



March 7, 2016

INF-SC-2016-13-00660

Loretta and Luann Zander
4264 North Birch Trail
Cross Plains, WI 53528

RE: Request for Navigability Determination, for tributary of Black Earth Creek, located in the NE quarter of the NE quarter, Section 14, Township 7 North, Range 7 East, in the Village of Cross Plains, Dane County.

Dear Ms. Zander:

I visited this site on February 25th, 2016 to make a navigability determination on a mapped intermittent stream that passes through your property. The mapped waterway on the south portion of your parcel is currently a grassed water way, the watercourse in your lawn is also a grassed swale with no evidence of a defined bed and bank. The waterway continues to the North of the property via a culvert. 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 your site, the stream on your property has been determined to be NOT navigable/public.

Chapter 30, Wis. Stats., permits are NOT needed for work in and near this waterway. Information on these regulations are available on the DNR web site at www.dnr.wi.gov.

Certain activities may require permits from Dane County or your local Municipality and you should contact that agency before beginning any future construction at this site.

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


Sincerely,
Wendy Peich
Water Management Specialist

cc: Kerrie Hauser, Project Manager, (651) 290-5903, U.S. Army Corps of Engineers
Jess Starks, Dane County
Henry Bauman, Conservation Warden

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