

AGRICULTURAL IMPACT STATEMENT



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**DATCP
#4452**

**Sharon - West Substation
Town of Sharon, Walworth County**



**WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION**

PUBLISHED MAY 11, 2022

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DATCP #4452
Sharon - West Substation

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Randy Romanski
Secretary
Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

Jennifer Heaton-Amrhein
Acting Director
Bureau of Land and Water Resources (DATCP)

Author
Zach Zopp
Agricultural Impact Statement Program Manager
Bureau of Land and Water Resources (DATCP)

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MISSION STATEMENT

Dear Reader,

In the 1970's, Wisconsin farmers and many local governments located between Green Bay and Milwaukee overwhelmingly opposed the planned creation of Interstate 43 (I-43). As originally planned, the I-43 project would run about 2 miles west of and parallel to Hwy-57 and be constructed primarily on farmland, as opposed to utilizing the existing Hwy-57 right of way. These farmers organized and staged protest rallies on the Wisconsin State Capitol grounds, including bringing cows to graze on the capital lawn. The strong opposition these farmers and local governments demonstrated prompted a compromise that would relocate the interstate to run along the US 141 corridor between Milwaukee and Manitowoc. This same opposition also prompted the Wisconsin legislature in 1978 to establish the Agricultural Impact Statement (AIS) statute, Wis. Stat. § 32.035, as part of Wisconsin's Eminent Domain law.

Holding onto the spirit and purpose of the farmer led protests of the 1970's, the mission of the AIS program is ***to provide agricultural landowners and operators an opportunity to be heard in matters that impact their lands and an opportunity to voice for alternatives in order to preserve farmland under the framework of Wis. Stat. § 32.035***. Through the AIS program, agricultural landowners have the opportunity to provide feedback, document impacts, and advocate for alternative solutions any time agricultural lands are significantly affected by an entity with the potential powers of eminent domain. The AIS program also provides affected landowners the time to gather information in order to make well informed decisions before the potential project begins. Lastly, the AIS program makes suggestions and recommendations to project initiators to promote project alternatives and management practices that would reduce the potential impacts to agricultural lands and operations.

The AIS program has responsibilities to both the impacted landowners and the project initiator. The AIS program serves as an advocate to the affected agricultural landowners and will contact each affected landowner and operator in order to listen, learn and document the impacts the project poses to their agricultural lands and operations. Based on this feedback, the program will also identify and recommend project alternatives, best management & oversight practices and remediation practices to the project initiator, landowner(s) and operator(s) to reduce potential agricultural impacts. The AIS program serves the needs of the project initiator by conducting the AIS analysis and publishing the statement within a timely manner as required by Wis. Stat. § 32.035. In addition, the AIS program provides a continuing presence throughout project development and oversight processes in order to advocate for agricultural landowners and support the statewide priority to preserve prime farmland.

The Agricultural Impact Statement program and the WI Department of Agriculture, Trade and Consumer Protection are honored to provide this essential state service to the agricultural landowners and operators of the state.

Thank you

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SUMMARY OF AGRICULTURAL IMPACT STATEMENT

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared this Agricultural Impact Statement (AIS) #4452 for the proposed acquisition of land by Wisconsin Power and Light Company (WPL), a subsidiary of Alliant Energy, in the Town of Sharon, WI. WPL proposes to establish a new electric distribution substation on the impacted agricultural land to provide power to a new manufacturing facility in the Village of Sharon (Figure 1).

In March 2022, WPL began to voluntarily negotiate with Charles Weeks, David Weeks, and Donald Weeks (the Weeks) to purchase an estimated 6.9 acre parcel of land to site the new electric substation. WPL is a public utility vested with the right of eminent domain, but has documented to the Weeks an intent to acquire the property through a voluntary sale (fee-simple acquisition). Construction of the proposed electric distribution substation will require approximately four acres once sited and pending final design of the facility. WPL's proposed acquisition is comprised of an estimated 6.9 acre subdivide from the 77.5 acre Parcel ID A S 2900004, located in the NW ¼ NW ¼ of Section 29, T01N, R15E, Town of Sharon, Walworth County. WPL reported the balance of unused land will be leased back to the seller at no cost for continued agricultural use (DATCP, 2022a). The Weeks stated they were glad to help the Village of Sharon grow by providing the land needed for the electrical substation to power the new manufacturing facility.

In accordance with [Wis. Stat. §32.035](#), WPL has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural landowners and operators impacted by the proposed substation. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed WPL's materials and the comments obtained by the Department from the affected agricultural property owners and operators to assess the agricultural impacts of the proposed project. Through the AIS analysis, the Department offers a set of recommendations and conclusions to WPL to help mitigate impacts to the agricultural land and agricultural operation affected by the proposed substation.

The set of recommendations are located within the AIS Recommendation Section beginning on page 3. The AIS analysis begins on page 4 with information on the project located in Section II. Information and conclusions on the agricultural setting of Walworth County and impacted areas can be found in Section III. The agricultural impacts of the project on the land, landowner and operator can be found in Section IV. Appendices for AIS #4452 contain information on the appraisal and compensation process (Appendix A), a copy of Wisconsin's agricultural impact statement statute (Appendix B) and various additional sources of related information for agricultural landowners and operators (Appendix C).

If WPL deviates from the planned voluntary acquisition, proposed use or scale of the acquired land, WPL shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

