

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Northeast Region Headquarters  
2984 Shawano Avenue  
Green Bay, WI 54313-6727

Scott Walker, Governor  
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Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



May 11, 2016

INF-NE-2016-5-01539

Village of Howard  
Attn: Mike Kaster  
1336 Cornell Rd  
Green Bay, WI 54313  
*[sent electronically]*

RE: Request for Navigability Determination for tributary to Duck Creek,  
located in the Village of Howard, Brown County

Dear Mr. Kaster:

I visited this site with you and your consultant (Mau & Associates) on April 20, 2016 to review the waterway for navigability. Based on the field review, the point of navigability is equivalent to the north end of the northern-most pond. The waterway parallels the east side of the existing ponds. The two northern ponds were reviewed and determined to be off-line. The waterway and ponds are not a connected system. 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 navigable/public.

Chapter 30, Wis. Stats., permits are needed for work in and near this waterway. Information on these regulations and application materials are available on the DNR web site at <http://dnr.wi.gov/topic/Waterways/>. The existing ponds are within 500ft of the navigable waterway so any work proposed to the ponds requires a Ch 30 pond permit. Also, wetlands likely exist at the site. Once a delineation is complete, any planned development with proposed wetland impacts will need to obtain wetland permits prior to construction. Any land disturbance over 1 acre requires a Department storm water construction site runoff permit coverage through the Notice of Intent (NOI) process.

Certain activities may also require permits from Brown County and/or Army Corps of Engineers (ACOE) and you should contact that agency before beginning any construction at this site. If you have any questions about your permit, please call me at (920) 662-5466 or you can email me at [Crystal.VonHoldt@wisconsin.gov](mailto:Crystal.VonHoldt@wisconsin.gov).

Sincerely,

A handwritten signature in cursive script that reads 'Crystal von Holdt'.

Crystal von Holdt  
Water Management Specialist

Email cc: Jessica Kempke, Project Manager, U.S. Army Corps of Engineers  
Matt Heyroth, Brown County Zoning Administrator  
Cara Kamke, WDNR Conservation Warden

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5/11/2016 CVH

# Navigability map



## Legend

- Major Roads
  - Interstates
  - US Highways
  - State Highways
- Rivers and Streams
  - Open Water
  - Airports

--- waterway existing on landscape

--- navigable waterway



1:3,604



0.1 Miles



0.1

NAD\_1983\_HARN\_Wisconsin\_TM  
© Latitude Geographics Group Ltd.

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

## Notes

001 224 227 228

001 224 227 228

Philosophy notes



# Navigability Determination

Date: <b>04/20/2016</b>	Investigator: <b>Crystal von Holdt</b>	Docket #: <b>INF-NE-2016-5-01539</b>
Requestor: <b>Village of Howard Mike Kaster (Mecham &amp; Stone Ridge Regional Pond project)</b>	Property Owner (local address & contact info): <b>1336 Cornell Rd Green Bay, WI 54313 (920) 434-4060</b>	

Location of stream segment or waterbody (attach map):

**NW1/4-NE1/4 S18, T24N, R20E**

County: <b>Brown</b>	Waterway Name (If applicable): <b>tributary to Duck Creek</b>
Town, Village, City: <b>Village of Howard</b>	

Defined bed and bank: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Bed type: may have been shaped historically but is a mapped USGS "blue line" Channelized <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Unknown <input checked="" type="checkbox"/>	
Bed width at top of banks (ft): 7ft + (appears to be trapezoidal shape)	Bank height (ft): Approx. 3ft	
Bed width at OHWM (ft): approx. 7ft average	Water depth at OHWM (ft): 12''	Current water depth (ft): 8-12''
Agricultural ditch: waterway is a feature through active agricultural field but is mapped USGS "blue line" and work proposed is for residential development (subdivision) and storm water management systems. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Stream history: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the waterway navigated? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Approximate survey length:	

Watercraft type/size (Example: 12 foot canoe with 4" draft):

Navigable:  Non-navigable:

Documentation used to determine waterway history:

PLS maps  
USGS map

Hydrologic condition of the waterway (low or high water, recent heavy rainfall, etc.) Overcast and light previous drizzle. Snow melt already complete.

