

Woodboro Lakes Wildlife Area

ATV/UTV Trail Analysis

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Woodboro Lakes Wildlife Area

ATV/UTV Trail Analysis

Property Overview

Woodboro Lakes Wildlife Area (WLWA) is a forested 3,000 acre property located about ten miles west of Rhinelander (Map A). It was purchased in 1999 as part of a large timberland purchase called “the Great Addition”. The property does not have a Master Plan. The forest cover type primarily is aspen and white birch with areas of red oak, red maple and white pine. Its six lakes are small, shallow and contain no game fish. The property is heavily used by hunters; other common uses include trapping, bird watching, hiking, mountain biking, canoeing/kayaking, berry picking, and other outdoor recreation activities. Fishing is limited.

An extensive logging road network runs through the property, and was present when the property was acquired. Recreational ATV use is currently not allowed on the wildlife area. Until recently, vehicular access was limited to high clearance/FWD vehicles due to poor road conditions. Many of the roads had become severely degraded and marginally unusable, and they did not meet Best Management Practices for Water Quality standards. As a remedy, recent work has focused on improving some roads for vehicle access (and long-term sustainability) and restoring the remaining ones for walking access routes. An extensive hunter walking trail network has been developed using Ruffed Grouse Society Drummer Grant funds. Conservation Infrastructure funds were used to repair and improve the interior vehicular road system. The map series B1 to B6 shows property infrastructure and resource information.

The ATV/UTV Trail Request

Nokomis ATV Club requested establishment of a 1.4 mile long ATV/UTV trail on the WLWA to connect the Oneida County Forest (OCF) on the south to Oscar–Jennie road on the north (see Map C). Currently, the proposed trail across the wildlife area would not connect to any established ATV/UTV trails or routes on either end, additional trail segments would be need to be established to connect to the regional trail network.

The proposed trail route follows an existing club sponsored – state funded snowmobile trail. This trail is on a native surface logging road that connects two dead end town roads, Cruiser’s Road on the south (in the OCF) and Oscar-Jennie Road on the north (within the WLWA, see Map D). The northern portion of the snowmobile trail/logging road lies on the WLWA and the southern portion on the County Forest. The state-owned portion of the route had deteriorated and was impassable by highway vehicles most of the year. In 2013 it was closed to cars and trucks, reshaped and seeded to permanent vegetative cover (using state Turkey Stamp funds). Presently, the route is a walking trail with snowmobile use in the winter and is closed to other public motor vehicle use.

A bridge over a navigable stream was constructed for snowmobile use prior to the state’s acquisition of the property, and it remains in use for that purpose. A recent, initial engineering inspection revealed this bridge does not meet state standards and needs significant renovation or replacement. Additional engineering investigations must determine the bridge’s load-bearing

capacity and the full extent of work necessary to bring it into compliance with state standards and to accommodate grooming and other trail maintenance equipment.

Criteria for the Evaluation and Development of ATV/UTV Trails on Department Managed Lands

Proposed ATV/UTV trails on Department lands are evaluated and, if approved, are constructed according to the Department's trail siting and design standards. A summary of the pertinent elements may be found in Appendix A. The following trail analysis is based on those criteria.

Suitability Analysis of Proposed Trail Route

The Department's analysis shows the trail route would be approvable with the adjustments and improvements discussed in detail below. Specifically:

- Reroute the trail away from sensitive wetland resources in two locations
- Rehab or replace the bridge to bring it up to standards
- Surface the trail for long-term sustainability.

The Route

Review of the proposed trail route by an interdisciplinary Department staff team revealed several areas with sensitive, high value resources are located near the trail, which pose a significant conflict with the Department's ATV/UTV Trail Siting Criteria.

Detailed studies have not been done on this property to determine the presence of Threatened, Endangered, and Species of Concern Special Concern. However, according to the Department's Natural Heritage Inventory (NHI) data and department biologists, in two locations important wetland and aquatic resources lie along and very near (within 50ft. or less) the proposed trail route. Specifically, the NHI data records show a wetland element occurrence on Rice Creek in the southeast corner of the wildlife area, and an aquatic element occurrence also along Rice Creek just south of the wildlife area in the OCF.

Any off-trail ATV/UTV driving in or on the banks of Rice Creek or its associated wetlands could cause significant, long-term resource damage. Having a separation, or buffer, from waters and wetlands or other sensitive resources is a prime siting requirement for siting an ATV/UTV trail. The Club's proposed route, as is, does not fully meet the siting criteria.

