

AGRICULTURAL **I**MPACT **S**TATEMENT



**Eisenhower Drive Extension: CTH
“AP” to USH 10
Calumet County**

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**Wisconsin Department of Agriculture,
Trade and Consumer Protection
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Agricultural Impact Statement

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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
NRCS	Natural Resources Conservation Service
STH	State Trunk Highway
USDA	U.S. Department of Agriculture
USH	U.S. Highway

AGRICULTURAL IMPACT STATEMENT

**Eisenhower Drive Extension: CTH “AP” to USH 10
Calumet County
Town/Village of Harrison**

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 for excerpts from various statutes pertaining to eminent domain.

2. Description of the Project

Project Description and Location

Eisenhower Drive begins at CTH "AP" and continues north as a four-lane highway to CTH "CE" in Outagamie County. The town/village of Harrison, T20N-R18E, is proposing to extend the existing Eisenhower Drive from County Trunk Highway (CTH) "AP" south to U.S. Highway (USH) 10 in Calumet County (Figure 1). CTH "AP" is also referred to as Midway Road. Eisenhower Drive would be extended at least 1.5 miles as a four-lane highway with 100-foot wide right-of-way. Additional right-of-way will be required at the intersections of Eisenhower Drive with Midway Road, Manitowoc Road, and Woodland Road to accommodate the new roundabouts at these locations.

The town/village of Harrison is proposing to acquire 11.75 acres of farmland in fee-simple from four farmland owners for their preferred alignment (the Alignment along Parcel Lines) or 15.85 acres of farmland in fee-simple from three farmland owners for the West Alignment. A fee-simple acquisition means that the buyer purchases the property outright. This is in contrast to an easement where a buyer purchases partial rights to property. Acquisitions of the needed land are expected to occur in late 2015 after an alignment has been chosen. Construction of the project will take place sometime between 2018 and 2020 depending on the availability of funding.

The town/village has indicated that the future extension of Eisenhower Drive will serve as a major north-south collector from USH 10 through the city of Appleton's South Point Industrial Park to CTH "CE" in Outagamie County. A collector is part of the road network collecting traffic between local and arterial roads, and providing access to abutting properties.

