



November 8, 2018

INF-SC-2018-13-03991

Town of Cross Plains  
Greg Hyer  
3734 County Road P  
Cross Plains, WI 53528

RE: Request for Navigability Determination, for a tributary to Black Earth Creek, located in Section 12, Township 7 North, Range 7 East, Town of Cross Plains, Dane County.

Dear Mr. Hyer:

I visited this site on November 6<sup>th</sup>, 2018 with MSA professionals and yourself. We viewed the flooding damage and several proposed repair and culvert replacement locations. The intent of the site visit was to determine where the tributary becomes navigable. In Wisconsin, the Supreme Court has defined a navigable waterway as one which has a defined bed and banks and carries enough water to float a canoe or other watercraft during the spring high water periods. Based on this definition and the conditions observed at this site, the stream on this property has been determined to be navigable/public starting West of Stagecoach Road.

Chapter 30, Wis. Stats., authorization would be needed for any work impacting the areas of navigable waters. Permits/authorizations would not be needed for work above the area of navigability. Information on these regulations and application materials are available on the DNR web site at [www.dnr.wi.gov](http://www.dnr.wi.gov).

Certain activities may also require permits from the Army Corps of Engineers and/or Dane County and you should contact those agencies before beginning any construction at this site.

If you have any questions regarding this determination, please call me at (608) 275-3481 or email [wendy.peich@wisconsin.gov](mailto:wendy.peich@wisconsin.gov).

Sincerely,

Wendy Peich  
Water Management Specialist

cc: Kerrie Hauser, Project Manager, (651) 290-5903, U.S. Army Corps of Engineers  
County Zoning Administrator  
Conservation Warden