

AGRICULTURAL
IMPACT
STATEMENT



**USH 51: IH 39/90 to USH 12/18
Dane County**

Published February 11, 2016

**Wisconsin Department of Agriculture,
Trade and Consumer Protection
DATCP #4096**

Table of Contents

Acronyms	i
1. Introduction	1
2. Description of the Project	2
Project Description and Location.....	2
Project Purpose and Need	4
Alternatives Considered	4
3. Agricultural Setting.....	5
Agricultural Productivity	5
Land in Farms	5
Number of Farms.....	6
Size of Farms	7
Property Taxes and Values	7
Farmland Preservation.....	8
Soils.....	9
4. Agricultural Impacts	10
Landowner Comments	10
Potential Agricultural Impacts	13
Appraisal Process.....	15
5. Recommendations	17
Literature Cited	18
Appendix I: Agricultural Impact Statements.....	19
Appendix II: Eminent Domain	21
Appendix III: Access.....	25
Appendix IV: Drainage	27
Appendix V: NRCS Soil Farmland Classification	29
Appendix VI: Soil Capability Classes	30
Appendix VII: Mailing List.....	31

List of Figures

Figure 1. Project Location Map 3
Figure 2. Percentage of Land in Farms 6
Figure 3. Equipment Turning Radius in a Right-Angle Field Corner and in an Acute-Angle Field Corner 13
Figure 4. Remnants Left by a Roadway Passing through the Middle of a 40-Acre Field 14

List of Tables

Table 1. Acres of Selected Crops from 2010 to 2014..... 5
Table 2. Change in the Acres of Farmland, 2007 to 2012. 6
Table 3. Change in the Number of Farms, 2007 to 2012..... 7
Table 4. Change in the Average Size of Farms, 2007 to 2012. 7
Table 5. Number of Farms per Size Category in 2012. 7
Table 6. Farmland Taxes and Value. 8
Table 7. Proposed Farmland Acquisitions in Fee-Simple. 10

Acronyms

AIS	Agricultural Impact Statement
AEA	Agricultural Enterprise Area
CTH	County Trunk Highway
DATCP	Department of Agriculture, Trade, and Consumer Protection
FPP	Farmland Preservation Program
IH	Interstate Highway
NRCS	Natural Resources Conservation Service
STH	State Trunk Highway
USDA	U.S. Department of Agriculture
USH	U.S. Highway
WisDOT	Wisconsin Department of Transportation

AGRICULTURAL IMPACT STATEMENT

USH 51: IH 39/90 (6 miles east of Stoughton) to SH 12/18 Interchange
Dane County
Wisconsin Department of Transportation
Project ID#: 5845-06-03

1. Introduction

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has prepared this agricultural impact statement (AIS) in accordance with §32.035, *Wisconsin Statutes*. DATCP is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of interest in more than 5 acres of land from any farm operation. The term farm operation includes all owned and rented parcels of land, buildings, equipment, livestock, and personnel used by an individual, partnership, or corporation under single management to produce agricultural commodities. DATCP may choose to prepare an AIS if an acquisition of 5 or fewer acres will have a significant impact on a farm operation. Significant impacts could include the acquisition of buildings, the acquisition of land used to grow high-value crops, or the severance of land.

The AIS is an informational and advisory document that describes and analyzes the potential effects of the proposed project on farm operations and agricultural resources. The AIS reflects the general objectives of DATCP in its recognition of the importance of conserving important agricultural resources and maintaining a healthy rural economy. DATCP 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.

DATCP should be notified of such projects regardless of whether the proposing agency intends to use its condemnation authority in the acquisition of project lands. The proposing agency may not negotiate with or make a jurisdictional offer to a landowner until 30 days after the AIS is published. Refer to Appendix I for *Wisconsin Statute* §32.035 on the AIS program and Appendix II through IV for excerpts from various statutes pertaining to eminent domain, access, and drainage.

2. Description of the Project

Project Description and Location

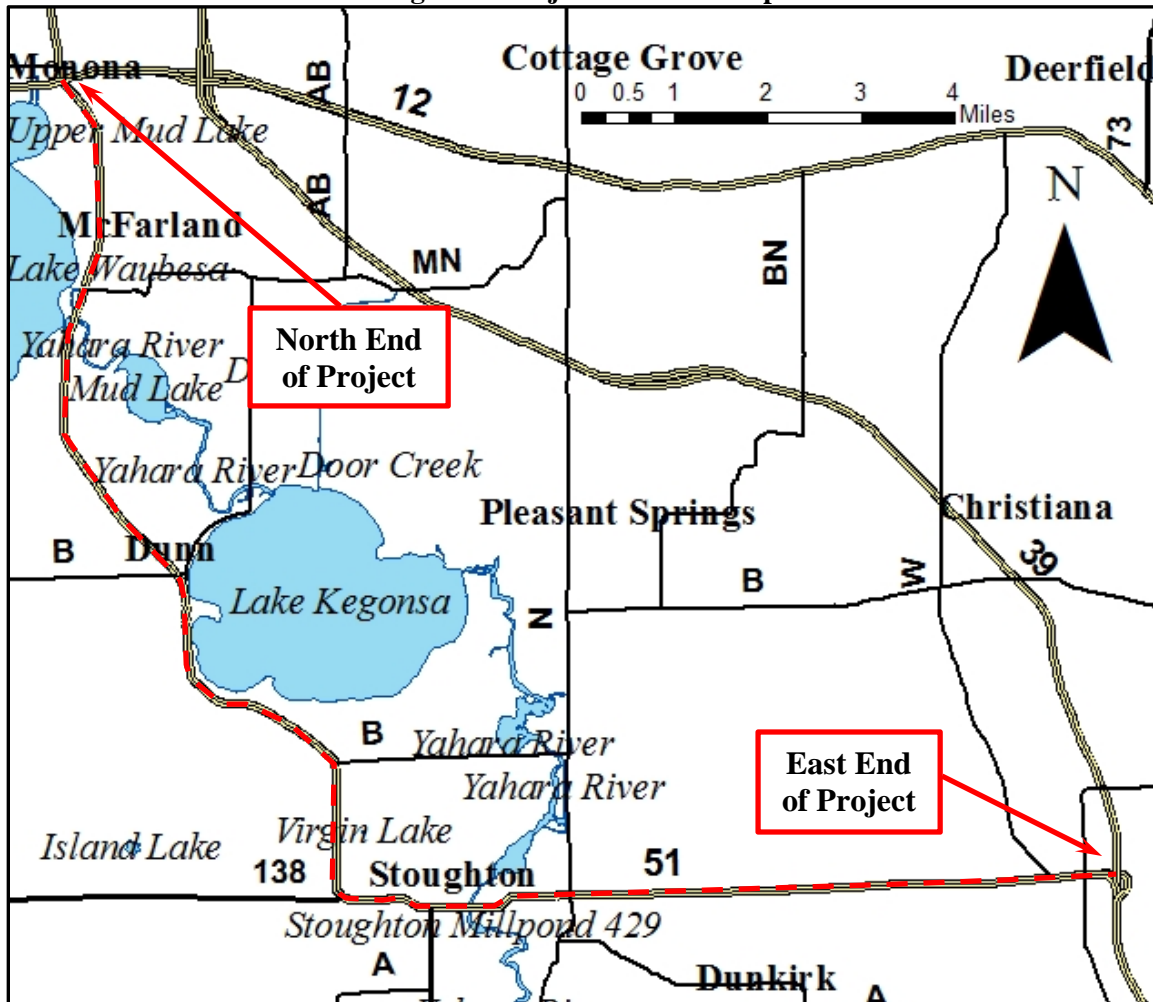
The Wisconsin Department of Transportation (WisDOT) is proposing to reconstruct an 18.6-mile segment of U.S. Highway (USH) 51 from Interstate Highway (IH) 39/90 east of the city of Stoughton to the Madison Beltline, USH 12/18. In addition to new pavement for the entire roadway, this project will include a new passing lane, east of Stoughton, bicycle and pedestrian accommodations, and intersection improvements. This project is located in the towns of Albion T5N-R12E, Dunkirk T5N-R11E, Rutland T5N-R10E, and Dunn T6N-R10E: the village of McFarland; and in the cities of Stoughton and Madison in Dane County. This project will require the fee-simple acquisition of 73.6 acres of land from 44 farmland owners. WisDOT anticipates acquiring the needed land in 2017 or 2018 and construction is expected in 2020.

