

# AGRICULTURAL IMPACT STATEMENT



**DATCP  
#4530**

**CTH PC: Reconstruction (Vernon  
County Line to STH 33)  
Monroe County  
WisDOT # 5016-00-01**

# AGRICULTURAL IMPACT STATEMENT

*DATCP #4530*

CTH PC: Reconstruction (Vernon County Line to STH 33)  
Monroe County

## WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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## **LETTER TO THE READER**

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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 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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# 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) #4530 for the proposed acquisition of land by the Monroe County along a section of County Highway (CTH) PC in the Town of Portland in Monroe County, WI. This section of CTH PC, running from the Vernon County Line to STH 33 (Figure 1), is known to Monroe County to contain poor pavement condition, substandard vertical curves which impact safety within the project corridor and a narrow roadbed. In order to improve roadway conditions and to improve safety of travel along this section of CTH PC, Monroe County has proposed to reconstruct this section of roadway (Figure 1, Appendix A: Figure 1a).

Monroe County evaluated three project alternatives, including a no-build alternative for a base line comparison to the resurfacing and reconstruction alternatives. Monroe County has identified reconstruction as the preferred alternative to address poor roadway and safety conditions. As proposed, the selected alternative will impact 28.05 acres of agricultural lands and 21 agricultural landowners. Monroe County has indicated that the land will be acquired through the WisDOT ROW acquisition process as both permanent ROW and temporary limited easement.

In accordance with [Wis. Stat. §32.035\(3\)](#), Jewell Associates Engineers, Inc. (Jewell) on behalf of Monroe County has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural property owner(s) and operator(s) impacted by the selected alternative. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed Monroe County's agricultural impact notification materials and comments from the affected agricultural property owner(s) and operator(s) of the selected alternative to assess the agricultural impacts of the proposed reconstruction CTH PC.

Through the AIS analysis, the Department offers a set of recommendations – beginning on page 3 – and conclusions to Monroe County and the agricultural land owner(s) and operator(s) to help mitigate current and future impacts on agricultural lands and agricultural operations at the selected sites. If the Monroe County deviates from the selected alternative or the selected sites, Monroe County 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.



