

# AGRICULTURAL IMPACT STATEMENT



DATCP File Photo

**DATCP  
#4490**

**Oshkosh Rural II Detention Basin  
City of Oshkosh, Winnebago County**



**WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION**  
*PUBLISHED MAY 15, 2023*

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Oshkosh Rural II Detention Basin

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

**Timothy Anderson**  
Director  
Bureau of Land and Water Resources (DATCP)

Author  
**Katy Smith**  
Land and Resource Management Section Manager  
Bureau of Land and Water Resources (DATCP)

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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,

*The figures within this document were created with a colorblind friendly palette*

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## ACRONYMS

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

# TERMS

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Terms are *italicized* throughout the document

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

# SUMMARY OF AGRICULTURAL IMPACT STATEMENT

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The Wisconsin Department of Agriculture, Trade, and Consumer Protection (“Department”) has prepared this Agricultural Impact Statement (“AIS”) #4490 for the proposed acquisition of agricultural land by the City of Oshkosh (“Oshkosh”), in the Town of Algoma, WI. Oshkosh proposes to acquire the agricultural land to construct a detention basin (referred to as “Rural II Detention Basin” or “Project”), as Phase II of the Sawyer Creek Stormwater Management Analysis Plan (Figure 1). The Rural II Detention Basin is proposed to improve stormwater management within the Sawyer Creek Watershed (HUC-12), including reducing flooding in the City of Oshkosh.

Oshkosh has entered into voluntary negotiations with Kenric Klemz, Carol Neubauer, Angela Suhail, and Kay Spanbauer (“Agricultural Landowners”) to purchase approximately 59.37 acres of forested and cropland land in Section 31, Township 18 North, Range 16 East, in the Town of Algoma, to site the Rural II Detention Basin. Oshkosh is a municipality vested with the right of eminent domain, but has documented to the Agricultural Landowners’ an intent to acquire the property through a voluntary sale (i.e., fee-simple acquisition) (DATCP, 2023a).

In accordance with [Wis. Stat. §32.035](#), Oshkosh has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural landowners and operators impacted by the proposed Rural II Detention Basin. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed Oshkosh’s materials and the comments obtained by the Department from the affected agricultural property owners and operators to assess the agricultural impacts of the proposed project.

The AIS analysis begins on page 7 with information on the Project located in Section 2. Information and conclusions on the agricultural setting of Winnebago County and impacted areas can be found in Section 3. The agricultural impacts of the Project on the land, agricultural landowner, and operator can be found in Section 4. Appendices for AIS #4490 contain the following information: additional project figures and tables from Oshkosh (Appendix A), information on the appraisal and compensation process (Appendix B), a copy of Wisconsin’s agricultural impact statement statute (Appendix C) and various additional sources of related information for agricultural landowners and operators (Appendix D).

If Oshkosh deviates from the planned voluntary acquisition, proposed use or scale of the acquired land, Oshkosh shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