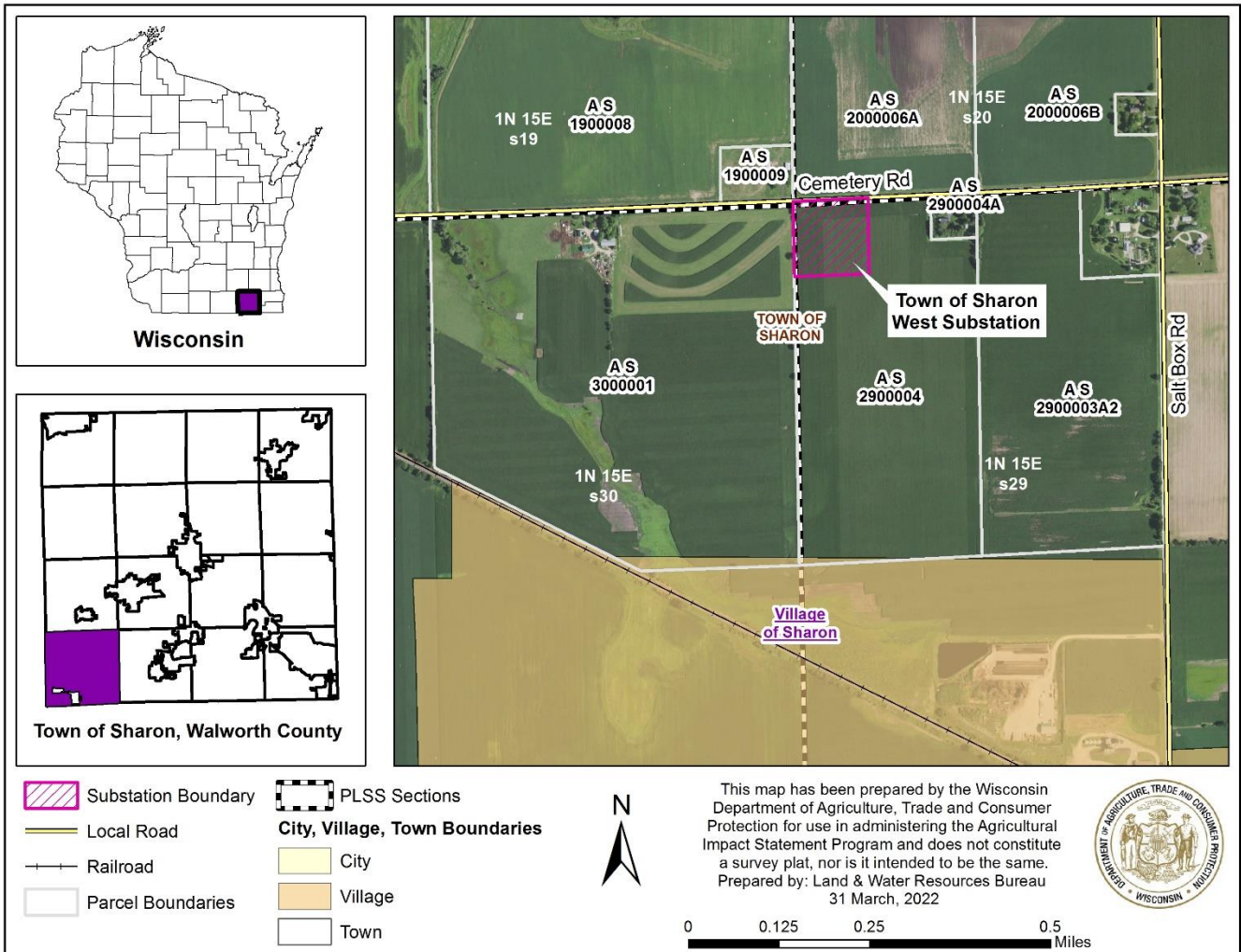


Figure 1: Location of the proposed acquisition in the Town of Sharon, Walworth County (NW 1/4 NW 1/4 of Section 29, T01N, R15E) for the Sharon – West Substation.

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has reviewed and analyzed the materials provided by the Wisconsin Power and Light Company (WPL), a subsidiary of Alliant Energy, regarding the proposed Sharon - West Substation land acquisition. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to WPL to help mitigate impacts to the agricultural land and agricultural operation affected by the proposed project. WPL has reviewed the recommendations defined in this Impact Statement and has acknowledged that they will adopt them.

Recommendations to WPL

- WPL should site the facility in a location that mitigates the effects of severance, access or creation of a wasteland on remnant agricultural lands to retain maximum agricultural utility.
- WPL should consult the agricultural owner and operator to determine if it is possible to site the facility in a way that: 1) preserves as much prime farmland and farmland of statewide importance as feasible 2) preserves the economic viability of remnant fields.
- As part of any future agricultural lease agreements on unused excess Project lands, WPL should consider requiring conservation practices such as-but not limited to-conservation tillage, cover cropping, or no-till and require the tenant operator to meet agricultural performance standards under [ATCP 50.04](#) to maintain the health of the soils and preserve the investment.
- If WPL conducts vegetation management activities at the substation using herbicides that have the potential to impact the remnant agricultural lands they should notify the landowner owner and/or operator.
- If the remnant fields are no longer economically viable to farm and are not required for expansion of the substation facility, WPL should consult the Walworth County Land Use and Resource Management Department-Division of Conservation for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area.
- WPL should consult the Walworth County Land Use and Resource Management Department Divisions of Planning, Zoning and Conservation for applicable construction site erosion control and stormwater management requirements and permitting to ensure construction proceeds in a manner that minimizes drainage issues and soil erosion originating from the Project site or lands impacted by Project site discharges.

AGRICULTURAL IMPACT STATEMENT

I. INTRODUCTION

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4452 in accordance with [Wis. Stat. §32.035](#) for the proposed construction of an electric substation in the Town of Sharon located in Walworth County, WI (Figure 1) by the Wisconsin Power and Light Company (WPL). According to the Walworth County Comprehensive Plan, Alliant Energy provides electric power service to southern Walworth County, while WE Energies services northern Walworth County (Walworth County, 2009). Through the Town of Sharon – west substation project (the Project), WPL proposes to construct a gravel pad and driveway in preparation for an electrical substation that will provide electric service to a new manufacturing customer relocating to the Village of Sharon (DATCP, 2022a).

The Public Service Commission of Wisconsin (PSC) is responsible for regulating the construction of electric public utilities and extensions of electric service in Wisconsin, which may include the construction of or modification to an existing substation. If a substation project does not meet a cost threshold it is not subject to the review of the PSC and is instead subject to applicable local permitting authorities, including the Town of Sharon, which has adopted county zoning. WPL reported that this project is not subject to PSC review authority (DATCP, 2022b).

While not subject to PSC authority, WPL is a Wisconsin corporation furnishing electric light or power to the public and is vested with the authority of eminent domain under [Wis. Stat. §32.02](#). Utilities vested with the power of condemnation, that propose projects impacting agricultural lands, are subject to Wisconsin's AIS statute Wis. Stat. § 32.035 whether or not the land is taken.

According to [Wis. Stat. §32.035](#), the AIS is designed to be an informational and advisory document that describes and analyzes the potential effects of a proposed project on agricultural operations and agricultural resources, but it cannot stop a project. The Department is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of any interest in more than five acres of land from any agricultural operation. The term agricultural operation includes all owned and rented parcels of land, buildings, equipment, livestock, and personnel used by an individual, partnership, or corporation under single management to produce agricultural commodities.