East of Stoughton the 5.5-mile, two-lane rural section of USH 51 will be reconstructed with two 12-foot travel lanes, paved shoulders for bicycle accommodations, and an eastbound passing lane between Washington Road and Tower Drive. The intersection at County Trunk Highway (CTH) “W” that has a substandard angle will not be improved to avoid damage to a historical site.

Within Stoughton, reconstruction of the existing, 3-mile portion of USH 51 will include two-lane and four-lane urban sections between Spring Road and State Trunk Highway (STH) 138 west. The reconstruction includes new pavement and subgrade, and most of the on-street parking will be retained. Bicycle lanes will be added on USH 51 where possible or provided on a new designated bike route on parallel streets. Sidewalks will be constructed to be continuous throughout the urban area and they will be widened where they are currently deficient. At the east end of the downtown Stoughton section, some areas may be graded for potential future sidewalks. A roundabout will be included at the STH 138 (west) intersection and a roundabout or traffic signals will be included at Roby Road. Signals will be installed at Jackson Street in 2016 as part of a separate project. From Velkommen Way to CTH “B” (east), the typical section will be a four-lane high-speed section with a curbed median and rural 10-foot outside shoulders (8-foot paved). The shoulders will accommodate bicycles. A roundabout will be included at the CTH “B” (east) intersection.

The 5.6-mile section from Stoughton to McFarland will be a two-lane rural section between CTH “B” (east) and Exchange Street. It will have 12-foot travel lanes and 10-foot shoulders with 6 feet paved for bicycle accommodations. Deficiencies along the roadway including vertical curves and horizontal curves will be improved. Intersections will be reconstructed with dedicated right and left turn bays to remove traffic from the through lanes. A roundabout will be constructed at Exchange Street and the west leg of the USH 51/East Tower Road intersection will be rerouted north to the roundabout. Another roundabout will be constructed at the intersection with CTH “B”/“AB.”

Figure 1. Project Location Map



In McFarland, the proposed improvements between Exchange Street and Larson Beach Road will include reconstructing the existing generally undivided four-lane roadway to provide a consistent urban facility with a median or two-way left-turn lanes, and bicycle and pedestrian accommodations. Intersections will also be reconstructed.

Within McFarland and between McFarland and Madison, pavement will be replaced on the existing four-lane expressway section north of Larson Beach Road to a point 1,930-feet south of the Terminal Drive/Voges Road intersection. A third outside lane (auxiliary lane) will be added between the north ramps of the Siggelkow Road interchange and the Terminal Drive/Voges Road intersection.

Project Purpose and Need

WisDOT has indicated that the purpose of this project is to provide a safe and efficient transportation system for the USH 51 corridor that serves present and long-term travel demand while minimizing disturbance to the environment. The primary factors contributing to the need for improvements within the USH 51 study corridor include long-term planning and corridor preservation, travel demand and capacity, safety, roadway deficiencies, bicycle and pedestrian accommodations, and pavement condition.

Alternatives Considered

WisDOT's preferred alternative, described above, was identified in the Environmental Assessment as Alternative H (Hybrid). Although it does not meet all of the factors WisDOT identified in the purpose and need statement for this project, it does meet four of the six factors and it is anticipated that it could be funded within six years of an approved environmental document. WisDOT considered and rejected three other alternatives.

No build: This alternative would only include maintenance of the existing roadway. WisDOT rejected this alternative because it would not improve safety, add accommodations for bicyclists and pedestrians, increase capacity, preserve the corridor, etc.

Alternative A (low build): This alternative would add left-turn lanes to the rural intersections between Stoughton and McFarland, improve some of the geometric deficiencies within the project limits, add some accommodations for bicyclists and pedestrians, and replace some of the existing pavement within the project limits. WisDOT rejected this alternative because it does not replace all of the pavements within the project limits, does not include all of the needed safety improvements, does not preserve the corridor for future roadway expansion, and does not include all of the desired improvements for bicycle and pedestrian accommodations.

Alternative B (four-lane expansion): This alternative meets all of the factors WisDOT identified in the purpose and need statement. Among other improvements, this alternative would include an expansion of USH 51 to four lanes between McFarland and Stoughton. WisDOT rejected this alternative because it has more substantial real estate and relocation impacts than any of the other alternatives and it is anticipated that it would not be funded within six years of an approved environmental document.

3. Agricultural Setting

The information provided in this section is intended to describe the existing agricultural sector of Dane County in general terms. Later in this report, in Section 4 – Agricultural Impacts, individual farm operations will be described.

Agricultural Productivity

Dane County ranked first out of Wisconsin’s 72 counties in the value of agricultural products sold, first in corn for grain production, second in soybean production, fifth in milk production, and first in the production of winter wheat in 2014. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

The amount of harvested acres for selected crops in Dane County from 2010 to 2014 is displayed in Table 1. The amount of harvested acres of corn for silage increased in recent years but was not published in 2014 for disclosure reasons. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

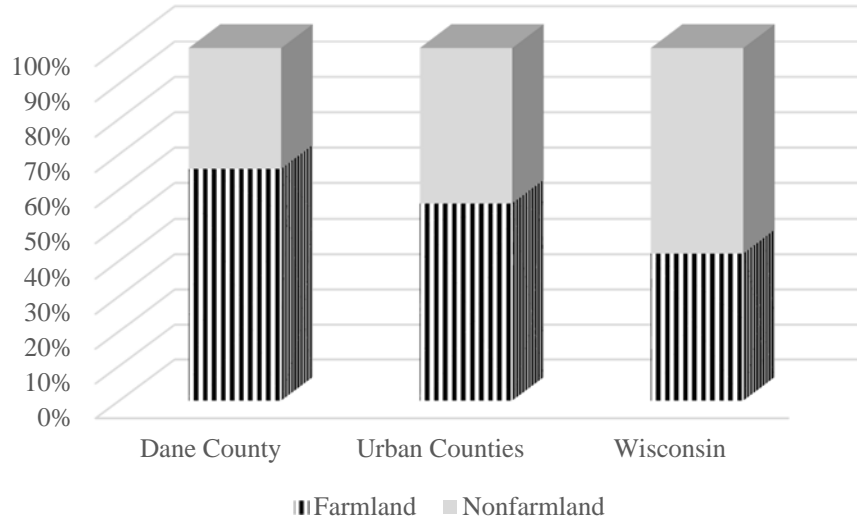
Table 1. Acres of Selected Crops from 2010 to 2014.

Crop	Harvested Acres				
	2010	2011	2012	2013	2014
Corn for Grain	167,000	171,000	160,700	166,900	177,700
Corn for Silage	28,000	27,000	43,600	43,600	N/A
Soybeans	77,900	76,600	75,500	74,400	78,800
Winter Wheat	11,900	16,500	14,000	16,200	14,000
Alfalfa Hay	32,700	29,200	29,200	34,600	34,900

Land in Farms

Dane County is classified as an urban county, which is defined as having an average of more than 100 residents per square mile. According to the *2012 Census of Agriculture*, Dane County has 504,420 acres of land in farms, which represents 65.8 percent of the total land area (Figure 2). Land in farms consists primarily of agricultural land used for crops, pasture, or grazing. It also includes woodland and wetland not actually under cultivation or used for pasture or grazing, providing it was part of the farm operator’s total operation. The average number of acres of land in farms for urban counties is 188,648 acres or 56 percent of the total county land area. These can be compared to the average of 202,346 acres or 42 percent of land in farms among all Wisconsin counties.