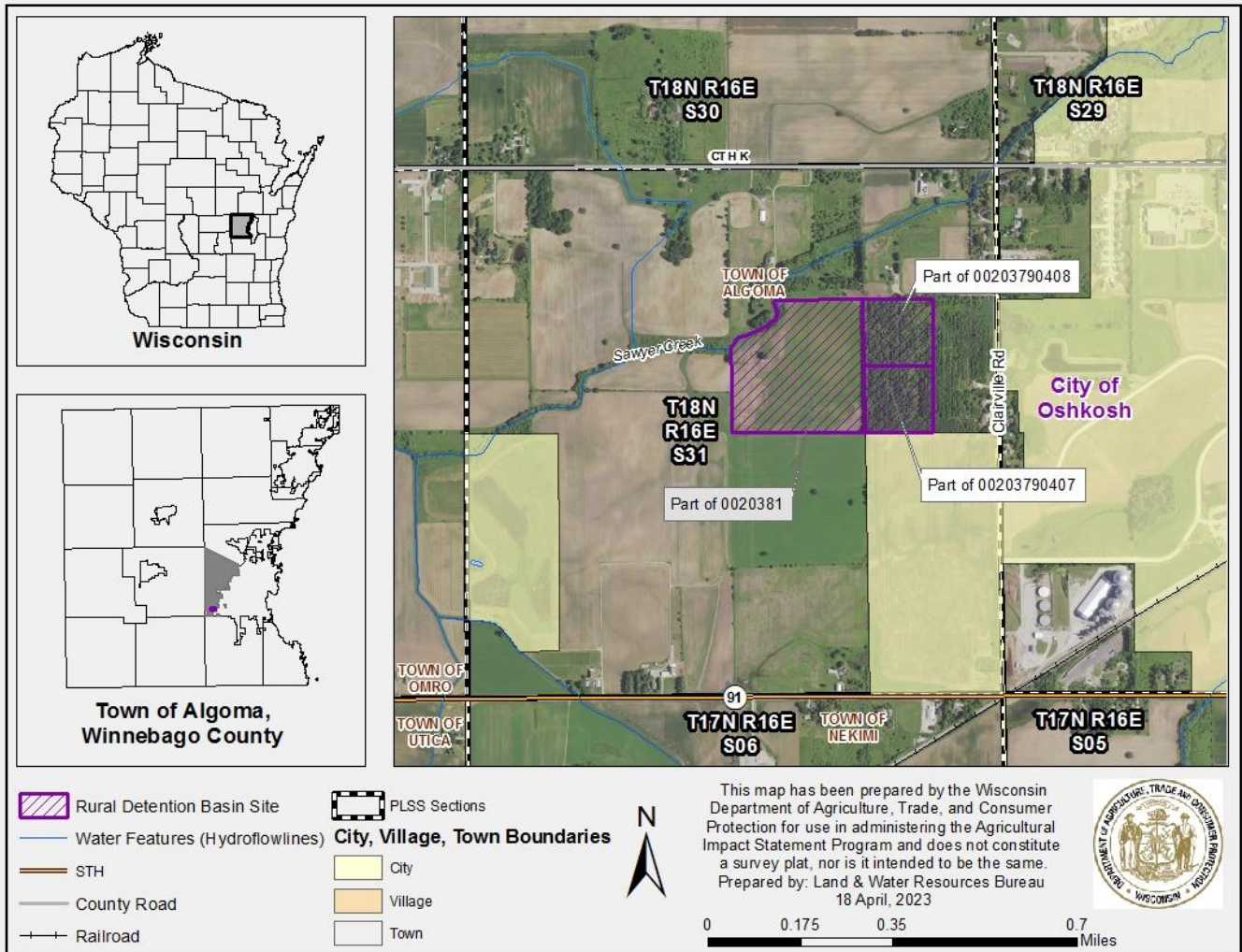


Figure 1: Location of the proposed acquisition in the Town of Algoma, Winnebago County (Part of S 1/2 of NE 1/4 of Section 31, T18N, R16E) for the proposed City of Oshkosh Rural II Detention Basin. *Not Depicted: Access Easement from Rural II Detention Basin Site to Clairville Road. See Appendix A for additional map.*

# 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”) #4490 in accordance with [Wis. Stat. §32.035](#) for the proposed construction of a detention basin (referred to as “Rural II Detention Basin” or “Project”) in the Town of Algoma located in Winnebago County, WI (Figure 1) by the City of Oshkosh (“Oshkosh”) to improve stormwater management in the Sawyer Creek Watershed (DATCP, 2023a).

According to [Wis. Stat. §32.035](#), the AIS is designed to be an informational and advisory document that describes and analyzes the potential effects of a proposed project on *agricultural operations* and agricultural resources, but it cannot stop a project. The Department is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of any interest in more than five acres of land from any *agricultural operation*.

The AIS reflects the general objectives of the Department in its recognition of the importance of conserving vital agricultural resources and maintaining a healthy rural economy. The Department is not involved in determining whether or not eminent domain powers will be used or the amount of compensation to be paid for the acquisition of any property.

