

An aerial photograph of a wetland area. A winding river, labeled 'Fox River' in several places, flows through the landscape. The terrain is a mix of green and brownish patches, indicating different types of vegetation or water saturation. In the top left corner, there is a small cluster of buildings and a road, with the text 'Point Dr' visible. The overall scene is a natural, undeveloped area.

Wetlands and Navigable Waterways

What Is A Wetland?

- ▶ Wetlands in Wisconsin were defined by the State Legislature in 1978:

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water-loving) vegetation and which has soils indicative of wet conditions









Why Do We Identify & Protect Wetlands?

- ▶ Functional Values of Wetlands
 - ▶ Habitat, groundwater recharge, water quality, flood storage, scenic beauty, etc.
- ▶ Laws to protect these values. Both DNR and ACOE require wetland fill permits. County and local unit may also regulate.
- ▶ May impact lot size, access, location of structures, ability to split, etc.
- ▶ Important to identify wetland early in the process.

How Are Wetlands Identified?

- ▶ Wetlands are identified by conducting a wetland delineation.
 - ▶ Performed by a professional wetland scientist.
 - ▶ In accordance with the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual.
 - ▶ Wetland delineations must be conducted by an assured delineator or be approved by the DNR or ACOE.
 - ▶ Delineations are typically valid for five years.

When Is A Wetland Delineation Required?

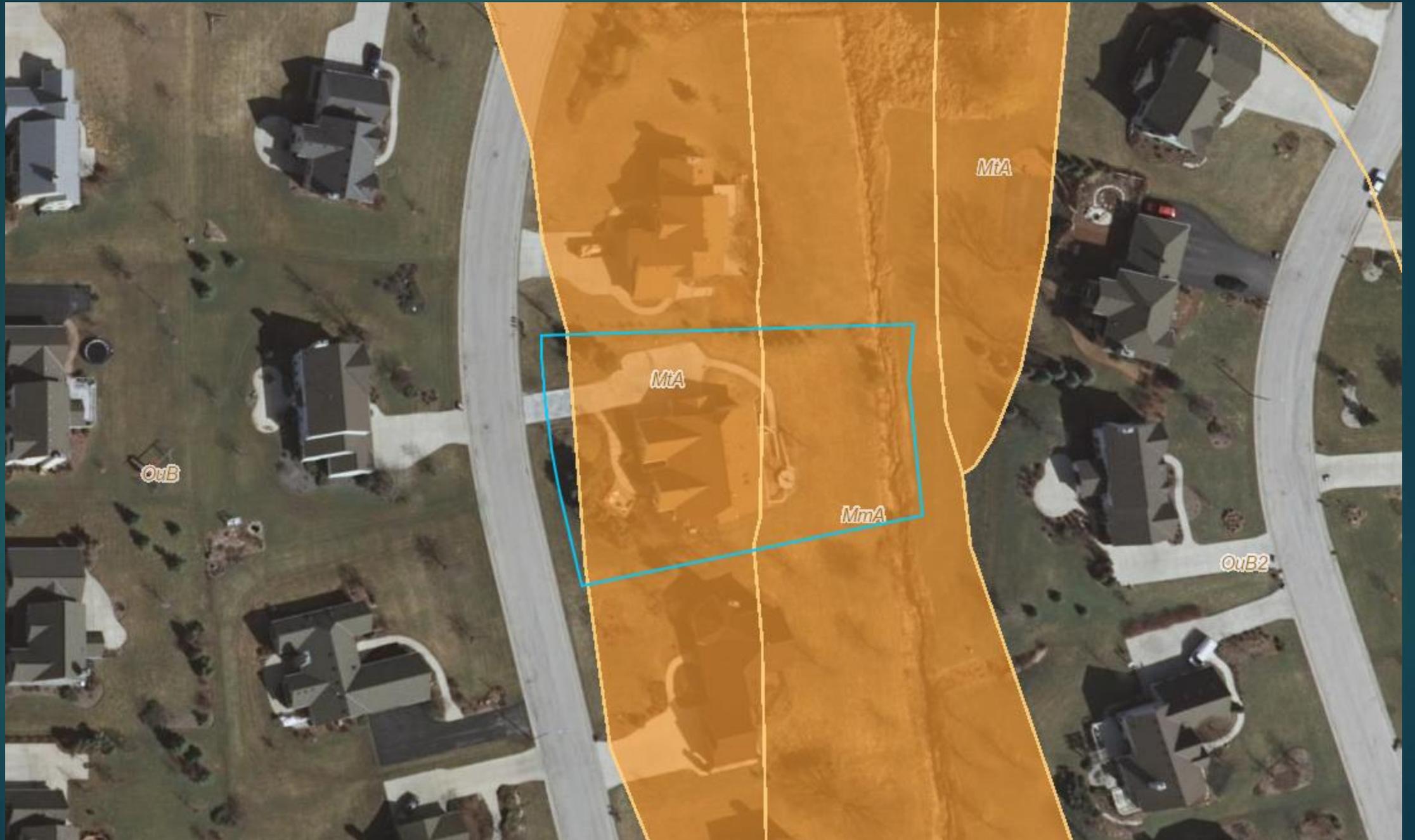
- ▶ When wetland indicators are present.
 - ▶ Mapped wetland
 - ▶ Mapped hydric (wet) soil
 - ▶ Floodplain
 - ▶ Topographic swales and low spots
 - ▶ Waterways and drainage ways
 - ▶ Air photos show wet spots
 - ▶ Landowner states land is “soggy”, can’t mow in spring, not cropped consistently, etc.