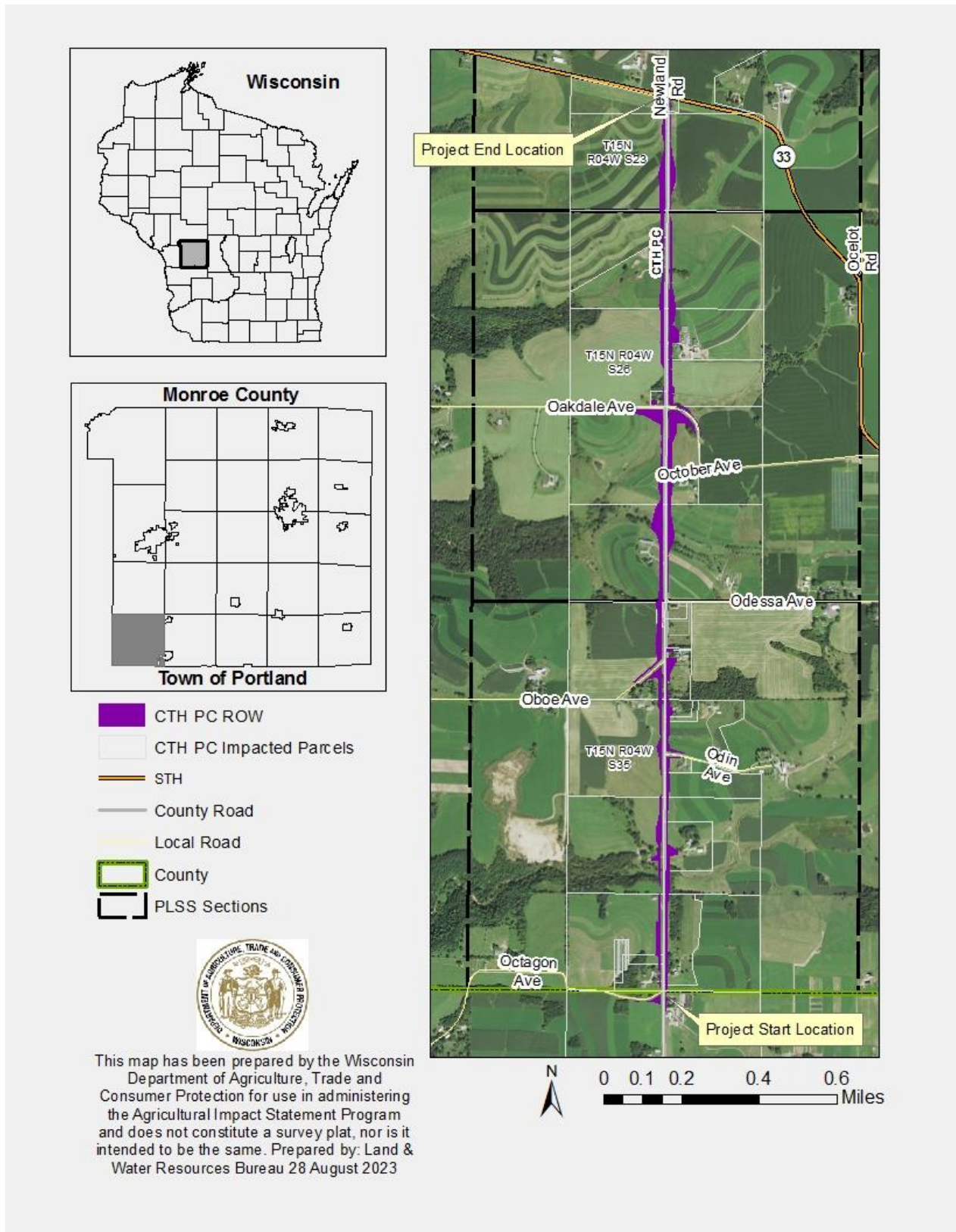


Figure 1: CTH PC reconstruction project corridor in the Town of Portland, Monroe County.

# AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) has reviewed and analyzed the materials provided by Jewell on behalf of Monroe County and comments from the affected agricultural property owners and operators regarding the proposed reconstruction of County Highway (CTH) PC. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to Monroe County and agricultural land owners and operators to help mitigate impacts on agricultural lands and agricultural operations.

## Recommendations to Monroe County

- During project design, Monroe County should consult with the Monroe County Conservationist to ensure that land restoration and planting of the landscape around CTH PC proceeds in a manner that minimizes drainage problems, soil erosion and soil compaction on the remaining remnant agricultural lands as well as adjacent properties.
- Monroe County should consult with the affected agricultural landowners and operators to ensure any reconstructed, relocated or newly established agricultural land access points are located in areas that provide safe and efficient access to remnant agricultural properties.
- Monroe County should provide agricultural landowners and operators advanced notice of acquisition and construction schedules so that agricultural activities can be adjusted accordingly.
- Monroe County should consult with agricultural landowners and operators whom have historical knowledge of flooding and runoff problems, to ensure that new or replacement culverts, ditches, and other runoff management structures for CTH PC are adequate for anticipated stormwater management requirements.
- Monroe County should 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.
- After construction is completed, Monroe County should carefully monitor for the emergence of drainage problems. If problems are observed that can be attributed to roadway construction, Monroe County and the landowner should work together to develop a mutually agreeable solution.



- Monroe County should coordinate with the Department of Agriculture, Trade and Consumer Protection related to effective farmland preservation agreement 724 and the release of land in Tax parcels 032008291000, 032008282000, 032008280000, and 032008170000 (Appendix A: Figure 1b) in accordance with Wisconsin Department of Transportation Facilities Development Manual, Chapter 5, Section 10, Provision 30.2.2 ([FDM 5-10-30.2.2](#)).

### **Recommendations to Agricultural Land Owners and Operators**

- The affected agricultural landowners should fully describe and discuss property improvements and agricultural operations with appraisers so that the appropriate value of the affected property can be established.
- Prior to the start of construction, landowners should identify for Monroe County 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.
- The affected agricultural landowners along the entire CTH PC reconstruction project corridor should inform Monroe County of any Farmland Preservation (FP) agreements they hold and if a FP enrolled field could be impacted by the project.
- After construction is completed, landowners should carefully monitor for the emergence of drainage problems. If problems are observed that can be attributed to roadway construction, the landowner and Monroe County should work together to develop a mutually agreeable solution.