The AIS reflects the general objectives of the Department in its recognition of the importance of conserving vital agricultural resources and maintaining a healthy rural economy. The Department is not involved in determining whether or not eminent domain powers will be used or the amount of compensation to be paid for the acquisition of any property.

As the voluntary contract for the fee-simple acquisition by WPL precedes, or in this case may preclude a jurisdictional offer, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable. If WPL plans to acquire additional new parcels of agricultural land, beyond the impacted parcels described within this AIS, the Department shall be re-notified in accordance with Wis. Stat. §32.035(3).

Should WPL actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix A. The full text of [Wis. Stat. §32.035](#) is included in Appendix B. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices B and C.

II. PROJECT DESCRIPTION

The Project

WPL is planning to site a new electric substation on land currently under agricultural production. In accordance with [Wis. Stat. §32.035\(3\)](#), WPL has provided an agricultural impact notification (AIN) to the Department that serves as the main reference document for the Project and the project need (DATCP, 2022a). The proposed substation would be located in the Town of Sharon in the NW ¼ NW ¼ of Section 29, T01N, R15E and would provide service to the Village of Sharon located approximately 0.4 miles to the south of the proposed project (Figure 1).

To construct the proposed electric substation, WPL will acquire an estimated 6.9 acres of Parcel ID A S 2900004, by fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property), which will be subdivided to accommodate the substation site shown in Figure 1. As proposed, the substation will be sited on a four acre gravel pad surrounded by security fencing. The substation will have a design life of 60 years and include a power transformer, circuit breakers, control enclosure and power and static poles. According to WPL, the remaining balance of the 6.9 acre parcel not required for the new four acre substation will be leased back to the seller at no cost for continued agricultural use. The proposed electric substation will be connected to an existing transmission line, owned by the American Transmission Company, which is adjacent to the Project. WPL is planning to start land acquisition in June/July 2022 with construction of the facility commencing in late 2022 and in-service by late 2023 or early 2024 (DATCP, 2022a).

Project Need

WPL has indicated the primary reason for the proposed Town of Sharon – West Substation is to supply the electrical needs of a new steel pipe manufacturing facility the Arntzen Corporation proposes to relocate to the Village of Sharon. WPL also stated the existing substation facility

located within the Village of Sharon is not sufficient to meet the electrical needs of this new manufacturing facility (DATCP, 2022a).

III. AGRICULTURAL SETTING

Land in Agriculture

Walworth County, in 2021, was home to an estimated population of 104,759 residents (WisDOA, 2021). In 2020, the Town of Sharon had an estimated population of 901 residents, while the Village of Sharon had an estimated 1,561 residents (WisDOA, 2020). Walworth County is classified as a central Micropolitan Statistical Area and a central county of the broader Milwaukee-Racine-Waukesha Core Statistical area (WisDOA, 2013a). Based on 2010 census data, the Department of Administration (WisDOA) projects that from 2020 to 2040 Walworth County will see a 13% (+14,315 person) population increase (WisDOA, 2013b), the Town of Sharon to decline by -6% (-50 persons) and the Village of Sharon to increase by 5% (+90 persons) (WisDOA, 2013c). The projected population growth for Walworth County and the Village of Sharon reinforce the need for a reliable rural electric infrastructure as identified in the AIN submitted by WPL and in the Walworth County Comprehensive Plan.

Urban development pressures on agricultural lands are known to increase the rate of farmland conversion and increase agricultural land sale values (Azadi et al., 2010; Borchers et al., 2014). The following analysis will identify if agricultural lands within Walworth County are exhibiting signs of urban pressure and development. In 2017, Walworth County had 192,422 acres of land in farms or 54.2% of the county by area, which is higher than the statewide average of 41.3% (USDA, 2017a). Between 1997 and 2017, 12.6% of agricultural lands within Walworth County were converted out of agricultural use, which is 3.2 times the statewide average rate of 3.9% (Table 1) (USDA, 2017a). However, during this same time-period (1997 – 2017) the number of farming operations within Walworth County grew by 10.3%, which stands in stark contrast to the -1.2% average loss of farm operations experienced across Wisconsin for the same period (Table 2) (USDA, 2017a).

Table 1: Agricultural land in production within Walworth County and Wisconsin (USDA, 1997; USDA, 2017a).

Location	Acres of Agricultural Land (acres)		Agricultural Land Converted (%)
	1997	2017	
Walworth County	220,089	192,422	12.6%
Wisconsin	14,900,205	14,318,630	3.9%

Table 2: Change in the number of farms between 1997 and 2017 within Walworth County and Wisconsin (USDA, 1997; USDA, 2017a).

Location	Number of Farming Operations		Change in Farming Operations	Percent Change (%)
	<u>1997</u>	<u>2017</u>		
Walworth County	853	941	88	10.3%
Wisconsin	65,602	64,793	-809	-1.2%

Based on the most recent available data from the USDA, between 2012 – 2017 the growth in the number of farming operations in Walworth County appears to favor growth within either very small (1 – 49 acre) or large (500+ acre) agricultural operations, while small (50 – 179 acre) and mid-sized (180 – 499 acre) operations have remained unchanged or decreased (Table 3) (USDA, 2017a). This bimodal growth pattern may be telling of consolidation of agricultural operations and the emergence of smaller specialty agricultural operations across Walworth County.

Table 3: Change in the number of farms by size between 2012 and 2017, Walworth County Wisconsin (USDA, 2017a).

Size of Farm (Acres)	2012	2017	Percent Change (%)
1-49	394	466	18.27
50-179	248	248	0.00
180-499	131	120	-8.40
500+	97	107	10.31

The pressures of urban development and urban population growth on farmland conversion vary across Walworth County. For example, the conversion and loss of almost 28,000 acres of farmland over the past 20 years is a sign of urban developmental pressures across the entire county. Furthermore, the projected 13% (+14,315 person) population increase for Walworth County (WisDOA, 2013b) may also influence these pressures. That being said, across rural areas populations are expected to decline (WisDOA, 2013c). Such rural population declines may also act to relieve development pressure and allow room for new agricultural producers or for existing producers to expand. The net increase of 88 agricultural operations across Walworth County would suggest this is occurring and suggests agricultural operations across Walworth County are somewhat resilient to development pressures.