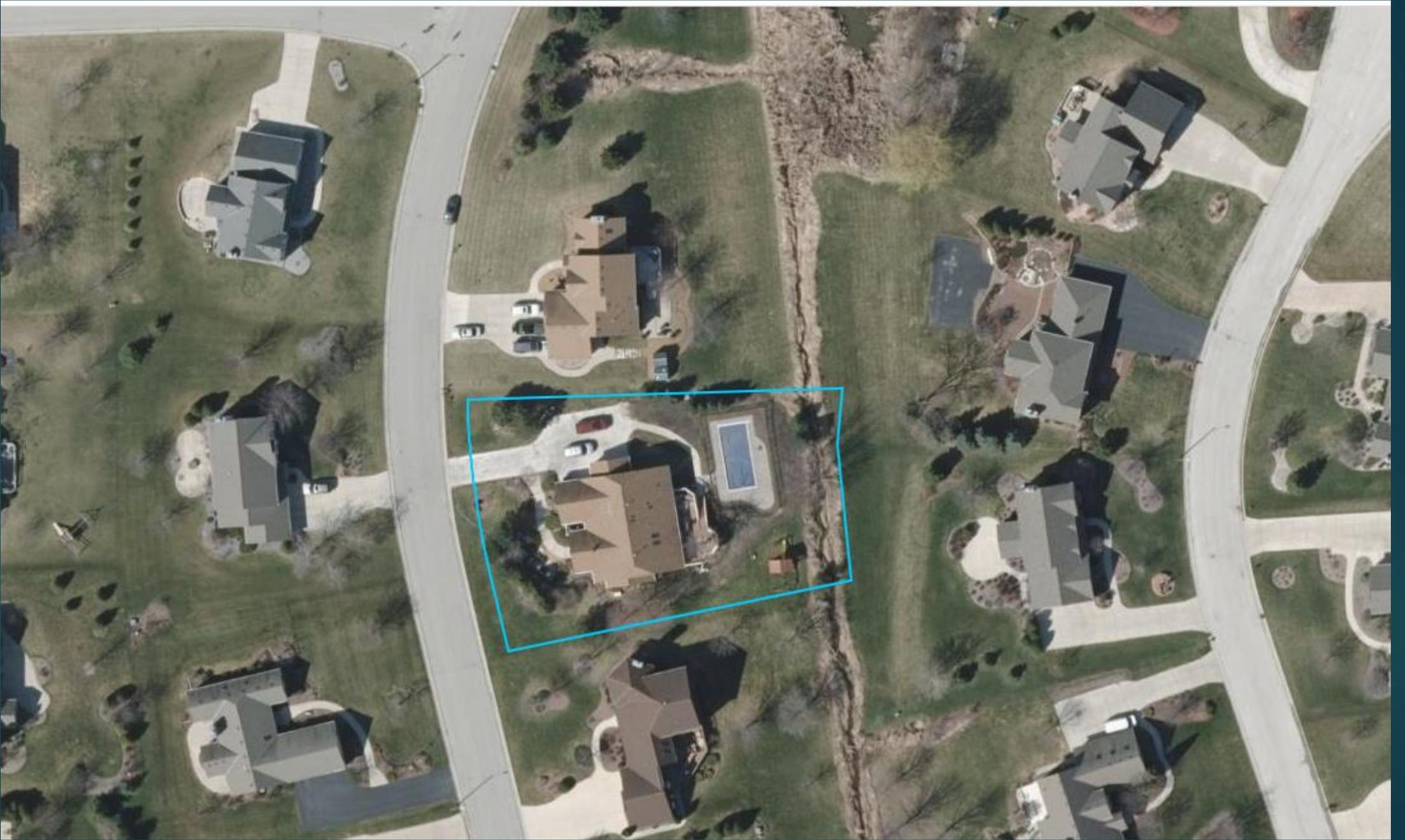
What Tools Do I Use To Determine If Indicators Are Present?

