

DATE: April 11, 2008

TO: Natural Resources Board Members

FROM: Secretary Matt Frank

SUBJECT: Northern Highland – American Legion State Forest ATV Trail Alternatives Recommendation

For the last several years, the Department has engaged stakeholders and the broader public in assessing both the opportunities for, and merits of, establishing ATV opportunities on the Northern Highland – American Legion (NHAL) State Forest. The current master plan for the NHAL was approved in 2005, with a directive to evaluate whether, and if so where, one or more ATV trails might be established on the NHAL, recognizing the high level of controversy about this issue. The 2005 NHAL master plan requires the Department to evaluate potential appropriate locations for ATV trails, considering their ecological, economic, and social impacts. Although ATV use is authorized in the master plan on designated trails, no trails were designated in the plan, recognizing that a significant amount of work was needed to assess where, if anyplace, ATV trails would be well suited for the property.

In February of 2008, we provided you with information on the Department's feasibility/suitability assessment for the trail alternatives, as well as information collected during the Stakeholder process and the public involvement that followed. We have made several revisions to the report to address questions that have arisen since the February meeting, including the status of the ATV account, and a more detailed assessment of estimated trail costs. Further, we will outline our recommendation and the underlying rationale.

### **I. Property Description**

The NHAL is located in north-central Wisconsin in Vilas, Oneida, and Iron counties. The NHAL State Forest is Wisconsin's largest state-owned property at 230,000 acres. The NHAL is used heavily for a wide range of recreation uses. The property hosts over two million visitors each year who come to enjoy the area's natural resources and scenic beauty. The NHAL is known for its high quality water resources, with over 900 lakes and 300 miles of rivers and streams contained within the property boundary. In the summer, you can find visitors hiking, biking, boating and camping in the many well-developed recreational areas, as well as in more remote areas. The property's many recreation amenities and large land base make the NHAL one of the most sought after nature-based recreation destinations in the state. The NHAL does not currently have any designated trails for the use of ATVs, but it does host one of the highest concentrations of winter snowmobile trails in the state. Almost half of the land within the region is publicly owned in national, state, and county forests.

In addition to its recreational amenities, the NHAL also supports a diverse range of cover types and habitats. The property contains a high concentration of forested and unforested wetlands and water features, with lakes and streams covering 12% of the property, and wetlands covering an additional 17%. These unique features provide habitat for a variety of fish, birds, insects, and plants, including 14 threatened or endangered species and 79 rare species.

## II. ATV Trail Alternative Summary

### Oneida/Vilas Alternative

This trail alternative is 49 miles in length (25 miles in Oneida County and 24 in Vilas County). It is a linear trail system with two sub-options to connect to local services. The trail starts south of Lake Tomahawk, and connects to Star Lake with access to St. Germain and Sayner. The trail is generally located on existing state forest roads and/or snowmobile trails.

### Iron County Alternative *There are 2 options in Iron County*

**Option A:** This trail is 18 miles in length and connects to the existing Iron County ATV trail network and town road ATV routes. About half the miles are on existing town roads, with 4 miles on state forest.

**Option B:** This trail is 11.6 miles in length, with 2.4 miles on existing town roads and 5.7 miles on existing snowmobile trail in state forest. A portion of the trail for this option (5.2 miles) is shared with option A above, with 1 mile on State Forest.

## III. Public Involvement

Public involvement in developing the trail alternatives process for the NHAL has been extensive over the past two years. It has involved 18 stakeholders' meetings, and numerous meetings with local and county governments, tribal representatives, cooperating agencies, interested organizations, and individuals. The Department engaged the public in the process of evaluating trail alternatives by sharing the results of the stakeholders' work and hosting three public information and input sessions. Over 2,500 comments were received on the trail alternatives. The Department has communicated and involved participants through progress reports, press releases, interviews, and a dedicated ATV trail alternative web site.

## IV. Tribal Consultation

The Department worked with the tribes from the very start of the project to determine a consultation process. This process included meetings with tribal representatives, tribal public meetings, and formal presentations with the Voigt Task Force and Lac du Flambeau Tribal Council. The Voigt Task Force asked the Lac du Flambeau Tribe to be the consultation mechanism, which the tribe agreed to. The Lac du Flambeau Tribe is not expected to provide formal comments on this issue to the Department or the NRB.

