

AGRICULTURAL IMPACT STATEMENT



**DATCP
#4476**

**Ripon Operations Center
Town of Ripon, Fond du Lac County**



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

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LETTER TO THE READER

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 project begins. Lastly, the AIS program makes suggestions and recommendations to project initiators to promote project alternatives and management practices that would reduce potential impacts to agricultural lands and operations.

The AIS program also 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 operations 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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ACRONYMS

AEA	Agricultural Enterprise Area
AIN	Agricultural Impact Notification
AIS	Agricultural Impact Statement
CREP	Conservation Reserve and Enhancement Program
CRP	Conservation Reserve Program
DATCP	Department of Agriculture, Trade, and Consumer Protection (the "Department")
FP	Farmland Preservation
FSA	Farm Service Agency
MFL	Managed Forest Law
MSA	Metropolitan Statistical Areas
PACE	Purchase of Agricultural Conservation Easement
PSC	Public Service Commission of Wisconsin
USDA	U.S. Department of Agriculture
WisDNR	Wisconsin Department of Natural Resources
WisDOA	Wisconsin Department of Administration
WisDOR	Wisconsin Department of Revenue

TERMS

Terms are *italicized* throughout the document

<i>Agricultural operation</i>	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.
<i>Easement</i>	Easements are contracts – bound to the property – which allow another party the right to use or enter a property without owning the property. Easements may be temporary (i.e. time limited) or permanent.
<i>Mitigation</i>	Avoiding, minimizing, rectifying (repairing), reducing, eliminating, compensating for, or monitoring environmental & agricultural impacts.
<i>Prime Farmland</i>	Defined by the U.S. Department of Agriculture as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses.
<i>Severance</i>	Splitting an agricultural parcel into two or more smaller parcels
<i>Topsoil</i>	The thin, top layer of soil where the majority of nutrients for plants is found.
<i>Uneconomic Remnant</i>	The property remaining after a partial taking of property, if the property remaining is of such size, shape, or condition as to be of little value or of substantially impaired economic viability.
<i>Wasteland</i>	Small or irregularly shaped areas within a remnant agricultural field that are not able to be cultivated. These areas reduce the amount of tillable acres within a remnant field, which may also impact the economic viability of the remnant field.
<i>Wet Detention Pond</i>	A permanent pool of water with designed dimensions, inlets, outlets and storage capacity, constructed to collect, detain, treat and release stormwater runoff (WisDNR, 2007).

SUMMARY OF AGRICULTURAL IMPACT STATEMENT

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (“Department”) has prepared this Agricultural Impact Statement (“AIS”) #4476 for the proposed acquisition of agricultural land by Wisconsin Power and Light Company (“WPL”), a subsidiary of Alliant Energy, in the Town of Ripon, WI. WPL proposes to acquire the agricultural land to construct a new operations center that would replace an existing operations center in the City of Ripon (Figure 1). The Public Service Commission of Wisconsin (“PSC”) has authority over the project and WPL must obtain a certificate of authority to obtain the right to proceed with the Project.

WPL has entered into voluntary negotiations with Craig and Michelle Leinweber (“Leinweber’s”) to purchase approximately 10 acres of land to site the operations center. WPL is a public utility vested with the right of eminent domain, but has documented to the Leinweber’s an intent to acquire the property through a voluntary sale (fee-simple acquisition). To acquire the 10 acre parcel, WPL will subdivide parcel ID T17-16-14-15-08-002-00, which is located in the SE ¼ NW ¼ of Section 15, T16N, R14E in the Town of Ripon, Fond du Lac County (DATCP, 2022a).

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 operations center. 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 operations center.

The set of recommendations are located within the AIS Recommendation Section beginning on page 7. The AIS analysis begins on page 8 with information on the Project located in Section 2. Information and conclusions on the agricultural setting of Fond du Lac County and impacted areas can be found in Section 3. The agricultural impacts of the Project on the land, agricultural landowner and operator can be found in Section 4. Appendices for AIS #4476 contain the following information: additional project figures and tables from WPL (Appendix A), information on the appraisal and compensation process (Appendix B), a copy of Wisconsin’s agricultural impact statement statute (Appendix C) and various additional sources of related information for agricultural landowners and operators (Appendix D).

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.