Regional pressures from the surrounding Milwaukee-Waukesha-West Allis, Racine, and Janesville-Beloit Metropolitan Statistical Areas (MSA) may also influence urban development in Walworth County. These MSA’s represent Wisconsin’s 1st, 5th, and 8th largest MSAs and are home to an estimated combined 1,934,844 residents or 35.0% of the state’s total population in 2019 (WisDOR, 2021). These MSAs possess strong regional urban development pressures and urban population

growth potential and may influence farmland conversion in Walworth County. For example, urban populations from these bordering MSA's may seek to acquire small tracks of farmland in order to create hobby agricultural operations and/or live a rural lifestyle while still being connected to the MSA via work or other factors. Agricultural lands nearest municipalities within these regional MSAs (Guiling et al., 2009) or lands along transportation corridors such as interstate or state highways (Mothorpe et al., 2013) linking the Walworth County to these regional MSAs would be at the highest risk of future farmland conversion. The culmination of these developmental pressures are likely factors behind the high rate of agricultural land conversion in Walworth County.

Farmland Preservation

Wisconsin's farmland preservation (FP) program provides local governments and landowners with tools to aid in protecting agricultural land for continued agricultural use and to promote activities that support the larger agricultural economy. Lands that are planned for farmland preservation by the county and included in a certified zoning district or located within an Agricultural Enterprise Area (AEA) are afforded land use protections intended to support agriculture, and are eligible for the farmland preservation tax credit.

Through this program, counties adopt a state-certified farmland preservation plan that maps areas identified as important for farmland preservation and agricultural development based upon reasonable and objective criteria. Based on the plan, local governments may choose to adopt a FP zoning ordinance or designate AEAs to achieve further land protections and ensure that farmland covered by the plan is eligible for farmland preservation tax credits. Such ordinances must be certified and AEAs must be designated by the Department. Landowners who are eligible in either or both AEA and FP zoning areas and claim the tax credit are required to follow the state soil and water conservation standards to protect water quality and soil health.

Farmland Preservation Planning

Walworth County's current FP plan was certified by the Department in 2012 and is set to expire in 2022 (Walworth County, 2012). All towns in Walworth County have lands that are planned for FP as part of Walworth County's FP Plan. The criteria for land planned for FP in Walworth County includes lands with soils designated by the USDA-NRCS Walworth County as Prime Farmlands and Farmlands of Statewide Importance, or lands, not otherwise excluded, with soils classified as Land Capability Class I, II, or III. The parcel of land (parcel ID A S 2900004) impacted by the Project is within Walworth County's FP plan area (Walworth, 2021a).

Farmland Preservation Zoning

Walworth County has adopted county wide zoning, which includes a certified FP zoning district. The certified FP zoning district for the Town of Sharon is the A-1 Agricultural and Farmland Preservation Zoning district (DATCP, 2021). This zoning district restricts covered lands to agricultural uses and uses compatible with agriculture and is certified to be consistent with the state's Farmland

Preservation Law, Chapter 91. Parcel ID A S 2900004 is zoned A-1 by the Town of Sharon and would require a conditional use permit under Wis. Stat. § 91.46(4) for a transportation, communications, pipeline, electric transmission, utility or drainage use, to remain in the district.

Agricultural Enterprise Areas

AEAs are community-led efforts to establish designated areas important to Wisconsin's agricultural future. This designation highlights the importance of the area for local agriculture and further supports local farmland preservation and agricultural development goals. Designation as an AEA also enables eligible landowners to enter into FP agreements. Through an FP agreement, a landowner agrees to voluntarily restrict the use of his/her land to agriculture for fifteen years in exchange for eligibility for the farmland preservation tax credit. A review of the Department's AEA program shows that Walworth County does not contain an AEA (DATCP, 2021c).

Prior to 2009, owners of eligible farmland could sign 10 to 25-year farmland preservation agreements outside of AEA boundaries. There are no effective pre-2009 farmland preservation agreements located in the Town of Sharon, Walworth County.

Conservation Programs

Voluntary conservation programs such as the USDA Conservation Reserve Enhancement Program (CREP) and the USDA Conservation Reserve Program (CRP) are financial incentive programs to help agricultural landowners meet their conservation goals. The USDA and the Department jointly administer the CREP program in Wisconsin

Conservation Reserve Enhancement Program

The CREP program pays eligible agricultural landowners enrolled within the program to install filter strips along waterways or to return continually flooded fields to wetlands while leaving the remainder of the adjacent land in agricultural production. To be eligible for CREP payments, a recipient must have agricultural lands in crop production that are within 150 ft of a stream or water body or 1,000 ft from a grassland project area (DATCP, 2019a). A review of the Department's CREP records indicated that the proposed WPL acquisition for the new substation would not directly impact any current CREP fields or easements.

Conservation Reserve Program

The CRP program is a land conservation program administered by the Farm Service Agency of the USDA. In exchange for a yearly rental payment, eligible agricultural landowners enrolled in the program agree to remove highly erodible land from agricultural production and plant resource-conserving plant species such as grasses or trees that will improve environmental health and quality (USDA, 2019). Eligible agricultural landowners must possess lands with the potential for long-term improvements to water quality, prevent soil erosion or establish beneficial wildlife habitats according to the USDA Environmental Benefits Index (USDA, 2019). CRP enrollment

information is privileged to the USDA and CRP program participants. While the Department cannot independently verify if any of the impacted agricultural parcels are enrolled within the CRP program, the impacted landowner reported to the Department that the agricultural lands WPL proposes to acquire were not enrolled within a CRP contract (Charles Weeks, personal communication, April 2022).

Drainage Districts

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board and for the primary purpose of draining of lands for agricultural use (DATCP, 2019b). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repairing the district's drains. According to the Department, approximately 190 active districts exist within 27 of Wisconsin's 72 counties (DATCP, 2019b).

A review of the Department's Drainage Program database indicates that Walworth County has one active drainage district (District #5) and one inactive district (District #3). An "inactive" designation signifies a lack of maintenance or administrative functions by a drainage district over an extended period of time. Located approximately 17 miles to the north of the Project, District #5 is not expected to be impacted by the proposed project. At the time of this analysis, records relating to the inactive district were unavailable. For information regarding District #3 contact the Department's State Drainage Engineer. To date, Walworth County does not have a County Drainage Board to administer the functions of a drainage district according to Wis. Stat. § 88.21. Residents may petition for the creation of a County Drainage Board according to Wis. Stat. § 88.17.