# AGRICULTURAL IMPACT STATEMENT

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## 1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) has prepared Agricultural Impact Statement (AIS) #4530 in accordance with [Wis. Stat. §32.035](#) for the proposed reconstruction of County Highway (CTH) PC in Monroe County, WI (Figure 1, Appendix A) by Monroe County. In Wisconsin, 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 the County, Monroe County may be required to draw upon its vested authority of condemnation. Vested with the power of condemnation, County projects that impact agricultural lands are also subject to Wisconsin's Agricultural Impact Statement statute [Wis. Stat. §32.035](#).

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 5 acres of land from any agricultural operation. Land for the project will be acquired as permanent right of way (ROW) and temporary limited easement via the WisDOT ROW acquisition process. In accordance with [Wis. Stat. §32.035\(4\)\(d\)](#), if Monroe County actualizes its powers of condemnation, it may not negotiate with or make a jurisdictional offer until 30 days after the AIS has been published.

If the Monroe County deviates from the selected alternative or the selected sites, Monroe County 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.

## 2. PROJECT DESCRIPTION

### **Project Summary**

Jewell, on behalf of the Monroe County has provided the Wisconsin Department of Agriculture, Trade and Consumer Protection (Department) with an agricultural impact notification (AIN) and requested spatial materials for analysis for the proposed project (Jewell, 2023). The AIN and requested materials serve as the main reference documents for the project, the existing roadway, the project need and project alternatives. Monroe County has already selected its project alternative and the proposed project presented here represents Monroe County's selected alternative along the preferred route.

Monroe County has proposed to reconstruct a 2.3 mile corridor of County Highway (CTH) PC, running from the Monroe-Vernon County Line to Wisconsin State Highway (STH) 33 in the Town of Portland in Monroe County, WI (Figure 1, Appendix A). The project area is known to Monroe County to contain poor pavement condition, substandard vertical curves which impact safety within the project corridor, and a narrow roadbed. Under the selected project design, Monroe County will: remove the old pavement structure in its entirety, replace pavement structure with a new pavement structure that has wider driving lanes and wider shoulders, horizontal alignment of side roads will be adjusted to intersect with CTH PC on tangent and existing private, field and commercial entrances to the project corridor will be reconstructed. The existing horizontal alignment of CTH PC is projected to be largely maintained with some exceptions to limit impacts to non-agricultural properties (outside the scope of this analysis). The existing vertical alignment of CTH PC within the project area will be adjusted to meet updated design standards and improve safety conditions within the project corridor. As proposed, the selected alternative will impact 28.05 acres of agricultural lands and 21 agricultural landowners. Monroe County has indicated that the land will be acquired through the WisDOT ROW acquisition process as both permanent ROW and temporary limited easement. Land acquisitions are anticipated to begin in early 2024 and construction is expected to start in May of 2026 with a tentative completion date of October 2026 (Jewell, 2023). A full list of the impacted acres for each agricultural landowner is provided in Table 1 of Section IV: Landowner Impacts.

### **Project Design, Existing Roadway**

Monroe County has denoted that the proposed reconstruction CTH PC will begin at the Vernon County Line where Octagon Avenue Intersects with CTH PC. Intersections with side roads will be adjusted in the following ways:

- The intersection of Octagon Avenue and CTH PC will be shifted 125 feet south.
- The intersection of Odin Avenue and CTH PC will remain in the existing location but the profile will be adjusted to match that of CTH PC.
- The intersection of Oboe Avenue and CTH PC will be shifted 135 feet south.
- The intersection of Odessa Avenue and CTH PC will remain in the existing location but the profile will be adjusted to match that of CTH PC.
- The intersection of Oakdale Avenue and CTH PC will be shifted 80 feet to the south.