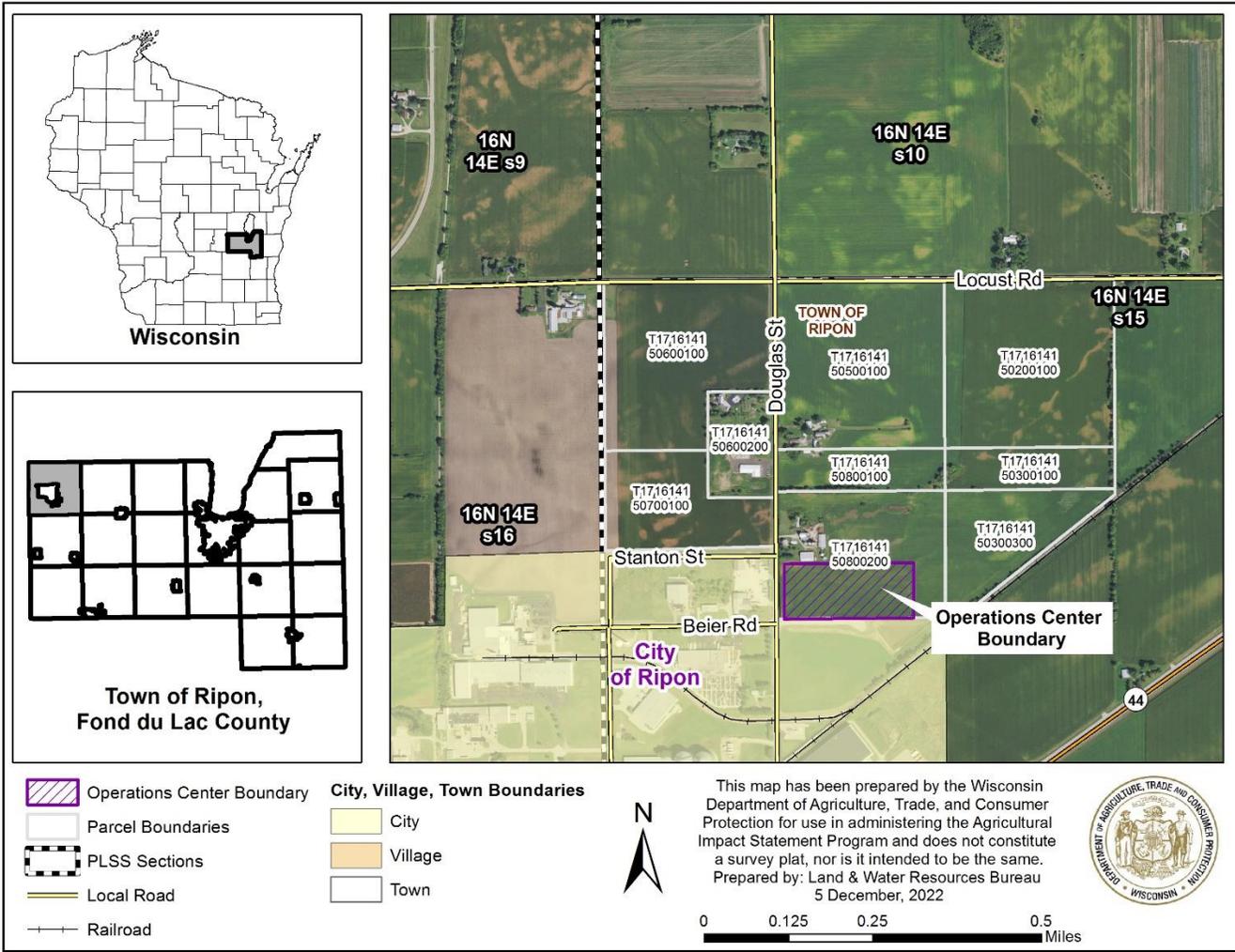


Figure 1: Location of the proposed acquisition in the Town of Ripon, Fond du Lac County (SE ¼ NW ¼ of Section 15, T16N, R14E) for the proposed WPL Ripon Operations Center.

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Department has reviewed and analyzed the materials provided by WPL, a subsidiary of Alliant Energy, regarding the proposed Ripon Operations Center land acquisition. The Department provides the following recommendations, in accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), to WPL and the impacted agricultural landowners to help mitigate impacts to the agricultural land and *agricultural operation* affected by the proposed project.

Recommendations to WPL

WPL has reviewed the Departments's recommendations to WPL and WPL has voluntarily agreed to follow each recommendation. A record of WPL's responses are provided in Appendix E.

- 1) Should discharge from the *wet detention pond* cause erosion, or increased soil saturation to parcel ID T17-16-14-15-08-002-00, WPL should work with the agricultural landowner to install new *mitigation* practices to resolve the erosion and/or saturation issues.
 - a. Should the planned *mitigation* practices for the *wet detention pond* discharge not be sufficient to prevent erosion or prolonged periods of soil saturation, WPL may wish to consider the following alternative *mitigation* practices: 1) piping stormwater laterally underground to a less susceptible area or 2) enter into negotiations with the agricultural landowner to extend WPL's existing mitigation practices into parcel ID T17-16-14-15-08-002-00.
- 2) When safety conditions allow, WPL should consider using alternatives to chloride based de-icing products on the paved surfaces at the Ripon Operation Center. Eliminating or reducing chloride usage would promote the health of the agricultural soils that will ultimately receive the treated discharge from the *wet detention pond*.

Recommendations to Agricultural Landowners and Operators

- 1) The agricultural landowners should monitor the areas of parcel ID T17-16-14-15-08-002-00 that receive treated stormwater from WPL for signs of erosion or increased soil saturation. Upon discovery of erosion or increased soil saturation, they should notify WPL.