Physical characteristics of the waterway (land use, culverts, springs, tile lines, etc.) Surrounding agricultural fields on the east and north. West of waterway has become developed over time as rural residential homesteads and a series of 3 ponds stacked north-to-south. Two ponds exist on the property reviewed. Between the 2<sup>nd</sup> and 3<sup>rd</sup> pond (1<sup>st</sup> pond is northern most pond, 2<sup>nd</sup> is south of the 1<sup>st</sup> pond, and 3<sup>rd</sup> pond is the southern most pond), culvert and existing access drive includes 2-18 inch corrugated metal pipes (CMP).

Biological characteristics of the waterway (vegetation, fish, bugs, wildlife, etc.) None observed but likely provides habitat for inverts and aquatic critters, frogs turtles, etc. Songbirds present.

Additional notes:





Plat Map for T24N R20E (original)





INF 2016-5-01539

NAV

4/20 @ 830am

Von Holdt, Crystal L - DNR

From: Mike Kaster <mkaster@villageofhoward.com>  
Sent: Friday, April 15, 2016 12:24 PM  
To: Von Holdt, Crystal L - DNR  
Subject: RE: Pond Question for upcoming permit

Meet @ Fredenck Court

Crystal,

That sounds good. I've got it down in my calendar. Items to talk about would be:

Meacham Crest Development:

- Existing landscape pond being used as part of a new storm water pond,
- Wetland Ditch exemption??? We have Utility crossings of ditch that appears to be marked as wetland through a farm field (looks similar to the Village Center Ditch, used for agriculture but is in indicator soils)
- Future road crossing of wetland ditch, we would want to cross and fill now due to pond construction generating a lot of fill.
- Navigability Determination for the Ditch.

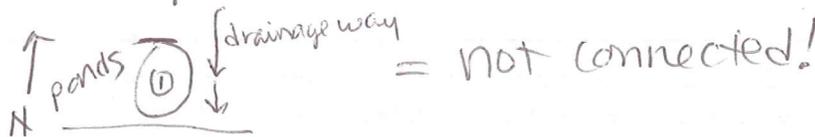
If we have time....:) Lacona Ct: (it's very close to your office)

- Road Extension across railroad tracks with a small ditch wetland fill. Road would be for future residential development that currently has no time frame. (we are resurfacing and replacing utilities in spots on this street this year, so it is the time to go across the tracks.

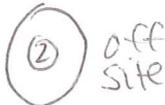
Thanks so much for squeezing me in!

4/20 site visit (CWH/Dave Chraiser, me)

Regards,

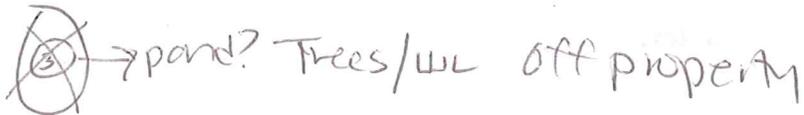


Michael J. Kaster, P.E.



Director of Engineering

Village of Howard



1336 Cornell Road

Green Bay, WI 54313

Phone: 920-434-4060

GP SW Pond (Pond 1)

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**From:** Von Holdt, Crystal L - DNR [mailto:Crystal.VonHoldt@wisconsin.gov]  
**Sent:** Friday, April 15, 2016 12:14 PM  
**To:** Mike Kaster  
**Subject:** RE: Pond Question for upcoming permit

Hi Mike,  
Let's do Wed, April 20<sup>th</sup> at 830am, if that's not too early. I will only have an hour for the site visit so let's make sure we get your priority items answered first. Thanks!!

