

# AGRICULTURAL IMPACT STATEMENT



Photo by: Fond du Lac County, WI

**DATCP  
#4370**

**Laudolff Ledge Conservation Area  
Town of Taycheedah  
Fond du Lac County**



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

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DATCP #4370  
Laudolff Ledge Conservation Area

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

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# MISSION STATEMENT

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Dear Reader,

In the 1970's, Wisconsin farmers and many local governments located between Green Bay and Milwaukee overwhelmingly opposed the planned creation of Interstate 43 (I-43). As originally planned, the I-43 project would run about 2 miles west of and parallel to Hwy-57 and be constructed primarily on farmland, as opposed to utilizing the existing Hwy-57 right of way. These farmers organized and staged protest rallies on the Wisconsin State Capitol grounds, including bringing cows to graze on the capital lawn. The strong opposition these farmers and local governments demonstrated prompted a compromise that would relocate the interstate to run along the US 141 corridor between Milwaukee and Manitowoc. This same opposition also prompted the Wisconsin legislature in 1978 to establish the Agricultural Impact Statement (AIS) statute, Wis. Stat. § 32.035, as part of Wisconsin's Eminent Domain law.

Holding onto the spirit and purpose of the farmer led protests of the 1970's, the mission of the AIS program is ***to provide agricultural landowners and operators an opportunity to be heard in matters that impact their lands and an opportunity to voice for alternatives in order to preserve farmland under the framework of Wis. Stat. § 32.035***. Through the AIS program, agricultural landowners have the opportunity to provide feedback, document impacts, and advocate for alternative solutions any time agricultural lands are significantly affected by an entity with the potential powers of eminent domain. The AIS program also provides affected landowners the time to gather information in order to make well informed decisions before the potential project begins. Lastly, the AIS program makes suggestions and recommendations to project initiators to promote project alternatives and management practices that would reduce the potential impacts to agricultural lands and operations.

The AIS program has responsibilities to both the impacted landowners and the project initiator. The AIS program serves as an advocate to the affected agricultural landowners and will contact each affected landowner and operator in order to listen, learn and document the impacts the project poses to their agricultural lands and operations. Based on this feedback, the program will also identify and recommend project alternatives, best management & oversight practices and remediation practices to the project initiator, landowner(s) and operator(s) to reduce potential agricultural impacts. The AIS program 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 landowners and support the statewide priority to preserve prime farmland.

The Agricultural Impact Statement program and the WI Department of Agriculture, Trade and Consumer Protection are honored to provide this essential state service to the agricultural landowners and operators of the state.

Thank you

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# SUMMARY OF AGRICULTURAL IMPACT STATEMENT

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (referred to as the Department) has prepared this Agricultural Impact Statement (AIS) #4370 for the proposed acquisition of land by Fond du Lac County (referred to as the County) in the Town of Taycheedah, WI. The County proposes to establish the Laudolff Ledge Conservation Area on the impacted agricultural land, which is located along the Niagara Escarpment and near Lake Winnebago (Figure 1). As proposed, Laudolff Ledge Conservation Area would be a public conservancy area offering nature trails, nature watching and a unique opportunity to hiking along the Niagara Escarpment.

In early 2020, Fond du Lac County was approached by Laudolff Enterprises LLC with an offer to sell the impacted agricultural land to the County. The County reviewed the agricultural land and determined its location along the Niagara Escarpment and proximity to Lake Winnebago created a unique opportunity to establish a new county conservancy area. Given the opportunity at hand, the County engaged in a voluntary agreement with Laudolff Enterprises LLC to purchase the impacted parcel. Laudolff Ledge Conservation Area would be the County's first conservancy area located on the Niagara Escarpment. The County's intention to convert the impacted agricultural land into a conservancy area, with a native prairie also creates the potential for many environmental benefits such as increasing biodiversity, providing habitats for migratory birds or rare animals, improving soil health, reducing sediment and nutrient losses and promoting the absorption & infiltration of water into the ground.

In accordance with [Wis. Stat. §32.035](#), the County has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural property affected by the proposed Laudolff Ledge Conservation Area. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed the County's materials and comments from the affected agricultural property owner to assess the agricultural impacts of the County's proposed Laudolff Ledge Conservation Area. Through the AIS analysis, the Department offers a set of recommendations and conclusions to the County and the agricultural land owner to help mitigate impacts on agricultural lands and agricultural operations.