AGRICULTURAL IMPACT STATEMENT

1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (“Department”) has prepared Agricultural Impact Statement (“AIS”) #4476 in accordance with [Wis. Stat. §32.035](#) for the proposed construction of a utility operations center in the Town of Ripon located in Fond du Lac County, WI (Figure 1) by the Wisconsin Power and Light Company (“WPL”). WPL is a subsidiary of Alliant Energy. According to the Fond du Lac County Comprehensive Plan, Alliant Energy is one of two utilities providing electric power service to the county. Alliant Energy services the western half of the county, while WE Energies services the eastern half (Fond du Lac County, 2021). Through the Ripon Operations Center project (“Project”), WPL proposes to construct a 29,917 sq. ft. two-story building on a single 10 acre parcel (Appendix A). The proposed building would contain office space, interior storage, garage bays, and an exterior yard for material and equipment storage (DATCP, 2022a).

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 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.

The Public Service Commission of Wisconsin (“PSC”) has authority over the Project, pursuant to Wis. Stat. § 196.49(5g), and WPL must obtain a certificate of authority to obtain the right to proceed with the Project. As of June 14, 2023, WPL has yet to submit a formal application to the PSC for a certificate of authority. WPL is also required to obtain any necessary permits from the Wisconsin Department of Natural Resources (“WisDNR”) or local authorities and abide by Wisconsin’s Agricultural Impact Statement statute [Wis. Stat. §32.035](#).

Prior to the release of this AIS, WPL notified the Department of its intent to complete a voluntary contract without actualizing WPL’s powers of eminent domain to acquire the impacted agricultural parcel. As WPL has not actualized its powers of condemnation, at this time, to obtain property or *easements* for this project, the 30 day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable for this project. If WPL does actualize its powers of condemnation at any point during the project, WPL may not negotiate with an owner or make a jurisdictional offer until 30 days after the agricultural impact statement has been published. If WPL deviates from the

selected plans or site alternatives, WPL shall re-notify the Department in accordance with Wis. Stat. §32.035(3). The Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

Should WPL actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix B. 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 D.

2. PROJECT DESCRIPTION

2.1. The Project

WPL is planning to site a new operations center 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 operation center would be located in the Town of Ripon in the SE ¼ NW ¼ of Section 15, T16N, R14E (Figure 1).

To construct the proposed operations center, WPL proposes to acquire approximately 10 acres of parcel ID T17-16-14-15-08-002-00, by fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property), which will be subdivided to accommodate the operations center as shown in Figure 1.

WPL evaluated four site alternatives prior to selecting the site for the proposed operations center shown in Figure 1. WPL stated the three eliminated site alternatives were either unavailable or would not be compatible with WPL’s intended land use. All three of the eliminated site alternatives were located within the City of Ripon (DATCP, 2022a). As WPL as already eliminated the other site alternatives, the Department will focus the AIS analysis on the remaining parcel WPL proposes to acquire.

As proposed, the Project will contain a 29,917 sq. ft. two-story building, paved access road, paved parking lot, and *wet detention pond* as shown in Appendix A Figure 1. The proposed building will contain office space, interior storage and garage bays. There will also be a fenced exterior yard for material and equipment storage. The complete 10 acre site will be removed from agricultural use. The Project has a design life of 100 years (DATCP, 2022a).

WPL is currently negotiating to acquire the parcel from the agricultural landowner with a fee simple voluntary purchase. WPL plans to construct the facility from April 2023 through April 2024. The operations center is planned to be in-service by June 2024 (DATCP, 2022a).

2.2. Project Need

WPL has indicated the primary reason for the proposed Ripon Operations Center is to replace a small and outdated facility on an unrelated parcel in the City of Ripon constructed in the 1950s. The new operations center will also allow WPL to increase efficiencies as part of its continued efforts to provide safe and reliable service to the area (DATCP, 2022a).

3. AGRICULTURAL SETTING

3.1. Land in Agriculture

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 agricultural parcel WPL proposes to purchase for the Project immediately abuts the incorporated City of Ripon. The following analysis will identify if agricultural lands within Fond du Lac County are exhibiting signs of urban pressure and development.

3.1.1. Urban Developmental Pressures

The pressures of urban development and urban population growth may have varying effects on farmland conversion across Fond du Lac County. In 2021, Fond du Lac County was home to an estimated population of 104,944 residents (WisDOA, 2021). In 2020, the Town of Ripon had an estimated population of 1,409 residents and the City of Ripon had an estimated 7,839 residents (WisDOA, 2020). The U.S. Census Bureau (WisDOA, 2013a) has also designated Fond du Lac County as a Central Metropolitan Statistical Area (“MSA”), which is defined as a county that contains an urbanized population area(s) of at least 50,000 people (Standards, 2010). The Fond du Lac MSA is Wisconsin’s smallest MSA, but it borders the Appleton-Oshkosh-Neenah MSA cluster to the North, the Sheboygan County MSA to the East and the Washington County MSA and Dodge County Micropolitan Statistical Area to the South (WisDOR, 2022).

