

# AGRICULTURAL IMPACT STATEMENT



DATCP File Photo

**DATCP  
#4650**

**County Highway T  
Reconstruction and Reconditioning:  
Alpine Road – 33<sup>rd</sup> Avenue  
Chippewa and Eau Claire Counties**



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

***PUBLISHED JULY 21, 2025***

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**DATCP #4650**

CTH T Reconstruction and Reconditioning:  
Alpine Road to 33<sup>rd</sup> Avenue

Chippewa and Eau Claire Counties

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

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## MISSION STATEMENT

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Dear Reader,

Through the Agricultural Impact Statement ("AIS") program, agricultural operations have the opportunity to provide feedback, document impacts, and suggest alternative solutions when their agricultural lands are affected by an entity with the potential powers of eminent domain. The AIS program also provides affected agricultural landowners time to gather information to make well-informed decisions before a study begins. Lastly, the AIS program makes suggestions and recommendations to study initiators to promote study alternatives and management practices that would reduce potential impacts to agricultural lands and operations.

The AIS program also serves the needs of the study 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 study development and oversight processes in order to support agricultural operations and 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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## ACRONYMS

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AEA	Agricultural Enterprise Area
AIN	Agricultural Impact Notification
AIS	Agricultural Impact Statement
CREP	Conservation Reserve and Enhancement Program
CRP	Conservation Reserve Program
CTH	County Trunk Highway
DATCP	Department of Agriculture, Trade, and Consumer Protection
FP	Farmland Preservation Program
FSA	Farm Service Agency
MFL	Managed Forest Law
ROW	Right-of-Way
STH	State Trunk Highway
USDA	U.S. Department of Agriculture
WisDNR	Wisconsin Department of Natural Resources
WisDOT	Wisconsin Department of Transportation
WPDES	Wisconsin Pollutant Discharge Elimination System

# SUMMARY OF AGRICULTURAL IMPACT STATEMENT

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4650 for the proposed acquisition of agricultural land by Eau Claire County and Chippewa County (the Counties) along a 3.5 mile corridor of County Trunk Highway T (CTH T) from 33<sup>rd</sup> Avenue to Alpine Avenue in Chippewa and Eau Claire Counties, WI (Figure 1). Eau Claire County (ECC), the Local Public Agency (LPA), in coordination with the Wisconsin Department of Transportation (WisDOT) will serve as the project manager throughout the design and construction phase of the project, while Chippewa and Eau Claire will be the authority for land acquisitions and easement agreements for land within their respective counties. ECC has indicated the main reasons for the CTH T project are to improve safety, improve the condition of existing pavement and to construct a single span bridge over the existing railroad right of way (ECC, 2025). In order to meet the CTH T project needs, ECC has selected a preferred alternative that proposes to reconstruct and recondition this section of roadway.

ECC evaluated two project alternatives, including a no-build alternative for a base line comparison to the preferred alternative. Based on the alternatives analysis, ECC selected the preferred alternative, which calls for the reconstruction and reconditioning of CTH T (Section 2: *Project Description*). ECC stated the preferred alternative would improve the safety and efficiency of the roadway (ECC, 2025). Under the selected alternative, ECC proposes to reconstruct 3.5 miles of CTH T beginning in the Town of Wheaton at the intersection of 33<sup>rd</sup> Avenue and CTH T and ending at the intersection of Alpine Road and CTH T (Figure 1). As proposed, the selected alternative will impact 46.11 acres of agricultural lands and 9 agricultural landowners.

In accordance with [Wis. Stat. §32.035\(3\)](#), the Counties and WisDOT have provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted agricultural property owners and operators impacted by the selected alternatives. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed the materials and comments from the affected agricultural property owners and operators of the selected alternatives to assess the agricultural impacts of the proposed reconstruction and reconditioning of CTH T. Through the AIS analysis, the Department offers a set of recommendations and conclusions to WisDOT, the Counties and the agricultural landowners and operators to help mitigate current and future impacts on agricultural lands and agricultural operations at the selected sites.

If WisDOT or the Counties deviate from the selected alternative or the selected sites, ECC shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may generate an addendum to this AIS, if warranted.