Municipal stormwater utilities do not fall within the definition of public utility under Wis. Stat. § 196.01(5) and do not require PSC approval when constructing facilities (PSC, 2023). Absent the involvement of the PSC, permitting authority over the Project is subject to local and county regulation. Oshkosh is still required to obtain any necessary permits from the Wisconsin Department of Natural Resources (“WisDNR”) or local authorities and abide by Wisconsin’s Agricultural Impact Statement statute [Wis. Stat. §32.035](#). Oshkosh has a municipal stormwater discharge permit from the DNR, pursuant to subch. I of NR 216, Wis. Admin. Code. (WisDNR, 2023).

Prior to the release of this AIS, Oshkosh notified the Department of its intent to complete a voluntary contract without actualizing Oshkosh’s powers of eminent domain to acquire the impacted agricultural parcels. As Oshkosh has not actualized its powers of condemnation, at this time, to obtain property or *easements* for this project, the 30 day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable for this project. If Oshkosh does actualize its powers of condemnation at any point during the project, Oshkosh may not negotiate with an owner or make a jurisdictional offer until 30 days after the agricultural impact statement has been published. If Oshkosh deviates from the selected plans or site alternatives, Oshkosh shall re-notify the Department in accordance with Wis. Stat. §32.035(3). The Department shall review

the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

Should Oshkosh actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix B. The full text of [Wis. Stat. §32.035](#) is included in Appendix C. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendix D.

## **2. PROJECT DESCRIPTION**

### **2.1. The Project**

Oshkosh is planning to site a detention basin on land currently under agricultural production, including cropland and forested lands enrolled in the Managed Forest Law (“MFL”) Program. In accordance with [Wis. Stat. §32.035\(3\)](#), Oshkosh has provided an agricultural impact notification (“AIN”) to the Department that serves as the main reference document for the Project and the project need (DATCP, 2023a). The proposed Rural II Detention Basin would be located in the Town of Algoma in part of S ½ of NE 1/4 of Section 31, T18N, R16E (Figure 1).

To construct the proposed rural detention basin, Oshkosh proposes to acquire approximately 59.37 acres in parcels 000020381, 00103790407, and 0000203790408, by fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property), as shown in Figure 1.

Oshkosh evaluated three site alternatives prior to selecting the site for the proposed Rural II Detention Basin shown in Figure 1. Oshkosh stated that eliminated site alternatives were either rejected for not providing stormwater management benefits to downstream property owners or for demonstrated impacts to existing roadways and the traveling public (DATCP, 2023a). As Oshkosh has already eliminated the other site alternatives, the Department will focus the AIS analysis on parcels 000020381, 00103790407, and 0000203790408.

As proposed, the Project site will be comprised of infall and outfall connections to existing drainage ditches and storm sewers, basin, sediment forebays, underdrains, berms, peripheral fencing, and site stabilization. As proposed, the Rural II Detention Basin will provide 290.9 acre–feet of stormwater storage. The Project has a design life of 30 to 50 years dependent on basin management (DATCP, 2023a).

Oshkosh is currently negotiating to acquire the parcels from the agricultural landowners with a fee simple voluntary purchase. Oshkosh plans to construct the Project starting in Fall 2023 and concluding in Fall 2024. The Rural II Detention Basin is planned to be in-service in the Fall of 2024 (DATCP, 2023a).



## **2.2. Project Need**

Oshkosh has indicated the primary reason for the proposed Rural II Detention Basin is to improve stormwater management in the Sawyer Creek Watershed (DATCP, 2023a).

## **2.3. Installation Methods**

According to Oshkosh, the proposed project site will be mass graded and constructed to an approximately 290 acre-foot stormwater basin and upland peripheries according to industry standards (DATCP, 2023a).

# **3. AGRICULTURAL SETTING**

## **3.1. Farmland Preservation**

Wisconsin's farmland preservation ("FP") program provides local governments and landowners with tools to aid in protecting agricultural land for continued agricultural use and to promote activities that support the larger agricultural economy. Lands that are planned for FP by the county and included in a certified zoning district or located within an Agricultural Enterprise Area ("AEA") are afforded land use protections intended to support agriculture, and are eligible for the farmland preservation tax credit.