Figure 2. Percentage of Land in Farms.



According to the *2012 Census of Agriculture*, the amount of land in farms decreased by 6 percent in Dane County from 2007 to 2012. In Wisconsin as a whole, the amount of land in farms declined from 15.2 to 14.6 million acres (a 4 percent loss) during this time (Table 2). These changes in land use are likely the result of commercial and residential development on land that was formerly agricultural rather than because of idling of formerly productive farmland. The proposed project would contribute to this trend.

Table 2. Change in the Acres of Farmland, 2007 to 2012.

Location	2012 Farmland (acres)	2007 Farmland (Acres)	Change in Acres	Percentage Change
Dane County	504,420	535,756	31,336	-6
Wisconsin	14,568,926	15,190,804	621,878	-4

Number of Farms

According to the *2012 Census of Agriculture*, Dane County lost 582 farms (a 17 percent decrease) between 2007 and 2012 as the total number dropped from 3,331 to 2,749. Wisconsin as a whole lost 12 percent of its farms as the total number of farms in the state dropped from 78,463 in 2007 to 69,754 in 2012 (Table 3). As the amount of farmland declines, farmers who want to remain in agricultural production face increasing pressure to develop or sell their land. When this and other pressures on a farm operation become strong enough, a farmer may be forced to downsize his/her operation; change the type of his/her operation, such as a switching from livestock to cash grain; or closing the farm business and renting the farmland to another operator or developing the land.

Table 3. Change in the Number of Farms, 2007 to 2012.

Location	Number of Farms (2012)	Number of Farms (2007)	Change in the Number of Farms	Percent Change
Dane County	2,749	3,331	582	-17
Wisconsin	69,754	78,463	8,709	-12

Size of Farms

From 2007 to 2012, the average size of farms rose 14 percent in Dane County and rose 8 percent in Wisconsin as a whole (Table 4; 2012 Census of Agriculture).

Table 4. Change in the Average Size of Farms, 2007 to 2012.

Location	Average Farm Size (Acres)		
	2012	2007	Change in Size
Dane County	183	161	+22
Wisconsin	209	194	+15

Table 5 shows the 2012 number of farms in each size category for Dane County and all Wisconsin counties (2012 Census of Agriculture). Proportionately, Dane County has more farms that are smaller than 50 acres in size compared to the averages for Wisconsin.

Table 5. Number of Farms per Size Category in 2012.

Location	0 to 49 Acres		50 to 179 Acres		180 to 499 Acres		More than 500 Acres	
	No.	%	No.	%	No.	%	No.	%
Dane County	1181	43	875	32	479	17	214	8
Wisconsin	22,428	32	25,502	37	15,688	22	6,136	9

Property Taxes and Values

Table 6 shows the 2013 average property tax, assessed value, and sale price per acre of agricultural land in Dane County, urban counties, and all Wisconsin counties. The assessed values and property taxes are based on the “use value” of agricultural land. *Wisconsin Statutes* §70.32(2)(c)1g., which define agricultural land as “land, exclusive of buildings and improvements, that is devoted primarily to agricultural use.”

Table 6. Farmland Taxes and Value.

Location	2013 Dollars per Acre of Farmland		
	Average Tax	Assessed Value	Sale Value
Dane County	\$4.32	\$239	\$7,544
Urban Counties	\$3.70	\$200	\$6,303
Wisconsin	\$3.32	\$171	\$4,442

In 2013, average property taxes on Dane County agricultural land were 17 percent higher than the average for urban counties and 30 percent higher than the average for Wisconsin. (Wisconsin Department of Revenue).

On average, the assessed value of farmland in Dane County was 20 percent higher than the average for urban counties and 40 percent higher than the average for Wisconsin. (Wisconsin Department of Revenue).

The average sale price of farmland in Dane County was 20 percent higher than the average for urban counties and 70 percent higher than the average for Wisconsin. (USDA NASS 2014 Wisconsin Agricultural Statistics Bulletin). These values do not include farmland sold and converted to nonfarm use and do not include agricultural land with buildings or improvements.

Farmland Preservation

Wisconsin's Farmland Preservation Program (FPP) provides counties, towns, and landowners with tools to aid in protecting agricultural land for continued agricultural use and to promote activities that support the larger agricultural economy. Through this program, counties adopt state-certified farmland preservation plans, which map areas identified as important for farmland preservation and agricultural development. DATCP first certified the Dane County Farmland Preservation Plan in 1981 and recertified it in 2012. The plan identifies farmland preservation areas in the county and provides tax credit eligibility to farmers who wish to participate in the FPP.

Within these farmland preservation areas, local governments and owners of farmland can petition for designation by the state as an Agricultural Enterprise Area (AEA). This designation highlights the importance of the area for agriculture and further supports local farmland preservation and agricultural development goals. Designation as an AEA also enables eligible landowners to enter into farmland preservation agreements. Through an agreement, a landowner agrees to voluntarily restrict the use of their land for agriculture for fifteen years and to follow the state soil and water conservation standards to protect water quality and soil health. The land that could be acquired for this project is not part of an AEA *nor does it contain any FPP agreements.

Local governments may choose to adopt an exclusive agricultural zoning ordinance to ensure that landowners covered by the ordinance are eligible to claim farmland preservation tax credits. Such an ordinance must also be certified by DATCP. All four of the towns that the proposed project

passes through, Albion, Dunkirk, Rutland, and Dunn, have adopted the county's exclusive agricultural zoning ordinance.

Soils

The primary soil association that the proposed project passes through is the Batavia-Houghton-Dresden soil association. The soils in this association range from well drained to poorly drained and deep to moderately deep. They include silt loams and mucks that are underlain by silt, sand and gravel. The project also passes through smaller amounts of the Dodge-St. Charles-McHenry soil association and the Plano-Ringwood-Griswold soil association. The soils in both of these associations are well drained and moderately well drained, deep silt loams. The Plano-Ringwood-Griswold association also includes deep loams. Where the slopes are 6 percent or less, the Batavia, Dodge, Dresden, Griswold, McHenry, Plano, Ringwood, and St. Charles soils are all classified as prime farmland. Prime farmland has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oil seed crops, and is available for these uses. DATCP estimates that about 70 percent of the project corridor is covered by prime soils. This translates to 53 of the proposed acquisition of 75.5 acres to be acquired from farm operations. Refer to Appendix V for a detailed definition of prime farmland. Because prime farmland is the most productive, it goes without saying that it is also the most valuable. In urban counties such as Dane, land that is valuable as farmland may also be valuable for development, which tends to increase the price paid for such land and makes it more costly for farmer who lose land to a highway project to replace that farmland.

The individual soil series that are found in the greatest quantities in the project corridor between Stoughton and the Interstate include Plano silt loam, Dodge silt loam, Sable silty clay loam, and McHenry silt loam. Between McFarland and Stoughton, the soils found in the greatest quantities include Houghton muck, Dodge silt loam, and Ringwood silt loam. North of McFarland, the dominant soils are Kegonsa silt loam, and Batavia silt loam. In addition to the soils previously identified as prime farmland, Kegonsa soils are prime where their slopes are 6 percent or less and Sable soils are prime where drained and their slopes are 6 percent or less.

4. Agricultural Impacts

The proposed project will require the fee-simple acquisition of 73.6 acres of land from 44 farmland owners. The affected landowners are listed in Table 7 below.

Table 7. Proposed Farmland Acquisitions in Fee-Simple.