The set of recommendations are located within the Agricultural Impact Statement Recommendation Section beginning on page 3. The Agricultural Impact Statement analysis begins on page 4 with information on the project located in Section II. Information and conclusions on the agricultural setting of Fond du Lac County and impacted area is located in Section III. The agricultural impacts of the project on the land, landowner and operator is located in Section IV.



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

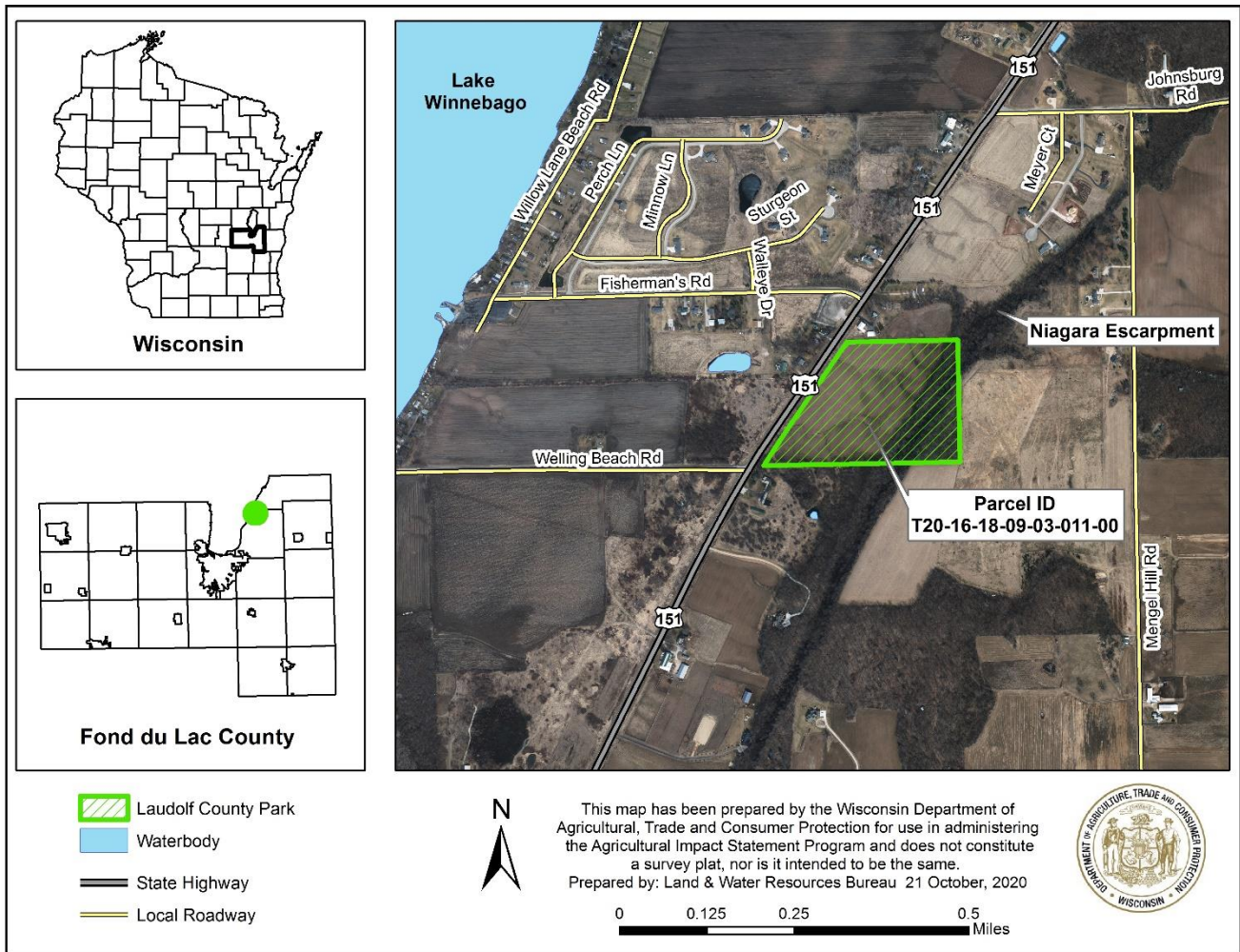


Figure 1: Location of the Laudloff Ledge Conservation Area, in the Town of Taycheedah, WI as proposed by Fond du Lac County. The Niagara Escarpment follows the tree line indicated within the map.

# AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (referred to as the Department) has reviewed and analyzed the materials provided by Fond du Lac County (referred to as the County) and comments from the affected agricultural property owner regarding the proposed Laudolff Ledge Conservation Area. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to the County and agricultural land owner to help mitigate impacts on agricultural lands and agricultural operations.

## Recommendations to Fond du Lac County

- Fond du Lac County and the agricultural land seller should arrive to a mutual agreement to disclose the contact information of the affected tenant agricultural operator, so that Fond du Lac County may confirm the tenant has been informed of the impacts to their agricultural operation.
- If there is adequate growing season for a crop to mature and be harvested after Fond du Lac County acquires the land, but before construction of the proposed Laudolff Ledge Conservation Area begins, the County should consider formalizing a rental contract with the current agricultural operator to harvest a crop for that season.
- Fond du Lac County may be eligible for Conservation Reserve Enhancement Program (CREP) funding on the subject property and should consider contacting one of the following Fond du Lac County offices (USDA Farm Serve Agency, NRCS Field Office or Land Conservationist Office) as soon as possible for information on conservation practice funding for riparian project areas. If the County is interested in pursuing CREP funding, the County should work with the agricultural land seller / tenant agricultural operator to document the subject properties cropping history between 2012-2017.
- During project design, Fond du Lac County should consult with the Fond du Lac County Conservationist to ensure that prairie restoration and planting proceeds in a manner that promotes soil health and infiltration in the prairie, while minimizing drainage problems, soil erosion and soil compaction that may result from the parking lot and trails.
- Fond du Lac County should consider maintaining the existing grassed waterways as part of the design of the conservancy area in order to reduce the potential for soil erosion and promote proper drainage.

# AGRICULTURAL IMPACT STATEMENT

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## I. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) (referred to as the Department) has prepared this agricultural impact statement (AIS) in accordance with [Wis. Stat. §32.035](#) for the Laudloff Ledge Conservation Area proposed by Fond du Lac County (Figure 1). Fond du Lac County currently maintains 14 recreational parks or facilities totaling approximately 928 acres of land (Fond du Lac, 2020). Collectively these parks and facilities afford the public opportunities for boating, camping, picnicking, hiking, swimming, athletic sports, and nature watching. The addition of the Laudloff Ledge Conservation Area would expand public access to hiking, nature watching and provide the only point of public access to the Niagara Escarpment within Fond du Lac County. The Niagara Escarpment, as seen on the cover photo, is a geologic formation that stretches from Wisconsin to the New York State and is home to over 240 different rare, threatened, or endangered plant and animal species (WGNHS, 2020).

The AIS is an informational and advisory document that describes and analyzes the potential effects of the 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 interest in more than 5 acres of land from any agricultural operation. The term agricultural 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.

The AIS reflects the general objectives of the Department in its recognition of the importance of conserving important 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.

Prior to the release of this AIS, Fond du Lac County and the impacted agricultural land owner notified the Department of the intent to complete a voluntary contract without actualizing Fond du Lac County's powers of eminent domain to acquire the impacted agricultural parcel. As the voluntary contract preceded any jurisdictional offer by the County, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable. If Fond du Lac County plans to acquire additional new parcels of agricultural land for the Laudloff Ledge Conservation Area, beyond the impacted parcels described within this AIS, the Department shall be re-notified in accordance with Wis. Stat. §32.035(3).

Should Fond du Lac County ever actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix A. The full text of [Wis. Stat. §32.035](#) is included in Appendix B. Additional references to

statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices B and C.

## II. PROJECT DESCRIPTION

### The Project

Fond du Lac County, WI (referred to as the County) is seeking to establish the Laudolff Ledge Conservation Area (referred to as the Conservation Area), on land currently under agricultural production. In accordance with [Wis. Stat. §32.035\(3\)](#), the County has provided an agricultural impact notification (AIN) to the Department that serves as the main reference document for the project and the project need. The Laudolff Ledge Conservation Area, as proposed by Fond du Lac County, would be located approximately ½ miles to the east of Lake Winnebago within the Town of Taycheedah (Figure 1). The County would acquire a single 24.6 acre parcel of agricultural land (parcel ID's T20-16-18-09-03-011-00) shown in Figure 1, by a fee-simple acquisition (i.e to purchase full ownership and exclusive rights to the property) to establish the Conservation Area.