The intersection of CTH PC and STH 33, 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 PC 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 PC, new right-of-way (ROWs) will be acquired along the entire length of the project. The width of the ROW, will range from 0 to 125 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 agricultural impact notification (AIN) submitted to the Department (Jewell, 2023), Monroe County described alternatives that were evaluated during the design process for the proposed project including no build, resurfacing and reconstruction alternatives. During the design process, Monroe County evaluated the alternatives to address deteriorated pavement condition, substandard design elements as well as safety concerns related to the existing 2.3 mile section of CTH PC in Monroe County. Monroe County evaluated each alternative's ability to improve safety, address the deteriorated pavement concerns and reduce impacts to surrounding landowners. Through their analysis, the Monroe County selected reconstruction as their preferred alternative.

# **3. AGRICULTURAL SETTING**

## **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.

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

The CREP program pays eligible agricultural landowners 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 feet of a stream or water body or 1,000 feet from an eligible project area (DATCP, 2019b). A review of the Department's CREP records indicate that the proposed project would not directly impact any CREP fields or easements.

### ***Conservation Reserve Program (CRP)***

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.

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

A review of the Department's PACE Program shows the Project would not impact any state-held PACE easements. Counties and private non-governmental organizations such as land trusts may also hold agricultural conservation easements. The Department was not able to determine if any of the impacted agricultural lands are subject to other recorded agricultural conservation easements.

### **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 may be eligible for the farmland preservation tax credit.

### ***Farmland Preservation Planning and Zoning***

Monroe County has a farmland preservation (FP) plan that was certified by the Department in 2014 (Monroe County, 2014). FP plans are a land use planning tool to establish a local vision for agricultural preservation, agricultural development and agricultural enterprises at the county level. Approximately 25.87 acres of agricultural land within the project ROW are planned for FP within the County's current FP Plan. The Town of Portland has not adopted certified FP zoning.

### ***Agricultural Enterprise Areas***

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 farmland preservation (FP) agreements. Through an FP agreement, a landowner agrees to voluntarily restrict the use of his/her land to agriculture for fifteen years in exchange for eligibility for the farmland preservation tax credit (DATCP, 2020a). Approximately 25.87 acres of agricultural land within the project ROW are designated within the [Scenic Ridge and Valley AEA](#).

Tax parcels 032008291000, 032008282000, 032008280000, and 032008170000 are subject to effective farmland preservation agreement 724 (Appendix A: Figure 1b), recorded as document number 670542 on January 08, 2018 in the Office of the Monroe County Register of Deeds. Lands currently enrolled in the agreement that are proposed to be sited with expanded highway ROW will need to be released to accommodate the project area as a land use that conflicts with the use terms of the agreement. Coordination between WisDOT and the Farmland Preservation Program regarding farmland preservation agreement releases is detailed in Wisconsin Department of Transportation Facilities Development Manual, Chapter 5, Section 10, Provision 30.2.2 ([FDM 5-10-30.2.2](#)).

A release from an effective farmland preservation agreement may be subject to a conversion fee defined under Wis. Stat. 91.66(1)(c). Acquisitions that result in WisDOT ownership of the right of way are exempt from the conversion fee under Wis. Stat. 84.01(34). If any entity other than WisDOT owns the right of way, the conversion fee will apply.

### **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, 2019a). 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 176 active districts exist within 31 of Wisconsin’s 72 counties (DATCP, 2019a). A review of the Department’s interactive drainage district web map (DATCP, 2020b) indicated that no drainage districts are located within the Town of Portland, Monroe County nor are any drainage districts anticipated to be indirectly impacted by the proposed project.

## **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 Jewell, on behalf of Monroe County for this AIS and information gathered by the Department from agricultural landowner(s) to analyze the potential agricultural impacts of the reconstruction of CTH PC in the Town of Portland.

### **Farmland Acquisitions and Landowner Concerns**

#### ***Monroe County***

As proposed, the project design will impact 28.05 acres of agricultural lands and 21 agricultural landowners. Monroe County has indicated that the land will be acquired through the WisDOT ROW acquisition process as both permanent ROW and temporary limited easement. Land acquisitions are anticipated to begin in early 2024 and construction is expected to start in May of 2026 with a tentative completion date of October 2026 (Jewell, 2023). Monroe County, WisDOT and Jewell were offered the opportunity to review this analysis. Project initiator comments are available in Appendix E: Project Initiator Feedback Form.

