



WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE
AND CONSUMER PROTECTION

AGRICULTURAL IMPACT STATEMENT ADDENDUM

PUBLISHED JULY 31, 2017

**DATCP
#4212**

**Leona Street Stormwater Pond
City of Appleton
Outagamie County**

I. INTRODUCTION

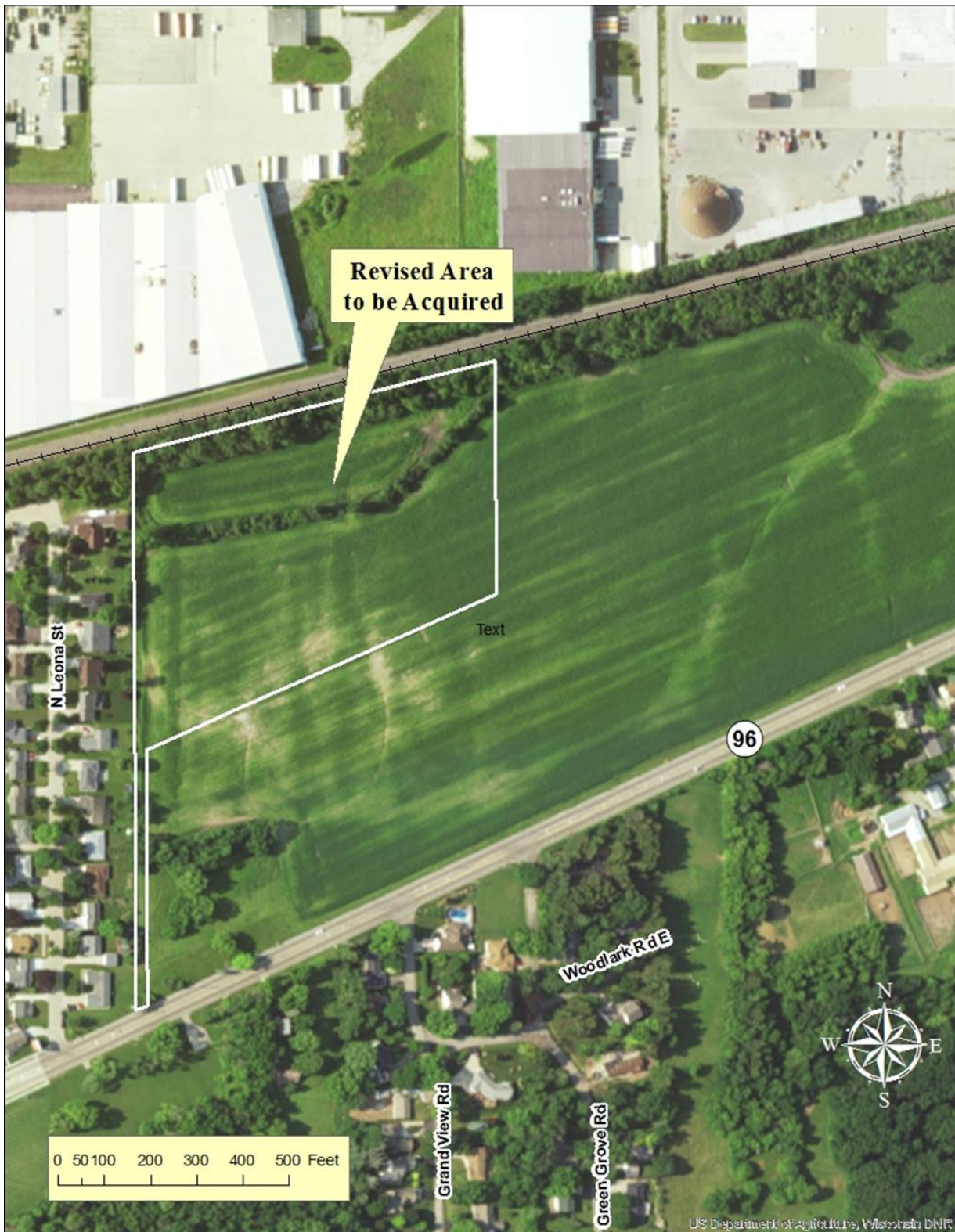
On August 17, 2016, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) published an Agricultural Impact Statement (AIS) for the Leona Street Stormwater Pond project. Due to the existence of wetlands on the parcel to be acquired, including farmed wetlands, the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers have required the city of Appleton to identify a new configuration that does not affect wetlands. The revised acquisition site will affect the same landowners and is 10.75 acres, which is larger than the originally proposed acquisition of 5.6 acres.

The project is proposed to provide flood control and water quality benefits without removing existing development. It is located in section 19 of the town of Grand Chute T21N-R18E in Outagamie County. Appleton is proposing to annex the site after it is purchased. The city reviewed six alternative configurations before selecting the proposed pond configuration. Appleton will acquire the property in September 2017 and construction will start in the spring of 2019.