According to the AIN, the County plans for the Laudolff Ledge Conservation Area to be a conservancy area that will offer nature trails, nature watching and a unique opportunity to hike along the Niagara Escarpment. In order to provide public access to the Conservation Area, the County plans to create a point of public roadway access from US Highway 151 to the Conservation Area and a small parking lot located within the Conservation Area. The County also plans to convert the 17.6 acres of tillable agricultural land into a prairie by sowing various prairie seed.

### Project Need

According to the AIN, Laudolff Enterprises LLC approached the County in 2020 with the offer to sell the impacted agricultural parcel (ID's T20-16-18-09-03-011-00) to the County. Through the offer, the County became aware the parcel was located on the Niagara Escarpment. The Niagara Escarpment is a geological feature more commonly referred to as a cliff that runs nearly 1,000 miles from Wisconsin to the State of New York and has been referred to as Wisconsin's eighth natural wonder (*OnMilwaukee*, 2011). The Niagara Escarpment is home to many rare, threatened, or endangered plant and animal species across the country (WGNHS, 2020). In a 2002 study conducted in Wisconsin by the Department of Natural Resources (DNR), 241 occurrences of rare species and natural communities were documented along the Niagara Escarpment, which included 106 rare animal occurrences, 99 rare plant occurrences, and 36 natural communities (DNR, 2002). Given the opportunity to purchase land for a new county conservancy area located along the Niagara Escarpment and in close proximity to Lake Winnebago, the County engaged in a voluntary purchase of the impacted parcels. The Laudolff

Ledge Conservation Area would be the County’s first conservancy area located on the Niagara Escarpment.

### III. AGRICULTURAL SETTING

#### Agricultural Productivity

In 2017 the U.S. Department of Agriculture (USDA) Census of Agriculture determined that Fond du Lac County had 1,244 farm operations on 317,371 acres of agricultural lands (USDA, 2017a). Reviewing Fond du Lac County crop yield data can assess the general agricultural productivity of the county’s farm operations. The most recent crop yield data from the USDA Wisconsin Agricultural Statistics Bulletin (Table 1) shows that Fond du Lac County, over a three year period (2016 – 2018) has consistently produced average crop yields that are above the state average (USDA, 2017a; USDA, 2018; USDA, 2019a). The crop yield data from Fond du Lac County would indicate that the agricultural operations as a whole are exceedingly productive operations that consistently exceed state average crop yields (Table 1).

Table 1: Crop yields for selected crops (2016 to 2018) in Fond du Lac County and the Wisconsin State average yield (USDA, 2017a; USDA, 2018; USDA, 2019a).

Crop	Crop Yield (bushels / acre)					
	2016		2017		2018	
	Fond du Lac	State Avg	Fond du Lac	State Avg	Fond du Lac	State Avg
Corn (Grain)	186.1	178.0	182.7	174.0	183.8	172.0
Soybeans	58.5	55.0	49.9	47.0	52.5	49.0
Oats	78.4	66.0	NA	59.0	67.9	61.0
Winter Wheat	84.9	79.0	69.2	68.0	77.5	71.0

\* NA = data not published

#### Land in Agriculture

Fond du Lac County, with a population of 104,423 residents (DOA-2019a) is classified as a Central Metropolitan Statistical Area (MSA) county (DOA 2019b), which is defined as a county that contains the central urbanized population area(s) of 50,000 people or more (Standards, 2010). Fond du Lac County is the state smallest MSA, however it borders the Appleton-Oshkosh-Neenah MSA cluster (4<sup>th</sup> largest MSA) to the North, the Sheboygan County MSA to the East and the Washington County MSA and Dodge County Micropolitan Statistical Area to the South (DOR, 2019).

Urban development pressures on agricultural lands are known to increase the rate of farmland conversion and increase agricultural land sale values (Azadi et al., 2010; Borchers et al., 2014).



The following analysis will identify if agricultural lands within Fond du Lac County are exhibiting signs of urban pressure and development. In 2017, Fond du Lac County had 317,371 acres of land in farms or 68.9% of the county by area, which is higher than the statewide average of 41.3% (USDA, 2017b). The total acreage of farmland remaining within agriculture seems to be stable. Between 1997 and 2017 only (2.3%) of agricultural lands within Fond du Lac County were converted out of agricultural use, which is 41% less than the statewide average (3.9%) (Table 2) (USDA, 2017b). However, during this same time-period (1997 – 2017) Fond du Lac County lost 16.4% of its' farming operations, which is almost 14 times higher than the average loss experienced across Wisconsin (Table 3) (USDA, 2017b).