Winnebago County's current FP plan was certified by the Department in 2020 and is set to expire in 2030 (DATCP, 2020). The project site in the Town of Algoma is not planned for FP in the County's certified FP Plan. The Town of Algoma does not have a certified FP zoning district or any land within a designated AEA at the time of this analysis. Oshkosh should consult with all applicable local zoning authorities to identify if additional restrictions apply and to ensure compliance with local zoning regulations. There are no effective pre-2009 FP agreements located in the Town of Algoma, Winnebago County.

## **3.2. Conservation Programs**

Voluntary conservation programs such as the USDA Conservation Reserve Enhancement Program ("CREP") and the USDA Conservation Reserve Program ("CRP") are financial incentive programs to help agricultural landowners meet their conservation goals. The State of Wisconsin also manages other agricultural programs to conserve farmland for future agricultural use.

### ***3.2.1. Conservation Reserve Enhancement Program***

The CREP program pays eligible agricultural landowners enrolled within the program to install filter strips along waterways or to return continually flooded fields to wetlands while leaving the remainder of the adjacent land in agricultural production. To be eligible for CREP payments, a recipient must have agricultural lands in crop production that are within 150 ft of a stream or water

body or 1,000 ft from an eligible project area (DATCP, 2019b). A review of the Department's CREP records indicated that the Project site Oshkosh proposes to acquire for the detention basin would not directly affect a current CREP field or *easement*. However, a review of the Department's CREP records did indicate that there are 15-year CREP fields located in Township 18 North, Range 16 East. The City should be aware of existing conservation practices if it looks to site additional stormwater mitigation practices in unincorporated areas or expand its municipal boundary in the future.

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

CRP enrollment information is privileged to the USDA and CRP program participants. The Department cannot independently verify if any of the impacted agricultural parcels are enrolled within the CRP program.

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

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

Under Wisconsin's Agricultural Impact Statement statute, [Wis. Stat. §32.035\(1\)](#), Farm operation means an activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use as defined in Wis. Stat. §91.01(2)...Under [Wis. Stat. §91.01\(2\)\(a\)7.](#), Forest management for the purpose of producing an income or livelihood is an agricultural use. The definition of forest management is clarified under [Wis. Admin. Rule. ATCP 49.01\(12\)](#) to include private forest lands and woodlands managed in accordance with any type of written management plan, including a plan prepared under the state's managed forest law.

Parcels 00203790407 and 00203790408 will be split to accommodate a voluntary sale of 21.89 acres to site the proposed rural detention basin. At the time of this analysis, parcels 00203790407 and 00203790408 were enrolled in the MFL Program. Oshkosh reported the removal of 21.89 acres from the MFL Program, on the noted parcels, has been coordinated with the Winnebago County Forester for the benefit of a public use (i.e., the Project) (DATCP, 2023a). A change of use on land previously enrolled in the MFL program constitutes an agricultural impact.

Under [Wis. Stat. §77.88\(3\)](#), the conditions for voluntary withdraw of land from the MFL program require that either an entire contiguous parcel of MFL land be withdrawn, all land within a given



quarter quarter section, governmental or fractional lot be withdrawn, withdrawal be for the benefit of a construction site subject to restrictions described under [Wis. Stat. § 77.88\(3j\)](#), or the voluntary withdrawal on part of an MFL parcel if the DNR determines the subject land cannot meet the productivity requirements of the program. Any land remaining in MFL following a voluntary withdraw must continue to meet applicable program eligibility requirements as described in [Wis. Stat. § 77.82\(1\)](#).

Based on MFL eligibility requirements, the voluntary removal of 21.89 acres of lands on the aforementioned parcels is anticipated to result in the removal of the entirety – 32.39 acres – of enrolled lands from the MFL Program (Personal Communication with DNR Tax Law Forestry Specialist, Andrew North on May 4, 2023). Withdrawal of land from MFL for land sold to a local government may be exempt from an MFL withdrawal tax and fee (WisDNR, 2023b). Remnant woodlands that are no longer subject to an MFL designation will be subject to increased property taxation (DOR, 2021).

