property. ATVs may be compatible on larger properties where space is available to provide use without disruption to others. If potential conflicts exist with the proposed location, alternatives should be considered that minimize these conflicts, such as alternate locations, seasonal use, visual and sound buffers, and time-of-day restrictions. Existing appropriate recreational uses will generally have priority over new proposals if conflicts cannot be mitigated. Impacts to other property users, such as noise and dust, must be evaluated.

An evaluation/summary of public opinion about the proposal must be considered.

e) Economic

Consider the trail's impact on the local economy. Identify opportunities to connect with communities, restaurants, lodging, and other facilities.

f) Cooperation

The degree of demonstrated local support and interest in cooperative efforts should be documented and an assessment of a potential sponsor's ability to develop, maintain, and insure the trail be made. A Memorandum of Understanding will be developed that outlines responsibility between a recognized club/unit of government and the Department to develop and operate trails on department lands. Local cooperators and their responsibilities should be identified.

g) Management/Administrative Criteria

- Evaluate existing level of staff and funding available to manage, maintain, and monitor this trail and MOU. Determine if clubs/units of government are willing to provide the necessary resources. Insufficient resources may result in a determination by administration that the project is not feasible.
- Assess development costs and determine funding sources.
- Enforcement. An evaluation of enforcement resources is needed. Assess the need and availability of law enforcement to patrol the trail. This could be either Department or local government personnel.

6. Procedure For ATV Trail Requests On Department Properties:

Manual Code #2527.9 outlines the policy for handling requests for ATV trails on Department properties. ATV trails that are being considered as part of an NR 44 master plan process or plan revision need to follow the substantive provisions of this guidance but not the procedure outlined in the manual code.

7. Approved ATV Trails:

a) Monitoring

Regular and on-going monitoring of ATV trail tread and adjacent areas is imperative to detect and correct impacts while they are manageable, and before permanent degradation occurs or repair costs become prohibitive. The required semi-annual designated use area inspection may be insufficient to detect problems, and more frequent inspections may be needed.

b) Closure Authority

The Department has the authority to close Department land, by posted notice (NR 45.04) if necessary. Property managers should exercise that authority if issues of safety, resource damage, or other legitimate concerns arise until such time as the problem can be resolved. Lack of sufficient resources to maintain trails, unauthorized off-trail use, annual spring break-up and failure of cooperators to adhere to terms of MOU are valid reasons for closing trails. The ultimate closure authority lies with the regional director.

8. Glossary

Intensive Use Area: An intensive use area is an area that is designated, usually by fencing or signage, for the use of ATVs. Riding opportunities may consist of riding courses and trails and associated support facilities (e.g., restroom facilities, ATV wash-down facilities, unloading ramps, and/or camping facilities). Intensive use areas are typically supervised and/or patrolled during hours of operation. Typically, an entrance fee is charged to make use of the riding opportunities. Riding courses and trails are actively managed and maintained.

Approved Plan: An approved plan can be one of the following: a property master plan or, where no master plan exists, a site plan on a 1:24,000 USGS topographical map, signed off through channels, or a plan resulting from a signed cooperative State Trail agreement.