IV. AGRICULTURAL IMPACTS

In addition to being a key component of [Wis. Stat. §32.035](#), documenting the agricultural impacts of a project provides the project initiator and the agricultural landowner the opportunity to better understand the project in its own right as well as learn how the project will impact agriculture. Furthermore, the documentation of agricultural impacts by agricultural landowners and operators creates the opportunity for them to advocate for alternatives that may reduce impacts to agricultural lands. The Department has used information provided by the Wisconsin Power and Light Company (WPL) for this AIS to analyze the potential agricultural impacts of WPL's acquisition to site a new substation. The analysis of agricultural impacts and conclusions drawn from the analysis form the basis of the Department's recommendations within the AIS Recommendation Section above.

Farmland Acquisitions and Landowner Concerns

WPL's new substation project will require the fee simple acquisition of a single parcel of agricultural land, estimated to be 6.9 acres subdivided from parent parcel ID A S 2900004, owned by Charles Weeks, David Weeks, and Donald Weeks (the Weeks). The Department was able to contact Charles Weeks, who was willing to speak on behalf of the impacted property owners and provide feedback on the proposed Project. The following section documents information submitted as a part of the AIN by WPL and relays the feedback and comments from the impacted agricultural landowners. The information helps inform the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural lands in general.

Wisconsin Power and Light (WPL)

Within the AIN submitted to the Department, WPL stated they considered alternative locations to site the new substation, however, the alternatives sites were in close proximity to existing confined animal feeding operations and were therefore deemed unsuitable for the proposed substation due to the close proximity. WPL selected parcel ID A S 2900004 in the Town of Sharon as it best met the needs of the Project, while minimizing potential agricultural impacts. WPL has approached the Weeks regarding the sale of a proportion of parcel ID A S 2900004 and the parties have entered into voluntary negotiations for the sale of the property. WPL also stated the proposed project would not result in adverse effects to the Weeks farming operation, which reportedly consists of 255 acres of rotational cash cropland and no livestock. As the Project will only require about four acres to site the substation, WPL specified that any excess land suitable for agriculture would be leased back to the Weeks at no cost for continued agricultural uses (DATCP, 2022a).

Charles Weeks, David Weeks, and Donald Weeks (the Weeks)

The Weeks own and operate approximately 255 acres of cropland used for the production of cash crops, namely corn and beans. Of the parcels owned by the Weeks, only 6.9 acres out of the 77.5 acre parent parcel (Parcel ID A S 2900004) lot will be impacted by the proposed Project. This parcel is located in the Town of Sharon, just north of the Village of Sharon within Walworth County (Figure 1).

The Weeks reported they are glad to help the Village of Sharon and the broader community grow by providing the land for the electrical substation that will power the new factory coming to the Village. The Weeks stated they are voluntarily negotiating with WPL for the fee simple sale of the estimated 6.9 acres on land from Parcel ID A S 2900004. The Weeks also reaffirmed that WPL has offered to lease back, at no cost, any excess lands from the 6.9 acre area that will not be used for the substation. The Weeks had no concerns regarding impacts to their ongoing agricultural operation or infrastructure, but they hoped the substation would be located within the 6.9 acre site in a way that maximizes access and agricultural use of any potential excess lands leased back to them (Charles Weeks, personal communication, April 2022).

Severance, Access and Wasteland

The acquisitions of agricultural property can result in agricultural parcel severance, removal of existing field access points and potentially the creation of wastelands and uneconomic remnant parcels. The circumstances (i.e. loss of access, severance, wasteland etc.) surrounding the impacts to each impacted remnant agricultural parcel are unique, thus some agricultural parcels may remain economically viable, while others may not. The following analysis will document the potential for severance, loss of access and potential creation of wastelands and uneconomic remnant parcels for agricultural Parcel ID A S 290000.

The final site designs for the new substation have not been provided to the Department at the time of this analysis. The Department recommends that WPL site the facility in a location that mitigates the effects of severance, access or creation of a wasteland on remnant agricultural lands.

Severance

Severing an agricultural parcel to accommodate a project effectively splits the existing parcel into two or more smaller parcels. Severing an agricultural parcel may remove existing access points, create agricultural wastelands or uneconomic remnant parcels, at times divide the operation of a farm and may result in farmland conversion. Based on preliminary boundaries of the Project, the location of the substation is unlikely to sever Parcel ID A S 2900004 into two or more remnant agricultural fields. That being said, WPL should consider locating the facility within the boundaries of the Project site that maximize the utility and viability of potential excess lands leased back for agricultural use as well as the remnant area of Parcel ID A S 2900004. For example, locating the footprint of the substation's gravel pad adjacent to the western property line of Parcel ID A S 2900004 would ensure unused lands offered back for agricultural use are directly adjacent to the remnant field.

Access

Acquisitions of farmland may remove existing points of access and entrances utilized by agricultural operations to access their remaining farmland. Based on the preliminary boundaries of the Project, the location of the substation is unlikely to impact the existing access point for Parcel ID A S 2900004, which is located approximately 250 ft to the east of the eastern Project boarder. Depending on where unused lands are offered back for agricultural use, WPL may need to consider creating an access point. For example, if the unused lands would be located to the west of the substation's gravel pad, forming a narrow strip between the substation and Parcel ID A S 3000001, it's unlikely that a tractor will be able to turn around within this strip and thus require an access point along the western border of Parcel ID A S 2900004.

Wasteland

Acquisitions that sever farmland frequently create small remnant fields that may be difficult to access or are irregularly shaped. Small remnant fields that are irregularly shaped can make it

difficult for agricultural equipment to navigate and reduce the amount of tillable acres, thus creating undeveloped land ([Wis. Stat. § 70.32\(2\)\(a\)\(5\)](#)) or what is commonly referred to as wasteland as shown in Figure 2. This in turn reduces agricultural productivity and decreases the economic viability of the land. Furthermore, as remnant fields decrease in size the proportion of wasteland (a result of narrow fields and sharp corners) increases, which further influences the fields overall productivity and economic viability. WPL should site the substation in a location on Parcel ID A S 2900004 that minimizes the creation of wasteland on remnant lands being offered back for agricultural use and to maximize the utility of the parcel remaining in agricultural use.