The revised site location is in the northwest portion of the property and includes a narrow strip along the western edge of the property that will provide access to Highway 96. Trees will be removed from the high end of the drainage ditch. The revised configuration requires more land because the city indicated that it cannot provide access to the area north of the pond. Because this area would have no access, it would be considered an uneconomic remnant, and the city is required to offer to purchase any land that would be considered an uneconomic remnant.

The pond will always have three to five feet of water, but the water level will fluctuate. Additional stormwater will increase the water level, and that water will slowly dissipate. This is required for water quality. The design is not yet completed, so the drawdown times are unknown. It could be a day or two for small events or several days for 100-year events.

Figure 1: Project Location Map



The city owns over 30 ponds and actively maintains them. Annually, the city hires a consultant who specializes in ponds and native vegetation. The current consultant is Applied Ecological Services. They use an aquatic contractor to handle algae and aquatic invasive species. The program includes cutting, mowing, burning, herbicide spraying, as appropriate for each site. The city also has a city Horticulturist and Forestry staff that are active in pond maintenance tasks.

Mosquitos will be present in every pond. The staff in charge of pond management will work with the city of Appleton's Health Department to monitor when needed. Pond managers work to develop an ecosystem to support birds and dragonflies, etc. to eat the mosquitos.

The city also indicated that geese are not currently present at some of their ponds, however, geese may be attracted to the Leona Street Pond due to the adjacent cropland. The city will leave the vegetation at the pond edge tall because the city has found that geese rarely walk through tall vegetation to access ponds. There are also fencing options, shaking eggs (with a permit), and other distraction devices that can be used to discourage geese from living in the vicinity of the pond. The city addresses each pond individually. Depending on the train schedule and other noise from the industrial park, geese may not find the Leona Street area an attractive site.

The city has a policy not to fence its ponds. It does not fence the Fox River or Apple Creek or any other native water bodies. City staff has found that fences are an attraction not a deterrent and can make access more difficult. City ponds are governed under the city's Park and Recreation ordinance.

II. AGRICULTURAL IMPACTS

Soils

All of the soil within the boundaries of the proposed acquisition is Winneconne silt loam with 0 to 2 percent slopes. This soil is well drained and has moderate available water storage capacity. It is classified as prime farmland. Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. One limitation of Winneconne silt loam with 0 to 2

percent slopes is that the topsoil layer is only 9 inches thick. (Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed July 19, 2017.)

Affected Property

The proposed acquisition of land for the reconfigured Leona Street Stormwater Pond will affect one parcel of property with two owners. DATCP staff spoke to both owners and the current renter by phone.

Farmland Owners: Frances Romero 75% and Charles Siekman 25%

Renter: David Van De Hey, New Horizons Dairy

Proposed Acquisition: Fee-simple acquisition of 10.75 acres

Frances Romero and her brother Charles Siekman own 47.46 acres of land. The proposed acquisition represents 22.7 percent of this parcel. The revised acquisition is almost double the original proposal.

The owners are opposed to the revision because of the increase in the size of the proposed acquisition and the decrease in the value of their remaining property. The owners are also concerned that the acquisition will leave a strip of their property between the acquired land and the railroad. In addition, the acquisition will include a long narrow strip to access Highway 96, when access to the north part of the parcel would be more efficient.

The owners are concerned that the pond will be a breeding ground for mosquitoes and that it may become an attractive nuisance for children living in adjacent neighborhood. The owners would prefer the pond to be fenced so that children are discouraged from investigating the pond. The loss of land and change in shape of the remaining parcel will most likely devalue this land for farming and could devalue it for future development.

Mr. Van De Hey indicated that his rental agreement runs through 2018.

III. RECOMMENDATIONS

DATCP continues to support all of the recommendations that were made in the original AIS. They are as follows:

- DATCP supports the city of Appleton's plan to continue leasing the acquired property to New Horizon Dairy through the 2018 growing season until the parcel is needed for construction.
- DATCP recommends that if overflows of the pond are expected or observed, tiles should be installed so the runoff is diverted from adjacent cropland.

- The Outagamie County land conservationist should also be consulted to ensure that construction proceeds in a manner that minimizes drainage problems, crop damage, soil compaction, and soil erosion on adjacent farmland.
- Landowners and operators should be given advanced notice of acquisition and construction schedules so that farm activities can be adjusted accordingly.

Additional copies of the original AIS or this addendum are available at no charge upon request. To request copies, call or email Alice Halpin at (608)224-4646 or alice.halpin@wi.gov . You can also visit the program’s website at the following address:

https://datcp.wi.gov/Pages/Programs_Services/AgriculturalImpactStatements.aspx