Figure 1. Project Location Map

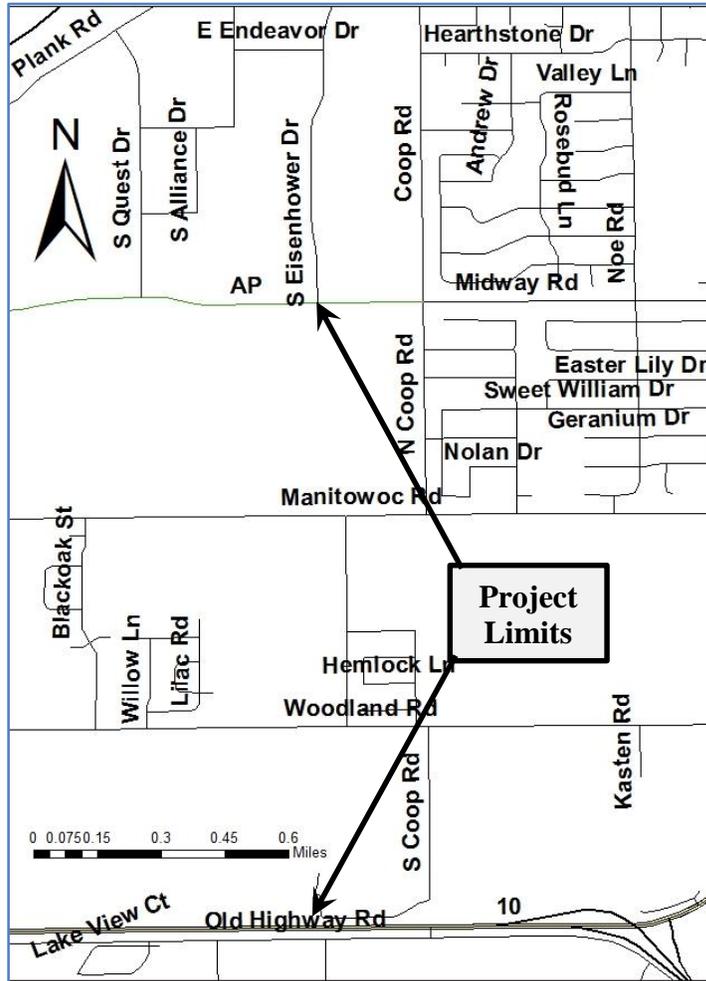


Figure 2. Preferred Alignment along Parcel Lines

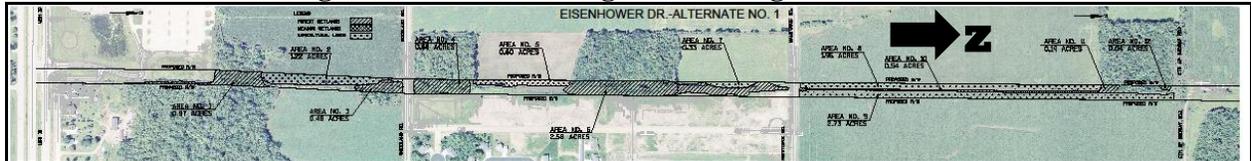
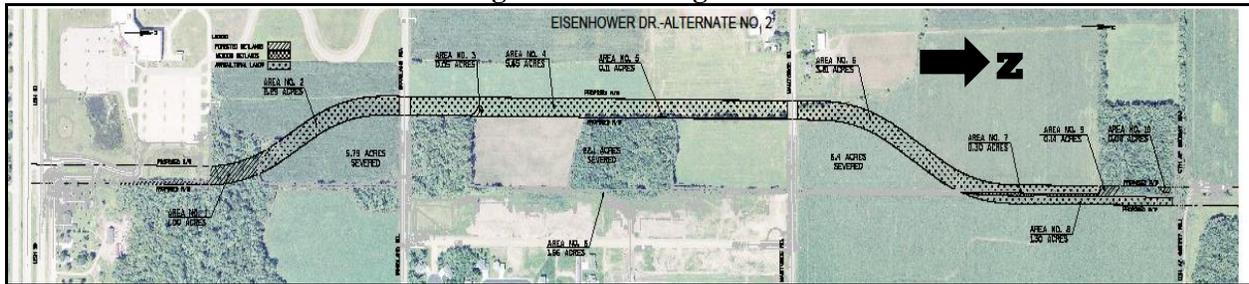


Figure 3. West Alignment



Project Alternatives

The town/village of Harrison originally identified four alternatives for the proposed project, discussed below. Two alternatives are still under consideration for this project, Alternatives 2 and 3.

Alternative 1: No build

This alternative would not extend Eisenhower Drive from CTH "AP" to USH 10. Therefore, the north - south connectivity from the city of Appleton's South Point Industrial Park to USH 10 would not be provided. The town/village of Harrison eliminated the no-build alternative early in the project development process because it would not meet the purpose and need defined for the project.

Alternative 2: Alignment along parcel lines

This is the town/village of Harrison's preferred alternative. The alignment or path for the extended Eisenhower Drive would follow parcel lines in a generally straight line between CTH "AP" and USH 10 (Figure 2). Access control would be maintained throughout the corridor with entry on to Eisenhower Drive only allowed at side streets. A multi-use trail would be constructed along the east side and a sidewalk would be constructed along the west side of Eisenhower Drive to provide bicycle and pedestrian accommodations. The north end of Spring Valley Road would be closed off from Manitowoc Road by a cul-de-sac.

The town/village of Harrison prefers this alternative for a number of reasons. It is the shortest and most direct of the build alternatives. It provides the required connectivity for truck traffic from USH 10 to CTH "CE" in Outagamie County. It would affect the least amount of farmland and have minimal impacts on residential properties. The primary negative impact of this alternative is that it would affect the most wetlands, approximately 5.6 acres of wetlands.

Alternative 3: Alignment shifted west of the preferred alignment

This alternative includes most of the elements of the Alternative 2 alignment, but would curve to the west of the preferred alignment instead (Figure 3). It incorporates two S-curves to shift the alignment west approximately 435 feet to avoid wetland impacts.

The town/village of Harrison indicated that this alternative has more negative impacts than the alignment along parcel lines. The west alignment would sever the property of two farmland owners, which could encourage development on that severed property. It is the longest alternative and the most expensive. The positive impacts are that it would affect less wetland than the preferred alternative, 1.64 acres. It would have minimal impacts on residential property and it would maintain access control along the roadway. This alternative is still under consideration.