## Landowners

The reconstruction of CTH PC by Monroe County will affect 21 agricultural landowners and 31 parcels of agricultural property through a combination of temporary and permanent easements and warranty deeds. DATCP attempted to contact all landowners who had agricultural impacts as shown in Table 1. All affected agricultural landowners should fully describe and discuss property improvements and agricultural operations with appraisers so that the appropriate value of the affected property can be established.

Table 1: Acres of agricultural lands, listed by agricultural landowner impacted, by the Monroe County reconstruction of CTH PC, Town of Portland, Monroe County.

| Agricultural Landowner  | Acres of Impacted Agricultural Land (acres) |                           |              |
|---|---|---------------------------|--------------|
|   | <u>Warranty Deed</u>                        | <u>Temporary Easement</u> | <u>Total</u> |
| DAVID P BRUEGGEN REVOCABLE TRUST DIANE M BRUEGGEN REVOCABLE TRUST | 1.55  | 0.39                      | 1.94         |
| MARK D. JOTHEN  | 2.19  | 0.69                      | 2.88         |
| PAUL N KAUFFMAN & MARIE A KAUFFMAN                                | 1.61  | 0.65                      | 2.26         |
| MAPLTWIN FARMS LLC  | 2.35  | 0.05                      | 2.40         |
| NATHAN W MCKITTRICK & MELISSA K MCKITTRICK                        | 0.82  | 0.20                      | 1.02         |
| AARON R MILLER  | 0.09  | 0.01                      | 0.10         |
| EMMANUEL R MILLER & MARTHA M MILLER                               | 0.01  | 0.12                      | 0.13         |
| FANNIE S MILLER   | 0.16  | 0.32                      | 0.48         |
| MELVIN J MILLER & NAOMI J MILLER                                  | 0.98  | 0.06                      | 1.04         |
| REUBEN L MILLER & AARON R MILLER                                  | 0.47  | 0.55                      | 1.02         |
| TERRY D MLSNA & JAMIE L MLSNA                                     | 0.06  | 0.03                      | 0.09         |
| PAUL T NELSON   | 0.89  | 0.55                      | 1.44         |
| ANEDA MAE ONSHUS  | 0.31  | -                         | 0.31         |
| JULIE A. ONSHUS   | 0.85  | 0.10                      | 0.95         |
| JOHN C. OPSAHL & SHARON A. OPSAHL                                 | 2.61  | -                         | 2.61         |
| PETER C. OPSAHL   | 1.90  | 0.19                      | 2.09         |
| DAVID L. PETERSON & BEVERLY A. PETERSON                           | -   | 0.28                      | 0.28         |
| ERIC D. PETERSON & NAOMI L. PETERSON                              | 0.23  | 0.11                      | 0.34         |
| SCOT T. PETERSON & KURT B. PETERSON                               | 1.11  | -                         | 1.11         |
| BARBARA M SCHMUCKER & LAURA E SCHMUCKER                           | 4.75  | 0.77                      | 5.52         |
| JOHN W. VEHRENKAMP JR   | 0.04  | -                         | 0.04         |
| <b>Project Totals</b>   | <b>22.98</b>                                | <b>5.07</b>               | <b>28.05</b> |



Several agricultural landowners were reached for comment through a direct survey. Figure 2 illustrates landowner concerns related to potential project impacts by total number of landowners reporting the concern.