Farmland Owners	Proposed Acquisition (Acres)
Arthur Sveum	1.3
Parcel #2 (owner name not available through online property records)	4.7
Dana Sperloen	2.0
Elaine Alteus Possin	2.7
Herro Family Trust, Mary Stuart	1.5
Jane Liess	1.1
Lynn Squire	2.1
Lynn Hull	2.6
Moe Family Farms	4.5
Norby Credit Shelter, Donald D	3.1
Tiedeman Rev Family, Herman & Julie	2.8
Dvorak Investments II LLC	14.2
Edward J Kramper	3.7
Gene R Allen	7.7
Greenbriar Farms/Linnerud Farms	7.7
There are 29 acquisitions each less than one acre	11.9
Total	73.6

Landowner Comments

DATCP contacted each of the farmland owners by mail who could lose more than five acres of land due to the proposed project. Originally, WisDOT estimated that 6 acres would be acquired from Edward Kramper, so he received a questionnaire from DATCP. WisDOT later reduced the anticipated size of the acquisition of Kramper property, but Mr. Kramper's comments have been included in the AIS even though the proposed acquisition is less than 5 acres. Three of those four farmland owners who were contacted responded. The following paragraphs summarize the responses as well as descriptions of other potential impacts of this project on agriculture.

Farmland Owner: Dvorak Investments II LLC
Proposed Acquisition: Fee-simple acquisition of 14.2 acres

This property is located where CTH “B” (east) intersects USH 51. WisDOT is proposing to move this intersection to the west and construct a roundabout. USH 51 will include 2 lanes with a median north of the roundabout and 4 lanes with a median to the south. The owners did not respond to DATCP’s request for comments about the proposed project.

Farmland Owner: Edward J Kramper
Proposed Acquisition: Fee-simple acquisition of 3.7 acres

As previously noted, WisDOT originally estimated that 6.0 acres of land would be acquired from Mr. Kramper.

Mr. Kramper owns cropland, some of which he farms himself and the rest is rented out. He and his renter grow corn, soybeans, hay, and oats. Mr. Kramper also raises 100 head of beef cattle.

Existing USH 51 divides the Kramper farm, and cropland is located on both sides of the highway. In this area, WisDOT is proposing to acquire strip acquisitions from the Kramper property and maintain the rural two-lane roadway on the existing alignment. Mr. Kramper is concerned about impacts on his fencing. He indicated that he has a mile of fencing on each side of the highway.

WisDOT has made an exception to the roadway design standards, which will maintain the existing roadway grade and avoid impacts to the residence and farm buildings on the west side of USH 51. In addition, under Alternative B, which WisDOT rejected in favor of Alternative H, this section of USH 51 would have been widened to four lanes with a median. This would have interfered with Mr. Kramper’s ability to transport his cattle across the highway to access pasture. Under the four-lane alternative, WisDOT was considering digging a well for Mr. Kramper on the opposite side of the highway from his buildings as a way to mitigate the changes in access that he would have had to deal with. Since no median will be constructed, Mr. Kramper’s access will not change and a new well will not be provided.

Farm Owner/Operator: Gene R Allen
Proposed Acquisition: Fee-simple acquisition of 7.7 acres

Mr. Allen owns 23.8 acres of land including 21.4 acres cropland. He typically grows 3 to 4 acres of corn and the rest of the cropland is used to grow hay for horses. Because horses are not as efficient at converting forage to energy as ruminants such as cattle, horse owners are typically willing to pay a premium for higher quality hay for their horses.

WisDOT is proposing to re-route Tower Road through the Allen parcel to a new roundabout at Exchange Street and USH 51. The relocated Tower Road will be a rural two-lane roadway. It is

assumed that the land between USH 51 and the new alignment of Tower Road will be purchased by WisDOT as a noneconomic remnant. However, if that land is not acquired by WisDOT, the acres acquired from the Mr. Allen will be reduced from 7.7 acres to 3.9 acres.

The proposed acquisition of 7.7 acres is all cropland and represents a 36 percent loss of Mr. Allen's cropland. This is likely to result in a similar percentage in the loss of income he generates from his crops. If Mr. Allen opted to keep the severed parcel between the relocated Tower Road and USH 51, he could reduce the loss of cropland and potentially the loss of some income. However, this remnant parcel would be small, irregularly shaped, and potentially more costly to farm. Refer to the discussion on severances.

The owner is concerned that construction of a roadway in the middle of his cropland could interfere with the natural drainage of the remaining land, which tends to flow from west to east. Mr. Allen indicated that the new roadway will cross the most level and productive portion of his property. He also indicated that there is no replacement land available to buy or rent in the area. He is also concerned that the rerouting of Tower Road will lower the value of his remaining property because the new roadway will be too close to his home and outbuildings.

Mr. Allen would like WisDOT to consider an alternate proposal for the Tower Road reroute. His suggestion would be to dead-end Tower Road just before it intersects USH 51. Traffic could be redirected to Mahoney Road. He could also offer his neighbor an access easement.

Farm Owner/Operator: Linnerud Farms
Proposed Acquisition: Fee-simple acquisition of 7.7 acres

This farm consists of 620 acres of cropland, which the owners work themselves, 30 acres of woods, and 10 acres for the buildings. Corn is grown on all of the cropland.

Acquisitions from this farm will be in three locations along the existing highway. The first is located east of Stoughton near Pleasant Hill Road and it will be in a strip adjacent to the existing highway. The second location is at the USH 51/CTH "B" (east) intersection where a roundabout is proposed. The third location is near the proposed multiuse path from CTH "B" (east) to Skyline Drive. The acquisition here is also in a strip along the existing railroad tracks.

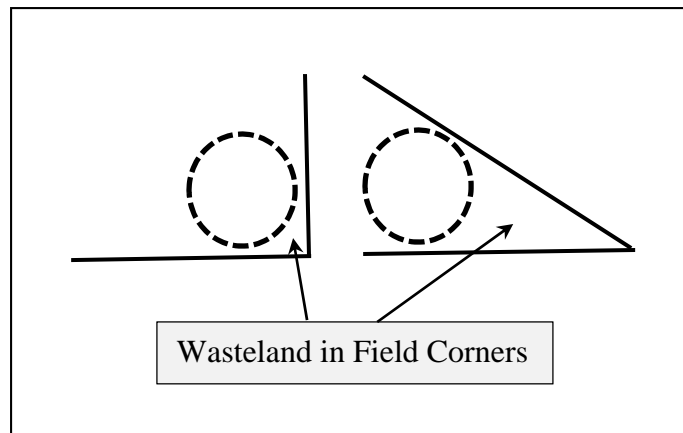
The owners are primarily concerned about impacts this project will have on access to their property. They would like their driveways returned to their preconstruction condition after the project is completed. They indicated that when work was done on USH 51 in the 1990s, the grade of their driveways was so steep; they could not drive their trucks on them. They were also too narrow for the farm machinery. They incurred the expense of getting the driveways regraded so that they would be usable.