The review team further determined that the stream/wetland concerns could be mitigated by relocating the trail in two locations to move it away from Rice Creek and other wetlands. The rerouted, newly constructed trail segments would total about .3 miles and run through uplands, primarily a mature aspen stand. The proposed new route is shown on Map E. The reroute would extend the total trail length on the WLWA from 1.4 miles to about 1.7 miles. Additional benefits of the reroute are that the new trail sections would be on more suitable upland soils and it may lessen the potential of conflicts between ATV/UTV riders and duck hunters on Rice Creek.



View of snowmobile trail

photo by: Jeremy Holtz



Recent snowmobile trail rehabilitation work in progress

photo by: Jeremy Holtz

The Bridge

An existing snowmobile bridge over a navigable tributary of Rice Creek, (the bridge was present when the state purchased the property in 1999) needs major renovation or replacement.

A private engineering firm did an initial inspection of the bridge in the spring of 2014 and determined the abutments and railings need work. They did not inspect the bridge foundation and listed the substructure as unknown. Under current state law, the bridge must be rated to a minimum load capacity of 14,000 pounds. This bridge needs to be more thoroughly inspected and its weight rating determined. The bridge must meet state standards before it can be approved for new trail use. Significant renovations or construction of a new bridge may be needed.



View of snowmobile trail bridge

photo by: Jeremy Holtz

Trail Surface

The current snowmobile trail has a native soil surface with a width of approximately 12 feet. On suitable soils surfacing is not required. However, review of soil suitability data (Soil Survey of Oneida County, WI 1993) and staff experience managing roads and trails on the property indicates that, at a minimum, gravel surfacing of portions of the trail would be needed to stabilize the surface to assure long-term sustainability and to keep maintenance costs in check. For additional soil assessment information, see the Impact Analysis Section below.

Where soil conditions warrant, gravel surfacing reduces maintenance costs and frequency. For example, an unsurfaced trail on somewhat unstable, marginally-suitable soils requires frequent grading, in some cases weekly depending on moisture conditions and use level; however, a trail with a compacted gravel surface and a minimal crown, back-blading only three times a year may be suitable. For maintenance on a compacted gravel surfaced trail, a dozer or grader with a tilting 6-way blade is necessary to address splash-outs and re-establish the crown. Regular inspections, including after every significant rain event, would be required with maintenance performed as needed.

Trail Development and Operation Requirements

Construction needs

ATV/UTV trails on Department managed lands must be built according to standards of the Department's established ATV/UTV trail design standards¹. Following current design standards, the trail tread (2-way trail) would be a minimum of 12 ft. wide and up to 16 ft. wide on turns.

¹ Department Design Standards Handbook: 8605.1

There would be a cleared width extending 2 ft. on each side of the trail and tree limbs overhead would be cleared a minimum of 12 ft.

It is recommended that at a minimum the trail tread be surfaced with crushed gravel or crushed stone, the gradation #3 WDOT mix (3/8- inch sieve) is recommended. Potentially, additional armoring on specific sites may be required. Not only would surfacing address concerns about ponding and rutting, emerging boulders, slope, and sand pockets, but it would reduce the need for maintenance.

The existing 23 ft. snowmobile bridge would need to be upgraded or replaced to meet standards for ATV/UTV traffic and support trail maintenance equipment. For this initial cost estimate, Oneida County cost figures (2008) for bridges of this type (short bridges up to 50 feet which may be supported on the ends by pilings or pan footings but are clear span) were used. The cost ranges from \$480 - \$1,822 per linear foot. The range is due to variable soil and stream bank conditions as well as height requirements (the bridge crosses a navigable waterway). Additional engineering studies are required before a more specific cost estimate can be made. The ATV Club may be able to complete the project for less cost while still meeting Department requirements.

Summary of Estimated Trail Development Costs

<p>Initial construction 2 new trail segments (.3 mi.)</p> <ul style="list-style-type: none"> • Cost can possibly be reduced by coordinating construction with a nearby timber sale. 	<p>~ \$9,000</p>
<p>Trail surfacing (1.7 miles)</p>	<p>~ \$25,000 (if all surfaced)</p>
<p>Bridge replacement (cost will be less if renovation possible)</p> <ul style="list-style-type: none"> • Additional engineering studies are required 	<p>~ \$11,000 - \$42,000</p>

Use Period

Trail use season should be consistent with Oneida County ATV/UTV trail system when connectivity is realized. Those dates for 2014 are May 22-December 2.