Table 2: Agricultural land in production within Fond du Lac County and Wisconsin (USDA, 1997; USDA, 2017b).

Location	Acres of Agricultural Land (acres)		Agricultural Land Converted (%)
	<u>1997</u>	<u>2017</u>	
Fond du Lac County	324,893	317,371	2.3%
Wisconsin	14,900,205	14,318,630	3.9%

Table 3: Change in the number of farms between 1997 and 2017 within Fond du Lac County and Wisconsin (USDA, 1997; USDA, 2017b).

Location	Number of Farming Operations		Change in Farming Operations	Percent Change (%)
	<u>1997</u>	<u>2017</u>		
Fond du Lac County	1,488	1,244	-244	-16.4%
Wisconsin	65,602	64,793	-809	-1.2%

It is apparent from this analysis that Fond du Lac County is losing farming operations at a higher rate, almost 14 times faster, than the statewide average. However, the rate of agricultural land conversion is occurring at a lower rate than the statewide average. The loss of farming operations within the County is also not occurring evenly across all sizes of operations. Between 2012-2017, farming operations lost within Fond du Lac County all came from small to mid-sized (50 – 499 acre) operations, while the number of large operations (500 + acres) increased (USDA, 2017b). The consolidation of agricultural operations seen in Fond du Lac County could be one explanation for the high rate of farming operation losses, yet a below average rate of agricultural land conversion.

The urban development pressures within Fond du Lac County may also be contributing to the high rate farming operations losses and lesser rate of agricultural land conversion. Going forward, the 2040 WI-DOA (2013) population projections predict that Fond du Lac County will see a 4.2% population increase by the year 2040 (DOA, 2013). However, the projected population growth within Fond du Lac County is relatively stable by comparison to the counties that surround Fond

du Lac County, such as Calumet or Washington Counties that are projected to see 31.1% and 13.7% population increases by the year 2040, respectively (DOA, 2013). The comparatively stable future population projects for Fond du Lac County, above average agricultural productivity and below average rate of agricultural land conversion, would indicate agricultural land at this time is highly valued and somewhat resistant to current urban development pressures within the County.

## **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 a state-certified farmland preservation plan that maps areas identified as important for farmland preservation and agricultural development based upon reasonable criteria. Based on the plan local governments may choose to adopt an exclusive agricultural zoning ordinance to ensure that farmland covered by the ordinance is eligible for farmland preservation tax credits. Such an ordinance must also be certified by the Department.

A review of the Department's Farmland Preservation Program shows that Fond du Lac County has a DATCP-certified Farmland Preservation Plan (DATCP, 2020a). In addition, all towns within Fond du Lac County have zoning administered at the Town level. A review of the Town of Taycheedah's current zoning map indicated that the impacted parcel is zoned as an A-2 general agricultural district (Town, 2018). The purpose of the Town's A-2 district is to maintain, preserve, and enhance land historically used or suited for agricultural or agriculturally-related purpose, while the land transitions to non-agricultural uses consistent with the Town of Taycheedah's Comprehensive Plan (Town, 2018). The Town of Taycheedah zoning ordinance was also investigated to determine the permitted and conditional uses within the A-2 agricultural district. Agricultural lands within the A-2 district are not eligible to participate within the farmland preservation program and are not entitled to claim a tax credit nor afforded protections under [Wis. Stat. §91](#). Under the Town of Taycheedah's A-2 general agricultural district, conservancy area, park or similar recreational area is not explicitly listed as either a permitted use or conditional permitted use. Therefore, the Town of Taycheedah would likely need to rezone the parcel as a Conservancy District (C-1) that allows conservancy areas, parks or recreational areas.

## **Agricultural Enterprise Areas**

Agricultural enterprise areas (AEAs) are community-led efforts to establish designated areas important to Wisconsin's agricultural future. This designation highlights the importance of the area for 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 a farmland preservation agreement, a landowner agrees to voluntarily restrict the use of his/her land to agriculture for fifteen years in exchange for a tax credit. Both AEAs and FPP zoning areas are required to follow the state soil and water conservation standards to protect water quality and soil health. A review of the Department's AEA program shows that Fond du Lac County has no AEA's (DATCP, 2020b).