## County Highway T Reconstruction - AIS 4650

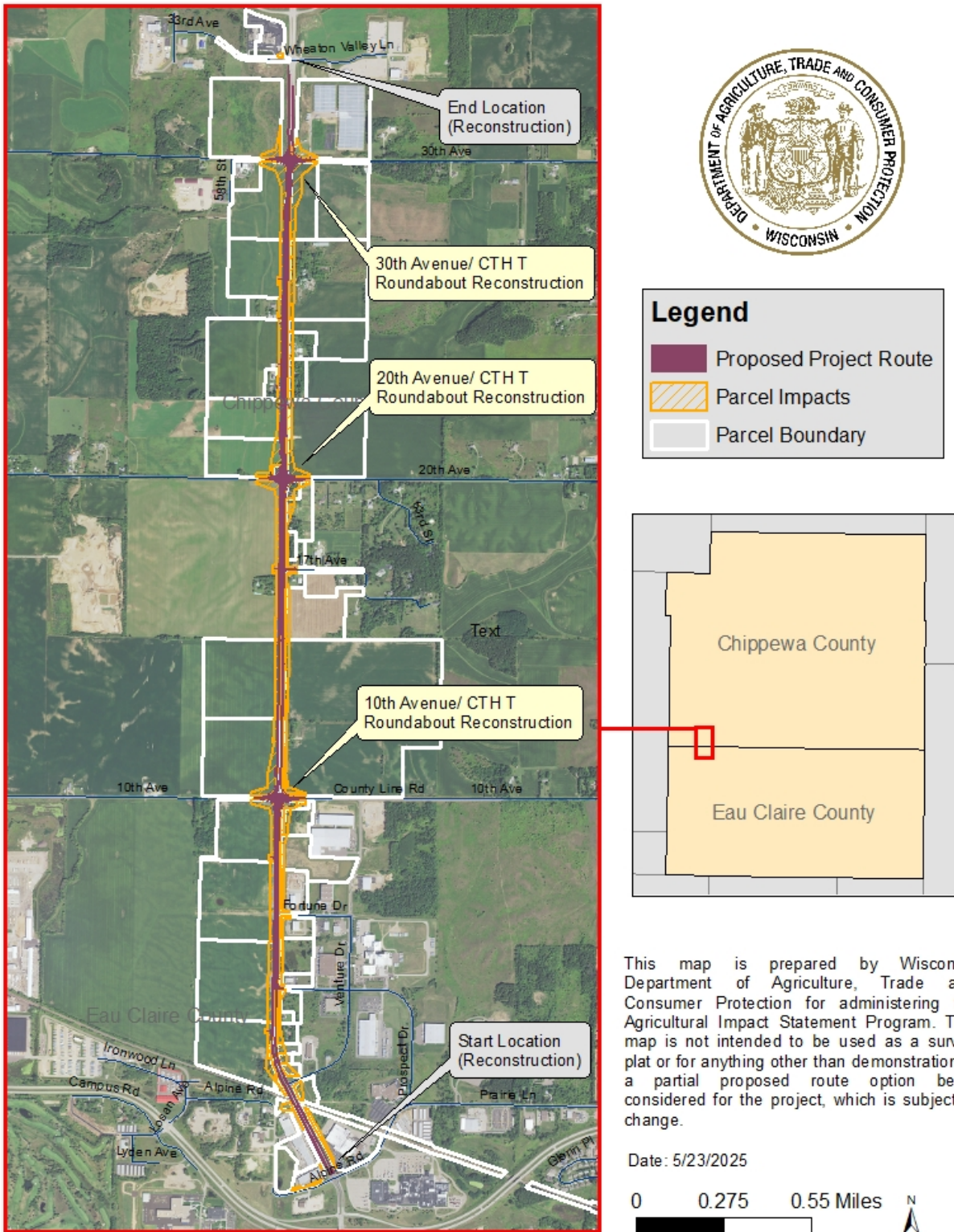


Figure 1: Location of the proposed reconstruction and reconditioning of County Trunk Highway T (CTH T) within Towns of Wheaton and Union, Chippewa and Eau Claire Counties as well as the City of Eau Claire, Eau Claire County, WI.



# AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has reviewed and analyzed the materials provided by the Wisconsin Department of Transportation (WisDOT), Eau Claire County and Chippewa County (the Counties) and comments from the affected agricultural property owners and operators regarding the proposed reconstruction and reconditioning of County Trunk Highway (CTH) T from 33<sup>rd</sup> Avenue to Alpine Avenue in Chippewa and Eau Claire Counties, WI. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to ECC, WisDOT and agricultural landowners and operators to help mitigate impacts on agricultural lands and agricultural operations.

## Recommendations to the Counties and WisDOT

1. If there is adequate growing season for a crop to mature and be harvested after the Counties acquire the impacted lands, but before reconstruction and reconditioning of CTH T begins, the Counties should allow the current agricultural operators to harvest a crop for that season to the degree possible.
2. During the project design phase, the Department recommends WisDOT consult with the Eau Claire and Chippewa County Conservationists for input on whether planned land restoration and planting of the landscape around the new roadway minimize drainage problems, soil erosion and soil compaction on the remaining remnant agricultural lands as well as adjacent properties.
3. ECC should consult with agricultural landowners and operators who have historical knowledge of flooding and runoff problems, to ensure that new or replacement culverts, ditches, and other runoff management structures for the new roadway are adequate for anticipated storm events.
4. ECC should consult with the affected agricultural landowners and operators to ensure any relocated or newly established agricultural land access points are located in areas that provide safe and efficient access to remnant agricultural properties.
5. As proposed, reconstruction and reconditioning of CTH T will impact one agricultural parcel with the potential of leaving uneconomic remnants. The remnant parcel ID 22810-3622-04000000 may no longer be economically viable agricultural lands given the future size, access limitations, decreased agricultural productivity. Given these circumstances, the remnants of above mentioned parcel could be considered uneconomic remnants according to [Wis. Stat. 32.05\(3m\)](#) and the Counties should work with the landowner to determine if this project will cause uneconomic remnant agricultural fields. If so, the Counties should consider purchasing the remnant lands from the landowners.

6. ECC should provide agricultural landowners and operators advanced notice of acquisition and construction schedules so that agricultural activities can be adjusted accordingly.

### **Recommendations to Agricultural Landowners and Operators**

1. The affected agricultural landowners should fully describe and discuss property improvements and agricultural operations with appraisers that have experience with appraising agricultural land so that the appropriate value of the affected property can be established.
2. Given the proposed project may create uneconomic remnants according to [Wis. Stat. §32.05\(3m\)](#) of parcel IDs 22810-2523-00000000, 22810-3622-04000000 and 22810-2641-00020000, the Counties may be obligated to extend an offer to purchase the affected agricultural land. Should the affected agricultural landowner be interested in selling the remnant agricultural field(s) to the Counties, the landowner should consider opening a dialogue now so that the property valuation reflects its current condition.
3. Prior to the start of construction, landowners should identify for WisDOT where construction activities may interfere with farm operations, farm building/facilities or farming infrastructure including but not limited to drain tiles, wells, watering systems, drainage ditches, culverts, fencing, farm access roads, or grain bins.
4. After construction is complete, landowners and ECC should carefully monitor for the emergence of drainage problems. If problems are observed that can be attributed to roadway construction, the landowner and ECC should work together to develop a mutually agreeable solution.
5. The affected farmland owners should inform tenant agricultural operators if the Counties have made a jurisdictional offer, under the power of eminent domain.