## V. Feasibility/Suitability Conclusions

In February 2008, we shared the "NHAL ATV Trail Alternatives Feasibility/Suitability Assessment," an assessment that considered the range of ecological, economic, and social considerations for each trail alternative. Because of the NHAL's complex ecological conditions, a well-developed existing recreational base, and the level of private in-holdings and public interest in the property, the identification of potential sustainable ATV trails on the property has been a challenge. A significant finding of the feasibility/suitability assessment is the fact that ATV use cannot be sustained on either trail alternative in present trail conditions, except on some town roads. Substantial improvements, some with significant costs, would be necessary to avoid, minimize, and mitigate environmental and social impacts stemming from summer ATV use. The two trail alternatives have opportunities and challenges associated with each. Below are the most significant findings from the Department's feasibility/suitability assessment, as well as the reasoning for the recommendations.

### ***Conclusions on the Oneida/Vilas Trail Alternative:***

The Department recognizes that the trail identified in this alternative is located, to the extent possible, in upland areas on existing forest roads and snowmobile trails. This placement is intended to reduce impacts and minimize the number of wetland and water crossings, which were identified as a primary concern and challenge for any trail in the NHAL. Given the fact that the property has a high number of dispersed lakes, wetlands, and streams, finding locations that did not cross wetlands or streams was extremely challenging. A majority of the trail is located on existing snowmobile trails, or existing forest roads open to licensed motor vehicles. This placement presents both opportunities and challenges. By using existing trails and roads, the trail's "footprint" is already in place; however the footprint is currently developed for a low level of use and would require upgrades to support the addition of ATVs.

At six miles, the extent of the trail that passes through designated native community management areas is relatively small. The trail borders two designated State Natural Areas.

Existing and planned recreation areas are plentiful and widely distributed on the NHAL. ATV trail compatibility with existing recreation use is a major element that needs consideration. Trail location was weighed against existing uses and impacts (water crossings, existing infrastructure, high conservation value forests, etc). Developed recreation areas were avoided to the extent possible, but in some instances could not be completely avoided. The proposed trail location is in close proximity to a number of notable recreation developments where conflicts with other recreation users would be highly likely to occur. Potential areas of conflict include a paved bike trail near Sayner, three rustic campgrounds, and a complex of wild lakes known as the Bittersweet-Prong Recreation Area.

A notable attribute of the Oneida/Vilas trail alternative is the linear nature of the trail. As a linear "dead-end" trail it does not connect to any existing trails outside the property, and there are limited options and no plans in the immediate future to connect the trail with other existing systems.

Although the proposed trail is linear in nature, it provides 49 miles of riding opportunities—long enough that the trail may be a destination point in itself and allow for a full day or two of riding opportunities. The trail is anchored by communities at the north and south, as well as access to a community in the middle, all of which offer a range of services. Additional desirable nature-based destination points are numerous along the trail.

Land ownership is a critical factor when determining trail use. The NHAL has 98,000 acres of private ownership within the state forest boundary. Although the entire trail segment is located on state-owned land, this trail alternative is in close proximity to scattered private in-holdings and more developed residential communities (Lake Tomahawk, St. Germain, Sayner, and Star Lake). In order to stay off private land the proposed trail has a large number of road crossings including five on State Highway 47. For this reason, safety issues could be a concern on the trail during the summer season.

The principle environmental concern for the Oneida/Vilas trail alternative is the potential impacts to wetlands, lakes, and streams that may occur as a result of trail construction and use. This alternative would require significant trail development including building up, "crowning" existing trail surfaces, and the construction of a number of bridges and boardwalks for wetland crossings. This alternative has 16 water crossings covering 2.4 miles, many of which are existing, but will require improvements. The largest wetland crossings (over 1,400 feet each) are on the north end of the trail and the far south end of the trail. These wetlands are very large and deep, with mucky organic soils.

A large portion of the Oneida/Vilas trail alternative is currently open to licensed vehicles used commonly for hunting access. The stakeholder group recommended this use continue. Given the desire for "dual use" (ATV and licensed vehicles) on a portion of the trail, the existing forest road would need to be built to standards to support both vehicles and ATVs. Wisconsin's ATV Association has indicated that a dual

use trail does not always meet the typical ATV user preference for a narrow trail providing a more intimate riding experience. For the portions of the trail alternative that do not currently have existing vehicle use the trail would be designed to support two-way ATV traffic only (typically a 10-12 foot wide primary trail tread versus a 16 foot wide base on the dual use portion). In addition, the majority of the trail is also designated for snowmobile use. For this reason, the trail tread must be wide enough to support snowmobile groomers, typically 12 feet wide. In many sections of the trail there is an opportunity to enhance the snowmobile network through trail improvements, including new bridge crossings.

Development standards directly affect associated cost estimates. The Department is committed to providing sustainable trails using appropriate standards. The Department's ATV Design Standards are attached for your review. Cost estimates for any trail alternative are very challenging to generate at this phase of the project. The scope of the project at this stage dictates a very "broad brush" approach to design and estimation based on many generalizations and assumptions. Cost estimates are organized to provide as much specific and accurate information as possible and to provide the basis for informed decisions on the relative merits of the alternatives.

