



Joe Parisi
Dane County Executive

Dane County Planning & Development

Division of Zoning

November 2, 2021

Donald Faust and JoAnne Armbrust Trust
Jordan Faust
3952 County Highway JJ
Black Earth WI 53515

RE: Navigability Determination – 3952 County Highway JJ, Section 21, Town of Vermont
Parcel: 0706-211-9740-0

The Dane County Zoning Division has processed your request for a navigability determination for an intermittent tributary to Elvers Creek. This waterway is located generally parallel to County Highway JJ from its origin as it flows to the south and west. Just downstream from the driveway to 3952 County Highway JJ the stream flows through a culvert under the highway from the north to the south. Downstream from this culvert the waterway flows approximately 300 feet southwest where it intersects with apparent drainage from the east before continuing on a westerly course.

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 stream. An intermittent stream is one that has a periodic or recurrent flow.

A site inspection was conducted on October 29, 2021. Upstream of the culvert it was observed that the waterway was contained within a steep roadside ditch. There was no evidence of water presence other than scaring at the mouth of the culvert. Downstream of the culvert the waterway grade became more gradual as it meandered through a defined bed and wide banks. Any flow within this area would be diffused over a large flat vegetated bed. There was no evidence of erosion or presence of water within this area up to a point downstream with the intersection of apparent drainage from the east. At this point of interest section standing water was present and contained within a defined bed and bank. It is my opinion that at this point a small craft could be floated.

After further review of the waterway, it has been determined that it is NOT navigable upstream from a point of intersection with apparent drainage, 300 (+/-) feet southwest of the south end of the culvert crossing County Highway JJ at the driveway to 3952 County Highway J. The water IS navigable downstream of this point and to its intersection with Elvers Creek. See attached map.


This determination was requested for the purpose of determining shoreland compliance for a potential driveway culvert replacement. Based on this determination, the culvert crossing the driveway at 3952 County Highway JJ is beyond 300 feet from the navigable portion of the stream, and therefore the replacement will not be subject to shoreland zoning regulations.

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This determination is made for County Shoreland Zoning purposes. The Wisconsin Department of Natural Resources maintains jurisdiction over development within waterways. Permits and/or approvals may also be required by the DNR for modification to waterways, please check with them directly for compliance.

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,

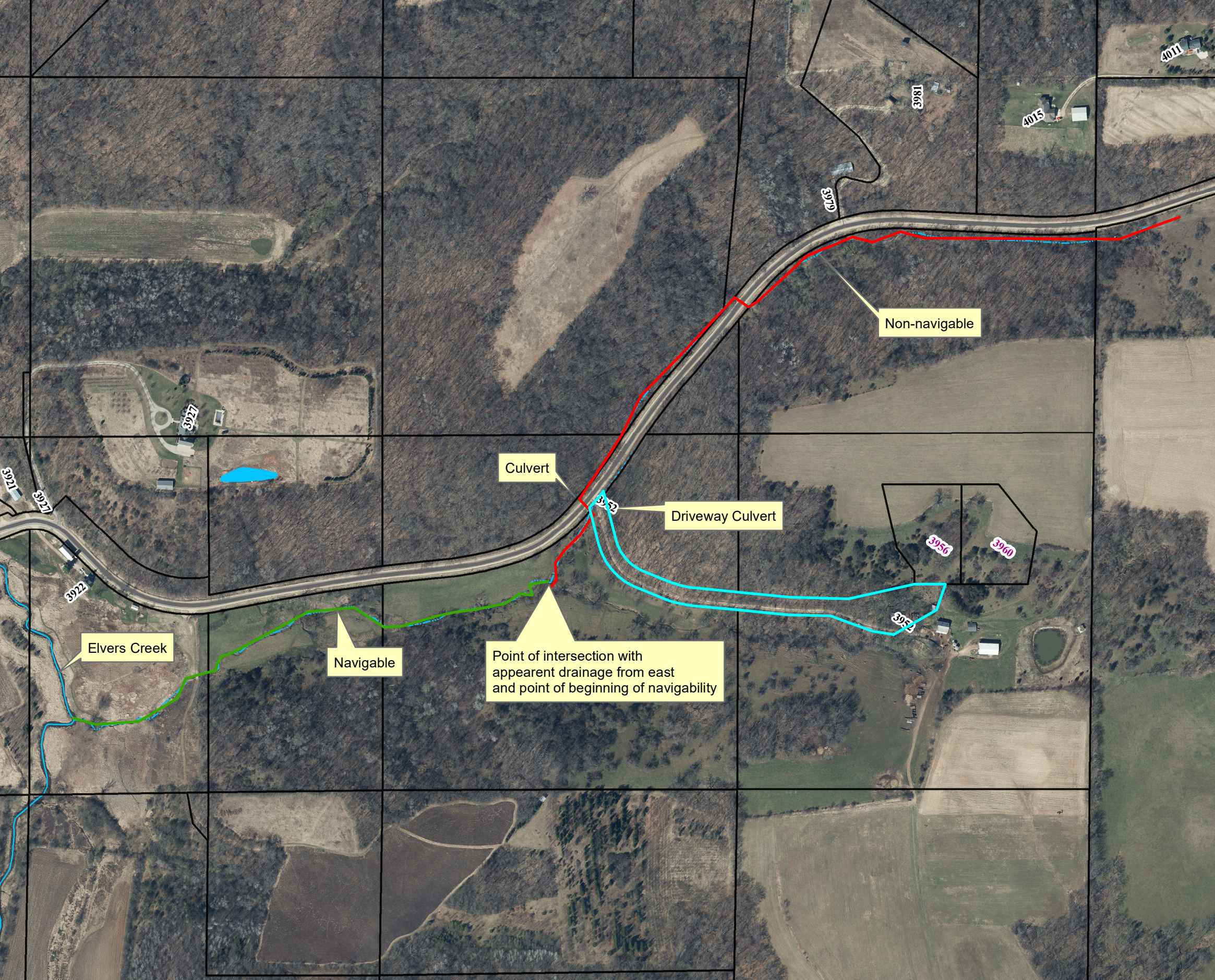


Hans Hilbert

Assistant Zoning Administrator

Cc:

Land & Water Resources



Non-navigable

Culvert

Driveway Culvert

Elvers Creek

Navigable

Point of intersection with
apparent drainage from east
and point of beginning of navigability

4011

4015

3981

3919

3927

3921
3921

3922

3956

3960

3952