- ▶ DNR's Surface Water Data Viewer
 - ▶ <http://dnr.wi.gov/topic/surfacewater/swdv/>
- ▶ Waukesha County's GIS Site
 - ▶ <http://www.waukeshacounty.gov/interactivemap/>
- ▶ Speaking with the landowner.









What is a Navigable Waterway?

Navigable waterways are defined as public lakes, rivers, and streams that have a bottom (bed) and side (bank), and enough water to float any boat, skiff, or canoe of the shallowest draft on a reoccurring basis. A waterway does not need to be regularly used for recreational or other general purposes, but is a public waterway based on its capacity to be navigable and public.











Why Do We Identify & Protect Navigable Waterways?

- ▶ Public Interests
 - ▶ Navigation, fish habitat, wildlife habitat, water quality, etc
- ▶ Laws to protect public interests. Wisconsin State Statute Chapter 30.
- ▶ County Shoreland Zoning Authority

How Are Waterways Determined Navigable?

- ▶ DNR conducts a navigability determination.
 - ▶ Request submitted to DNR.
 - ▶ DNR reviews air photos, topographic maps, previous determinations, etc.
 - ▶ DNR conducts a site visit.

When Should a Navigability Determination be conducted?

- ▶ When waterway indicators are present
 - ▶ Mapped waterway on USGS map
 - ▶ Topography indicative of drainage way
 - ▶ Air photo shows waterways/ditches
 - ▶ Mapped Floodplain
 - ▶ Farm crossings, culvert crossings, etc.