# AGRICULTURAL IMPACT STATEMENT

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## 1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4650 in accordance with [Wis. Stat. §32.035](#) for the proposed reconstruction and reconditioning of County Trunk Highway (CTH) T from 33<sup>rd</sup> Avenue to Alpine Avenue in Chippewa and Eau Claire Counties, WI (Figure 1) by Eau Claire County (ECC). The reconstruction and reconditioning of this 3.5 mile section of CTH T will occur within the Towns of Wheaton and Union, Chippewa and Eau Claire County as well as the City of Eau Claire, Eau Claire County, WI.

In Wisconsin, Wisconsin Department of Transportation (WisDOT) is responsible for planning, building and maintaining Wisconsin's network of state highways and Interstate highway system. WisDOT also collaborates with Counties to share the costs of building and operating Wisconsin's county highways. In order to achieve its responsibilities to the residents of Wisconsin, WisDOT may be required to draw upon its vested authority of condemnation under [Wis. Stat. §84.09](#). Vested with the power of condemnation, WisDOT projects that impact agricultural lands are also subject to Wisconsin's AIS statute [Wis. Stat. §32.035](#). In personal communications, the Department confirmed that Eau Claire County (ECC), the Local Public Agency (LPA), in coordination with the Wisconsin Department of Transportation (WisDOT) will serve as the project manager throughout the design and construction phase of the project, while Chippewa and Eau Claire will be the authority for land acquisitions and easement agreements for land within their respective counties (Jon Johnson, personal communications, May 2025).

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 established under [Wis. Stat. §32.035\(4\)\(d\)](#), if the Counties intend to actualize its powers of condemnation at any point during the project through a jurisdictional offer(s), the Counties may

not negotiate with an owner or make a jurisdictional offer until 30 days after the agricultural impact statement has been published. If ECC deviates from the selected alternative or the selected sites, ECC 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.

The full text of [Wis. Stat. §32.035](#) is included in Appendix C. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices B and D.

## 2. PROJECT DESCRIPTION

### Project Summary

Eau Claire County (ECC), the Local Public Agency (LPA), in coordination with the Wisconsin Department of Transportation (WisDOT) has provided the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) with an agricultural impact notification (AIN) and the requested spatial materials for analysis of the proposed project (ECC, 2025). The AIN and requested materials serve as the main reference documents for the project, the existing roadway, the project need and project alternatives. The proposed project presented here represents ECC's preferred alternative.

ECC has proposed to reconstruct and recondition a 3.5 mile corridor of County Trunk Highway T (CTH T) from 33<sup>rd</sup> Avenue to Alpine Avenue within the Towns of Wheaton and Union, Chippewa and Eau Claire Counties as well as the City of Eau Claire, Eau Claire County, WI (Figure 1). The project purpose is to address anticipated safety, operational and multi-modal deficiencies of CTH T as development expands in the area. Under the selected project design, ECC will: remove the old two-lane pavement structure in its entirety, replace pavement structure with a new four-lane pavement structure that has wider driving lanes and wider shoulders, add roundabouts to several intersections, add sidewalks to east and west sides of the road in various sections, installation of grade separation bridge over existing railroad, convert several side roads to cul-de-sacs.

As proposed, the selected preferred alternative will impact 9 agricultural landowners and a total of 46.11 acres of agricultural lands through 0.49 acres of temporary highway easements and 45.61 acres of fee-simple land acquisitions (i.e to purchase full ownership and rights). The Counties anticipate beginning land acquisitions in August 2025, with a tentative date to start construction of April 2027. A full list of the impacted acres for each agricultural landowner is provided in Table 1 (Section IV: *Agricultural Impact*).

## **Project Design, Existing Roadway**

ECC has denoted that the proposed reconstruction CTH T will begin in Eau Claire County where Alpine Road intersects with CTH T and end in Chippewa County where 33<sup>rd</sup> Avenue intersects CTH T. Intersections with side roads will be adjusted in the following ways:

- The intersection of 10<sup>th</sup> Avenue and CTH T will be reconstructed as a two-lane roundabout
- The intersection of 20<sup>th</sup> Avenue and CTH T will be reconstructed as a two-lane roundabout
- The intersection of 30<sup>th</sup> Avenue and CTH T will be reconstructed as a two-lane roundabout
- The Intersection of Venture Drive and CTH T will be removed and replaced with a cul-de-sac.
- The Intersection of Fortune Road and CTH T will be removed and replaced with a cul-de-sac.
- The intersection of Prospect Drive and CTH T will remain in the existing location, but the profile will be adjusted to match that of CTH T.
- The intersection of 17<sup>th</sup> Avenue and CTH T will remain in the existing location, but the profile will be adjusted to match that of CTH T.

The intersection of CTH T and 33<sup>rd</sup> avenue, project end location, will remain in the same location. Noted shifts in the project design are proposed to improve the safety of travel within the project corridor. Existing ditches and culvert pipes along CTH T will be replaced with new storm sewer to afford improved stormwater management, ensuring drainage is maintained and that water leaving or intersecting the roadway flows properly.

## **Project Right-of-Way (ROW)**

In order to accommodate the reconstruction of driving lanes and shoulders along CTH T, new right-of-way (ROWs) will be acquired along the entire length of the project. According to the submitted AIN from ECC, the width of the ROW will range from 66 to 450 ft. The width of ROW will vary to accommodate the variety of design factors along the proposed roadway including: intersection sight distance, realignments (vertical and horizontal) and drainage improvements.

## **Alternatives**

As part of the AIN submitted to the Department, ECC evaluated two alternatives during the design process for the proposed CTH T project (ECC, 2025). During the design process, ECC evaluated two alternatives (denoted here as no build and reconstruct), to address the primary concerns for the existing 3.5 mile corridor of CTH T in Eau Claire and Chippewa Counties. Broadly speaking, ECC evaluated the alternative's ability to improve safety along this section of CTH T, address the pavement concerns and reduce impacts to surrounding landowners. Through their analysis, ECC selected the reconstruction option as their preferred alternative, as it best addressed the primary project goals while minimizing the amount of permanent right-of-way required to complete the

proposed project. The no build option was used as a baseline of repaving the surface and does not achieve the project goals.