The effect of urban development pressures associated with population growth from within Fond du Lac County may be associated with several impacts to the county’s agricultural sector. The conversion and loss of over 7,500 acres of farmland over the past 20 years is one sign of urban developmental pressures across the county as a whole. However, evaluating the conversion of farmland by percentage indicates the effects of urban development are comparatively weaker in Fond du Lac County when compared to the statewide average.

Future urban developmental pressures may also affect a county’s agricultural sector. A review of current census population forecasts is a basic method to predict the forthcoming urban developmental pressures in a county. Based on current census data, the Department of Administration (“WisDOA”) projects that from 2020 to 2040 Fond du Lac County will see a 4.2% (+4,495 person) population increase (WisDOA, 2013b), the Town of Ripon to increase by 1% (10

persons) and the City of Ripon to decrease by 1% (-75 persons) (WisDOA, 2013c). These population forecasts indicate that population growth within Fond du Lac County may remain relatively stable in the future. The stability of Fond du Lac County's growth stands in contrast to its neighboring counties, such as Calumet or Washington Counties which are projected to see 31.1% and 13.7% population increases by the year 2040, respectively (WisDOA, 2013b).

Fond du Lac County's comparatively stable future population projection and below average rate of agricultural land conversion, are indicators favoring a strong agricultural sector. That being said, agricultural lands nearest central urbanized population areas (Guiling et al., 2009) or lands along transportation corridors such as interstate or state highways (Mothorpe et al., 2013) linking the Fond du Lac County to other MSAs would be at the highest risk of future farmland conversion.

3.2. 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 FP 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 FP plan that maps areas identified as important for FP 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 FP 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.

3.2.1. Farmland Preservation Planning

Fond du Lac County's current FP plan was certified by the Department in 2021 and is set to expire in 2031 (DATCP, 2021a). All towns within Fond du Lac County have zoning administered at the town level. All towns in Fond du Lac County have lands that are planned for FP as part of Fond du Lac County's FP Plan. WPL's proposed site for the Project is located on a parcel of land (Parcel ID T17-16-14-15-08-002-00) designated as FP by Fond du Lac County (DATCP, 2021a).

3.2.2. Farmland Preservation Zoning

The Town of Ripon, Fond du Lac County has a certified FP zoning district (DATCP, 2022b). This zoning district restricts covered lands to agricultural uses and uses compatible with agriculture and is certified to be consistent with the state's FP Law, Chapter 91. Parcel ID T17-16-14-15-08-002-00

is zoned for FP by the Town of Ripon, 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. The project initiator should consult with all applicable local zoning authorities to identify if additional restrictions apply and to ensure compliance with local zoning regulations.

3.2.3. Agricultural Enterprise Areas

A review of the Department's AEA program shows that Fond du Lac County does not contain an AEA (DATCP, 2021b). 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 in the Town of Ripon, Fond du Lac County.

3.3. 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 State of Wisconsin also manages other agricultural programs to conserve farmland for future agricultural use.

3.3.1. Conservation Reserve Enhancement Program

A review of the Department's CREP records indicated that the Project site WPL proposes to acquire for the operations center would not directly affect a current CREP field or *easement*.

3.3.2. Conservation Reserve Program

The Department cannot independently verify if any of the impacted agricultural parcels are enrolled within the CRP program. However, the Leinweber's reported that the agricultural lands WPL proposes to acquire were not enrolled within a CRP contract (Leinweber's, personal communication, April 2022).

3.3.3. Managed Forest Law (MFL)

A review of the WisDNR MFL program database indicates that the Project will not impact lands enrolled within the MFL program.

3.3.4. Purchase of Agricultural Conservation Easement Programs

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 publicly available online resources, the Department could not find any record of a county held or non-governmental organization held agricultural conservation *easement* that would be impacted by the Project (GLC, 2022; Groundswell, 2022; Land Trust Alliance, 2022).

3.4. 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, 2019). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repair the district's drains. According to the Department, approximately 190 active districts exist within 27 of Wisconsin's 72 counties (DATCP, 2019).

A review of the Department's Drainage Program database indicates that Fond du Lac County has three active drainage districts. The Drainage Board of Fond du Lac County manages these drainage districts. As proposed, the Project site is not located within a Fond du Lac drainage district. The nearest district to the Project is Drainage District #3. Located in the Town of Ripon, District #3 is located approximately 2 miles away from the site of the proposed operation center. District #3 is not connected to any known drainage flow pathways that may be impacted by the Project site. Therefore, the Project is not expected to affect a Fond du Lac County Drainage District. For additional information contact the Department's State Drainage Engineer.