Potential Agricultural Impacts

Severances

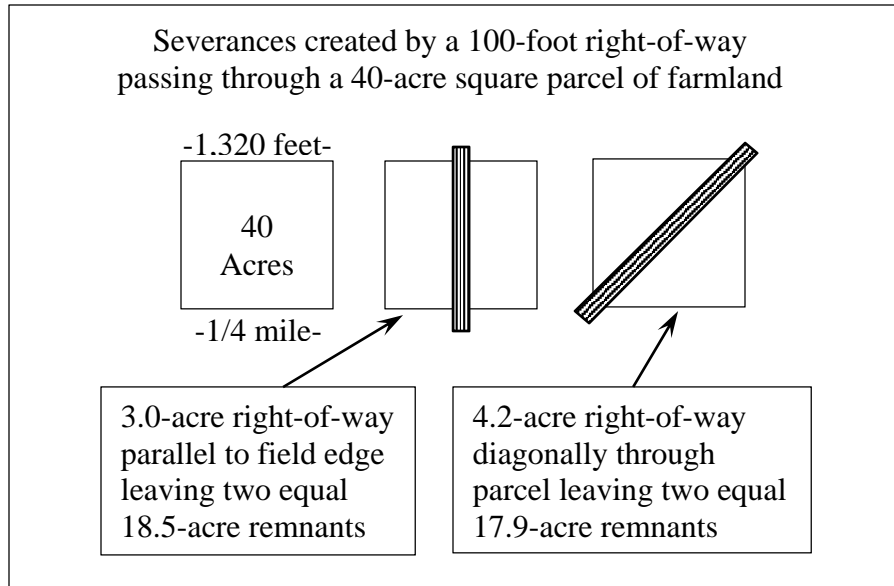
The rerouting of Tower Road will sever a portion of Gene Allen’s property as well as parcels owned by other landowners. Because of the relocation of the intersection at USH 51 and CTH “B” (east), the shape of some fields owned by Dvorak Investments LLC will likely be altered. Acquisitions that sever farmland frequently create irregularly shaped fields, making equipment usage awkward and production more costly. The increased cost of production is due in part to the additional time, fuel, and equipment wear associated with maneuvering equipment in corners of fields that are not square or along sides of fields that are not straight. Nonproductive time and labor costs associated with the frequent working of these fields may reduce the possibility of generating profits on these parcels. In addition, when fields are made smaller, an increased proportion of wasteland is created along the edges and in narrow corners of the fields reducing their productive capacity. Figure 3 shows the increased amount of wasteland in fields that have narrow corners. Compensation for the reduction in the value of parcels that are small and/or irregularly shaped will be addressed in the appraisal of each affected parcel.

Figure 3. Equipment Turning Radius in a Right-Angle Field Corner and in an Acute-Angle Field Corner



Examples of the impacts on a 40-acre parcel that is severed by a highway with a 100-foot wide right-of-way are shown in Figure 4. Fields are severed diagonally at the north end of the Tower Road relocation and where the USH 51/CTH “B” (east) intersection is relocated. Diagonal severances take up more land than severances running parallel to a field edge. In addition, a diagonal severance will more significantly affect a farmer’s cropping pattern, the path followed when working that field. Farmers may find such remnant parcels too inefficient to farm profitably.

Figure 4. Remnants Left by a Roadway Passing through the Middle of a 40-Acre Field



Drainage

Proper field drainage is vital to a successful farm operation. Roadway construction can disrupt improvements such as drainage tiles, grassed waterways, drainage ditches, and culvert pipes, which regulate the drainage of farm fields. If drainage is impaired, water can settle in fields and cause substantial damage, such as harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. In addition, where salt is used on road surfaces, runoff water can increase the content of salt in nearby soils.

Section 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 IV for the statutes pertaining to drainage rights. Landowners whose property is damaged by improper construction or maintenance of highways and highway drainage structures may file a claim with WisDOT within three years after the damage occurs.

The very northern end of the proposed project passes through the Blooming Grove Drainage District where USH 51 intersects the Madison Beltline (USH 12&18). WisDOT will need to work with the Dane County Drainage Board to ensure that highway construction does not interfere with the operation of this district.

Obliterated Roadway

Where the intersection of CTH “B” (east) and USH 51 is relocated further west, portions of the existing USH 51 roadway will be obliterated. A portion of the existing Tower Road will also be obliterated where its intersection with USH 51 will be relocated. WisDOT has indicated that portions of the obliterated roadway right-of-way may be made available to the adjacent landowners.

According to WisDOT’s *Standard Specifications for Highway and Structure Construction*, when an old roadbed is obliterated, surfacing material shall be removed and disposed of, and ditches shall be filled in. The area will then be graded to a contour that will merge with the adjoining contour. After rough grading is completed, these areas shall be covered with topsoil, harrowed, smoothed, fertilized, and seeded in accordance with WisDOT guidelines. Topsoil is usually spread to a depth of four inches.

The agricultural value of any obliterated roadway depends on the use and quality of adjoining land and on the depth and quality of the restored area’s subsoils and topsoil. Soils beneath the obliterated roadway have been significantly compacted by roadway traffic. This may adversely affect plant growth for several years until plowing and the natural freezing and thawing process have loosened the compacted soil.

Access

WisDOT has indicated that there has been a design change to the access for R & R Farms in the town of Dunn due to concerns expressed by the owner. WisDOT originally proposed that the access for R and R Farm on USH 51 would only be right-in/right-out and Robert Nelson was concerned that this would affect his farming operation. WisDOT is now proposing to relocate the access approximately 275 feet to the south to line up across from the US51/Colladay Point Road intersection. This would allow Mr. Nelson to have full access to his property. In order to construct the new driveway WisDOT anticipates acquiring 0.4 of an acre of temporary easement from the R and R Farm (in addition to the 0.6 acres of right-of-way needed for the USH 51 improvements).

Fencing

Compensation for fencing within the acquisition site will be included in the appraisal. If fencing or other improvements are damaged outside of the right-of-way, the owner will receive damages, or the fence will be restored, repaired, or replaced to a condition similar or equal to that existing before the damage was done.

Appraisal Process

Before negotiations begin, WisDOT will provide an appraisal of the affected property to the landowners. An appraisal is an estimate of fair market value. This will be the basis for their

compensation offer. The amount of compensation is based on the appraisal(s) and is established during the negotiation process between WisDOT and the individual landowner.

Landowners have the right to obtain their own appraisal of their property and will be compensated for the cost of this appraisal if the following conditions are met:

- 1.) The appraisal must be submitted to WisDOT within 60 days after the landowner receives WisDOT's appraisal.
- 2.) The appraisal fee must be reasonable.
- 3.) The appraisal must be complete.

WisDOT is required by law to provide landowners with information about their rights in this process before the negotiation begins.

5. Recommendations

DATCP recommends the following as ways to mitigate the potential adverse impacts to agriculture associated with the proposed project:

1. WisDOT should consult with Gene Allen to see if a change in the proposal to reroute Tower Road could be changed to minimize the loss of cropland for Mr. Allen.
2. After land is acquired and before it is needed for roadway construction, WisDOT should allow current farm operators to continue farming the acquired farmland as long as there is sufficient growing season for crops to mature and be harvested.
3. WisDOT should consult with landowners on the location of any new or relocated access points to ensure that they are constructed in safe and efficient locations. They should also be constructed with adequate width and grade for agricultural use. DATCP supports WisDOT's efforts to work with the owner of R and R Farm to provide access that will meet the owner's needs.
4. To address potential drainage problems that may occur as a result of the project, project officials should discuss design and construction plans with the Dane County land conservationist during the design process for this project.
5. The county land conservationist should also be consulted to ensure that construction proceeds in a manner that minimizes crop damage, soil compaction, and soil erosion on adjacent farmland.
6. Landowners and operators should be given advanced notice of acquisition and construction schedules so that farm activities can be adjusted accordingly. To the extent feasible, the timing of the acquisition and construction should be coordinated with the landowners and operators to minimize crop damage and disruption of farm operations.

Literature Cited

Standard Specifications for Highway and Structure Construction, State of Wisconsin Department of Transportation, 2016, sections 214 and 625.

United States Department of Agriculture, National Agricultural Statistics Service (NASS). 2012 Census of Agriculture.
http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_2_County_Level/

United States Department of Agriculture, Wisconsin Agricultural Statistics Service (WASS). Annual Statistical Bulletin, 2015.
http://www.nass.usda.gov/Statistics_by_State/Wisconsin/Publications/Annual_Statistical_Bulletin/index.asp

United States Department of Agriculture, Natural Resource Conservation Service (NRCS). Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/>. *Soil Survey of Dane County, WI.*

University of Wisconsin Extension – Agriculture and Natural Resources. 2011. Dane County Agriculture: Value and Economic Impact.
<http://www.uwex.edu/ces/ag/wisag/documents/agimpactbrochBrownCoFINAL.pdf>

Wisconsin Department of Agriculture, Trade, and Consumer Protection. 2007. *County Drainage Board Handbook.*

Wisconsin Department of Commerce. The Rights of Landowners under Wisconsin Eminent Domain Law.
<http://www.stateenergyoffice.wi.gov/docview.asp?docid=22817&locid=160>.