### **3. AGRICULTURAL SETTING**

#### **Farmland Preservation Program**

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 Agricultural Enterprise Areas (AEA) to achieve further land protections and ensure that farmland covered by the plan is eligible for farmland preservation tax credits. Such ordinances and AEA's must also be certified by the Department of Agriculture, Trade and Consumer Protection (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***

##### **Chippewa County**

The Department certified Chippewa County's current FP plan in 2015 for a ten-year period ending in 2025 (Chippewa County, 2015). The criteria for land planned for FP in Chippewa County includes removing any land that is within an incorporated area, within the boundaries of the Eau Claire Sewer Water Service Area, any land that is publicly owned, any parcels less than 5 acres in size that is not assessed as agricultural, and any parcel that is zoned other than agricultural or conservancy. Any land that is within Chippewa County's Agricultural Enterprise Area is included in the FP area, regardless of the other criteria (Chippewa County, 2015). All towns in Chippewa County have lands that are planned for FP as part of the county's FP Plan. Approximately 6.64 acres planned for farmland preservation in the county's FP plan are affected by the Project's proposed route in the Town of Wheaton.



### *Eau Claire County*

The Department certified Eau Claire County's current FP plan in 2015 for a ten-year period ending in 2025 (Eau Claire County, 2015). The criteria for land planned for FP in Eau Claire County includes land within a certified FP zoning district, lands that have historically participated in the FP program, lands with verified agricultural uses, lands with NRCS Class I-III soils, and lands that are in Managed Forest Law or Forest Crop Law and are outside residential or transitional areas (Eau Claire, 2015). All towns in Eau Claire County have lands that are planned for FP as part of the county's FP Plan. No lands planned for farmland preservation in the county's FP plan are affected by the Project's proposed route.

### ***Farmland Preservation Zoning***

#### *Chippewa County*

Establishing FP zoning strengthens farmland protections beyond what an FP plan affords. A review of the Department's FP program participation map shows that the jurisdictions impacted by the proposed CTH T project within Chippewa County do not have certified FP zoning.

#### *Eau Claire County*

A review of the Department's FP program participation map shows that the jurisdictions impacted by the proposed CTH T project within Eau Claire County, the Town of Union, does have certified FP zoning. The project initiator should consult Eau Claire County's zoning department to identify if additional restrictions apply and to ensure compliance with local zoning regulations.

### ***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 a minimum of ten years (or fifteen years if signed before December 8, 2023) in exchange for eligibility for the farmland preservation tax credit. It is possible that new agreements could be enrolled between the time of this analysis and potential construction of finalized designs related to the project corridor.

A review of the Department's AEA program shows the proposed project does not impact any AEAs in either Chippewa or Eau Claire County at the time of this analysis.

The construction of a new transmission line is a non-conforming land use on lands subject to an effective farmland preservation agreement within an AEA, according to Wis. Stat. § 91.62(1)(c). Agricultural lands covered by an effective FP agreement, where a non-conforming land use is planned, are required to release the affected lands prior to the initiation of the non-conforming land use. Landowners should contact the Department to release affected agricultural lands from an FP

agreement. As part of the release, the Department is required to collect a conversion fee, according to Wis. Stat. § 91.66, to release lands from an FP agreement. The Project's proposed route does not encroach upon effective FP agreements within AEAs.

Prior to 2009, owners of eligible farmland could sign 10 to 25-year FP agreements outside of AEA boundaries. There are no effective pre-2009 FP agreements located within the Project's proposed route.

### ***Purchase of Agricultural Conservation Easement Programs (PACE)***

The 2009 - 2011 State of Wisconsin budget authorized the state Purchase of Agricultural Conservation Easement (PACE) Program under [Wis. Stats. § 93.73](#), which is intended to provide matching funds to assist local governments and non-profits with the purchase of permanent agricultural conservation easements. The intent of the PACE program is to preserve agricultural land of significance at risk of development and to provide an additional layer of permanent protection to certified FP planned areas and designated AEAs. Post PACE acquisition, the partnering local entity and the Department co-hold the agricultural conservation easement voluntarily purchased from landowners. At the time of this analysis, the state's PACE Program is not currently funded or accepting new applications. However, the state currently holds 17 PACE easements. A review of the Department's PACE Program shows the project would not impact any state held PACE easements.

Counties and private non-governmental organization such as land trusts may also hold agricultural conservation easements. Based on a review of the National Conservation Easement Database, the Department could not find any publicly held easements that would be impacted by the Project (NCED, 2025). While this search did not yield results, there is still the potential for conservation easements held on land that may be impacted by the project. The Department recommends that the project initiator inquire if there are conservation easements on parcels proposed to be impacted by the parcels, and that landowners share information about the presence of conservation or agricultural easements on the land proposed to be impacted, as well as any restrictions set forth by those easements.

### **Drainage Districts**

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board for the primary purpose of draining of lands for agricultural use (DATCP, 2021). 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.

A review of the Department's Drainage Program database indicates that no drainage districts will be directly impacted by the Project.

## 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.

It is the responsibility of the landowner to maintain their CREP or CRP agreements, and they can work with the project initiator to maintain this compliance. The Department recommends that the landowners or farm operators with a CREP or CRP agreement consult with their local FSA contact and discuss the impacts of the proposed project to determine what information is necessary to share with the project initiator in order to maintain compliance with CREP or CRP agreements.

### *Conservation Reserve Enhancement Program (CREP)*

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, 2019).

A review of the Department's CREP records indicated that the proposed reconstruction and reconditioning of CTH T would not directly impact any current CREP fields or easements.

### *Conservation Reserve Program (CRP)*

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, 2019b). 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, 2019b). CRP enrollment information is privileged to the USDA and CRP program participants. The Department is therefore unable to determine if any of the impacted agricultural parcels are enrolled within the CRP program, unless landowners voluntarily share this information with the Department.