The major development types that would need to occur with this trail alternative include trail tread development and bridge and boardwalk infrastructure. Although many portions of the existing forest road have been previously modified by adding fill to accommodate minimal vehicle traffic, increased use would require additional improvements, primarily creating a raised tread to control water and provide a solid trail base. The two major wetland crossings would require significant boardwalk to mitigate wetland impacts. The deep, long, and organic soils of the wetlands require high construction standards to qualify for the required permit, most likely requiring piling supported structures, versus "puncheon" structures (floating bridge-like crossings). The two major wetland crossings in this trail alternative (over 1400 feet each) are estimated to cost between \$2 - \$4 million. Three bridges would be required for a total cost range of approximately \$750,000 to \$1 million.

Trail tread and general trail design standards have raised many questions. Independent of the final design, the trail would need to be improved to accommodate additional uses consisting of only ATV use on some trail segments, and both ATV and existing vehicle use on other segments. Some portions of the trail may have different trail tread design standards, primarily trail width, because not all sections would need to support multiple uses. The range of cost estimates for trail tread improvements are between \$6,000 and \$35,000 per mile for this alternative for a total cost range of \$352,000 to \$2 million.

Total cost estimates, including bridges, boardwalks and trail tread, for the Vilas / Oneida trail are between approximately \$3 million and \$6 million (approximately \$60,000 to \$120,000 per mile).

ATV users have expressed concern that a wider than average trail tread supporting multi use is not desirable from a user experience standpoint, and may cause unintended safety issues. In addition, a wider trail has a larger footprint than the existing forest road. The existing footprint of the forest road limits the trail route options but improvements would need to occur to support increased use, and at times, shared use.

The economic impacts to local communities that may come about as a result of this proposed trail are difficult to determine and appear mixed. Some positive economic impacts to local businesses are expected, but these may come at the expense of displacing other users, which may negatively impact different local businesses.

Public support for the trail is generally low, with the majority of local residents and businesses not in favor of the trail. On the other hand, many statewide ATV users and other public land agencies currently providing ATV trails are in favor of the trail, as were some private landowners, businesses, and local

communities. Although the majority of those commenting opposed both trail alternatives, the Oneida/Vilas alternative is compounded by the strong opposition to ATV trails within Vilas County.

***Conclusions on the Iron County Alternative:***

The Iron County trail alternative has many of the same opportunities and challenges as the Oneida/Vilas trail alternative, but is unique in other aspects. Both Iron County options connect to an existing trail network. One option would create an additional loop connected to the east end of the existing Iron County network (over 200 miles), providing additional access points and riding opportunities on an already well-used trail system. The second option does not connect two separate trail systems; it merely extends an existing system with an additional loop.

The Iron County alternative is located on lands and roads owned and maintained by multiple units of government, including the county, towns, and the state, as well as on private property. It is important to note that this trail proposal relies on local towns to continue to support the designation of their roads as ATV routes. Loss of these designated routes would necessitate significant additional expense, as the NHAL would need to build alternative trails across wetlands if the trail were to remain linked to the existing trail system in Iron County.

**Option A (18.5 miles)** Approximately 85% of the trail would be located on existing infrastructure with raised roads owned and maintained by the towns. There are few private inholdings along the proposed trail, so impacts to local residents and communities are much lower than the Oneida/Vilas alternative.

The trail is located in the far northwest portion of the state forest, away from the most intensively used areas of the property. Existing recreation use in this area is generally lower than the rest of the forest, with very few developments. The two most significant recreational uses likely to be impacted by this trail are an existing rustic campground and river users on the Manitowish River. The trail would cross the Manitowish River, a designated Scenic Management Area, in two places. This crossing may impact the experience of river users, though it should be noted that the river in this location runs very close and parallel to State Highway 51. The ATV trail would cross Highway 51 in two locations, both with some level of existing infrastructure.

The portions of the trail that are adjacent to State Natural Areas would be located on existing town roads.

Trail development structures are complex and numerous in this option, including six bridges, seven boardwalks. In addition, 5.8 miles of trail tread would also need to be constructed. Total estimated costs for this option are between \$1.8 million to \$3.8 million (\$320,000 to \$650,000 per mile).