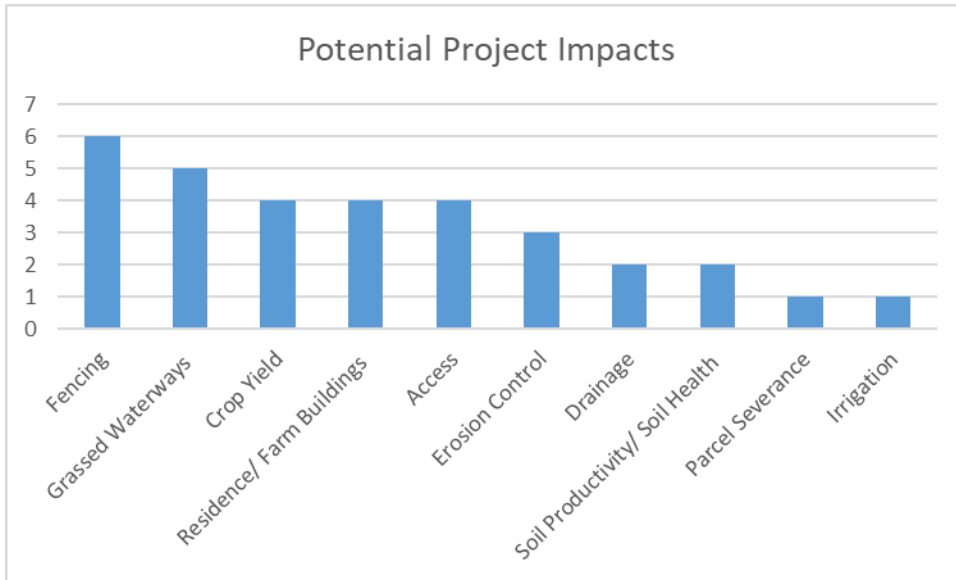


Figure 2: CTH PC reconstruction Potential Project Impacts: Landowner concerns as identified by survey to owners of impacted agricultural parcels.

The following section will summarize the comments received from agricultural landowners and provide the Department analysis of agricultural impacts to specific landowners and agricultural landowners in general.

***Nathan McKittrick***

Nathan McKittrick’s farm operation includes 20 acres of combined cropland, pasture, farm and residential structures and unmanaged woodlands. McKittrick documented concerns related to soil productivity and soil health, crop yields, farm buildings and fencing. McKittrick emphasized concerns related to loss of pastureland, loss of hayed acres resulting in the need to relocate fencing for pastured livestock. WisDOT should provide agricultural landowner(s) and operator(s) advanced notice of acquisition and construction schedules so that agricultural activities can be adjusted accordingly. Jewell reported that an ROW plat is currently under development and is projected to be recorded by the County around February of 2024. Following completion of the plat, real estate acquisition specialists will begin reaching out to landowners to discuss purchases (Appendix E).

McKittrick indicated that much of the farm operation is pastureland. If the proposed ROW will impact existing agricultural fences, landowners should notify and consult with Monroe County on their location prior to acquisition. Under Wisconsin Eminent Domain Statute Wis. Stat. § 32.09, the impacted landowner shall be compensated for the cost of fencing reasonably necessary to separate land taken from remainder of land. While it’s unknown at this time if condemnation will be exercised, Wis. Stat. § 32.09 establishes that the cost to construct or restore fencing should be

borne by the County. In the AIN, Jewell acknowledged that several agricultural operations abutting the CTH PC ROW are pastured. Fencing will be adjusted prior to construction activities to minimize impacts to livestock during construction (Jewell, 2023).

### *Aaron Miller*

Aaron Miller's farm operation includes 250 acres of combined cropland, pasture and managed forestland in and around the project corridor. Miller documented that the proposed project has the potential to impact erosion control, soil productivity and crop yields, farm buildings, access and fencing on the farm operation.

The expanded ROW along the west side of CTC PC will reduce the setback for a pole shed in the northeast quadrant of parcel 023008260000 (SE SW, Section 35, T15N, R04W) from the CTH PC ROW by an estimated 60 feet, potentially creating a safety issue for proximity and access to the existing farm structure. The pole shed is accessed via access road which has an existing entrance to CTH PC. The Department recommends that Monroe County consult with Miller on the existing location of the structure as well as viable access points for reconstruction of an entrance to the structure. Moving the access road for the structure has potential to convert additional agricultural land.

Prior to the start of construction, landowners should identify for Monroe County 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. Miller noted that the project could have an impact on a feed storage and animal housing loading and collection point. Changes to the project corridor may impact the way agricultural transportation or processors access farm operations.

As Miller's other concerns are similar in nature to those previously addressed, please refer to the above paragraphs for analysis and information on fencing.