Of the 3 responses to the Department's pre-construction questionnaire, zero of the landowners impacted by the project included that part of their land is enrolled within CRP.

The Department advises the County to:

- Work with landowners to identify effective CRP agreements prior to any construction or site disturbance activities

- Coordinate with the appropriate Wisconsin CRP contact regarding effective CRP contracts within the project area and coordinate with FSA regarding impact mitigation to CREP enrolled lands and/or potential contract (CRP-1) releases within 12 months of expected construction or site disturbance activities.

### **Managed Forest Law (MFL)**

The MFL program is a voluntary sustainable forestry program administered by the Department of Natural Resources (WisDNR) under [subch. III of ch. NR 46](#). In exchange for reduced property taxes eligible landowners commit to a 25-50 year sustainable forest management plan on their privately owned woodlands. Sustainable forestry practices such as harvesting mature timber according to sound forest management practices and reforestation and afforestation of land to meet the size and density requirements are required in enrolled landowner's management plans. Land with buildings or improvements associated with buildings are not eligible for MFL. Exceptions such as utility right of ways are permitted such that the project and its ROW will not interfere with future or current MFL eligibility (WisDNR, 2017).

The Department recommends that all landowners review potential implications of the Project's proposed area to their MFL enrolled lands. Impacted landowners should visit the WisDNR Forestry Assistance Locator website [www.dnr.wi.gov/fal/](http://www.dnr.wi.gov/fal/) to find their local DNR Tax Law Forestry Specialist and discuss the implication of the route to their MFL enrolled lands.

A review of the statewide parcel data indicates that the Project's proposed route will not impact any acres enrolled in the MFL program.

## **4. 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 discussion of alternatives that may reduce impacts to agricultural lands.

In order to promote the opportunity for alternatives, the Department has used information provided by ECC for this AIS and information gathered by the Department from agricultural landowners to analyze the potential agricultural impacts of the proposed reconstruction and reconditioning of CTH T from Alpine Road to 33<sup>rd</sup> Avenue in Eau Claire and Chippewa Counties, WI. The analysis of the agricultural impacts and conclusions drawn from the analysis form the basis of the Department's recommendations within the *Agricultural Impact Statement Recommendation* Section above.

## Farmland Acquisitions and Landowner Concerns

The proposed improvements to CTH T will require the Counties to impact 46.11 acres of agricultural lands using fee-simple acquisitions and temporary easements from nine agricultural operations (Table 1). The Department contacted agricultural landowners and agricultural tenant operations who had agricultural impacts of one or more acres as shown in Table 1 (ECC, 2025). The following section relays the feedback and comments received from stakeholders and agricultural landowners through the Department's efforts as well as ECC. The information obtained will help form the basis of the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural landowners in general.

Agricultural tenant operators impacted by the reconstruction and reconditioning of CTH T may be eligible for a farm replacement payment from the Counties in accordance with [Wis. Stat. §32.19\(4m\)\(b\)](#) if the Counties exercises the powers of eminent domain through a jurisdictional offer to the agricultural property owner. A voluntary sale between the Counties and an agricultural property owner, after a jurisdictional offer has been made, would not negate the potential for a farm replacement payment.