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Crystal von Holdt  
Water Management Specialist – Water Division  
Wisconsin Department of Natural Resources  
2984 Shawano Avenue, Green Bay WI 54313-6727  
Phone: (920) 662-5466  
[Crystal.vonHoldt@wi.gov](mailto:Crystal.vonHoldt@wi.gov)



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**From:** Mike Kaster [mailto:mkaster@villageofhoward.com]  
**Sent:** Wednesday, April 13, 2016 12:41 PM  
**To:** Von Holdt, Crystal L - DNR  
**Subject:** RE: Pond Question for upcoming permit

Thanks for the info. Either time is open for me just let me know what works. I would think the best place to meet would be on the Frederick Court side of the project. I'll work on permissions from the other property owners, but we have permission from the main owner where the work is being completed.

Thanks!

*Michael J Kaster, P.E.*

Director of Engineering

Village of Howard

1336 Cornell Road

Green Bay, WI 54313

Phone: [920-434-4060](tel:9204344060)

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**From:** Von Holdt, Crystal L - DNR [<mailto:Crystal.VonHoldt@wisconsin.gov>]  
**Sent:** Wednesday, April 13, 2016 11:57 AM  
**To:** Mike Kaster  
**Subject:** RE: Pond Question for upcoming permit

Hi Mike,  
Considering this is very close by, I could squeeze something in next week....say....the early morning of April 20<sup>th</sup> or late morning on the 22<sup>nd</sup>. Would one of these work better for you? If so, please let me know what time to meet and a good meeting place, and we can walk around. Is there landowner permission for us to enter the property/properties? That will need to be granted if it's privately owned.

For the question on flood storage in wetlands, that might be best asked to Amy Minser (while Sarah Anderson is still out). If it's proposed fill/disturbance in a wetland, then a permit is needed. If the disturbance is for storm water treatment purposes, the only wetland permit option available is an Individual Permit (IP) route which requires mitigation.

I hope that helps. Thanks!!

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Crystal von Holdt  
Water Management Specialist – Water Division  
Wisconsin Department of Natural Resources  
2984 Shawano Avenue, Green Bay WI 54313-6727  
Phone: (920) 662-5466  
[Crystal.vonHoldt@wi.gov](mailto:Crystal.vonHoldt@wi.gov)



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**From:** Mike Kaster [<mailto:mkaster@villageofhoward.com>]  
**Sent:** Wednesday, April 13, 2016 9:12 AM  
**To:** Von Holdt, Crystal L - DNR  
**Subject:** RE: Pond Question for upcoming permit

Crystal,

That does clarify things a bit yes. I do believe the ponds are offline, and will wait to see what the delineation reveals.

Just as a hypothetical, if the pond is offline, but has some wetland around it can we use it as flood storage outside of our required treatment areas?

Also, I would like to get the determination done so a field visit would be great. I do have a copy of an e-mail that you sent to Dave Chrouser of Mau & Associates where you reviewed the drainage way from Shawano to the northerly pond

and found it to be non navigable in 2012, but I would need that determination to extend further south probably to HWY 29. Please let me know your earliest availability for that and I will make it work on my end.

Thanks!

*Michael J Kaster, P.E.*

Director of Engineering

Village of Howard

1336 Cornell Road

Green Bay, WI 54313

Phone: 920-434-4060

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**From:** Von Holdt, Crystal L - DNR [<mailto:Crystal.VonHoldt@wisconsin.gov>]

**Sent:** Wednesday, April 13, 2016 7:59 AM

**To:** Mike Kaster

**Subject:** RE: Pond Question for upcoming permit

Hi Mike,

Thanks for the email with map info! Very helpful. I recall reviewing this area on the maps not too long ago. I had questions about these existing ponds as to whether they are online with the mapped USGS "blue line". If the pond is online, then that certainly dictates the type of permit process the Village will need to pursue for the Ch 30 permit. If it's offline, then the wetland work scheduled for this spring will be the final puzzle piece to understand which permit process is needed. If it's upland and offline, then modifying the existing pond would require a Ch 30 storm water pond permit if it's within 500ft of a navigable waterway. Hopefully the project could be designed to meet the General Permit standards to be GP-eligible.