Alternative 4: Alignment shifted east of the preferred alignment

The east alignment includes most of the elements of the alignment along parcel lines with the following adjustments. The corridor will incorporate two S-curves to shift the alignment east approximately 275 feet to follow Spring Valley Road to avoid wetland impacts. This alignment would sever two farm properties. Approximately 50 residential properties would be affected by this alternative.

The east alignment is no longer being considered by the town/village because of the large number of residential impacts and the lack of access control.

3. Agricultural Setting

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

Agricultural Productivity

Calumet County ranked twelfth out of Wisconsin's 72 counties in the production of milk and thirteenth in the production of winter wheat in 2013. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

The amount of harvested acres for selected crops in Calumet County from 2009 to 2013 is displayed in Table 1. In contrast to the statewide trend, the amount of harvested acres of corn for silage increased. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin)

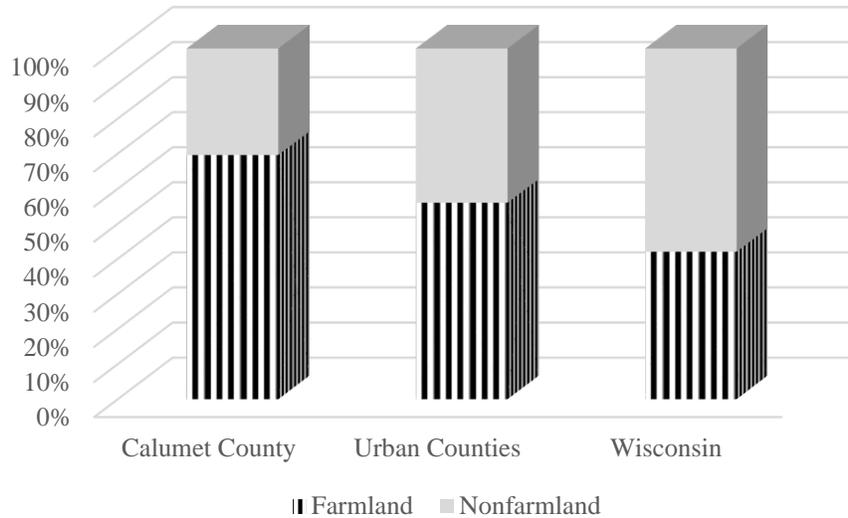
Table 1. Acres of Selected Crops from 2009 to 2013.

Crop	Harvested Acres				
	2009	2010	2011	2012	2013
Corn for Grain	28,600	28,600	31,100	29,500	27,900
Corn for Silage	15,500	15,500	16,800	21,200	24,000
Soybeans	23,900	23,900	22,400	22,600	22,100
Winter Wheat	9,400	9,400	13,200	5,800	8,450
Alfalfa Hay	16,300	16,300	13,600	13,000	14,800

Land in Farms

Calumet 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*, Calumet County has 142,374 acres of land in farms, which represents 69.6 percent of the total land area (Figure 4). Land in farms consists primarily of agricultural land used for crops, pasture, or grazing. It also includes woodland and wasteland 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 4. Percentage of Land in Farms.



According to the *2012 Census of Agriculture*, the amount of land in farms decreased by 6.1 percent in Calumet 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
Calumet County	142,374	151,659	9,285	-6
Wisconsin	14,568,926	15,190,804	621,878	-4

Number of Farms

According to the *2012 Census of Agriculture*, Calumet County lost 13 farms (a 1.8 percent decrease) between 2007 and 2012 as the total number dropped from 732 to 719. 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
Calumet County	719	732	13	-2
Wisconsin	69,754	78,463	8,709	-12

Size of Farms

The average size of farms fell 4.3 percent from 2007 to 2012 in Calumet County and rose 7 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
Calumet County	198	207	-9
Wisconsin	209	194	+15

Table 5 below shows the 2012 number of farms in each size category for Calumet County and all Wisconsin counties (2012 Census of Agriculture). Proportionately, Calumet County has more farms that are smaller than 50 acres or larger than 500 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.	%
Calumet County	264	36.7	246	34.2	143	19.9	66	9.2
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 Calumet 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. 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
Calumet County	\$3.29	\$179	\$6,899
Urban Counties	\$3.70	\$200	\$6,303
Wisconsin	\$3.32	\$171	\$4,442

In 2013, average property taxes on Calumet County agricultural land were 11.1 percent lower than the average for urban counties and 0.9 percent lower than the average for Wisconsin. (Wisconsin Department of Revenue).