### **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, 2019b). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repairing the district's drains. According to the Department, approximately 176 active districts exist within 31 of Wisconsin's 72 counties (DATCP, 2019b). A review of the Department's interactive drainage district web map (DATCP, 2020c) indicated that drainage district numbers #1, #3 and the Rosendale drainage district are located within Fond du Lac County. However, none of the districts are located within the Town of Taycheedah and therefore have no bearing on the impacted agricultural parcel.

### **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 to meet their conservation goals. The USDA and the Department jointly administer the CREP program in Wisconsin. The CRP 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 a grassland project area (DATCP, 2019a). A review of the Department's CREP records indicated that the impacted agricultural parcel is not enrolled within the CREP program. An analysis of the impacted parcel drainage and soil health, within Section IV, indicates that the land may be eligible for CREP riparian project area conservation funding.

The CRP program is a land conservation program administered by the Farm Service Agency of the USDA. In exchange for a yearly rental payment, eligible agricultural landowners enrolled in the program agree to remove highly erodible land from agricultural production and plant resource-conserving plant species such as grasses or trees that will improve environmental health and quality (USDA, 2019b). Eligible agricultural landowners must possess lands with the potential for long-term improvements to water quality, prevent soil erosion or establish beneficial wildlife habitats according to the USDA Environmental Benefits Index (USDA, 2019b). CRP enrollment



information is privileged to the USDA and CRP program participants. The Department is therefore unable to determine if the impacted agricultural parcel is enrolled within the CRP program.

## **IV. 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 advocate for alternatives that may reduce impacts to agricultural lands. In order to promote the opportunity for alternatives, the Department has used information provided by Fond du Lac County (referred to as the County) for this AIS and information gathered by the Department from the agricultural landowner to analyze the potential agricultural impacts of the County's proposed Laudolff Ledge Conservation Area (referred to as the Conservation Area). The agricultural impact analysis and conclusions drawn from it form the basis of many of the Department's recommendations within the Agricultural Impact Statement Recommendation Section above.

### **Prime Farmland and Soils**

Laudolff Ledge Conservation Area, as proposed by the County, would impact a total of 24.6 acres of land. The soils impacted by the proposed Conservation Area were cataloged by soil map unit (Figure 2) and soil texture (Table 4) using the Department's 2016 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, 2017c) and is based on the ability of the land and soil to produce crops. Definitions of prime farmland, farmlands of statewide importance and not prime farmland are provided under Table 4.

The majority of land (approximately 17.6 acres) impacted by the proposed Conservation Area is currently tilled for agricultural crop production (Figure 2), while the remaining 7.0 acres is comprised of rock land, wooded areas or other lands that are not able to be tilled (Figure 2). The soils on the impacted parcel are predominately (80%) silty clay or silty clay loam textured soils. Silty clay and silty clay loam soils are both fine-textured soils (Cornell, 2017). Fine textured soils are not considered ideal soils for plant growth as they lack soil structure, have very small pores and accumulate moisture which can lead to excessively wet conditions (UW-Extension, 2005). Given the predominance of these soil textures only a small proportion of soils impacted by the Conservation Area hold a special designation of importance by the USDA or WI. Based on Table 4, only 9% of the impacted area is designated as prime farmland, another 5% is designated by the state as farmland of statewide and the remaining 86% has not been given any special

designation. From this analysis, the County’s proposed Conservation Area would not remove a large amount of either high quality soils nor prime farmland from production.

Table 4: Soils impacted by the proposed Laudolff Ledge Conservation Area.

<b>Soils</b>		<b>Prime Farmland*</b>	<b>Farmland of Statewide Importance<sup>†</sup></b>	<b>Not Prime Farmland<sup>‡</sup></b>
<i>Texture</i>	<i>Acres</i>	<b>(acre)</b>	<b>(acre)</b>	<b>(acre)</b>
Silt Loam	2.2	2.2	0.0	0.0
Silty Clay	9.4	0.0	1.1	8.3
Silty Clay Loam	10.2	0.0	0.0	10.2
Rock Land	2.8	0.0	0.0	2.8
<i>Totals</i>	24.6	2.2	1.1	21.3

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

## Landowner Impacts

The County’s proposed Conservation Area would affect one parcel of agricultural land (parcel ID T20-16-18-09-03-011-00) seen in Figure 1. Laudolff Enterprises LLC owns the 24.6 acre parcel of agricultural land and rents the tillable portion of the land (Figure 2) to a tenant agricultural producer. DATCP was able to contact Laudolff Enterprises LLC via phone to assess the impacts the County’s proposed Conservation Area would have to their agricultural operations. DATCP was unable to contact the tenant agricultural producer.