Wisconsin Department of Revenue, Division of Research and Policy, Sales and Property Tax Policy Team.

Wisconsin Legislature. Statute 84.295. Freeways and expressways.
<http://docs.legis.wisconsin.gov/statutes/statutes/84/295>.

Wisconsin State Energy Office. Relocation Assistance.
<http://www.stateenergyoffice.wi.gov/section.asp?linkid=1783&locid=160>

Appendix I: Agricultural Impact Statements

DATCP is required to prepare an Agricultural Impact Statement (AIS) whenever more than five acres of land from at least one farm operation will be acquired for a public project if the agency acquiring the land has the authority to use eminent domain for the acquisition(s). The DATCP has the option to prepare an AIS for projects affecting five or fewer acres from each farm. An AIS would be prepared in such a case if the proposed project would have significant effects on a farm operation. The agency proposing the acquisition(s) is required to provide the DATCP with the details of the project and acquisition(s). After receiving the needed information, DATCP has 60 days to analyze the project's effects on farm operations, make recommendations about it, and publish the AIS. DATCP will provide copies of the AIS to affected farmland owners, various state and local officials, local media and libraries, and any other individual or group who requests a copy. Thirty days after the date of publication, the proposing agency may begin negotiating with the landowner(s) for the property.

The following Wisconsin Statute provides information on the purpose and role of the AIS.

Section 32.035 of the Wisconsin Statutes describes the Agricultural impact statement:

(1) DEFINITIONS. In this section:

(a) "Department" means department of agriculture, trade, and consumer protection.

(b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (1), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(2) EXCEPTION. This section shall not apply if an environmental impact statement under s. 1.11 is prepared for the proposed project and if the department submits the information required under this section as part of such statement or if the condemnation is for an easement for the purpose of constructing or operating an electric transmission line, except a high voltage transmission line as defined in s. 196.491(1) (f).

(3) PROCEDURE. The condemnor shall notify the department of any project involving the actual or potential exercise of the powers of eminent domain affecting a farm operation. If the condemnor is the department of natural resources, the notice required by this subsection shall be given at the time that permission of the senate and assembly committees on natural resources is sought under s. 23.09(2)(d) or 27.01(2)(a). To prepare an agricultural impact statement under this section, the department may require the condemnor to compile and submit information about an affected farm operation. The department shall charge the condemnor a fee approximating the actual costs of preparing the statement. The department may not publish the statement if the fee is not paid.

(4) IMPACT STATEMENT.

(a) *When an impact statement is required:* The department shall prepare an agricultural impact statement for each project, except a project under Ch. 81 or a project located entirely within

the boundaries of a city or village, if the project involves the actual or potential exercise of the powers of eminent domain and if any interest in more than 5 acres from any farm operation may be taken. The department may prepare an agricultural impact statement on a project located entirely within the boundaries of a city or village or involving any interest in 5 or fewer acres of any farm operation if the condemnation would have a significant effect on any farm operation as a whole.

(b) *Contents.* The agricultural impact statement shall include:

1. A list of the acreage and description of all land lost to agricultural production and all other land with reduced productive capacity, whether or not the land is taken.
2. The department's analyses, conclusions, and recommendations concerning the agricultural impact of the project.

(c) *Preparation time; publication.* The department shall prepare the impact statement within 60 days of receiving the information requested from the condemnor under sub. (3). The department shall publish the statement upon receipt of the fee required under sub. (3).

(d) *Waiting period.* The condemnor may not negotiate with an owner or make a jurisdictional offer under this subchapter until 30 days after the impact statement is published.

(5) **PUBLICATION.** Upon completing the impact statement, the department shall distribute the impact statement to the following:

- (a) The governor's office.
- (b) The senate and assembly committees on agriculture and transportation.
- (c) All local and regional units of government that have jurisdiction over the area affected by the project. The department shall request that each unit post the statement at the place normally used for public notice.
- (d) Local and regional news media in the area affected.
- (e) Public libraries in the area affected.
- (f) Any individual, group, club, or committee that has demonstrated an interest and has requested receipt of such information.
- (g) The condemnor.

Appendix II: Eminent Domain

Fair compensation for a partial taking of property under eminent domain is the larger of two figures: (1) the fair market value of the acquired property or (2) the fair market value of the entire parcel before the acquisition minus the fair market value of the remaining parcel. Compensation will be paid for the land acquired, any improvements acquired (structures, fencing, etc.), loss of access, loss of a use of this property, and damages resulting from severance of the property (including land and improvements). The condemnor may provide compensation for increased travel distances.

In addition to other compensation, a condemnor is required to make a payment of \$50,000 or less to any displaced farm or business owner who has owned the property for at least one year and who purchases a comparable replacement farm or business within two years of the acquisition. The amount of this payment would include any additional amount of money needed to equal the reasonable cost of a replacement farm or business, any increased interest or debt service charges, and closing costs. Displaced renters may also receive compensation if they rent or lease a comparable replacement farm or business within two years of the acquisition. If the displaced tenant rents or leases a comparable farm or business, the payment would include the amount needed to rent the replacement property for four years. This payment would not exceed \$30,000. If the renter decides to purchase a comparable farm or business, the payment would be equal to the rental or lease of that property for four years plus closing fees.

If a project would displace any person, business, or farm operation, the condemnor must file and have approved a written relocation payment plan and a relocation assistance service plan with the Department of Commerce. The condemnor must determine the relocation payment, assist displaced persons, businesses, and farm operations to find comparable replacement properties, provide information about any government assistance to displaced persons, and coordinate the displacement with other project activities in a timely manner to avoid causing hardship.

DATCP recommends that farmland owners concerned about eminent domain powers and the acquisition of land should consult these texts for further information. For a complete description of the eminent domain law, please see Wisconsin Statutes Chapter 30.

Section 32.09 of the Wisconsin Statutes describes the compensation provided for property acquisition and certain damages:

(6) In the case of a partial taking of property other than an easement, the compensation to be paid by the condemnor shall be the greater of either the fair market value of the property taken as of the date of evaluation or the sum determined by deducting from the fair market value of the whole property immediately before the date of evaluation, the fair market value of the remainder immediately after the date of evaluation, assuming the completion of the public improvement and

giving effect, without allowance of offset for general benefits, and without restriction because of enumeration but without duplication, to the following items of loss or damage to the property where shown to exist:

- (a) Loss of land including improvements and fixtures actually taken.
- (b) Deprivation or restriction of existing right of access to highway from abutting land, provided that nothing herein shall operate to restrict the power of the state or any of its subdivisions or any municipality to deprive or restrict such access without compensation under any duly authorized exercise of the police power.
- (c) Loss of air rights.
- (d) Loss of a legal nonconforming use.
- (e) Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on condemnee's land. In determining severance damages under this paragraph, the condemnor may consider damages that may arise during construction of the public improvement, including damages from noise, dirt, temporary interference with vehicular or pedestrian access to the property and limitations on use of the property. The condemnor may also consider costs of extra travel made necessary by the public improvement based on the increased distance after construction of the public improvement necessary to reach any point on the property from any other point on the property.
- (f) Damages to property abutting on a highway right-of-way due to change of grade where accompanied by a taking of land.
- (g) Cost of fencing reasonably necessary to separate land taken from remainder of condemnee's land, less the amount allowed for fencing taken under par. (a), but no such damage shall be allowed where the public improvement includes fencing of right of way without cost to abutting lands.