Trail MOU

Prior to trail establishment the sponsoring club is required to enter into certain agreements related to trail use, construction, and maintenance. The Department’s ATV/UTV Trail policy requires connector trails across properties be constructed and maintained by a local sponsor under a Memorandum of Understanding (MOU). Specifically, the MOU includes a Land Use Agreement covering use of the trail route, and a Construction and Maintenance Agreement. The policy also stipulates that the local/regional trail system be under county or municipal management.

Trail Connectivity

The Department’s ATV/UTV Trail policy requires a connector trail crossing a property connect established trails or routes in the local or regional system. Oscar-Jennie Road is not currently designated as an ATV/UTV route, and the logging road onto Oneida County Forest is not

designated as an ATV/UTV trail or route. These routes/trails must be established prior to construction of the section of trail on the WLWA.

Impact Analysis

Resources

Soil Suitability Analysis

The proposed trail route follows close to a riparian corridor, and moves through several different soil types in the Keweenaw-Vilas association. These soils cover a variety of conditions; nearly level to steep, moderately well drained, well drained, and excessively drained, loamy and sandy soils on drumlins, water-worked moraines, and outwash plains and in areas of pitted outwash (Soil Survey of Oneida County, WI 1993).

There are an estimated ten named soils in the trail project area. Keweenaw and Vilas comprise most of them, plus some Goodman, Sayner, Padus, and Fordum.

The Recreational Trail Development (Table 10) and the Woodland Equipment Use (Table 7) from the Soil Survey were cross referenced to estimate needs for an ATV/UTV trail. For woodland equipment use (i.e. logging), most soils ranged from slight to moderate concerns, recommending the soils be used only in summer, fall, and winter. The moderate concern locations listed low soil strength or slope as an issue. Lowland areas (Fordham) had severe concerns in both tables. In the Recreational Development table, most soils were listed as moderate concern in trail development; some were too sandy, many included large stones. Wetness and ponding were concerns in the Goodman and Fordham types.

These soil table indications are congruent with property management observations. In some locations, the high, flat areas, the surface is tight, firm, and relatively stable. The concerns in these areas are large boulders located just beneath the surface, and barely emerging in some spots. The Department has had to have bulldozers excavate some of these that have become equipment hazards and replace them with fill. There are some minor changes in elevation; these areas have seen the surface displaced when vehicles, especially those travelling uphill, displace soil when they break traction while accelerating in an attempt to maintain momentum. In some areas, managers have seen significant ponding, rutting, or splash-out of material. Managers have had to bring in heavy equipment to address these problems, place fill, install ditching and restore the crown. In other locations on the same property, ponding and ruts have occurred that were deep enough to result in a Forestry Best Management Practices (BMP) violation; major repairs were needed to maintain Forest Certification requirements.

Wildlife and Habitats

The Woodboro Lake Wildlife Area is managed with an emphasis on early successional forest, and particularly focused on providing ruffed grouse habitat. The proposed trail route runs almost entirely through a mixed aspen stand. Changes in available habitat quantity would be negligible.

Huntable wildlife species that have been documented crossing or traversing the proposed trail area include deer, bear, turkey, wolf, ruffed grouse, and woodcock. The section of trail corridor along Rice Creek has especially high wildlife value.

If the ATV/UTV trail were established, the resulting disturbance from motorized use would have a negative but likely small impact on wildlife in the area. Currently, motorized use on the route is restricted to snowmobiles. ATV/UTV use would extend the use period through the breeding, nesting and rearing season, the times of greatest disturbance impact. While the total effect would likely be small, the level of impact would likely be greater than that along existing open roads on the property, since the volume and frequency of ATV/UTV traffic on the trail would likely be higher.

Sensitive aquatic and wetland habitats (primarily associated with Rice Creek) should not be negatively impacted by the trail, provided it is rerouted as recommended by staff. If the trail were constructed entirely on the route originally requested, which in some locations is within 50 feet of Rice Creek and wetlands, there is a high probability of significant, long-term damage occurring from illegal off-trail riding.