Laudolff Enterprises LLC stated their agricultural operation consists of agricultural land rentals. The agricultural lands Laudolff Enterprises LLC rents is comprised of two parcels that include the land impacted by the County Conservation Area and a 9 acre parcel of land directly to the east of impacted land. From the parcel impacted by the County Conservation Area, Laudolff Enterprises LLC rents approximately 17.6 acres of tillable cropland to a tenant agricultural producer. The tenant producer uses the rented land to produce row crops such as corn or soybeans.

According to the County’s agricultural impact notification (AIN), Laudolff Enterprises LLC initially approached the County in 2020 with an offer to sell the impacted parcel ID (T20-16-18-09-03-011-00) to the County. The County reviewed the property and determined its location along the Niagara Escarpment and close proximity to Lake Winnebago created a unique opportunity to

establish a new county conservancy area. Laudloff Enterprises LLC confirmed that the County will purchase the impacted parcel by a fee-simple acquisition (i.e to purchase full ownership and exclusive rights to the property) and acknowledged the County’s plan to create a new conservancy area. The transformation of the impacted agricultural land into a conservancy area would require all agricultural production on the impacted land to cease. Laudloff Enterprises LLC would continue to operate the other 9 acre agricultural parcel it owns to the east of the proposed Conservation Area.

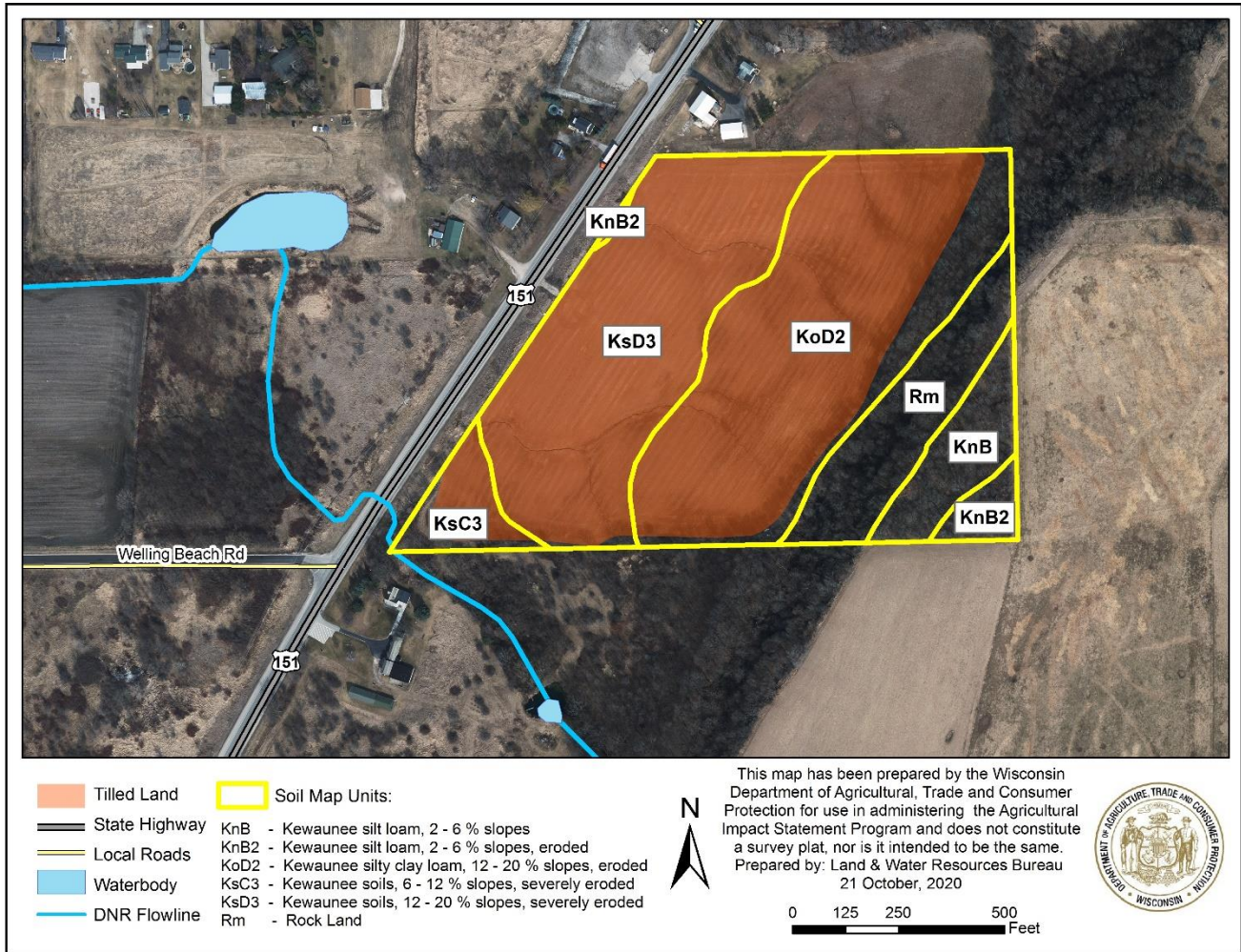


Figure 2: Soil map units and tillable land of the Laudloff Ledge Conservation Area as proposed by Fond du Lac County, WI.

The voluntary sale of this agricultural land, in order to create the proposed Laudloff Ledge Conservation Area, has mutually offsetting impacts to Laudloff Enterprises LLC. For example, Laudloff Enterprises LLC, by their own will, stands to lose a portion of its long-term strain of income from cropland rental in exchange for the gains derived from the sale of the land. Laudloff Enterprises LLC would also lose the rights to the impacted lands for their own personal gain or use, however they would be entitled to access and enjoy the proposed Laudloff Ledge

Conservation Area through public access to the area. Likewise, the County and the Town of Taycheedah will be converting farmland to another use which goes against a County principle to preserve farmland, however the County and Town are promoting another of their principles by preserving natural resources.

## **Drainage and Soil Health**

Maintaining proper field drainage and preserving soil health is vital to the success of an agricultural operation and native landscape. If drainage is impaired, water can settle in fields and cause substantial damage, such as reducing soil health, harming or killing crops and other native vegetation, concentrating mineral salts and creating the potential for runoff, ponding or flooding. Soil structure, texture, organic matter and microorganisms are all other important factors that influence soil health (Wolkowski and Lowery, 2008).