Do we have a date on the calendar for a nav-determination...? I recall reviewing photos because of an educational facility proposed. Should you and I schedule a visit to walk the area to answer some questions about the existing pond? We could get something set for a day in May – just let me know!

I hope that clarifies. If not, please don't hesitate to contact me. Thanks!

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Crystal von Holdt  
Water Management Specialist – Water Division  
Wisconsin Department of Natural Resources  
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Phone: (920) 662-5466  
[Crystal.vonHoldt@wi.gov](mailto:Crystal.vonHoldt@wi.gov)



[dnr.wi.gov](http://dnr.wi.gov)



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**From:** Mike Kaster [<mailto:mkaster@villageofhoward.com>]  
**Sent:** Monday, April 11, 2016 11:17 AM  
**To:** Von Holdt, Crystal L - DNR  
**Subject:** Pond Question for upcoming permit

Crystal,

I am currently working on a project near Frederick Court. The project involves two separate residential developments, and the Village is constructing a regional stormwater pond that will treat the proposed and future developments on the property as well as some existing untreated area. Question for you is the following:

Can we incorporate an existing landscape pond, manmade sometime before 1992, if it is in upland? The attached maps shows the area, and the fact that the pond is in indicator soils on the SWDV (the street names are not real clear, but the major intersection by the apartments is Frederick Ct and CTH C). There is a delineation being done this spring so we will know if it is upland around the pond.

Our proposed pond will not impact any wetland area, but we will likely have a crossing for storm sewer and sanitary sewer now, with roadway coming in the future.

Please let me know what your thoughts are on this, or if you would like more information.

Thanks!

*Michael J Kaster, P.E.*

Director of Engineering

Village of Howard

1336 Cornell Road

Green Bay, WI 54313

Phone: [920-434-4060](tel:920-434-4060)

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<Title>

Tentative  
WL areas  
4/20/16 Meacham  
farm Wetlands



Flags 1-107

Flags 108-136



Map provided by the Brown County Planning & Land Services Department - Land Information Office (LIO)

A map key (legend) and other information about this map is available at: [maps.gis.co.brown.wi.us](http://maps.gis.co.brown.wi.us)

This map is intended for advisory purposes only. It is based on sources believed to be reliable, but Brown County distributes this information on an "As Is" basis. No warranties are implied. Boundaries shown on this map are general representations only and should not be used for legal documentation, boundary survey determinations, or other property boundary issues.

04/15/2016  
Scale 1:4800



NAV 4/20/10 CVH







SOUTHWEST BYPASS  
WATERSHED  
AREA = 2.51 ACRES

THIS WHOLE AREA IS  
NEEDED FOR POND

USE POND  
FOR  
TREATMENT

FILL

FILL

POND WATERSHED  
AREA = 104.39 ACRES

FILL?

NAVIGABLE?