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 them to consider alternatives that may reduce impacts to agricultural lands. To promote the opportunity for alternatives, the Department has used information provided by WPL for this AIS and information gathered from agricultural landowners to analyze the potential agricultural impacts of the Ripon Operations Center ("Project") in Fond du Lac County. The analysis of agricultural impacts and conclusions drawn from it form the basis of the Department's recommendations within the AIS Recommendation Section above.

4.1. Farmland Acquisitions and Landowner Concerns

WPL's proposed operations center will require the fee simple acquisition of a single parcel of agricultural land, estimated to be 10 acres subdivided from parent parcel ID T17-16-14-15-08-002-00, owned by Craig and Michelle Leinweber ("Leinweber's"). The Department was able to contact Craig Leinweber, who was willing to speak on behalf of the impacted agricultural 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.

4.1.1. *Wisconsin Power and Light (WPL)*

WPL has approached the Leinweber's regarding the sale of a proportion of parcel ID T17-16-14-15-08-002-00 and the parties have entered into voluntary negotiations for the sale of the property. As the agricultural property being acquired is cropland, WPL reported that the proposed project will not have any impacts on farm property improvements. Furthermore, WPL stated the Project includes a *wet detention pond* that is designed to control the movement of stormwater runoff onto the adjacent Leinweber property (DATCP, 2022a).

WPL reported that the Leinweber's were concerned about the proximity of the proposed boundary of the Project to the farmstead. To alleviate those concerns, WPL agreed to a 15 ft set back from the southernmost machine shed on parcel ID T17-16-14-15-08-002-00 (Figure 3). WPL reported no other concerns from the Leinweber's (Brian Cooke, personal communication, December 2022).

4.1.2. *Craig and Michelle Leinweber*

The Leinweber's own and operate several parcels of agricultural land for the production of cash crops. The Leinweber's purchased parcel ID T17-16-14-15-08-002-00 in the Town of Ripon, Fond du Lac County (Figure 1) in 2021. They purchased this land to expand their *agricultural operation* and guide development in the area. The Leinweber's reported that they are willingly negotiating with WPL and are happy to see new utility infrastructure developed within the community. They believe this project will allow them to reinvest and continue to grow their *agricultural operation* (Craig Leinweber, personal communication, December 2022).

The Leinweber's were concerned about the effects the drainage from the *wet detention pond* may have to their fields. Specifically, for the potential of ponding water or increasingly wet and saturated soil conditions because of the drainage. The Leinweber's also had concerns about the proximity of the Ripon Operations Center to the farmstead and the impacts it may have to the existing southeast access point. The Leinweber's reported that they reached an agreement with WPL to increase the setback distance for the operations center from 10 ft to 15 ft. They believed this setback would allow the southern access point to remain passable with farm equipment. They also stated their intent to remove some deteriorating agricultural infrastructure to allow for the extension of a driveway that would create a new direct point of access to parcel ID T17-16-14-15-08-002-00 (Leinweber's, personal communication, December 2022).

4.2. **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 T17-16-14-15-08-002-00 (Figure 1).

4.2.1. *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 the proposed project boundaries (Figure 3), the operations center will not sever parcel ID T17-16-14-15-08-002-00 into two or more remnant agricultural fields.

4.2.2. *Access*

Acquisitions of farmland may remove existing points of access and entrances utilized by *agricultural operations* to access their remaining farmland. The location of the operations center may impact the function of one access point to parcel ID T17-16-14-15-08-002-00. The impacted access point is located adjacent to the newly proposed Project property boundary as seen in Figure 3. The Project's proposed 15 ft property setback was negotiated between the Leinweber's and WPL to mitigate impacts to this access point. The setback should provide for at least a 20 – 25 ft wide path (at the narrowest point), which should allow sufficient space for existing agricultural equipment to pass. The Leinweber's are also planning for a new and more direct access point to the remnant of parcel ID T17-16-14-15-08-002-00, which will eliminate the potential for future access concerns (Leinweber's, personal communication, December 2022).

4.2.3. *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. Based on the proposed project boundaries (Figure 3), the operations center is unlikely to create a substantial amount of *wasteland* on parcel ID T17-16-14-15-08-002-00. That said, the Project's location may make it hard for agricultural equipment to maneuver in the southeast corner of the remnant of parcel ID T17-16-14-15-08-002-00.