If remnant fields offered back for agricultural use are not economically viable to farm and are not required for expansion of the substation facility, WPL should consult the Walworth County Land Use and Resource Management Department-Conservation Division or other cooperative conservation agency for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area. Pollinator habitats may be of benefit to local ecosystems, agricultural production and other natural areas (DNR, 2022) and have the potential to improve the aesthetic of electric transmission facilities.

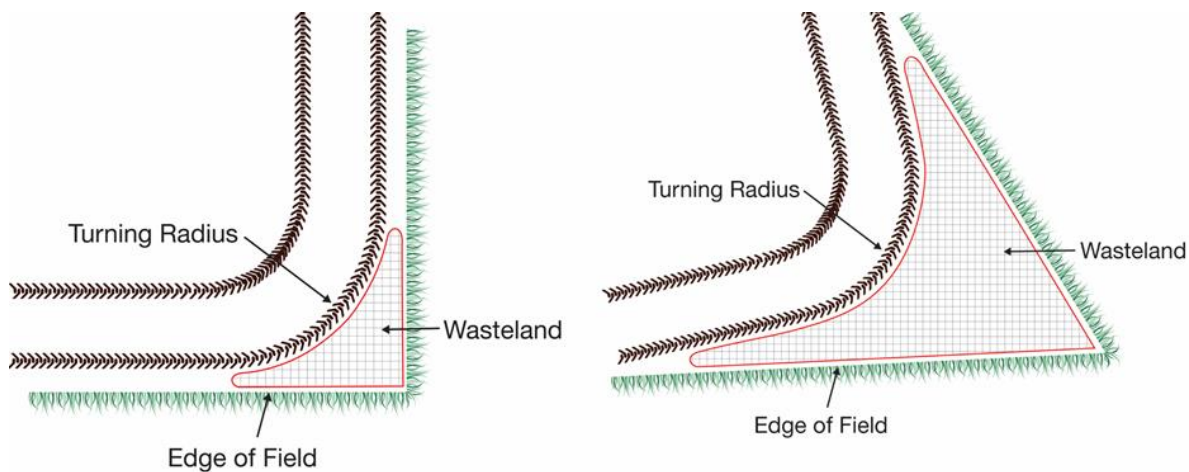


Figure A: Regular Shape

Figure B: Irregular Shape

Figure 2: Examples of agricultural wastelands created from regular shaped fields with square corners (Figure A) and irregular shaped fields with sharp or acute angles (Figure B) that may result from parcel severance.

Prime Farmland and Soils

The proposed acquisition and construction of the Sharon – West Substation will impact up to approximately 6.9 acres of agricultural lands and soils. The soils impacted by the proposed project were cataloged by soil map unit and soil texture using the Department’s prime farmland soils GIS layer. These soils were analyzed for impacts to soils designated as prime farmland, prime farmland if drained or farmland of statewide importance (Table 4). Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2017b) and is based on the ability of the land and soil to produce crops. Definitions of prime farmland, prime farmland if drained and farmlands of statewide importance are provided under Table 4.

Table 4: Soils impacted by the proposed WPL acquisition for new electric substation. Adjusted total acres reflect measured GIS acres for the proposed acres acquired in fee simple acquisition rather than assessed acres or total acreage reported in WPL's AIN.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained ^o (acre)	Farmland of Statewide Importance [‡] (acre)	Not Prime Farmland ^φ (acre)	Total (acre)
Silt Loam	6.8	0.0	0.1	0.0	6.9
<i>Project Total</i>					6.9

***Prime farmland** is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and may be utilized for cropland, pastureland, rangeland, forest land, or other lands excluding urban built-up land or water. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management.

^o**Prime farmland if drained**, indicates that if farmland is drained it would meet prime farmland criteria.

[‡]**Farmlands of statewide importance** are set by state agency(s). Generally, these farmlands are nearly prime farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields high as prime farmlands under proper conditions.

^φ**Not Prime farmland**, indicates farmland is neither prime farmland nor of designated importance.

