



Joe Parisi
Dane County Executive

Dane County Planning & Development

Division of Zoning

April 30, 2024

KEVIN W KAHL & REBECCA LYNN KAHL-TROLLOP
1924 BLUE MOUNDS ST
BLACK EARTH WI 53515

RE: Navigability Determination – 9421 Swamp Rd, Section 19, Town of Berry
Parcel: 0807-193-9500-5

The Dane County Zoning Division has processed your request for a navigability determination for two intermittent streams mapped on your property.

Before conducting the site inspection, the County G.I.S., previous determinations, aerial photography, and the Wisconsin Surface Water Data Viewer were used to determine the categorization of the streams. An intermittent stream is one that has a periodic or recurrent flow.

A site inspection was conducted on April 30, 2024. The weather was clear, rain had fallen in the region the previous weekend. The property is situated within two valleys each with a mapped intermittent stream. Both streams have historically been ditched and therefore both have distinct bed and banks for the majority of their extent. At the north of the property the valleys flatten out into a wetland complex with a very gentle gradient. The waters cross Turkey Road to the north through two culverts under the roadway and continue through the marsh where it ultimately drains to Wendt Creek via a straightened stream. Within the wetland complex the waterway converges with the outfall of two constructed drainages from the east. The ditching of this area makes it possible to trace the bed of the waterway slightly, but as the water moves north and west toward Turkey Road the bed is lost to the wetland and only reappears distinctly at the culverts.

South of the wetland complex the intermittent streams converge 200 feet due east of the Swamp Road terminus. Water was found in both waterways upstream of this point, however the intermittent stream draining the western valley was fully vegetated with scour only found in close proximity to the culverts under the farm access way. The intermittent stream draining the eastern valley contained flowing water as well as reaches of deep pools connected by narrow watercourses within the ditch banks. At a number of locations, it would easily be possible to float a small craft.

After further review of the property, it has been determined that western valley intermittent stream is NOT navigable from its origin to a point downstream where it converges with the eastern valley intermittent stream. It is further determined that the eastern intermittent stream is navigable at all points within the property.

While this intermittent stream does lose its defining characteristics within the wetland complex, it is ultimately responsible for draining the area as it makes it way north through the wetland to

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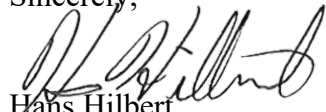
Wendt Creek. If in the future the navigable status of the stream through the wetland is required for development purposes the Wisconsin DNR will be consulted for assistance.

In addition to reviewing the mapped waterway on your property, a pond and its outfall on the Furbish property to the east was inspected. The pond was formed by excavation for the purposes of a wildlife scrape. It is regulated as a navigable wetland. A ford crossing was rebuilt in 2019. The outfall of the pond is seepage through the crossing and no distinct stream bed or bank exist leaving the pond. A previous navigability determination of this waterway upstream of the wetland scrape determined the waterway non-navigable upstream of the pond. A determination being made now also finds that there is no navigability downstream of the scrape as the water enters the wetland complex and makes its way to the intermittent stream draining the eastern valley on the Kahl property.

This letter serves as notice that the proposed development that will occur on your property is beyond 300 feet from the eastern valley stream and therefore is NOT within the Shoreland Zoning District as defined under Chapter 11, Dane County Code of Ordinances. Please note that wetlands and floodplain exist on your property and such regulations apply.

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

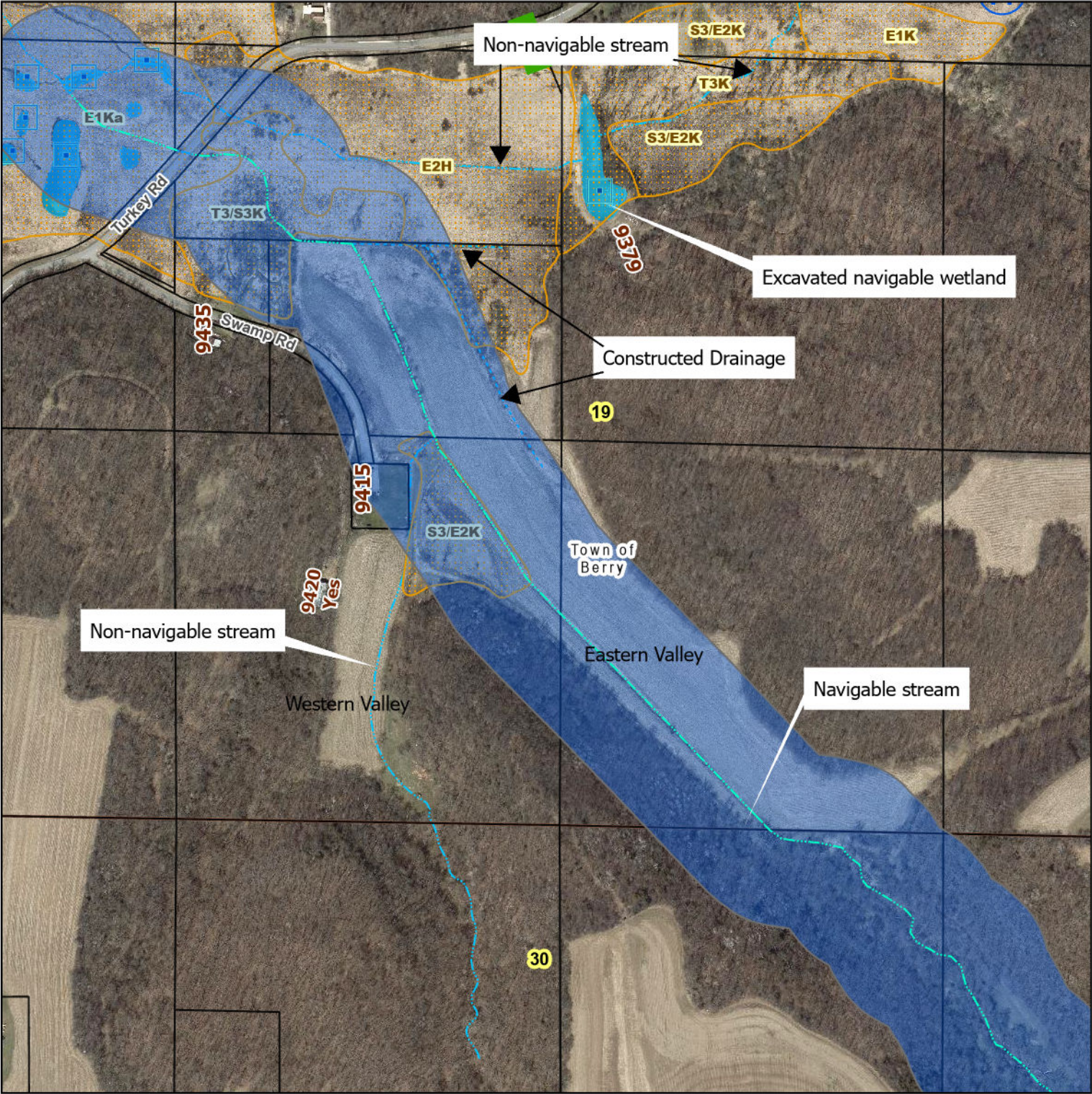
Assistant Zoning Administrator

Cc:

Land & Water Resources

Navigability Determination

Tributaries to Wendt Creek



- Determined navigable stream
- Shoreland Zone