The Department recommends the following to mitigate the impacts of tree and woody material removal from the Project site:

- Should impacted landowners wish to obtain their own appraisal for MFL lands, they should hire an appraiser with experience and expertise valuing trees.
- Tree removal should be conducted with consideration for erosion control and runoff prevention mitigation practices on the project site, including plans to install and maintain surface cover following construction.

#### **3.2.4. *Purchase of Agricultural Conservation Easement Programs***

A review of the Department’s PACE Program shows the Project would not impact any state-held PACE *easements*. Counties and private non-governmental organization such as land trusts may also hold agricultural conservation *easements*. Based on a review of publicly available online resources, the Department could not find any record of a county held or non-governmental organization held agricultural conservation *easement* that would be impacted by the Project (Land Trust Alliance, 2023).

### **3.3. Drainage Districts**

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board and for the primary purpose of draining of lands for agricultural use (DATCP, 2019). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repair the district’s drains. According to the Department, approximately 190 active districts exist within 27 of Wisconsin’s 72 counties (DATCP, 2019a).

A review of the Department’s Drainage Program database indicates that Winnebago County has one active drainage district. The Drainage Board of Winnebago County manages this drainage

district. As proposed, the Project site is not located within the Winnebago County Larsen drainage district nor is the Project expected to affect the Larsen drainage district. For additional information contact the Department's State Drainage Engineer.

## **4. AGRICULTURAL IMPACTS**

In addition to being a key component of [Wis. Stat. §32.035](#), documenting the agricultural impacts of a project provides the project initiator and the agricultural landowner the opportunity to better understand the project in its own right as well as learn how the project will impact agriculture. Furthermore, the documentation of agricultural impacts by agricultural landowners and operators creates the opportunity for them to consider alternatives that may reduce impacts to agricultural lands. To promote the opportunity for alternatives, the Department has used information provided by Oshkosh for this AIS and information gathered from agricultural landowners to analyze the potential agricultural impacts of the Rural II Detention Basin in Winnebago County.

### **4.1. Farmland Acquisitions and Landowner Concerns**

Oshkosh's proposed Rural II Detention Basin will require the fee simple acquisition of three parcels of agricultural land, estimated to be 59.37 acres in total, from parcel 0020381, owned by Kenric Klemz, Carol A. Neubauer and Angela G. Suhail, and from parcels 00203790407 and 00203790408 owned by Kay E. Spanbauer ("Landowners"). The Department contacted all agricultural Landowners to invite them to provide feedback on the proposed Project. The following section documents information submitted as a part of the AIN by Oshkosh and relays the feedback and comments from the impacted agricultural landowners. The information helps inform the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural lands in general.

#### **4.1.1. Oshkosh**

Oshkosh has approached the Landowners regarding the sale of a parcels 0020381, 00203790407, and 00203790408 and the parties have entered into voluntary negotiations for the sale of the property. Oshkosh reported that the proposed project will not have any impacts on farm property improvements (DATCP, 2023a). Oshkosh was offered the opportunity to review this analysis and offered no comments.

#### **4.1.2. Landowners**

Oshkosh reported that 37.48 acres of parcel 0020381 was previously rented to a tenant farmer for cropland, however the parcel was not cropped during 2022 (DATCP, 2023a). The contact information for the previous tenant operator was not shared and any sentiments pertaining to their farm operation are not documented as part of this analysis. Landowners Kenric Klemz, Carol A. Neubauer, and Angela G. Suhail did not respond to a written request for input on the proposed Project.

Landowner, Kay E. Spanbauer, responded to a written request for input of the proposed Rural II Detention Basin on their farm operation. Spanbauer documented that parcels 00203790407 and 00203790408 were previously enrolled in CRP, but later enrolled in the MFL program. Spanbauer noted that the impact of the fee simple sale of the subject land for the benefit of the proposed detention basin would be a reduction of acreage in MFL (Personal Communication with Kay E. Spanbauer). The voluntary removal of 21.89 acres of lands from the MFL program is anticipated to result in the removal of the entirety – 32.39 acres – of lands across the aforementioned parcels originally enrolled in MFL (Personal Communication with DNR Tax Law Forestry Specialist, Andrew North on May 4, 2023). See Section 3.2.3 for additional discussion of MFL.

