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All-Terrain Vehicle Trails and Water Permits

To protect the quality of Wisconsin's streams, lakes and wetlands, DNR administers several permit programs to regulate stormwater runoff and placement of fill or structures. These programs have been in place for many years, and apply to any project which will directly alter a waterway or wetland, or disturb 1 or more acres of land. In some cases, ATV trail projects can be designed to avoid waterway or wetland impacts, and avoid the need for permits. In other cases, permits will be required. Below are some common questions about how and when water permits will apply to recreational trail work, to help you to avoid or minimize impacts to environmental resources and meet all permit requirements for your project.

When are water permits required for an ATV trail project?

A state construction site stormwater permit is required for any project that will involve land-disturbing activities affecting 1 or more acres of land. This permit requires that an erosion control plan be developed and implemented, to address on-site erosion that may occur during construction. For example, development of a typical ATV trail with a 12-foot wide trail surface and cleared 5-foot wide shoulders, one acre of land disturbance is reached after less than 4/10th mile of trail. So a stormwater permit will be required for any project involving new ATV trails, and for improvements made on many existing trails.

A state wetland permit is required for any project that will involve direct wetland fill. A federal permit from the US Army Corps of Engineers is generally also required. Wetland fill includes direct placement of dirt, gravel, or other soil material into a wetland, or placement of a "floating trail" or puncheon. Boardwalks built on pilings are not generally regulated as wetland fill, and do not require a permit.

A state waterway permit is needed for projects that involve crossing a navigable waterway, or altering the shoreline or bed of a lake or stream. Common trail development activities that require a permit include bridges, culverts, shoreline stabilization, grading or dredging.

A local zoning floodplain permit and/or grading may also be needed for projects near waterways. Contact the County Zoning Department or other jurisdictions (Village/City or Town) for additional information.

How can I plan and design my project to avoid water permits or make the permit process easier?

To avoid delays, identify the presence and location of wetlands early in your planning process. State wetland regulations require that wetland impacts be avoided if possible, and if not possible, then wetland impacts must be minimized. So trail projects should be planned and designed to avoid wetland crossings or wetland fill. If wetland crossings are unavoidable, wetland impacts should be minimized by routing the trail to have the shortest length of wetland crossing possible, and wetland fill avoided by using boardwalks built on pilings. If wetland fill cannot be avoided, the project will require a state wetland permit, and the application will need to include clear information to explain why wetland impacts and fill could not be avoided or minimized further. All waterway crossings, including bridges and culverts, require a state waterway permit. Most trail projects will require a stormwater permit if the total land disturbance is 1 acre or more. Avoiding encroachment on wetlands by observing a 50-foot undisturbed vegetated buffer around them will help to simplify the stormwater permit review process.

How do I determine if there are wetlands near my project?

First, review electronic maps of wetlands and wetland indicators that are available on DNR's Surface Water Data Viewer at: <http://dnrmaps.wisconsin.gov/imf/imf.jsp?site=SurfaceWaterViewer.wetlands> (see attachment for an example of a map created using this tool)

If your initial project plan will cross or be near a wetland or potential wetland as shown on these maps, next walk the trail with these maps in hand to identify all wetland areas, even those that may not be mapped. If needed, hire a wetland professional to work with you to verify the presence of wetlands, and to delineate exact wetland boundaries if your project will involve crossing or filling any wetlands.

If my project needs a water permit, what information do I have to submit?

Each permit application form describes the specific information to be submitted. The best way to help permit reviewers to understand your proposal and process permits quickly is to provide as much detail as possible about the project and affected environmental resources is. Some of the essential items to submit with any stormwater, wetland or waterway permit application are:

- Written project description, including linear miles of trail, total surface area of land disturbance, names of waterways and/or wetlands that are nearby or will be crossed, and number and size of proposed bridges and/or culverts.
- Detailed site map(s) identifying the trail route and locations of all streams, lakes and wetlands in the vicinity of the project. Several maps may be needed to provide enough detail for long projects. We encourage you to flag and GPS the trail route in the field to create the map(s).
- Detailed project plans(s) including:
 - top view(s) showing the footprint of all land disturbance, location and size of all existing and proposed bridges and/or culverts, location and boundaries of all wetlands that are nearby or are proposed to be crossed
 - cross-sectional view(s) for a representative trail cross-section, and for each proposed bridge, culvert and wetland crossing
- A Wetland delineation report is recommended for all projects that involve wetland crossing, showing the specific wetland boundary at each location of wetland crossing and when projects are immediately adjacent to wetlands. A wetland delineation is required for all project that involve fill in a wetland.
- Site-specific erosion control plan that clearly shows the areas of land disturbance, the location and types of measures that will be used to protect nearby streams, lakes and wetlands from constructed-related runoff, and surface drainage routes during and after the project.
- Project timeline for sequential vegetation clearing, land disturbance, trail construction and site stabilization including reestablishing vegetation
- Practicable Alternatives Analysis for any project involving wetland crossing or fill, to describe what alternatives were considered and why wetlands cannot be avoided. For stormwater applications you must also demonstrate why the trail cannot be located greater than 50 feet from the wetland.

If your project requires a wetland permit, you may request a pre-application in-office meeting with your Water Management Specialist to seek advice on how to avoid wetlands and receive a preliminary determination if your project meets water quality criteria. Field visits by staff may be conducted on a case-by-case basis once a complete permit application is received.

Do I need a stormwater permit to do maintenance work on an existing trail?

This depends on the nature and amount of land disturbance involved. Generally, a permit will not be necessary for routine maintenance such as surface grading to smooth an existing trail surface and/or maintain the crown when additional material is not added to the surface. Maintenance normally does not include activities such as ditch shaping, adding material to embankments, or installation of culverts or bridges. If you're not sure, contact your DNR stormwater specialist before you begin field activities.

When do I need to apply for permits?

Waterway and wetland permits can take 30-90 days to process, depending on the activities and the potential for impacts to waterway and wetland resources. Stormwater permit applications must be submitted at least 14 business days (about 3 weeks) before ground-breaking is scheduled to begin.

Where can I find more information and application forms?

Construction site stormwater permits: General information about permit requirements, along with links to application materials, instructions and permit fees can be found on DNR's stormwater web page: <http://dnr.wi.gov/runoff/stormwater/const.htm>

Waterway or wetland permits: General information about permit requirements, along with links to application materials, instructions and permit fees can be found on DNR's waterway web page: <http://dnr.wi.gov/waterways/>

Who can I contact if I have more questions?

For Waterway or Wetland permits: www.dnr.wi.gov/waterways/about_us/county_contacts.html

For Stormwater permits: www.dnr.wi.gov/runoff/stormwater/contact.htm

Additional Resources & Publications:

DNR Wetlands main webpage: <http://dnr.wi.gov/wetlands>

DNR Wetland Toolkit webpage: <http://dnr.wi.gov/wetlands/locating.html>

DNR Wetland Boundary determinations webpage: <http://dnr.wi.gov/wetlands/delineation.html>

So You Want To Build an ATV Trail, A Practical Guide for Evaluating Potential for Trail Grant Sponsors
<http://dnr.wi.gov/org/caer/cfa/LR/ATV/BuildATVTrail.pdf>

Analysis of ATV trail construction and cost for the Northern Highland American Legion State Forest master plan:
http://dnr.wi.gov/master_planning/nhal/pdfs/NRB_NHAL_ATV_supporting.pdf

Forest Roads and Wetlands publication: <http://dnr.wi.gov/forestry/publications/pdf/FR-408.pdf>

A Landowner's Guide to Building Forest Access Roads:
<http://www.na.fs.fed.us/spfo/pubs/stewardship/accessroads/accessroads.htm>

Do I Need a Permit for Building a Forest Road?:
<http://dnr.wi.gov/forestry/publications/pdf/FR-380.pdf>

Forested Wetlands - Functions, Benefits and the Use of Best Management Practices:
http://www.na.fs.fed.us/spfo/pubs/n_resource/wetlands/index.htm