The fine textured soils that are located within the impacted land are known to be poorly drained soils that accumulate moisture and promote excessively wet conditions and ponding. An evaluation of the parcels topography indicated that the tilled cropland portion slopes downward from east to west at an average slope of approximately 10%. The combination of fine textured soils and elevated slope across the parcel would indicate the potential for excessive amounts of water to runoff the field. Aerial images of the impacted parcel also show several distinct pathways of concentrated surface flows and grassed waterways through the tilled cropland area and provide ground truth to the parcels potential to yield excessive amounts of surface runoff. As the impacted parcel is located in close proximity (less than 100 ft) to a DNR designated hydrologic flowline (Figure 2), any surface runoff leaving the parcel has the potential to directly impact surface waters.

The County's intended use for the impacted land as a conservancy area and the establishment of a native prairie over the tilled cropland has the potential to promote proper drainage and soil health. While not every variety of native prairie plant species is suited to grow in fine textured poorly drained soil, there are plant species that thrive in such an environment. Once established, native prairies are known to reduce sediment and nutrient losses from agricultural fields, improve soil quality and promote the absorption & infiltration of water into the ground (Dittmar, 2008; Pérez-Suárez et al., 2014; Schulte et al., 2017). Given the elevated slope of the cropland area and known pathways of concentration flow and runoff, the continued use and maintenance of the existing grassed waterways may also encourage proper drainage and soil health for the area.

Implementing conservation practices on the agricultural land impacted by the proposed Conservation Area, holds the potential to mitigate soil and nutrient losses as well as the negative impacts these losses would pose to surface waters of the State. The USDA Conservation Reserve Enhancement Program (CREP) assists eligible agricultural land owners establish various conservation practices on the land in exchange for an annual rental payment. Based on the

location of the impacted agricultural land within a CREP riparian project area, the likelihood that the land was cropped between 2012-2017 with close proximity (less than 150 ft) to a stream or waterbody, the County may be eligible for CREP riparian project area funding on the subject property. A variety of practices are available within CREP riparian project areas including filter strips, riparian buffers and marginal pastureland wildlife habitat buffer that would likely be compatible with the County's intended use for the land as a conservancy area.



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