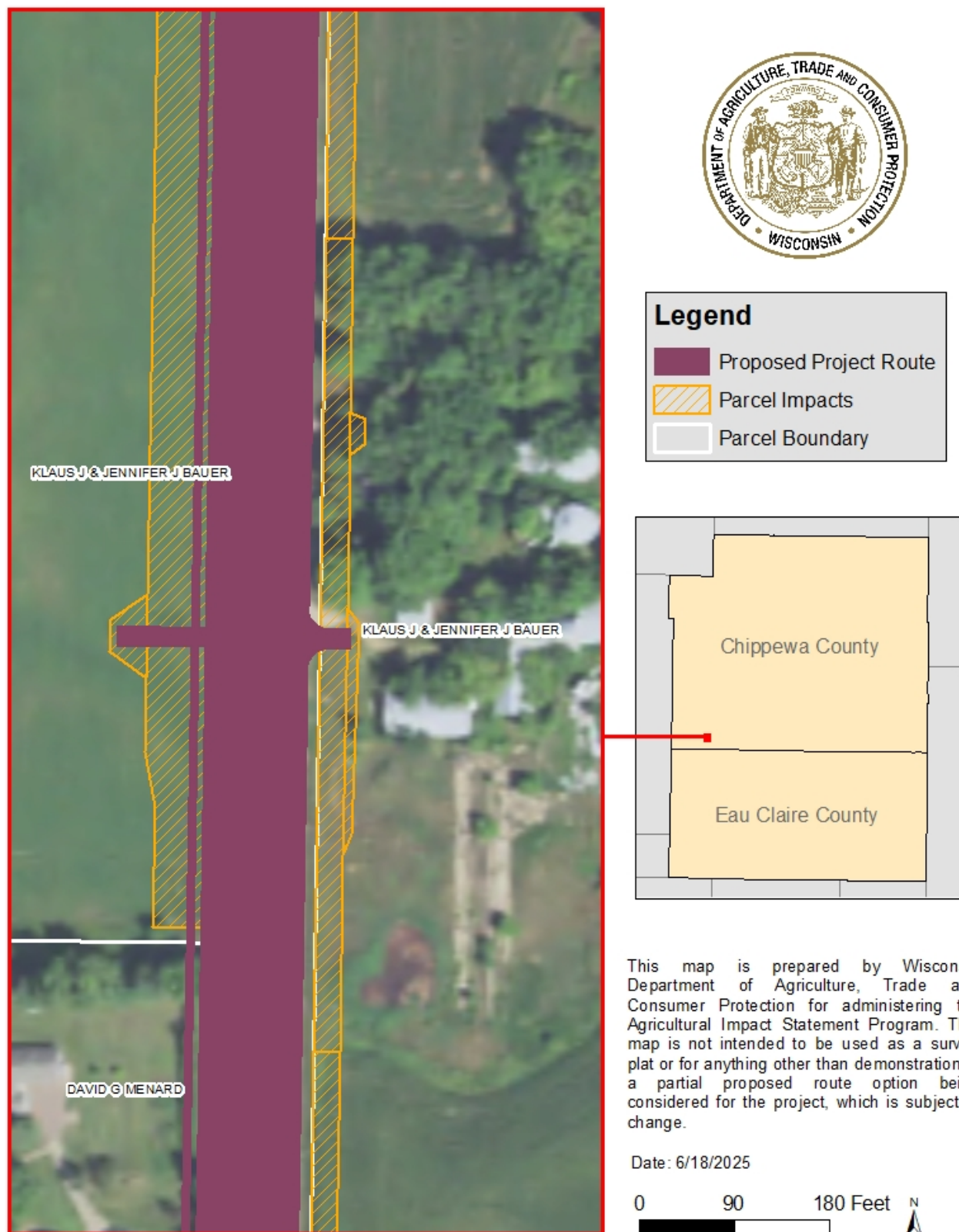
### *Klaus and Jennifer Bauer*

Klaus and Jennifer Bauer's farm operation includes 367 acres of combined cropland, pasture, managed woodlands, idle farmland and home and farm buildings. The Bauers documented concerns related to loss of productive farmland, farm buildings and access issues.

The Bauers added concerns of safe movement of agricultural machinery and vehicles along the corridor both during and after construction. ECC should provide agricultural landowner(s) and operator(s) advanced notice of acquisition and construction schedules so that agricultural activities can be adjusted accordingly. The Bauers also indicated that there are two driveways into their property instead of the one that is indicated in Figure 2. The Department recommends that ECC consult with the Bauers on the existing structures, any fencing changes related to livestock and access to the farmland and residential/farm property.

Figure 2: Project impacts on parcel 22810-2523-00000000 on access and severance.

## County Highway T Reconstruction - AIS 4650





### ***Gary Menard***

Gary Menard's farm operation includes 453 acres of combined cropland, woods, roads and grassland in and around the project corridor. Gary documented that the proposed project has the potential to impact access and farm buildings including seven grain bins, crop dryer, air system, control building 600 amp electrical and pole building.

Prior to the start of construction, landowners should identify for ECC where construction activities may interfere with farm operations, farm building/facilities or farming infrastructure including but not limited to drain tiles, wells, watering systems, drainage ditches, drainage tile, culverts, fencing, farm access roads, or grain bins. Gary noted that the project could have an impact on a grain system.

Changes to the project corridor may impact the way agricultural transportation or processors access farm operations. The Department recommends that WisDOT and the Counties consult with Gary Menard on the existing structures and plans for moving or purchasing the grain system along with access points and any safety concerns associated with access.

### ***Michael Menard***

Michael Menard's farm operation includes 120 acres of combined cropland, idle farmland, forestlands as well as farm and residential structures. Michael documented that the proposed project has the potential to impact drainage, residential and farm buildings, access, parcel severance and fencing.

Michael expressed concerns that there were buildings and infrastructure located within the project area, including an old house on the property being used as storage, business signage and a vinyl fence. Menard also shared a concern for wildlife impacts of removal of several mature maple and cedar trees that are in the project area. The Department recommends that WisDOT and the Counties consult with Michael Menard on all existing farm structures or improvements- including the old house used for storage, potential impacts to well, septic and driveway, fencing and signage and adjust ROW to the degree feasible or compensate for needed relocation of infrastructure as needed.

Table 1: Acres of agricultural lands, listed by agricultural landowner impacted by the proposed reconstruction and reconditioning of CTH T in Eau Claire and Chippewa Counties, WI.

Agricultural Landowner	Impacted Agricultural Land (acres)		
	<u>Temporary Easement</u>	<u>Fee-Simple</u>	<u>Total</u>
Custer Farms Inc	0.00	0.58	0.58
Gary Menard	0.07	1.88	1.95
Gateway Industrial Park Corp	0.06	10.04	10.09
Highway T Property LLC	0.07	6.24	6.31
Kenneth & Debora Custer	0.01	4.20	4.22
Klaus & Jennifer Bauer	0.10	6.69	6.80
Lee Xiong	0.00	1.12	1.12
Menard Inc	0.17	13.16	13.33
Michael Menard	0.00	1.71	1.71
Project Totals	0.49	45.61	46.11
* <b>Fee-simple purchase:</b> to transfer full ownership of property, including the underlying			

## Severance, Access and Wasteland

The acquisitions of agricultural property to implement ECC's selected preferred alternative of reconstructing and reconditioning the 3.5 mile corridor CTH T in Chippewa and Eau Claire Counties would 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 the agricultural parcels impacted by the proposed reconstruction and reconditioning of CTH T in Eau Claire and Chippewa Counties.

### Severance

While ECC does take efforts to eliminate, reduce or mitigate severance, agricultural parcels at times are severed to accommodate a roadway project. Severing an agricultural parcel to accommodate a new roadway effectively splits the existing parcel into two or more smaller parcels, which are separated by the roadway. Severing an agricultural parcel may remove existing access points, create agricultural wastelands or uneconomic remnant parcels, and even divide the operation of a farm. The impacts of severance are referred to as "*severance damage*", which WisDOT defines as the, "loss in market value to remaining property resulting from a partial acquisition." (WisDOT, 2016). Under Wisconsin's Eminent Domain Statute, compensation for damages resulting from severance is described in [Wis. Stat. § 32.09\(6\)](#).

Impacts to access and the potential creation of wastelands are addressed in the following two sections. Impacts to residences are described in the Agricultural Buildings and Infrastructure

section. The Department does not anticipate that the Project will sever farmland parcels into two or more smaller parcels.