## 4.2. Severance, Access, and Wasteland

The acquisitions of agricultural property can result in agricultural parcel *severance*, removal of existing field access points and potentially the creation of *wastelands* and *uneconomic remnant* parcels. The circumstances (i.e. loss of access, *severance*, *wasteland* etc.) surrounding the impacts to each impacted remnant agricultural parcel are unique, thus some agricultural parcels may remain economically viable, while others may not. The following analysis will document the potential for *severance*, loss of access and potential creation of *wastelands* and *uneconomic remnant* parcels for agricultural parcels 0020381, 00203790407, and 00203790408 (Figure 1).

### 4.2.1. Severance

Severing an agricultural parcel to accommodate a project effectively splits the existing parcel into two or more smaller parcels. Severing an agricultural parcel may remove existing access points, create agricultural *wastelands* or *uneconomic remnant* parcels, at times divide the operation of a farm and may result in farmland conversion.

Parcels 00203790407 and 00203790408 will be split to accommodate a voluntary sale of 21.89 acres to site the proposed Rural II Detention Basin. Oshkosh reported that the removal of the 21.89 acres from the MFL Program on the noted parcels has been coordinated with the Winnebago County Forester for the benefit of a public use (i.e., the Project). As a result, the forested lands remaining in Parent parcels 00203790407 and 00203790408 that are not sold to accommodate the project are not projected to retain eligibility for designation under the MFL Program.

### 4.2.2. Access

Acquisitions of farmland may remove existing points of access and entrances utilized by *agricultural operations* to access their remaining farmland. Acquisition of agricultural parcels 0020381, 00203790407, and 00203790408 is not projected to create new access concerns for remnant agricultural fields. Parcel 0020381 is the southernmost parcel of contiguous farmland owned jointly by Kenric Klemz, Carol A. Neubauer, and Angela G. Suhail. Oshkosh reported that the parcel was historically accessed via low-water stream fjord over Sawyer Creek. As the project will not require

an access easement for the benefit of the parcel, the sale may eliminate a barrier to farmland access for parcel 0020381.

#### 4.2.3. *Wasteland*

The proposed acquisition of land for the Rural II Detention Basin is not anticipated to create agricultural wasteland.

### 4.3. Prime Farmland and Soils

This soils analysis is limited to the 58.53 acres of geospatial data Oshkosh submitted as part of the AIN. The soils impacted by the proposed project were cataloged by soil map unit and soil texture using the USDA-NRCS *prime farmland* soils GIS layer. These soils were analyzed for impacts to soils designated as *prime farmland*, prime farmland if drained or farmland of statewide importance (Table 4). *Prime farmland* is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2017) and is based on the ability of the land and soil to produce crops. Definitions of *prime farmland*, prime farmland if drained, and farmlands of statewide importance are provided under Table 1.

Table 1: Soils impacted by Oshkosh’s proposed Rural II Detention Basin. Reported acreage reflects acres measured with GIS software by the Department for the proposed fee simple acquisition.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained <sup>o</sup> (acre)	Farmland of Statewide Importance <sup>‡</sup> (acre)	Not Prime Farmland <sup>φ</sup> (acre)	Total (acre)
Silt Loam	36.64	0.28	0.00	0.00	36.92
Silt Clay Loam	0.00	16.34	0.00	0.00	16.34
Clay	0.00	0.00	0.00	5.27	5.27
<i>Project Total</i>	36.64	16.62	0.00	5.27	58.53

\***Prime farmland** is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and may be utilized for cropland, pastureland, rangeland, forest land, or other lands excluding urban built-up land or water. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management.

<sup>o</sup>**Prime farmland if drained**, indicates that if farmland is drained it would meet prime farmland criteria.

<sup>‡</sup>**Farmlands of statewide importance** are set by state agency(s). Generally, these farmlands are nearly prime farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields high as prime farmlands under proper conditions.