### *Melvin Miller*

Melvin Miller's farm operation includes 40 acres of combined cropland, fallow farmland, pasture as well as farm and residential structures. Miller documented that the proposed project has the potential to impact erosion, drainage and fencing on the farm operation.

Specifically, Miller documented a concern related to the loss of top soil on the farm operation resulting from activity within the project ROW. Miller requested that top soil be restored and reseeded into perennial vegetative cover. In the AIN, Jewell noted standard WisDOT erosion control measures will be used to reduce soil erosion and soil loss within the project corridor. Erosion control and storm water quality management is detailed within detailed in Wisconsin Department of Transportation Facilities Development Manual, Chapter 10, Section 10, ([FDM 10-10](#)) and Chapter 13, Section 1 for Drainage Practice ([FDM-13-1](#)).

To address landowner concerns related to drainage within the project ROW, the Department advises Monroe County 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. Jewell reported that a full drainage evaluation was completed for the project, including the replacement of all culverts. In addition, roadside ditches will be reconstructed as an element of the project reconstruction (Appendix E). See also *Drainage and Soil Health analysis* in subsequent sections. After construction is completed, Monroe County should carefully monitor for the emergence of drainage problems. If problems are observed that can be attributed to roadway construction, Monroe County and the landowner should work together to develop a mutually agreeable solution.

### *Terry Mlsna*

Terry Mlsna's farm operation includes 8 acres of combined pastureland, farm and residential structures. Mlsna documented that the proposed project has the potential to impact drainage, residential/farm buildings as well as fencing on the farm operation.

As Mlsna's other concerns are similar in nature to those previously addressed, please refer to the above paragraphs for analysis and information on existing farm structures or improvements and fencing.

### *Paul Nelson*

Paul Nelson's farm operation includes 40 acres of combined pastureland, farm and residential structures and unmanaged woodlands. Nelson documented that the proposed project has the potential to impact drainage, erosion, access and fencing on the farm operation. Nelson emphasized concerns related to the reduction of land available for pasturing livestock and that the existing bridge segment of CTH PC over an unnamed stream that traverses parcel number 0320008230000 (Section 35, T15N, R4W) is not providing effective stormwater management/movement of water under CTH PC. Nelson reported some loss of available pastureland resulting from erosion during the last several years. As the stream is located at the lowest elevation within the subject parcel and within the project corridor surface water runoff is subject to drain to this area. See recommendation under Landowner *Melvin Miller* to address landowner concerns related to drainage within the project ROW. Monroe County should consult with agricultural landowners and operators) whom have historical knowledge of flooding and runoff problems, to ensure that new or replacement culverts, ditches, and other runoff management structures for CTH PC are adequate for anticipated stormwater management. Jewell reported that the project design team has discussed drainage challenges with numerous landowners who own property adjacent to the CTH PC project. With that feedback, Jewell is working to make improvements within the scope of the project to address landowner drainage concerns (Appendix E).

During project design, Monroe County should consult with the Monroe County Conservationist to ensure that land restoration and planting of the landscape around CTH PC proceeds in a manner that minimizes drainage problems, soil erosion and soil compaction on the remaining remnant agricultural lands as well as adjacent properties. Jewell reported the project initiator would consult with the Monroe County Conservationist on preferred types of vegetation to achieve this goal closer to the date of plan, specification and estimate approval (Appendix E).

As Nelson's other concerns are similar in nature to those previously addressed, please refer to the above paragraphs for analysis and information on drainage and fencing.

***Peter Opsahl***

Peter Opsahl's farm operation includes 126 acres of combined cropland, pastureland, managed forestlands as well as farm and residential structures. Opsahl documented that the proposed project has the potential to impact crop yields, residential/ farm buildings, access and fencing. Opsahl emphasized concerns related to the impacts on parcel 032006070000 (SE NW Section 26, T15N, R4W). The parcel contains an existing farm residence accessed off of a driveway on Oakdale Avenue, just west of the intersection with CTH PC. The intersection of Oakdale Avenue with CTH PC is planned to be shifted 80 feet south near this location. The AIN indicates that Monroe County plans to obtain a temporary limited easement at the existing entrance point of the driveway to Oakdale Avenue. The Department recommends that Opsahl consult with Monroe County on the location of all existing farm structures or improvements- including the farm residence, well, septic and driveway to discuss long term impacts on the parcel related to the residential structure and access.