### *Access*

Partial acquisitions of farmland, such as for new ROW's for highways, may remove existing points of access and entrances utilized by agricultural operations to access their farmland. According to [Wis. Stat. § 86.05](#), ECC is required to provide a suitable new entrance to the parcel if one is removed and if the parcel is divided (severed) then an entrance shall be constructed on each side of the highway to restore access to the severed parcels.

As proposed under the preferred selected alternative (Figure 1), the CTH T project has the potential to remove agricultural field access points from the following parcels or remnant severed parcels shown in Table 2. ECC has indicated they are planning to take measures to mitigate impacts to agricultural field access. These measures include selling the abandoned portions of CTH T to agricultural landowners and creating new field access points along the reconstructed sections of CTH T. To best accommodate field access to the remnant fields, the Department recommends that ECC works with agricultural landowners and any agricultural tenant operators to determine safe new access points to the remnant fields.

Table 2: Agricultural parcels with temporarily impacted access, shown by agricultural landowner, as a result of the proposed reconstruction and reconditioning of CTH T in Eau Claire and Chippewa Counties, WI.

Agricultural Landowner	Parcel Number
Custer Farms Inc	22810-3623-73733002
Gary Menard	22810-2641-00020000
Gateway Industrial Park Corp	0922122810354100001, 0922122810354400001, 0922122810363100001
Highway T Property LLC	0922122810351102001
Kenneth & Debora Custer	22810-2533-00000000
Klaus & Jennifer Bauer	22810-2611-00020000, 22810-2614-00020000, 22810-2523-00000000
Lee Xiong	22810-3622-04000000
Menard Inc	1802227100244000001, 180222710021100001
Michael Menard	22810-2644-010000

## *Wasteland*

Acquisitions that sever or modify 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 3B. 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. Compensation for the reduction in the value of parcels that are small and/or irregularly shaped and the potential creation of uneconomic remnant parcels according to [Wis. Stat. 32.05\(3m\)](#) should be addressed in the appraisal of each affected parcel. If an uneconomic remnant parcel is created, the Department recommends that the Counties consider offering to purchase the uneconomic remnant field.

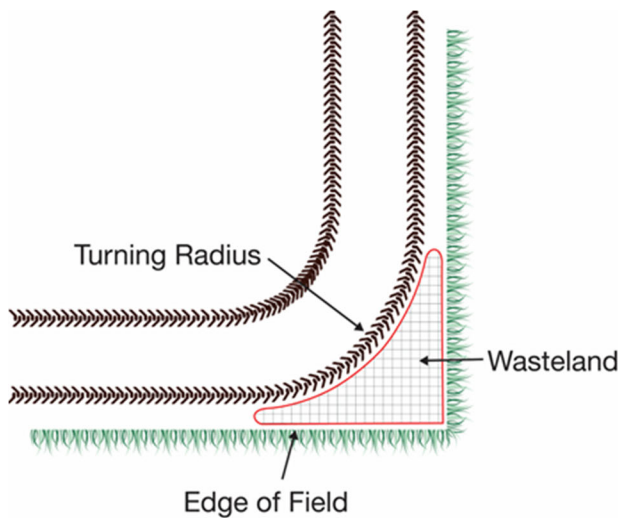
As proposed by ECC, the reconstruction and reconditioning of CTH T has the potential to create agricultural wastelands and potentially uneconomic remnant parcels. The following is a list of parcels with the potential to become wastelands and uneconomic remnant fields:

### Wasteland

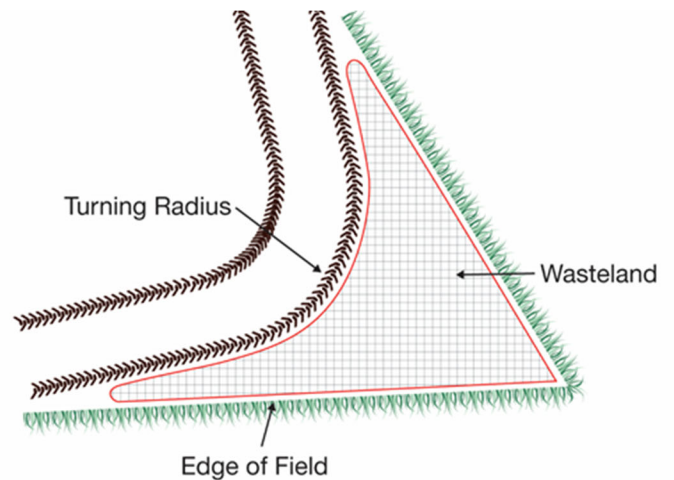
- The ROW changes of Lee Xiong's parcel ID 22810-3622-04000000 to reconstruct CTH T/20<sup>th</sup> Avenue intersection (Figure 3) will create several irregularly shaped corners that may create additional wastelands.

### Uneconomic Remnant Fields

- The ROW changes of Lee Xiong's parcel ID 22810-3622-04000000 to reconstruct CTH T/20<sup>th</sup> Avenue intersection (Figure 3) will create an irregularly shaped section of field that may not be economically viable depending on the equipment that is being operated on this field.



**Figure A: Regular Shape**



**Figure B: Irregular Shape**

Figure 3: 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.

### Agricultural Buildings and Infrastructure

As proposed by ECC, the reconstruction and reconditioning of CTH T will impact agricultural residences and buildings as discussed below:

Klaus and Jeniffer Bauer

The ROW will potentially affect an agricultural residence and building on parcel ID 22810-2523-00000000 that is planned to be purchased. The ROW comes close to an existing agricultural building. As noted in the Farmland Acquisitions and Landowner Concerns section, if this building was demolished for the project, it would mean reducing storage area for agricultural equipment used for the farm operation (Figure 2). There is an existing residential building proposed to be potentially impacted by the Project but is in poor condition as noted by the landowner. With structures being near the project ROW, the Department recommends the Counties discuss with the landowner any concerns or setbacks that may cause the buildings to be impacted.