Section 32.19 of the Wisconsin Statutes outlines payments to be made to displaced tenant-occupied businesses and farm operations:

(4) BUSINESS OR FARM REPLACEMENT PAYMENT.

- (a) *Owner-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, not to exceed \$50,000, to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within two years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may

not exceed the amount the owner displaced person is eligible to receive under this paragraph. The additional payment under this paragraph shall include the following amounts:

1. The amount, if any, which when added to the acquisition cost of the property, other than any dwelling on the property, equals the reasonable cost of a comparable replacement business or farm operation for the acquired property, as determined by the condemnor.
2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisitions of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of commerce.
3. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement property, but not including prepaid expenses.

(b) *Tenant-occupied business or farm operation.* In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce, and who actually rents or purchases a comparable replacement business or farm operation within 2 years after the date the person vacates the property. At the option of the tenant displaced person, such payment shall be either:

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce and the monthly rent of a comparable replacement business or farm operation and multiply the difference by 48; or
2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

(5) EMINENT DOMAIN. Nothing in this section or ss. 32.25 to 32.27 shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages.

Section 32.25 of the Wisconsin Statutes delineates steps to be followed when displacing persons, businesses, and farm operations:

(1) Except as provided under sub.(3) and s. 85.09 (4m), no condemnor may proceed with any activity that may involve the displacement of persons, business concerns or farm operations until

the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of commerce.

(2) The relocation assistance service plan shall contain evidence that the condemnor has taken reasonable and appropriate steps to:

- (a) Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.
- (b) Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.
- (c) Assist displaced owners or renters in the location of comparable dwellings.
- (d) Supply information concerning programs of federal, state, and local governments which offer assistance to displaced persons and business concerns.
- (e) Assist in minimizing hardships to displaced persons in adjusting to relocation.
 - (f) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas that may affect the implementation of the relocation program.
 - (g) Determine the approximate number of persons, farms, or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.
 - (h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of commerce for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.
 - (i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.
- (3) (a) Subsection (1) does not apply to any of the following activities engaged in by a condemnor:
 - 1. Obtaining an appraisal of property.
 - 2. Obtaining an option to purchase property, regardless of whether the option specifies the purchase price, if the property is not part of a program or project receiving federal financial assistance.

Appendix III: Access

WisDOT must reconstruct any entrance to property abutting a highway if there is a change in the highway alignment affecting that entrance. If a new highway severs property, WisDOT must provide an entrance to both parcels of land. The landowner is responsible for the maintenance of these access points after construction is completed.

WisDOT has the authority to limit the number of access points to and from rural segments of the state trunk system serving more than 2,000 vehicles per day. Access to a road or private property may be taken away if WisDOT determines a need for access control. A controlled-access highway is one where the entrance to and departure from the highway is limited. Access controls can be placed on a new or existing highway and WisDOT can limit access by providing a grade separation, service roads or closing access to an intersecting road. Additional access to a controlled-access highway will not be provided without WisDOT's written permission. When a controlled-access highway severs a parcel, WisDOT may provide a crossover point for the owner to travel between the severed parcels. The access in these cases is removed when the parcels are no longer owned by the same party.

Section 86.05 of the Wisconsin Statutes states that access shall be provided to land which abuts a highway:

Entrances to highway restored. Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements, and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter, each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

Section 84.25 of the Wisconsin Statutes describes access restrictions concerning a controlled-access highway:

(3) CONSTRUCTION; OTHER POWERS OF DEPARTMENT. In order to provide for the public safety, convenience and the general welfare, the department may use an existing highway or provide new and additional facilities for a controlled-access highway and so design the same and its appurtenances, and so regulate, restrict or prohibit access to or departure from it as the department deems necessary or desirable. The department may eliminate intersections at grade of controlled-access highways with existing highways or streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access highway and may divide and separate any controlled-access highway into

separate roadways or lanes by raised curbing, dividing sections or other physical separations or by signs, markers, stripes or other suitable devices, and may execute any construction necessary in the development of a controlled-access highway including service roads or separation of grade structures.

(4) **CONNECTIONS BY OTHER HIGHWAYS.** After the establishment of any controlled-access highway, no street or highway or private driveway, shall be opened into or connected with any controlled-access highway without the previous consent and approval of the department in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given.

(5) **USE OF HIGHWAY.** No person shall have any right of entrance upon or departure from or travel across any controlled-access highway, or to or from abutting lands except at places designated and provided for such purposes, and on such terms and conditions as may be specified from time to time by the department.

(6) **ABUTTING OWNERS.** After the designation of a controlled-access highway, the owners or occupants of abutting lands shall have no right or easement of access, by reason of the fact that their property abuts on the controlled-access highway or for other reason, except only the controlled right of access and of light, air or view.

(7) **SPECIAL CROSSING PERMITS.** Whenever property held under one ownership is severed by a controlled-access highway, the department may permit a crossing at a designated location, to be used solely for travel between the severed parcels, and such use shall cease if such parcels pass into separate ownership.

Appendix IV: Drainage

Roads and railroad grades must be constructed and maintained so they do not impede the general flow of surface water in an unreasonable manner. Roads and railroad grades must be constructed with adequate ditches, culverts and other facilities to maintain a practical drainage pattern.

The following specifications and statutes cited address some of the impacts which could potentially occur during and after the proposed highway project. The statutes cited can be found in full in the following: Wisconsin Statutes at <https://docs.legis.wisconsin.gov/statutes/statutes/88/VIII/87>. WisDOT's specifications can be found in 2012 Standard Specifications, State of Wisconsin, Department of Transportation at <http://roadwaystandards.dot.wi.gov/standards/stndspec/index.htm>. DATCP recommends that farmland owners concerned about drainage should consult these texts for further information.

Section 88.87(2) of the Wisconsin Statutes describes regulations concerning rights of drainage:

- (a) Whenever any county, town, city, village, railroad company or the department of transportation has heretofore constructed and now maintains or hereafter constructs and maintains any highway or railroad grade in or across any marsh, lowland, natural depression, natural watercourse, natural or man-made channel or drainage course, it shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water-soaking uplands or an unreasonable accumulation and discharge of surface water flooding or water-soaking lowlands. All such highways and railroad grades shall be constructed with adequate ditches, culverts, and other facilities as may be feasible, consonant with sound engineering practices, to the end of maintaining as far as practicable the original flow lines of drainage. This paragraph does not apply to highways or railroad grades used to hold and retain water for cranberry or conservation management purposes.
- (b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).
- (c) If a city, village, town, county, or railroad company or the department of transportation constructs and maintains a highway or railroad grade not in accordance with par. (a), any property owner damaged by the highway or railroad grade may, within 3 years after the alleged damage occurred, file a claim with the appropriate governmental agency or railroad company. The claim shall consist of a sworn statement of the alleged faulty construction and a description, sufficient to determine the location of the lands, of the lands alleged to have been damaged by flooding or water-soaking. Within 90 days after the filing of that claim, the governmental

agency or railroad company shall either correct the cause of the water damage, acquire rights to use the land for drainage or overflow purposes, or deny the claim. If the agency or company denies the claim or fails to take any action within 90 days after the filing of the claim, the property owner may bring an action in inverse condemnation under ch. 32 or sue for such other relief, other than damages, as may be just and equitable.