Cultural/Social Impacts

ATV/UTV Riders

The ATV/UTV riding opportunities surrounding the WLSWA are on designated ATV routes, which are local roads (see Map D). If the connecting links on the north and south are established, this proposed addition to the local ATV trail network would add an additional north-south travel route, and it would not be shared with other motor vehicles - a plus for the riding experience.

Hunters

Hunters are the primary users of the property. Grouse hunting and big game hunting, in particular. Waterfowl hunting occurs in a few locations. An ATV/UTV trail would be beneficial to some hunters – those that wish to use their ATV/UTV access a hunting site along the trail route. On the other hand, hunters who seek solitude would likely be displaced to other locations.

Archery hunters enjoy hunting this block south of Oscar Jennie road because of its limited vehicle access. Habitat there is excellent for deer; there are intermixed pines, oaks, and aspen stands. The proposed trail route has been used as a hunter walking trail. Those hunters may be displaced, depending on the ATV/UTV use level.

WLWA does not lend itself well to hunting bear with dogs, and is consequently highly popular with hunters who hunt bear without the aid of dogs. An ATV/UTV trail may facilitate baiting of bears near the trail. ATV/UTV traffic by other riders may conflict with those baiters. Increased traffic may affect bear movements (avoidance behavior). None of the conflicts should be serious. Bear and deer baiting would likely increase along the trail route due to improved access.

An ATV/UTV trail may adversely impact waterfowl hunting on Rice Creek. The proposed reroute of the nearby trail segment away from the creek would help reduce the potential conflict. Rice Creek is a popular and locally important waterfowl hunting destination. Hunters hunt on the wider (downstream) end near Gary Lake. Alternatively, hunters walk in the stream bed upstream or downstream in hopes of flushing waterfowl which they can “jump shoot.” Gary Lake, at its

downstream end, is a rice lake that provides both wild rice and waterfowl harvest opportunities. (The only access to this lake, excepting private land, is by paddling downstream on Rice Creek.)

It should also be noted that the remote, small wild lakes west of the proposed ATV/UTV trail route are valuable loafing areas for migrating waterfowl and can have good hunting depending on conditions. The proposed re-routing of trail sections closer to one or more of these lakes may impact the waterfowl and the hunters that use them.

Other Property Users

The property is also popular for non-hunting activities; such as, trapping, bird watching, hiking, mountain biking, canoeing/kayaking, and berry picking. ATV/UTV access to this part of the property may benefit trappers and berry pickers. The ATV/UTV trail, which would not be open for bicycles, would not impact these users since the route is currently closed to vehicles (including bicycles). Likewise, the trail would not close any currently open vehicle access route for canoeists and kayakers. This route was closed to vehicles (except snowmobiles) in 2013. Prior to that, it was used by some paddler and hunter vehicles to gain access to Rice Creek.

In general, the primary social impact on current property users by ATV/UTV use would be the loss of the opportunity to experience the sense of remoteness that currently exists during the non-snow months in this part of the property.

Historical/archeological Resources

The property and proposed ATV/UTV trail location have a history in logging, as does most of northern Wisconsin. The snowmobile trail, the Club's proposed route, lies on an old narrow gauge railroad bed. The proposed new reroute sections are off the railroad bed. As the proposed reroute sections require new grading, they are subject to historical/archeological review.

A cursory check of the Oneida County archaeological and historical sites reference map indicates that most of the route is outside the archeological site that incorporates the outlet of Hancock Lake. However, it is possible that the segment in the northern end, where the short 400 ft. detour around a wetland is proposed to be constructed, may be close to the western edge of said site. Further determination may be required.

On the Local Economy

It is not known what impact development this local connector trail may have on the local economy. The economic impact of this trail segment would likely be negligible, as the trail would not provide a new connection to any communities, restaurants, lodging, or other facilities. However; overall, future growth in the regional ATV/UTV trail network would likely generate economic growth, of which this trail would be a contributor.

Compatibility with the Property Designation and Funding

Property Designation

Management of State Wildlife Areas is governed by administrative code NR1.51. While the primary purpose of establishing and managing wildlife areas is hunting, trapping, and fishing; it does allow for designated off-road vehicle trails where they will not be detrimental to wildlife or conflict with public hunting.