Gary Menard

The ROW and project area will affect several agricultural buildings on parcel ID 22810-2641-00020000 that is planned to be purchased. The agricultural buildings are part of a grain storage system including seven grain bins, crop dryer, air system, control building and pole building. As noted in the Farmland Acquisitions and Landowner Concerns section, if this building was demolished for the project, it would mean relocating and reconfiguring the grain storage operation or removal of some buildings of the operation making the operation

not function as intended. Some buildings are located in the project area and some buildings are located in the ROW. With structures being in the project area and ROW, the Department recommends the Counties discuss with the landowner relocation or removal of the buildings as needed.

Michael Menard

The ROW and project will affect an old agricultural residence that is no longer used for agricultural purposes on parcel ID 22810-2641-08750000 that is planned to be purchased. The residence is permitted for storage for an antique business but is not lived in. As noted in the Farmland Acquisitions and Landowner Concerns section, if this building was demolished for the project, it would mean reducing storage area for the landowner's business. With structures being in the project area, the Department recommends the Counties discuss with the landowner the removal of the building as needed.

## **Prime Farmland and Soils**

As proposed by ECC, the reconstruction and reconditioning of CTH T will impact a total of 46.11 acres of agricultural lands and agricultural soils. The Counties propose to primarily purchase the impacted agricultural lands using fee-simple acquisitions (45.61 acres), while the remainder would be impacted through temporary (0.49 acres) easements. The soils impacted by the proposed project were cataloged by soil map unit and soil texture (Table 3) using the Departments 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 3). Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2024) 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 3. A prime farmland evaluation was not completed for resurfacing as the impact is minimal and does not address the primary purpose of the project.

Majority of the agricultural soils (99.4% or approximately 45.81 acres) impacted by the Project some level of Federal or State priority designation. Specifically, the USDA has designated approximately 44.79 acres as prime farmland, while the State of Wisconsin has designated approximately another 1.0 acres as farmland of statewide importance (Table 3). Across the impacted agricultural parcels, the soils primarily consists of loam and loamy sand textured soils of various soil series. 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). Loamy sand soils are coarse-textured soils (Cornell, 2017) with good soil structure, possess an ability to drain well best suited for certain crop production (UW-Extension, 2005).



This soils analysis shows that ECC's proposed reconstruction and reconditioning of the 3.5 mile corridor of CTH T in Eau Claire and Chippewa Counties has the potential to remove both high quality soils and prime farmland from production. The impacts to high quality soils and prime farmland are not equally dispersed among impacted agricultural landowners. As proposed, the project will impact approximately 11.84 acres of prime farmland owned by Menard Inc., primarily by fee-simple acquisition. The prime farmland impacts to Menard Inc. represent 25.7% of all prime farmland impacts occurring as a result of the proposed project.

Table 3: Agricultural soils impacted by the proposed reconstruction and reconditioning of CTH T in Eau Claire and Chippewa Counties, WI.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained <sup>o</sup> (acre)	Farmland of Statewide Importance <sup>‡</sup> (acre)	Not Prime Farmland <sup>φ</sup> (acre)	Total (acre)
<b>Preferred Route</b>					
Loam	28.4	0.0	0.0	0.0	28.4
Loamy Sand	16.4	0.0	1.0	0.3	17.7
<i>Preferred Route</i>					46.1
<p>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.</p> <p><sup>o</sup><b>Prime farmland if drained</b>, indicates that if farmland is drained it would meet prime farmland criteria.</p> <p><sup>‡</sup><b>Farmlands of statewide importance</b> 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.</p> <p><sup>φ</sup><b>Not Prime farmland</b>, indicates farmland is neither prime farmland nor of designated importance.</p>					

## 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). The winter application of sodium chloride (salt) to roadways and the salt rich runoff that leaves the roadway can have potentially detrimental impacts to the health of nearby soils, ecosystems and surface waters (Richburg, 2001; Kelly *et al.*, 2008; Corsi *et al.*, 2010).

As WisDOT is administering the project, all DNR permitting will be followed as according to the [WisDNR/WisDOT cooperative agreement](#). Erosion Control and Storm Water Management and discharge requirements under the Wisconsin Pollutant Discharge Elimination System (WPDES) are

covered within [Attachment A2](#) of the cooperative agreement. Both of these aforementioned documents can be found on the WisDOT site at the following address:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>

The general permit to discharge under the Wisconsin Pollutant Discharge Elimination System (WPDES) supersedes local ordinances. Attachment A2 of the DOT/DNR Cooperative Agreement Memorandum of Understanding on Erosion Control and Storm Water Management ensures that the Project is compliant with provisions of Wis. Stat. ch.147, Wis. Adm. Code, ch NR 216, Wis. Adm. Code when WisDOT engages in land disturbance construction activities including clearing, grading and/or excavating that result in the disturbance of land (WisDNR, 1994).

### ***Drainage and Soil Health Conclusion***

The proposed reconstruction and realignment of CTH T has the potential to impact the drainage and soil health of the surrounding agricultural fields. Any drainage infrastructure should be discussed with the landowners and operators to ensure that all soils drain and function properly. Across the project area, the application of salt to roadways in the winter also creates the potential for additional detrimental impacts to the health of the receiving agricultural soils and downstream waterways.

The Department advises ECC to work within the bounds of Wis. Stat. § 88.87 to build adequate ditches, culverts, and other facilities to prevent obstruction of drainage, protect property owners from damage to lands caused by unreasonable diversion or retention of surface water, and maintain, as nearly as possible, the original drainage flow patterns to ensure stormwater and drainage impacts are mitigated on the remnant fields. Refer to Appendix C, Section III for the statutes pertaining to drainage rights. Landowners whose property is damaged by improper construction or maintenance of highway facilities and highway drainage structures may file a claim with the County within three years after the damage occurs (Appendix C, Section III).

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Jewell Associate Engineering, Inc.

Jeff Smith

Chloe Diehl

Agricultural Landowners

Jennifer and Klaus Bauer

Gary Menard

Michael Menard





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TRADE AND CONSUMER PROTECTION**

**DIVISION OF  
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