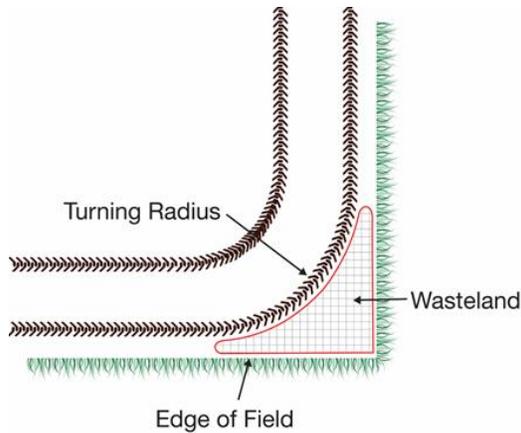


Figure A: Regular Shape

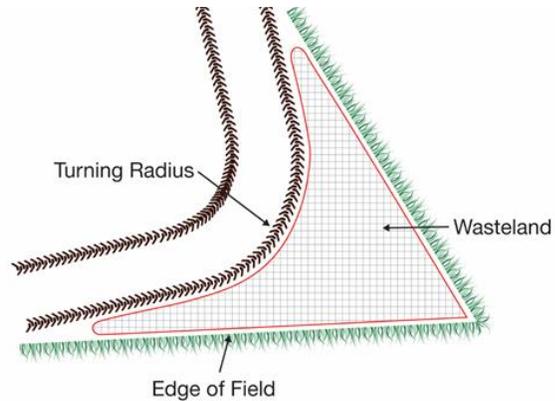


Figure B: Irregular Shape

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*.

4.3. Prime Farmland and Soils

The proposed acquisition and construction of the Ripon Operations Center will impact up to approximately 10 acres of agricultural lands and soils. The soils impacted by the proposed project were cataloged by soil map unit and soil texture using the USDA-NRCS *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, 2017) 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 1.

Table 1: Soils impacted by WPL’s proposed Ripon Operations Center. Reported acreage reflects acres measured with GIS software by the Department for the proposed fee simple acquisition.

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	7.8	2.2	0.0	0.0	10.0
<i>Project Total</i>					10.0
<p>*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.</p> <p>^oPrime farmland if drained, indicates that if farmland is drained it would meet prime farmland criteria.</p> <p>[‡]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.</p> <p>^φNot Prime farmland, indicates farmland is neither prime farmland nor of designated importance.</p>					

All of the agricultural land impacted by the proposed fee simple acquisition holds some level of Federal priority designation. Specifically, the USDA has designated approximately 7.8 acres as *prime farmland* and 2.2 acres as prime farmland if drained (Table 1, 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 Ripon Operations Center project will exclusively remove high quality soils and *prime farmland* from production.