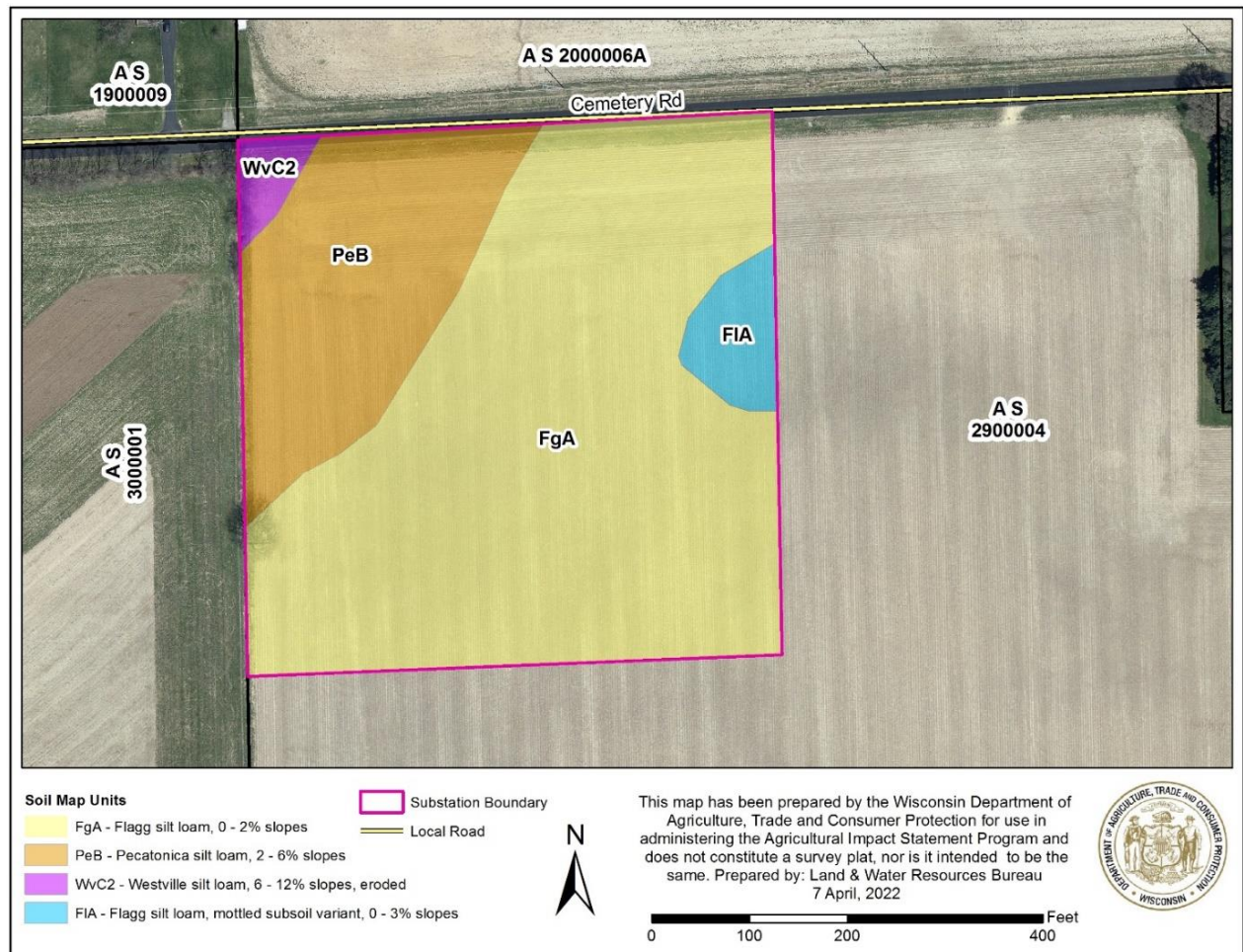


Figure 3: Soil map units for the proposed site of the WPL Sharon – West Substation project, in the Town of Sharon, in Walworth County (NW ¼ NW ¼ of Section 29, T01N, R15E).

All of the agricultural land impacted by the proposed fee simple acquisition holds some level of Federal or State priority designation. Specifically, the USDA has designated approximately 6.8 acres as prime farmland, while the State of Wisconsin has designated approximately 0.1 acres as farmland of statewide importance (Table 4, Figure 3). Across the impacted agricultural parcel, the soil consists of silt loam textured soils of various soil series. Silt loam soils are medium-textured soils (Cornell, 2017) with good soil structure, possess an ideal ability to hold onto water without becoming excessively wet and are usually best suited for crop production (UW-Extension, 2005). This soils analysis shows that WPL's proposed Sharon – West Substation project has the potential to remove both high quality soils and prime farmland from production.

Drainage and Soil Health

Maintaining proper field drainage and preserving soil health is vital to the success of an agricultural operation. If drainage is impaired, water can settle in fields and cause substantial damage, such as reducing soil health, harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. Soil structure, texture, organic matter and microorganisms are all important factors that influence soil health (Wolkowski and Lowery, 2008).

A topographic review of Parcel ID A S 2900004 suggests the majority of the proposed project boundary is generally flat. That said, the northwestern side of the Project area slopes downward toward Cemetery Rd, from east to west, at a 3 – 4% slope. According to the Public Service Commission of Wisconsin, new electrical substations require a stable and level ground surface to be constructed on (PSC, 2013). As is the case and depending on where WPL locates the substation within the Project boundary, some parts of the Project area may need to be regraded before the new substation facility is sited. WPL should consult the agricultural owner to determine how best to utilize the proposed project boundary and potential to locate the facility in a way that maximizes the amount of economically viable agricultural lands that can be leased back for agricultural use.

The substation final site plan will dictate where grading and or filling may be required to establish a stable and level surface for the new substation as well as any practices that may be required to capture or mitigate runoff from gravel pads, concrete foundations and access roads. The practice of grading may require the removal of topsoil, which will affect organic matter, nutrient and water holding capacity of the land. Grading of soils to prepare a construction site may increase soil compaction which can lower the holding capacity for water, resulting in runoff and or other drainage issues if unmanaged (USDA-NRCS, 2000). WPL should also consider consulting the Walworth County Land Use and Resource Management Department-Conservation Division to ensure that construction proceeds in a manner to minimize drainage issues and soil erosion.

In the unincorporated areas of Walworth County, land disturbance activities are subject to the county stormwater management and erosion control ordinance, except in towns that have adopted

a site erosion control and storm water management zoning ordinance under Wis. Stat. § 60.627. The Town of Sharon has not adopted a Town construction site erosion control and stormwater management zoning ordinance and is subject to Walworth County's Construction and Erosion Control Ordinance (Walworth County, 2021b). The County's Construction and Erosion Control Ordinance defines erosion control and stormwater management measures, permitting, and enforcement mechanisms to ensure stormwater runoff, soil erosion, siltation and sedimentation resulting from any proposed development activity is controlled (Walworth County, 2021b). WPL should consult the Walworth County Land Use and Resource Management Department-Planning Division for applicable construction site erosion control and stormwater management requirements and permits to ensure that construction proceeds in a manner to minimize drainage issues and soil erosion for lands projected to remain in agricultural use and for the project site in general.

The excess area of the Project boundary that can be leased back for agricultural use will likely have been impacted by construction activities. Prior to leasing back the excess land, WPL should consider taking the following measures:

- Restoration of topsoil including but not limited to: soil decompaction, clearing debris and rocks for soil, and top soil replacement where top soil has been removed.
- Where runoff and concentrated overland flow may leave the project site and pass onto the remnant agricultural parcel: install a vegetated buffer, berm, or other control practice to mitigate soil erosion or negative drainage impacts to the receiving agricultural soils.

If WPL conducts vegetation management activities at the Sharon – West Substation using herbicides that have the potential to impact remnant agricultural lands, WPL should first inform the landowner owner and/or agricultural operator of the remnant field.