SOUTH WATERSHED  
AREA = 2.68 ACRES

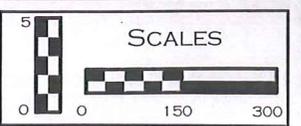
① ~ 7-10' WIDE  
NAV  
10' WATER T



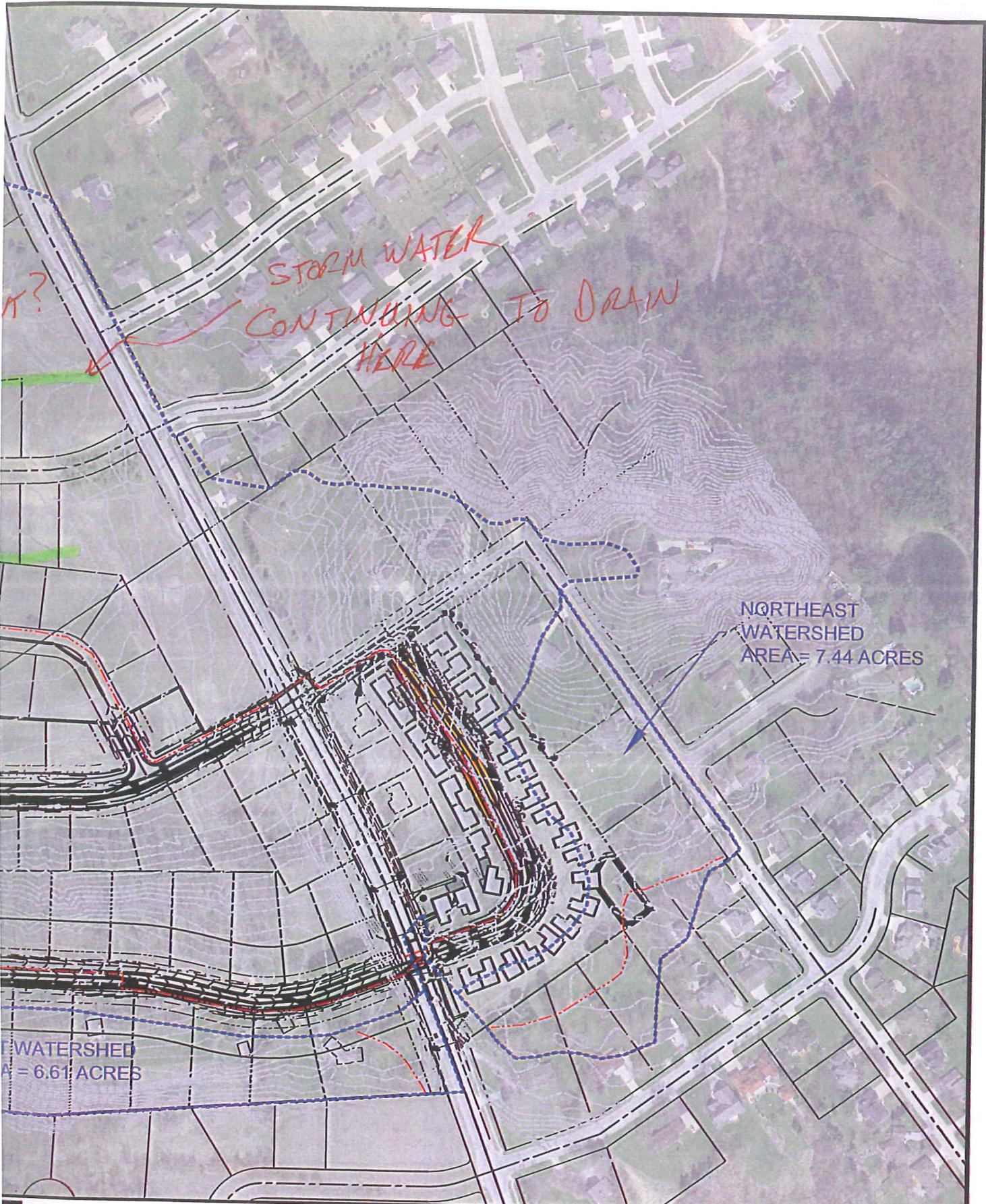
RECORD DRAWINGS OF COMPLETED  
CONSTRUCTION CONFORMING TO  
CONTRACTORS AND OWNERS  
RECORDS  
BY: \_\_\_\_\_ DATE: \_\_\_\_\_

REVISIONS/REMARKS		
No.	DESCRIPTION	DATE
△		
△		

SURVEYED BY: MAU  
PROJECT NO: ####  
FILE NAME: REGIONAL\_POND\_DRAWING.DWG  
DRAWN BY: VOH







STORM WATER  
CONTINUING TO DRAW  
HERE

NORTHEAST  
WATERSHED  
AREA = 7.44 ACRES

WATERSHED  
AREA = 6.61 ACRES

V I L L A G E O F  
**HOWARD**  
1336 CORNELL ROAD GREEN BAY, WISCONSIN 54313

MEACHAM & STONE RIDGE REGIONAL POND  
PROPOSED WATERSHEDS

SHEET NO.  
**PW**