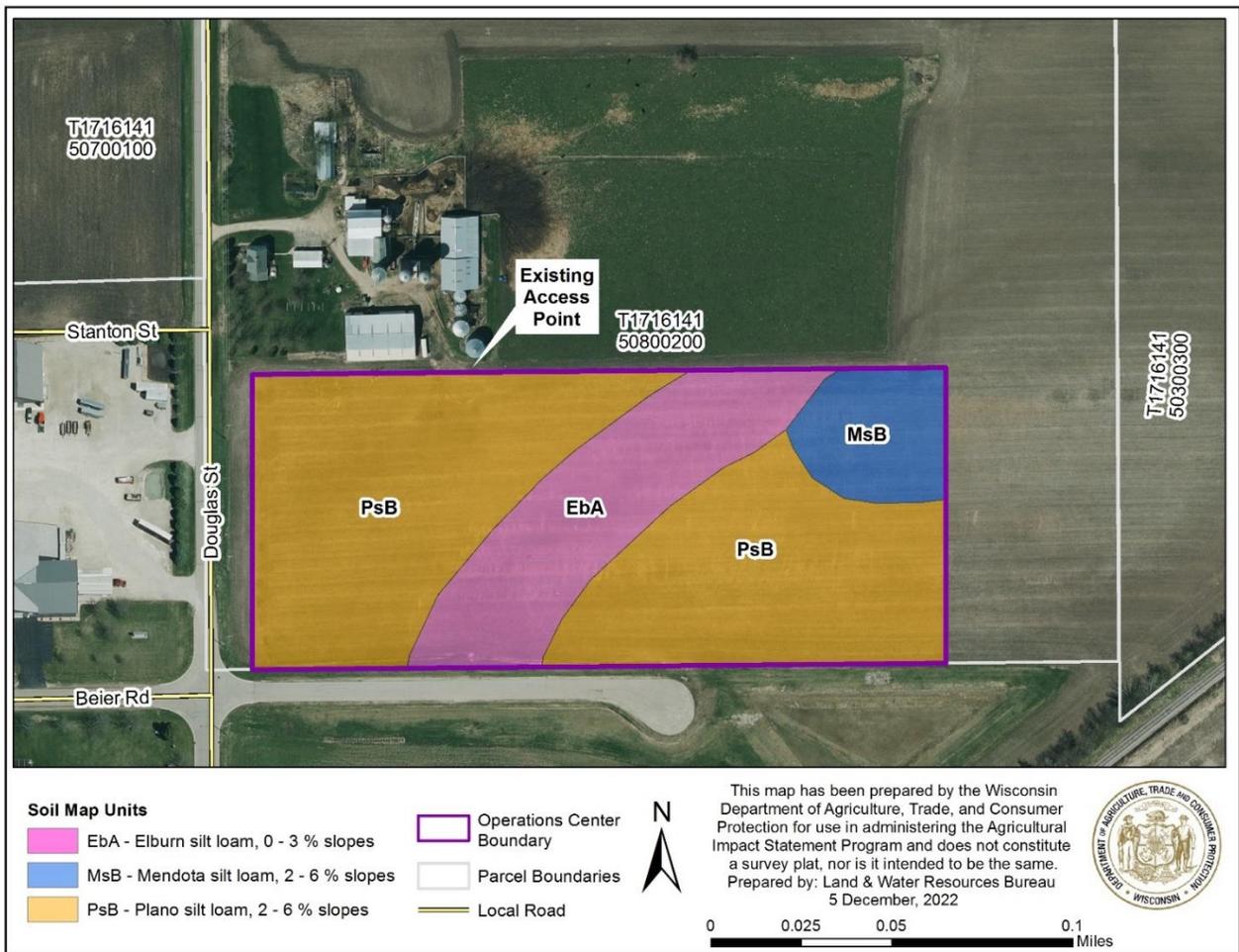


Figure 3: Soil map units for WPL’s proposed Ripon Operations Center, Town of Ripon, Fond du Lac County.

4.4. 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).

4.4.1. Drainage

A topographic review of the Leinweber field indicates that the proposed project area is generally flat, with slopes of less than 1%. What slope is present drains surface water runoff generally from the southwest to the northeast. Without alternations to the landscape, the Project would direct runoff towards the Leinweber's *agricultural operation* and parcel ID T17-16-14-15-08-002-00.

WPL's designs for the Operations Center include plans to capture all surface water runoff generated from the Project and direct it to a *wet detention pond*. To capture the runoff, WPL plans to regrade the existing *topsoil* to direct runoff away from the Operations Center and towards new earthen berms. The berms would run along the northern and southern parcel boundaries, where they would redirect the runoff to the *wet detention pond* (Appendix A – Figure 1).

Wet detention ponds are designed to permanently hold and infiltrate volumes of water generated from small rainfall events. For larger rainfall events, these ponds are designed to temporarily retain the stormwater and then slowly release the "treated water" to another area or flow path. As proposed, the *wet detention pond* will release the treated stormwater, from larger rainfall events, towards the remnant of parcel ID T17-16-14-15-08-002-00 (Appendix A – Figure 1).

Releasing treated stormwater from a fixed location, such as a pipe, increases the force and velocity of water. In turn, this stormwater can cause erosion, saturate soils, or create areas of standing water. WPL plans include multiple measures to manage the release of water from the outflow point to reduce the risk of erosion to downstream areas as much as possible. To achieve this goal, WPL plans to install a combination of hard armoring (i.e. riprap, rock, rubble etc.), buffer strips and infiltration practices along the 80 ft long stretch of land it controls before the treated stormwater enters the Leinweber agricultural parcel. WPL stated they understood its responsibility to deliver a safe, effective, and as maintenance-free stormwater treatment design as possible for the Leinwebers (Brian Cooke, personal communication, December 2022).

Should the 80 ft of planned mitigation practices not be sufficient to prevent erosion or prolonged periods of soil saturation on the Leinweber agricultural parcel, WPL may wish to consider alternative practices. For example, WPL could work with the landowner to determine the feasibility of piping stormwater laterally underground to a less susceptible area in parcel ID T17-16-14-15-08-002-00. Alternatively, WPL may wish to consider entering into negotiations with the Leinweber's to extend the existing mitigation practices into parcel ID ID T17-16-14-15-08-002-00.

Post construction, the Leinweber's may wish to monitor the areas of parcel ID T17-16-14-15-08-002-00 that receive treated stormwater for signs of erosion or increase soil saturation. Should the Leinweber's discover signs of erosion or increased soil saturation, the Department recommends that they notify WPL. The Department also recommends WPL work with the Leinweber's to install new mitigation practices to resolve erosion or increase soil saturation, should either occur as a result of stormwater from the Ripon Operations Center.

4.4.2. *Stormwater & Erosion Control Permitting*

Land disturbance activities in the unincorporated areas of Fond du Lac County may be subject to county stormwater management and erosion control ordinances, except in towns that have adopted a site erosion control and storm water management zoning ordinance under Wis. Stat. § 60.627. WPL should consult the Fond du Lac County Land Information Department for applicable construction site erosion control and stormwater management requirements and permits to ensure construction proceeds in a manner minimizing drainage issues and soil erosion for the project site.

4.4.3. *Soil Health*

The primary concern for soil health related to the Project is the potential impacts of the treated stormwater drainage from the *wet detention pond* onto parcel ID T17-16-14-15-08-002-00. If not properly addressed, the soils within this parcel may be wetter and less favorable for agricultural cropping because of the proposed project. Please refer to the Drainage Section, located above, for an analysis on the potential impacts of stormwater drainage to agriculture.

