



Joe Parisi
Dane County Executive

Dane County Planning & Development

Division of Zoning

July 26, 2018

Libby Schultz

RE: Navigability Determination – Section 33, Town of Black Earth
Parcel: 0806-334-8260-0

The Dane County Zoning Division has processed your request for a navigability determination for an intermittent stream that is located from the intersection of Old Indian Trail and County Highway F, flowing east through your property, crossing County Highway F and flowing south.

Before conducting the site inspection, the County G.I.S., aerial photography, and the Wisconsin Surface Water Data Viewer were used to determine the categorization of this intermittent stream. The map shows that there is constructed drainage that becomes an intermittent stream in the area. An intermittent stream is one that has a periodic or recurrent flow.

I visited the site twice, once during a rain event. During this visit it was apparent that a portion of the property was conveying a large amount of water, however much of the flow was over land rather than within a defined bed and bank up to a point where it reaches the road ditch and then a defined bed and bank does exist. During a second visit to the property, 3 days after the most recent rain event, there was still an active conveyance of water within the road ditch which appeared to be seeping from the surrounding lands. On this visit I observed an area within the road ditch, upstream from the County Highway F culvert where water had scoured a pool with a depth of approximately 4 feet. Based on my observations I decided to ask the Wisconsin Department of Natural Resources for assistance in making the determination.

Wisconsin DNR Waterway Specialist, Wendy Peich, researched the waterway and made an inspection. Based on previous permitting of the waterway and a previous determination downstream, Ms. Peich concurred that the intermittent stream becomes navigable immediately downstream from its intersection with County Highway F.

Based on this determination, the portion of the stream on your property is non-navigable, however a small portion of the southeast corner of your property is within 300 feet of the navigable portion of the property, and therefore that small portion is subject to shoreland zoning regulations. I've enclosed a map showing the area within the shoreland zoning district as indicated by the red line.

Though the mapped stream located on your property is non-navigable, and therefore not subject to shoreland zoning regulations, based on my observation it is acting as an important conveyance for stormwater in the area. The presence of water, with the correct combinations of soils and

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plant species can indicate the presence of wetlands. This portion of your property where the stream is mapped appears to be functioning as a wetland and this should be taken into consideration while planning your future development.

I hope you find this information helpful. If you have any questions regarding this matter, or if I may be of further assistance, please feel free to contact me directly.

Sincerely,

Hans Hilbert
Assistant Zoning Administrator

Cc:
Land & Water Resources