<sup>φ</sup>**Not Prime farmland**, indicates farmland is neither prime farmland nor of designated importance.

91% of the agricultural lands impacted by the proposed fee simple acquisition hold some level of Federal priority designation. Specifically, the USDA has designated approximately 62.6 % of impacted acres as *prime farmland* and 28.4% of impacted acres as prime farmland if drained

(Table 1, Figure 2). Across the impacted agricultural parcels, the soil consists of silt loam, silt clay loam, and clay textured soils of various soil series. Silt loam soils are medium-textured soils (Cornell, 2017) with good soil structure, possess an ideal ability to hold onto water without becoming excessively wet and are usually best suited for crop production (UW-Extension, 2005). Silty clay loam soils are fine textured soils (Cornell, 2017) and possess a similar ability to hold onto water as silt loam soils, however silty clay soils generally hold onto water more tightly so less is available to crops (UW-Extension, 2005). Clay soils are fine textured soils that may hold onto more water because of their fine particle size (Cornell, 2017). Clay soils may be less suitable for crop production because of its textural properties (UW-Extension, 2005). This soils analysis shows that Oshkosh’s proposed Rural II Detention Basin will convert quality soils and *prime farmland*.

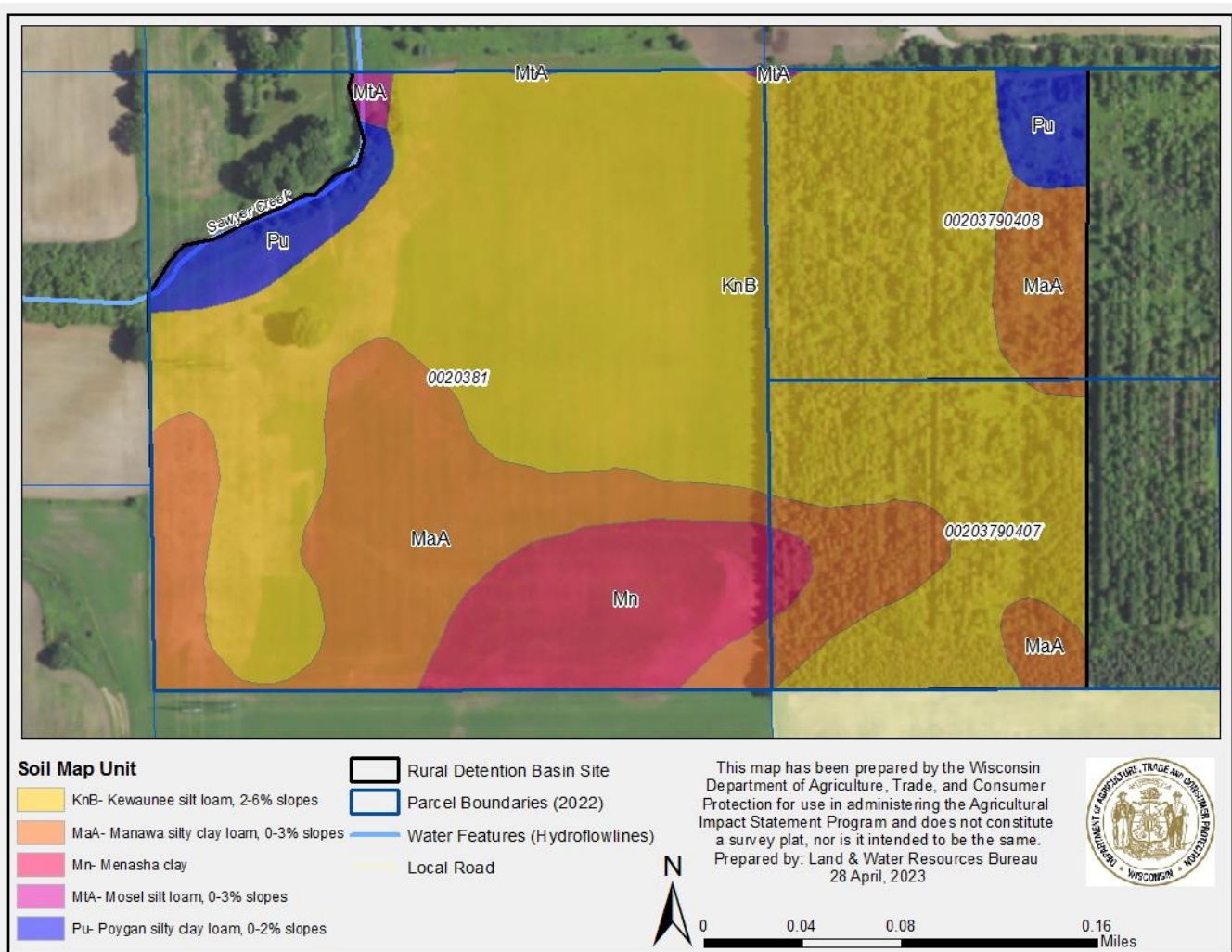


Figure 2: Soil map units for the City of Oshkosh’s proposed Rural II Detention Basin, Town of Algoma, Winnebago County.

#### 4.4. Drainage and Soil Health

Maintaining proper field drainage and preserving soil health is vital to the success of an *agricultural operation*. If drainage is impaired, water can settle in fields and cause substantial damage, such as

reducing soil health, harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot, and other diseases that affect livestock. Soil structure, texture, organic matter and microorganisms are all important factors that influence soil health (Wolkowski and Lowery, 2008).

#### **4.4.1. *Drainage***

Oshkosh reported that a USDA Tile Drainage Plan from 1970 depicts a subsurface tile drainage line on part of parcels 0020381, 00203790407, and potentially 00203790408 (DATCP, 2023a). Drain tile through these parcels would have helped improve field conditions and crop yields in areas with silty clay loam or clay type soils that typically hold onto water more tightly than other soil types in the project area.