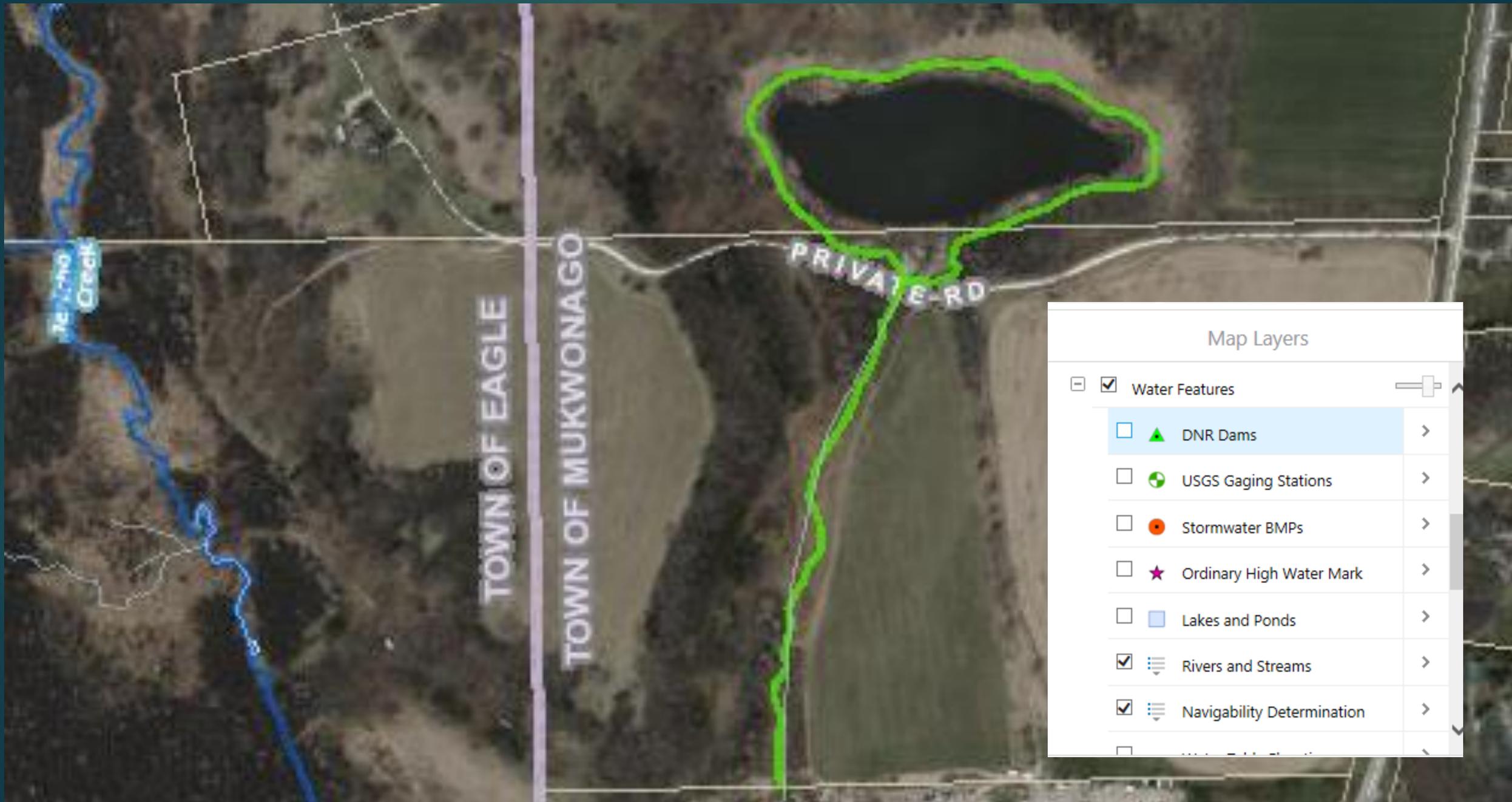
TOWN OF EAGLE

TOWN OF MUKWONAGO

PRIVATE RD

Creek

- Water Features
 - ▲ DNR Dams
 - 🌿 USGS Gaging Stations
 - Stormwater BMPs
 - ★ Ordinary High Water Mark
 - 🟦 Lakes and Ponds
 - 🌊 Rivers and Streams
 - 📏 Navigability Determination



TOWN OF EAGLE

TOWN OF MUKWONAGO

PRIVATE RD

Mukwonago Creek

Map Layers

- Water Features
 - ▲ DNR Dams
 - 🌿 USGS Gaging Stations
 - Stormwater BMPs
 - ★ Ordinary High Water Mark
 - 🟦 Lakes and Ponds
 - 🌊 Rivers and Streams
 - 📏 Navigability Determination













ANY
QUESTIONS
?

Geri Radermacher, WDNR, Geri.Radermacher@Wisconsin.gov, (262) 574-2137

Amy Barrows, Waukesha Co. P&LU, aabarrows@waukeshacounty.gov, (262) 548-7790

www.waukeshacounty.gov/planningandzoning