**Option B (11.6 miles)** shares 5.2 miles of trail with Option A, but includes 2.4 miles of trail on town road and 3.7 miles on state forest trails currently designated for snowmobile use only. The designated snowmobile trail is located in the peatlands area, with a number of wetland and water crossings. This alternative does not affect existing recreation uses to the degree that option A does, and does not cross the same level of private in-holdings. However, it crosses a long stretch of ecologically sensitive wetlands, which would necessitate constructing a significant amount of infrastructure to assure trail sustainability. Two significant wetlands crossings, which are very deep and long (3,250 feet), would require boardwalk at an estimated costs of \$2.1 million to \$3.9 million. The total cost range for this trail alternative is between \$2.7 million and \$5.1 million (\$540,000 to \$1 million per mile).

## **VI. Recommendation**

The NHAL ATV stakeholder's group, formed following the completion of the NHAL Master Plan, worked very hard for over a year to find locations suited to ATVs in light of ecological, economic and social factors. Their job was not an easy one, particularly given the amount of water, wetlands, private in-holdings and existing public use on the property. As a result, they eliminated a significant portion of the property that did not meet the necessary criteria or had other limitations. Even the two trails they forwarded for further consideration are not without significant challenges.

The public has demonstrated through this process that they care deeply about the NHAL State Forest. The public is strongly divided with respect to ATV recreation on public lands, particularly where ATV trails are not already established. Establishing either of the trails as presented would displace current users to some degree, and change the character of that portion of the property.

Given the level of existing use in the area that would be affected by the Oneida/Vilas trail, and the very strong opposition to ATVs on public land in this area of the forest, particularly in Vilas County, the Department recommends to the Board that the Oneida/Vilas trail alternative not be considered further.

The Iron County trail is similar in many ways to the Oneida/Vilas trail alternative, though there are a few notable differences. This area of the forest is somewhat better suited to accommodate ATVs from a social standpoint, with the proximity of existing trails, the overall receptivity of Iron County and its affected towns, and the lower level of overall recreational activity compared to other portions of the NHAL State Forest.

On the other hand, the Department is concerned about the potential for adverse ecological impact from the development of this trail, the high cost per mile to develop it, and the on-going maintenance and enforcement challenges that would result. On balance, the Department believes the negatives outweigh the positives on this trail alternative as well. As a result, the Department recommends to the Board that neither Iron County trail option be considered further.

The Department's recommendation should in no way be interpreted as a lack of support by the agency for the development of sustainable ATV trails. As the manager of ATV trails on state properties such as the Black River and Flambeau River State Forests, we understand the opportunities and challenges inherent in developing and managing sustainable ATV trails. The current ecological and social conditions on the NHAL do not lend themselves to the development of cost-effective ATV trail experiences which meet the conditions desired by riders.

The Department believes there are trail development opportunities elsewhere that provide a more cost-effective use for these funds to increase trail riding opportunities in the Wisconsin. Much of the revenue to the ATV account is used to fund on-going trail maintenance, safety training, and enforcement aids. The portion of the ATV account that is available to develop and rehabilitate ATV trails is a little under \$2 million annually. At that level, developing both the Oneida/Vilas and Iron (Option A) alternatives to their full extent would utilize the equivalent of between 2.5 to more than 5 years of available funding. Developing only the Iron county trail (Option A) would consume between one and two years of funding available statewide.

The Department remains fully committed to working with partners to improve existing ATV trail opportunities and to expand opportunities in Wisconsin to address the demand for an increasingly popular form of outdoor recreation. ATV registrations increased 348% from 1996 to 2005. We are committed to doing so in a manner that is cost-effective and sustainable over the long-term. Over the last five years the Department has distributed nearly 600 grants to 34 counties totaling more than \$13.1 million for ATV trail projects. The Department is currently evaluating existing ATV trails, over 30 miles, on the Black River State Forest as part of that master planning process. Furthermore, the Department will be assessing

opportunities to enhance the regional trail network as we evaluate the ATV trails on the Flambeau River State Forest. The Department is facilitating a dialogue in the Peshtigo River State Forest area, working jointly with other public and private landowners to explore the full range of options to provide a north-south connector to existing regional trail networks. In addition, at the request of the Board, the Department has for the last several years been working to develop a motorized sport recreation area concept plan that we can work with partners to realize. The Department believes that ATV recreational opportunities can be located and designed to satisfy user demand and preferences, that suitably located and designed facilities would have strong local support, would neither displace traditional recreation users nor have adverse effects on the environment, and that such locations and designs can be developed at a reasonable cost.

We appreciated the April 10, 2008 letter from Wisconsin ATV Association suggesting elimination of Iron County Option B and continuing our dialogue about user preferences and trail design. Our cost comparison did anticipate elimination of Iron County Option B at the low end. In addition, WATVA provided information on user preferences and trail design standards. Staff discussed these options with WATVA in refining our cost estimates. Our finding remains that the pre-existing trail footprint and the multiple trail users preclude some of the suggested cost saving designs, and do not resolve the environmental impacts of trail construction.