Wisconsin Administrative Code NR 1.51: Management of state wildlife areas. Section [23.09 \(2\) \(d\) 3.](#), Stats., provides legislative authority and direction for the acquisition and management of wildlife areas. The primary purpose as stated in this statute is to provide "areas in which any citizen may hunt, trap or fish." Section [23.11 \(1\)](#), Stats., provides for the general care, protection and supervision of state lands. Section [23.30](#), Stats., deals with the provisions of the outdoor recreation program.

(1) In order to fulfill the statutory charge of providing public hunting and trapping on wildlife areas, the quality of their wildlife habitat must be maintained or developed. However, this is not to be construed as authority for exclusive single-purpose management of entire properties. Wildlife habitat needs and public hunting objectives shall receive major consideration in management planning for wildlife areas; however, fishery, forestry, wild resource and outdoor recreational objectives will be accommodated when they are compatible and do not detract significantly from the primary objective.

(e) Off-road vehicles. Unrestricted use of off-road vehicles, including snowmobiles, will not be permitted on wildlife areas. Agreements may be made with counties, other municipalities, or private clubs for the use and maintenance of designated trails or areas where such use will not be detrimental to wildlife or conflict with public hunting.

Property Funding

Woodboro State Wildlife Area was acquired with state Stewardship funds. All nature based recreational uses, including ATV/UTV trails, may be allowed on lands acquired or managed with Stewardship funds.

Federal Pittman–Robertson Act (Federal Aid in Wildlife Restoration Act) funds, which are derived from an excise tax on firearms and ammunition, are used to support some management activities on the property. These are commonly called PR funds. While the use of these funds includes a stipulation that hunting and wildlife purposes not be compromised, other activities may be allowed on the property when they do not significantly impair the hunting and wildlife values. The proposed ATV/UTV trail (on the recommended alternative route) would not significantly conflict with the funding requirements.

Department Staffing

As the Department would not maintain the trail, the primary impact on staff would be additional time for periodic inspections of the trail for condition and for illegal activity (such as off-trail riding), and for managing the MOU and any other needed land use agreements. Because the trail would be a designated public use facility, twice per year safety inspections would be required to be completed by staff. Some additional time Warden's time would also be required to patrol the trail on occasion.

Summary of the Findings and Conclusions

The primary findings of the impact analysis are:

1. Some soils along the route are unstable, not capable of supporting vehicle and ATV traffic without surfacing.
2. Sensitive wetlands lie along the requested route in two locations that would be harmed significantly if ATVs were driven off trail and into them. With the recommended trail route adjustments away from the wetland sites, the

potential for negative impacts by the trail on wildlife and their habitats would be minimal.

3. The Woodboro Lakes Wildlife Area is heavily used by grouse, deer, and bear hunters. The ATV/UTV trail would be open through most of the hunting seasons. The social impact on hunting would be mixed. Having ATV access is viewed as a benefit by some hunters and as an intrusion by others. Therefore, a few hunters may be drawn to the location because of the ATV access and some current hunters may be displaced to more “remote” locations.
4. The benefit to the local economy from the addition of this new trail connection is unknown; however, any benefit would likely be small. In itself, this trail segment would not likely attract more users to the regional trail network or create significant any new connections to businesses.
5. With the with the following changes or additions, the proposed ATV/UTV trail would meet the Department’s approval requirements:
 - a. The trail follows the recommended route with two new rerouted trail sections,
 - b. The bridge is rehabbed or replaced as may be necessary to meet minimum state standards (14,000 lb. capacity),
 - c. The trail is surfaced with gravel for sustainability,
 - d. The Nokomis ATV club enters into an MOU for trail development and maintenance,
 - e. The ATV trail/routes that connect on either end of the trail segment crossing the wildlife area are in place prior to trail development, and
 - f. The use period would be consistent with the Oneida County ATV trail system (May 22 to December 2 for 2014).

Summary of Public Involvement



A public review and comment opportunity was offered at the beginning of the ATV/UTV trail analysis process in 2014 to announce the feasibility study process and to gather input on issues to consider during the review. Following completion of the draft analysis a second public review process gathered public views on the trail proposal and the Department's analysis and recommendations.

As part of the process two public meeting were held where staff reviewed the proposal, answered questions and received comments. A web page was created where people could view information on the proposal and submit comments.