The application of chloride based de-icing agents, such as rock salt, to paved project surfaces in the winter also creates the potential for negative impacts to soil health, vegetation, ecosystems and surface water (Richburg, 2001; Kelly *et al.*, 2008; Corsi *et al.*, 2010). Alternative de-icing products, such as calcium magnesium acetate or agricultural by-products such as beet juice, when combined with another de-icing product, do exist. These products are biodegradable, non-toxic and can add beneficial minerals to the soil. University of Wisconsin Madison – Extension publication [A3877](#) provides a more extensive list of alternative de-icing products for consideration. WPL should consider using alternatives to chloride based de-icing products at the Operations Centers, when safety conditions allow, to address the potential impacts of chloride to agricultural soils that will receive the discharge from the *wet detention pond*.

Lastly, if WPL plans to use herbicides as part of vegetation management activities at the Ripon Operations Center, WPL should first inform the adjacent agricultural operator to ensure the potential risk of herbicides are mitigated to the remnant agricultural lands.

5. 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 28 Sept. 2022).
- Corsi S. R., D. Graczyk, S. Geis, N. Booth and K. Richards. 2010. A fresh look at road salt: Aquatic toxicity and water-quality impacts on local, regional, and national scales. *Environ Sci Technol*. 44:7376–7382. doi.org/10.1021/es101333u
- Fond du Lac County. 2021. Comprehensive Plan: Fond du Lac County 2020-2040. Retrieved from [2020-2040 Comprehensive Plan | Fond du Lac County \(wi.gov\)](https://www.co.walworth.wi.us/DocumentCenter/View/1941/Walworth-County-Multi-Jurisdictional-Comprehensive-Plan-Update-PDF) <https://www.co.walworth.wi.us/DocumentCenter/View/1941/Walworth-County-Multi-Jurisdictional-Comprehensive-Plan-Update-PDF>(accessed 2 Dec. 2022).
- Green Lake Conservancy (GLC). Conservancy Lands – the Special Places of Green Lake. <https://greenlakeconservancy.org/special-places/> (accessed 14 Dec. 2022).
- Groundswell Conservancy (Groundswell). 2022. Project Map. <https://groundswellconservancy.org/map/> (accessed 14 Dec. 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
- Kelly, V., G. Lovett, K. Weathers, S. Findlay, D. Strayer, D. Burns and G. Likens. 2008. *Environmental Science & Technology*. 42 (2), 410-415 doi: 10.1021/es071391I
- 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
- Land Trust Alliance. 2022. Find a Land Trust. <https://www.findalandtrust.org/> (accessed 12 Dec. 2022).
- Richburg, J. A., W. A. Patterson III and F. Lowenstein. 2001. Effects of road salt and *Phragmites australis* invasion on the vegetation of a western MA calcareous lake-basin fen. *Wetlands*. 21, 247–255. doi.org/10.1672/0277-5212(2001)021[0247:EORSAP]2.0.CO;2
- Standards for Delineating Metropolitan and Micropolitan Statistical Areas (Standards); Notice. 2010. Vol. 75 Federal Register No. 123. 28 June 2010. Retrieved from <https://www.govinfo.gov/content/pkg/FR-2010-06-28/pdf/2010-15605.pdf> (accessed 28 Sept. 2022).
- U.S. Department of Agriculture (USDA). 2017. 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 28 Sept. 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 28 Sept. 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 1 Dec. 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 28 Sept. 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 28 Sept. 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 28 Sept. 2022).
- Wisconsin Department of Administration (WisDOA). 2021. County Final Population Estimates. Retrieved from https://doa.wi.gov/DIR/Final_Ests_Co_2021.xlsx (accessed 28 Sept. 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2019 Drainage Districts in Wisconsin. Retrieved from <https://datcp.wi.gov/Documents2/DrainageProgramFactsheet.pdf> (accessed 28 Sept. 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2021a. *Farmland Preservation Plan – Fond du Lac County 2021*. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2021b. Designated Agricultural Enterprise Areas (AEAs). Retrieved from https://datcp.wi.gov/Pages/Programs_Services/DesignatedAEAs.aspx (accessed 3 October 2022).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2022a. Agricultural Impact Notice for Non-Linear Projects DARM-BLWR-004 rev 05/22: *Wis Power and Light Ripon Operations Center Site*. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2022b. Farmland Preservation Interactive Map. <https://datcpgis.wi.gov/maps/?viewer=fpp> (accessed 2 Dec. 2022).
- Wisconsin Department of Natural Resources (WisDNR). 2007. Wet Detention Pond (1001). Retrieved from <1001WetDetentionPond.pdf> (wi.gov) (accessed 6 Dec. 2022).
- Wisconsin Department of Revenue (WisDOR). 2022. Wisconsin MSA Outlook – September 2022. Retrieved from <https://www.revenue.wi.gov/dorreports/2022-09-wi-msa-outlook.pdf> <https://www.revenue.wi.gov/dorreports/wi-msa-outlook-mar-2022.pdf> https://www.revenue.wi.gov/DORReports/WI-MSA_Outlook_Sept_2021.pdf (accessed 28 Sept. 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 2 Dec. 2022).

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