WisDOT specification 205.3.3 further describes its policies concerning drainage:

- (1) During construction, maintain roadway, ditches, and channels in a well-drained condition at all times by keeping the excavation areas and embankments sloped to the approximate section of the ultimate earth grade. Perform blading or leveling operations when placing embankments and during the process of excavation except if the excavation is in ledge rock or areas where leveling is not practical or necessary. If it is necessary in the prosecution of the work to interrupt existing surface drainage, sewers, or under drainage, provide temporary drainage until completing permanent drainage work.
- (2) If storing salvaged topsoil on the right-of-way during construction operations, stockpile it to preclude interference with or obstruction of surface drainage.
- (3) Seal subgrade surfaces as specified for subgrade intermediate consolidation and trimming in 207.3.9.
- (4) Preserve, protect, and maintain all existing tile drains, sewers, and other subsurface drains, or parts thereof, that the engineer judges should continue in service without change. Repair, at no expense to the department, all damage to these facilities resulting from negligence or carelessness of the contractor's operations.

Appendix V: NRCS Soil Farmland Classification

Prime Farmland

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

Unique Farmland

Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Examples of such crops are citrus, tree nuts, olives, cranberries, fruit, and vegetables.

Additional Farmland of Statewide Importance

This is land, in addition to prime and unique farmland, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Criteria for defining and delineating this land are to be determined by the appropriate state agency or agencies. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

Additional Farmland of Local Importance

In some local areas, there is concern for certain additional farmland for the production of food, feed, fiber, forage, and oilseed crops, even though these lands are not identified as having national or statewide importance. Where appropriate, these lands are to be identified by the local agency or agencies concerned. In places, additional farmlands of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Appendix VI: Soil Capability Classes

Land suited to Cultivation and Other Uses:

Class I soils have few limitations that restrict their use.

Class II soils have some limitations that reduce the choice of plants or require moderate conservation practices.

Class III soils have severe limitations that reduce the choice of plants or require special conservation practices, or both.

Class IV soils have very severe limitations that restrict the choice of plants, require very careful management, or both.

Land Limited in Use-Generally Not Suited to Cultivation

Class V soils have little or no erosion hazard but have other limitations impractical to remove that limit their use largely to pasture, range, woodland, or wildlife food and cover.

Class VI soils have severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife food and cover.

Class VII soils have severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

Class VIII soils have very severe limitations that make them unsuited to cultivation and that restrict their use largely to grazing, woodland, or wildlife.

Class VIII soils and landforms have limitations that preclude their use for commercial plant production.

Soil Capability Subclasses

A subclass is a group of capability units within a class which has the dominant soil or climatic limitations for agricultural use. Capability Class I has no subclasses. There are four subclasses, designated by letter symbols and defined as follows:

- e** Erosion susceptibility is the dominant problem or hazard. Both erosion susceptibility and past erosion damage are major soil factors for placement in this subclass.
- s** Soil limitations within the rooting zone, such as shallowness of rooting zones, stones, low moisture-holding capacity, low fertility that is difficult to correct, and salinity or sodium, are dominant.
- w** Excess water is the dominant hazard or limitation. Poor soil drainage, wetness, high water table, and overflow are the criteria for placing soils in this subclass.
- c** Climate (temperature or lack of moisture) is the only major hazard or limitation.

Appendix VII: Mailing List

GOVERNOR SCOTT WALKER 115 E CAPITOL	SEN TERRY MOULTON AGRICULTURE COMMITTEE 310 S CAPITOL
SEN JERRY PETROWSKI TRANSPORTATION COMMITTEE 123 S CAPITOL	REP LEE NERISON AGRICULTURE COMMITTEE 310 N CAPITOL
REP KEITH RIPP TRANSPORTATION COMMITTEE 223 N CAPITOL	RESOURCES FOR LIBRARIES (15) DOCUMENT DEPOSITORY PROGRAM 2109 SOUTH STOUGHTON ROAD
WisDOT CENTRAL OFFICE FILES HILL FARMS	WisDOT LIBRARY ROOM 100A 4802 SHEBOYGAN AVE
STATE DOCUMENTS SECTION THE LIBRARY OF CONGRESS 10 FIRST ST S E WASHINGTON DC 20540-0001	LRC DOCUMENTS DEPT UW-STEVENS POINT 900 RESERVE ST STEVENS POINT WI 54481-1985
JEFF BERENS WisDOT SW REGION 2101 WRIGHT ST MADISON WI 53704-2583	DVORAK INVESTMENTS II LLC 1081 EAGLE CT EDGERTON WI 53534
EDWARD J KRAMPER 3694 DYRESON RD MCFARLAND WI 53558	GENE R ALLEN 4020 E TOWER RD MCFARLAND WI 53558
LINNERUD FARMS LTD PARTNERSHIP 2948 COUNTY ROAD B STOUGHTON WI 53589	ARTHUR B SVEUM 1200 NYGAARD ST STOUGHTON WI 53589
CURRENT RESIDENT 2278 DYRESON RD MCFARLAND WI 53558	DANA SPERLOEN 1867 US HIGHWAY 51 STOUGHTON WI 53589
ELAINE ALTEMUS POSSIN 406 PROSPECT AVE BEAVER DAM WI 53916	HERRO FAMILY TRUST MARY STUART 2 E MIFFLIN ST STE 600 MADISON WI 53703
JANE CLISS 2660 US HIGHWAY 51 MCFARLAND WI 53558	LYNN L SQUIRE 2013 WHENONA DR MADISON WI 53711-4842

LYNN M HULL 3208 AALSETH LN STOUGHTON WI 53589	MOE FAMILY FARMS LLC 1680 WILLIAMS DR STOUGHTON WI 53589
NORBY CREDIT SHELTER TRUST 935 OCEAN DR FAIRVIEW TX 75069	TIEDEMAN FAMILY REV FAMILY TR 810 WERNER WATERTOWN WI 53098
SCOTT MCDONELL DANE COUNTY CLERK 210 MLK JR BLVD. MADISON WI 53703-3342	BOB VENSKE ALBION TOWN CHAIR 170 HILLSIDE RD EDGERTON WI 53534
JULIE HANEWALL ALBION TOWN CLERK 620 ALBION RD EDGERTON WI 53534	NORMAN MONSEN DUNKIRK TOWN CHAIR 662 STATE HIGHWAY 138 SOUTH STOUGHTON WI 53589
MELANIE HUCHTHAUSEN DUNKIRK TOWN CLERK 654 COUNTY ROAD N STOUGHTON WI 53589	JEANETTE WALKER RUTLAND TOWN CHAIR 838 CENTER RD STOUGHTON WI 53589
DAWN GEORGE RUTLAND TOWN CLERK 4177 OLD STAGE RD BROOKLYN WI 53521	EDMOND P MINIHAN DUNN TOWN CHAIR 4156 COUNTY ROAD B MCFARLAND WI 53558
CATHY HASSLINGER DUNN TOWN CLERK 4156 COUNTY ROAD B MCFARLAND WI 53558	AMY CALLIS DANE COUNTY CONSERVATIONIST 5201 FEN OAK DR RM 208 MADISON WI 53718-8827
HEIDI JOHNSON DANE COUNTY UWEX 5201 FEN OAK DR RM 138 Madison WI 53718	MADISON PUBLIC LIBRARY 201 W MIFFLIN ST MADISON WI 53703-2597
PUBLIC LIBRARY 5920 MILWAUKEE ST MCFARLAND WI 53558-8962	STOUGHTON PUBLIC LIBRARY 304 S 4 TH ST STOUGHTON WI 53589-2101
MADISON NEWSPAPERS INC 1901 FISH HATCHERY RD MADISON WI 53713	MCFARLAND COMMUNITY LIFE 6041 MONONA DR MONONA WI 53716
STOUGHTON COURIER HUB 301 W MAIN ST PO BOX 577 STOUGHTON WI 53589	SCOTT RINGELSTETTER DANE CO DRAINAGE BOARD CHAIR 2361 COUNTY HIGHWAY V SUN PRAIRIE WI 53590

State of Wisconsin
Department of Agriculture,
Trade & Consumer Protection



For additional copies, contact:

DATCP
Agricultural Impact Program
P.O. Box 8911
Madison, WI 53708-8911

Fax: 608/224-4646
608/224-4615