V. REFERENCES

- Azadi, H., P. Ho, and L. Hasfiat. 2010. Agricultural land conversion drivers: A comparison between less developed, developing and developed countries. *Land Degradation & Development*. doi:10.1002/ldr.1037
- Borchers, A., J. Ifft, and T. Kueth. 2014. Linking the Price of Agricultural Land to Use Values and Amenities. *American Journal of Agricultural Economics*. 96(5): 1307–1320. doi:10.1093/ajae/aau041
- Cornell University (Cornell). 2017. Soil Health Manual Series Fact Sheet Number 16-04: Soil Texture. Retrieved from https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/f/5772/files/2016/12/04_CASH_SH_Series_Texture_Fact_Sheet_072717-286kw9f.pdf (accessed 7 April 2022).
- Guiling, P., B. Brorsen, and D. Doye. 2009. Effect of Urban Proximity on Agricultural Land Values. *Land Economics*. 85(2): 252-264. doi: 10.3368/le.85.2.252
- Mothorpe, C., A. Hanson, and K. Schnier. 2013. The Impact of Interstate Highways on Land Use Conversion. *Annals of Regional Science*. 51(3). doi: 10.1007/s00168-013-0564-2
- Public Service Commission (PSC). 2013. Environmental Impacts of Substations. Retrieved from <https://psc.wi.gov/Documents/Brochures/Impacts%20of%20Substations.pdf> (accessed 7 April 2022).
- U.S. Department of Agriculture - Natural Resources Conservation Service, (USDA-NRCS). 2000. Erosion and Sedimentation on Construction Sites. Retrieved from https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053285.pdf (accessed 7 April 2022).
- U.S. Department of Agriculture (USDA). 1997. 1997 Census Volume 1, Chapter 2: County Data: Table 6. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 1997 and 1992. Retrieved from https://agcensus.library.cornell.edu/wp-content/uploads/1997-Wisconsin-CHAPTER_2_County_Data-1600-Table-06.pdf (accessed 23 March 2022).
- U.S. Department of Agriculture (USDA). 2017a. 2017 Census Volume 1, Chapter 2: State Level Data: Table 8. Farms, Land in Farms, Value of Land and Buildings, and Land Use: 2017 and 2012. Retrieved from https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Wisconsin/st55_2_0008_0008.pdf (accessed 23 March 2022).
- U.S. Department of Agriculture (USDA). 2017b. Title 430 - National Soil Survey Handbook: Part 622 – Interpretive Groups. Retrieved from <https://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=41985.wba%20> (accessed 7 April 2022).
- U.S. Department of Agriculture (USDA). 2019. Farm Service Agency: Conservation Reserve Program. Retrieved from https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/2019/conservation-reserve_program-fact_sheet.pdf (accessed 23 March 2022).
- University of Wisconsin-Extension (UW-Extension). 2005. A3588: Management of Wisconsin Soils. Madison, WI. Retrieved from <https://soilsextension.webhosting.cals.wisc.edu/wp-content/uploads/sites/68/2014/02/A3588.pdf> (accessed 7 April 2022).
- Walworth County. 2009. Multi-Jurisdictional Comprehensive Plan Update for Walworth County: 2035. Retrieved from <https://www.sewrpc.org/SEWRPCFiles/Publications/CAPR/capr-288-comprehensive-plan-for-walworth-co-2035.pdf> (accessed 29 March 2022).

- Walworth County. 2012. *Walworth County Farmland Preservation Plan*. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Walworth County. 2021a. Walworth County Code of Ordinances. Section 74-51 *Agricultural Districts*. Retrieved from https://library.municode.com/wi/walworth_county/codes/code_of_ordinances?nodeId=WACOCOOR_CH74ZO_ARTIIZOOR_DIV3ZODI_S74-51AGDI (accessed 24 March 2022).
- Walworth County. 2021b. Walworth County Code of Ordinances. Section 58-13 *Construction*. Retrieved from https://library.municode.com/wi/walworth_county/codes/code_of_ordinances?nodeId=WACOCOOR_CH58SU_S58-13CO (accessed 7 April 2022).
- Wisconsin Department of Administration (WisDOA). 2013a. Wisconsin Geography Maps and Graphics: Core based and combined Metropolitan Statistical Areas. Retrieved from <https://doa.wi.gov/DIR/CoreBasedCombinedStAreas.xlsx> (accessed 24 March 2022).
- Wisconsin Department of Administration (WisDOA). 2013b. Population and Household Projections, produced in 2013, based from 2010 Census: State Population Projections 2010-2040. *County Age-Sex Population Projections, 2010-2040*. Retrieved from https://doa.wi.gov/DIR/Proj_cofinal_2010_2040Web.xlsx (accessed 24 March 2022).
- Wisconsin Department of Administration (WisDOA). 2013c. Population and Household Projections, produced in 2013, based from 2010 Census: State Population Projections 2010-2040. *MCD and Municipal Population Projections, 2010-2040*. Retrieved from https://doa.wi.gov/DIR/Proj_munifinal_2010_2040.xlsx (accessed 24 March 2022).
- Wisconsin Department of Administration (WisDOA). 2020. Wisconsin Geography Maps and Graphics: 2020 Population Density. Retrieved from https://doa.wi.gov/Pages/LocalGovtsGrants/Wisconsin_Geography_Maps_and_Graphics.aspx (accessed 24 March 2022).
- Wisconsin Department of Administration (WisDOA). 2021. County Final Population Estimates. Retrieved from https://doa.wi.gov/DIR/Final_Ests_Co_2021.xlsx (accessed 24 March 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2019a. CREP: Conservation Reserve Enhancement Program. Retrieved from <https://datcp.wi.gov/Documents/CREPBrochure.pdf> (accessed 23 March 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2019b Drainage Districts in Wisconsin. Retrieved from <https://datcp.wi.gov/Documents2/DrainageProgramFactsheet.pdf> (accessed 23 March 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2022a. Agricultural Impact Notice for Non-Linear Projects ARM-LWR-358 rev 01/22: *Wis Power and Light Sharon West land purchase*. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2022b. Alliant Energy Sharon West DATCP Letter: *Purchase of approximately seven (7) acres of agricultural land by a public utility company with non-use of Eminent Domain and with no Wisconsin Public Service Commission review*. Alliant Energy. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2021c. Designated Agricultural Enterprise Areas (AEAs). Retrieved from https://datcp.wi.gov/Pages/Programs_Services/DesignatedAEAs.aspx (accessed 23 March 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2022. Interactive Map of Wisconsin Drainage Districts. <https://datcpgis.wi.gov/maps/?viewer=dd> (accessed 24 March 2022).

- Wisconsin Department of Natural Resources (DNR). 2022. Saving Wisconsin's Native Pollinators. Retrieved from <https://dnr.wisconsin.gov/topic/endangeredresources/pollinators.html> (accessed 31 March 2022).
- Wisconsin Department of Revenue (WisDOR). 2021. Wisconsin MSA Outlook – September 2021. Retrieved from https://www.revenue.wi.gov/DORReports/WI-MSA_Outlook_Sept_2021.pdf (accessed 8 April 2022).
- Wolkowski, R., and B. Lowery. 2008. A3367: Soil Compaction: Causes, concerns, and cures. University of Wisconsin-Extension. Retrieved from <https://cdn.shopify.com/s/files/1/0145/8808/4272/files/A3367.pdf> (accessed 23 March 2022).

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