Opsahl also expressed concerns related to the conversion of productive agricultural land, retaining existing access to impacted agricultural fields. Monroe County should consult with the affected agricultural landowner(s) and operator(s) to ensure any reconstructed, relocated or newly established agricultural land access points are located in areas that provide safe and efficient access to remnant agricultural properties. Jewell reported that information related to relocated driveways and field entrances was communicated to property owners during the second Project Involvement Meeting. During project planning, Monroe County made efforts to relocate property access points to areas that serve the property and match into improvements on proposed CTH PC (Appendix E). As Opsahl's other concerns are similar in nature to those previously addressed, please refer to the above paragraphs for analysis and information on fencing.

***Chris Peterson, Mapltwin Farms LLC***

Mapltwin Farms LLC's farm operation includes 700 acres of combined cropland and pastureland. On behalf of Mapltwin Farms, Peterson reported concerns related to drainage, erosion control, crop yields and access. Peterson emphasized concerns related to access as planting and harvesting may be impacted during construction. Monroe County should consult with the affected agricultural

landowner(s) and operator(s) to ensure access is maintained to remnant agricultural fields during construction.

## Severance, Access, 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 lands impacted by the Project (Figure 1, Appendix A).

### 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. Acquisition of ROW to accommodate the project is not anticipated to sever any existing agricultural parcels.

### Access

Acquisitions of farmland may remove existing points of access utilized by *agricultural operations* to enter their remaining farmland. Access to farmland may also be temporarily lost within the project ROW while the project is under construction. When agricultural lands and operations lose access, even temporarily, agricultural productivity may be impacted if crops, livestock or other agricultural products cannot be tended. Lost access may also directly result in lost income if a field cannot be planted or harvested, or if an entire *agricultural operation* is hindered. In the AIN, Jewell reported that Monroe County will reconstruct all existing private, field and commercial entrances to the project corridor (Jewell, 2023). Landowner responses to the preconstruction survey related to agricultural impacts indicate that access to farm operations within the project corridor is a significant concern.

### Wasteland

Acquisitions and *easements* 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. This in turn reduces agricultural productivity and decreases the economic viability of the land, which increases the potential of creating undeveloped land ([Wis. Stat. § 70.32\(2\)\(a\)\(5\)](#)) or what is commonly referred to as *wasteland*. Acquisitions to accommodate the expansion of the CTH PC

ROW will create some irregularly shaped parcel boundaries on agricultural operations, especially where intersections of side roads will be moved within the project corridor. 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.

### **Prime Farmland and Soils**

This soils analysis is limited to the 28.92 acres of geospatial data Jewell submitted as part of the AIN for the CTH PC ROW. 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 2). 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 2.

A majority of the agricultural lands (69% or approximately 19.96 acres) impacted by the CTH PC project hold some level of Federal or State priority designation. Specifically, the USDA has designated approximately 8.57 acres as prime farmland, while the State of Wisconsin has designated approximately another 11.39 acres as farmland of statewide importance (Table 2). Across the impacted agricultural parcels, the soils consist primarily of silt loam textured soils of various soil series. Silt loam soils are medium-textured (Cornell, 2017) soils 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 Monroe County's proposed reconstruction of CTH PC has the potential to remove both high quality soils and prime farmland from production.

Table 2: Agricultural soils impacted by the Monroe County reconstruction of CTH PC in the Town of Portland, Monroe County.

| 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) |
|--|------------------------|---|--|--|--------------|
| Silt Loam  | 8.57                   | -   | 11.39  | 8.96                                   | 28.92        |
| <i>Project Total</i>   |                        |   |  |  | 28.92        |
| <p>*<b>Prime farmland</b> 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><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).

Wis. Stat. § 88.87 of the Wisconsin Statutes requires highways to be built with 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. Refer to Appendix C 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 Monroe County within three years after the damage occurs.



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