A total of 110 people or organizations commented in the first comment period and 39 commented on the draft feasibility analysis in the second period. Comments overall showed there is substantial interest in the Woodboro Wildlife Area and in the ATV/UTV riding in the Woodboro area. Of the known addresses of persons submitting comments, more than 50 local zip codes were represented, 22 statewide, and five came from other states. Many were from the nearby towns of Harshaw, Tomahawk, and Rhinelander. In addition, mail came from 19 other Wisconsin cities. Comments were also received from non-resident Northwoods land owners and frequent property users living in Illinois, Kansas, and Missouri.

In general the comments on the Draft ATV/UTV Trail Analysis revealed:

- Woodboro has a wide variety of public uses, including hunting, trapping, hiking, bird-watching and nature study, snowmobiling on the trail, and many others.
- Supporters of the trail say:
 - There is a need for more ATV/UTV trails on public lands, including Woodboro.

- Woodboro Lakes Wildlife Area ATV/UTV Trail Analysis, 2014 -
 - They believe an ATV/UTV trail will bring tourism and other economic benefits to the area.
 - A majority support the Department's recommended route alternative and development requirements. However, some oppose, or question, the need for full gravel surfacing of the trail and for bridge improvements.
- Opponents of the trail say:
 - They remain concerned about the potential negative environmental and wildlife impacts from the ATV/UTV trail.
 - There are concerns about ATVs and UTVs causing negative impacts on wildlife and their ("silent sport") activities and enjoyment, especially the loss of solitude. And, they feel that ATVs are inconsistent with the purposes of a state wildlife area.
 - They say that there are many miles of ATV trails and routes available to ride in the region and that adding a segment through the wildlife area is not needed.
- Other comments or suggestions from commenters:
 - Open the trail to all motor vehicles and mountain bikes, too.
 - The ATV trail decision should be made as part of a full planning process for the property. [The property currently does not have a master plan.] Complete a plan for the property as soon as possible.

WEPA Compliance

Property planning under ch. NR 44, Wis. Adm. Code, is an equivalent analysis action under the current s. NR 150.20 (2) (a) 1., Wis. Adm. Code. Issuance of this plan is also a Type II action under the prior version of ch. NR 150.

The department included an environmental analysis in this plan in compliance with the prior version of ch. NR 150. The department received and considered 39 public comments on the environmental analysis and plan.

The department has determined that this action will not cause significant environmental effects and does not require the environmental impact statement (EIS) process. The department has complied with the requirements of the Wisconsin Environmental Policy Act, s. 1.11, Stats., the April 1, 2014 version of ch. NR 150, Wis. Adm. Code, and the prior version of ch. NR 150.

NR 150 DECISION FORM

Project Name: Woodboro Lakes Wildlife Area ATV/UTV Trail Analysis

PRELIMINARY DECISION

Property planning under ch. NR 44, Wis. Adm. Code, is an equivalent analysis action under the current s. NR 150.20 (2) (a) 1., Wis. Adm. Code. Issuance of this plan is also a Type II action under the prior version of ch. NR 150. The department included an environmental analysis in this plan in compliance with the prior version of ch. NR 150.

The Department has made a preliminary determination that the Environmental Impact Statement process will not be required for this action/project. This recommendation does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Evaluator	Date Signed

FINAL DECISION

The public review process has been completed. The Department received and fully considered 39 responses to the news release or other notice.

The department has complied with the requirements of the Wisconsin Environmental Policy Act, s. 1.11, Stats., the April 1, 2014 version of ch. NR 150, Wis. Adm. Code, and the prior version of ch. NR 150. This decision does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Environmental Analysis Program Staff	Date Signed
	09/05/2014

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

Appendix A: Summary of Guidance for All-Terrain Vehicle Use on Department Lands²

Where ATV/UTVs May Be Authorized:

All-terrain vehicle (ATV/UTV) use is permitted on Department managed lands as 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/UTV 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.

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.

ATV/UTV 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

² Excerpted from WDNR policy document; “*Guidance for All-Terrain Vehicle Use on Department Lands*”, January 2005.

surface of natural-surface trails continually changes, attempts must be made to design trails that can remain relatively stable with appropriate management and maintenance.

Criteria for Evaluating ATV Use on Department Managed Lands:

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.

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, stream bank 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.

Safety

- 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?

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. ATV/UTVs 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.

Economic Considerations

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

Cooperation

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

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.

Approved ATV/UTV Trails:

a) Monitoring

Regular and on-going monitoring of ATV/UTV 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.