A copy of the USDA Tile Drainage Plan from 1970 was not available for this analysis. As such, this analysis cannot identify impacts of removing or modifying drain tiles on lands remaining in agricultural use.

#### **4.4.2. *Stormwater & Erosion Control Permitting***

Land disturbance activities in the unincorporated areas of Winnebago County may be subject to county stormwater management and erosion control ordinances, except in towns that have adopted a site erosion control and storm water management zoning ordinance under Wis. Stat. § 60.627. Furthermore, project activities may be subject to the Winnebago County shoreland zoning ordinance. Oshkosh should consult the Winnebago County Planning and Zoning Department for applicable construction site erosion control and stormwater management requirements, shoreland zoning requirements, and other permits to ensure construction proceeds in a manner minimizing drainage issues and soil erosion for the project site. This analysis does not discuss potential impacts for activities regulated under the aforementioned ordinances. Furthermore, Oshkosh must comply with all other applicable state and federal regulations concerning construction near or on wetlands, lakes, and streams.

Installation and effective maintenance of the Rural II Detention Basin will ensure that the project affords environmental, residential, and economic benefits to the community as designed. Effective stormwater management will contribute to reductions in runoff, erosion, and reduce pollutants and sediment carried to surface water.



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Honorable Michael Schraa (District 53)

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### Wisconsin Department of Agricultural, Trade and Consumer Protection (DATCP)

DATCP Public Information Officer – Dan Richter

DATCP Legislative Liaison – Patrick Walsh

DATCP Director, Bureau of Land and Water - Timothy Anderson

### Winnebago County

Planning and Zoning Department

Land Conservation Department- Chad Casper

County Clerk – Julie Barthels

### Town of Algoma

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Design Consultant- Matt Yentz

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## **Interest Groups, Entities and Individuals**

City of Oshkosh

Agricultural Landowners

Kenric Klemz

Carol A. Neubauer

Angela G. Suhail

Kay E. Spanbauer



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

**DIVISION OF  
AGRICULTURAL RESOURCE MANAGEMENT**

Agricultural Impact Program

P.O. Box 8911

Madison, WI 53708-8911

608-224-4650

<https://agimpact.wi.gov>