On average, the assessed value of farmland in Calumet County was 10.5 percent lower than the average for urban counties and 4.7 percent higher than the average for Wisconsin. (Wisconsin Department of Revenue).

The average sale price of farmland in Calumet County was 9.5 percent higher than the average for urban counties and 55.3 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 based upon reasonable criteria. DATCP first certified the Calumet County Farmland Preservation Plan in 1980 and recertified it in 2011. 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. The farmland that could be affected by the proposed project is all zoned for general agricultural use and is not eligible for exclusive agricultural zoning tax credits.

Soils

Both of the alternatives, the Alignment along Parcel Lines or the West Alignment, will affect a significant amount of Manawa silt loam with 0 to 3 percent slopes, especially at the northern and southern ends of each alternative (Figure 5). As noted in Table 7, Manawa silt loam with 0 to 3 percent slopes is prime farmland where drained. Prime farmland has the best combination of physical and chemical characteristics for agricultural production. Each alternative will also affect smaller amounts of Kewaunee loam with 2 to 6 percent slopes and Poygan silty clay loam with 0 to 2 percent slopes (Table 8). Both of these soils are classified as prime farmland where drained. The West Alignment would require the acquisition of 3.4 acres of prime farmland and 12.5 acres of prime farmland where drained versus the lower acquisitions of 1.1 acres of prime farmland and 10.7 acres of prime farmland where drained for the Alignment along Parcel Lines.

Manawa silt loam with 0 to 3 percent slopes is found in drainageways and depressions on till plains and in lacustrine basins. The typical surface layer is very dark brown silt loam about 7 inches thick. The subsoil is about 15 inches thick with the upper part being brown, mottled, friable silty clay loam, and the lower part being reddish brown, mottled, firm clay. The substratum to a depth of 60 inches is reddish brown, mottled, firm silty clay. This soil has slow permeability, moderate available water capacity, and slow runoff. It is easily tilled under optimum moisture conditions. The organic-matter content is moderate and natural fertility is medium. This soil is saturated to a depth of 1 to 3 feet during wet periods. Where it is drained, this soil is suited to corn, small grains, legumes, hay, and pasture. The NRCS estimates that the long-term average yields for this soil under average management and weather conditions are 115 bushels of corn, 38 bushels of soybeans, or 4.5 tons of hay per acre.

Kewaunee loam with 2 to 6 percent slopes is found on lower side slopes and ridgetops on till plains. The surface layer is typically dark brown loam about 9 inches thick. The subsoil is usually about 15 inches thick with the upper part being reddish brown, firm clay loam and the lower part being reddish brown, firm clay. To a depth of 60 inches, the substratum consists of reddish brown clay. This soil slow permeability, moderate available water capacity, and medium surface runoff. The surface layer is friable and easily tilled. The organic-matter content is moderate and natural fertility is medium. Water may collect on the lower slopes after short periods of heavy rain. This soil is well suited to corn, small grains, legumes, hay, and canning crops. The NRCS estimates that the long-term average yields for this soil under average management and weather conditions are 110 bushels of corn, 36 bushels of soybeans, or 4.8 tons of hay per acre.

Poygan silty clay loam with 0 to 2 percent slopes is found in depressions and drainageways on till plains and lacustrine basins. The surface layer is usually black silty clay loam about 10 inches thick. In some small areas, the surface layer is muck about 6 inches thick. The upper part of the subsoil is grayish brown, mottled, firm silty clay, and the lower part is reddish brown, mottled, firm clay. Together, they are about 9 inches thick. The substratum to a depth of 60 inches is reddish brown, firm clay that has light gray secondary lime concretions. Permeability is slow, available water capacity is moderate, and runoff is slow. The surface layer is friable and easily tilled, except during wet periods. The organic-matter content is high and natural fertility is medium. This soil is saturated to a depth of less than 1 foot during wet periods. If it is drained, this soil is suited to corn, small grains, legumes, hay, and pasture. The NRCS estimates that the long-term average yields for this soil under average management and weather conditions are 120 bushels of corn, 40 bushels of soybeans, or 3.8 tons of hay per acre.

The following table lists the soils that will be affected in the greatest quantities and their attributes. Refer to Appendix III for the NRCS farmland soil classifications definitions and Appendix IV for descriptions of capability classes of soil.

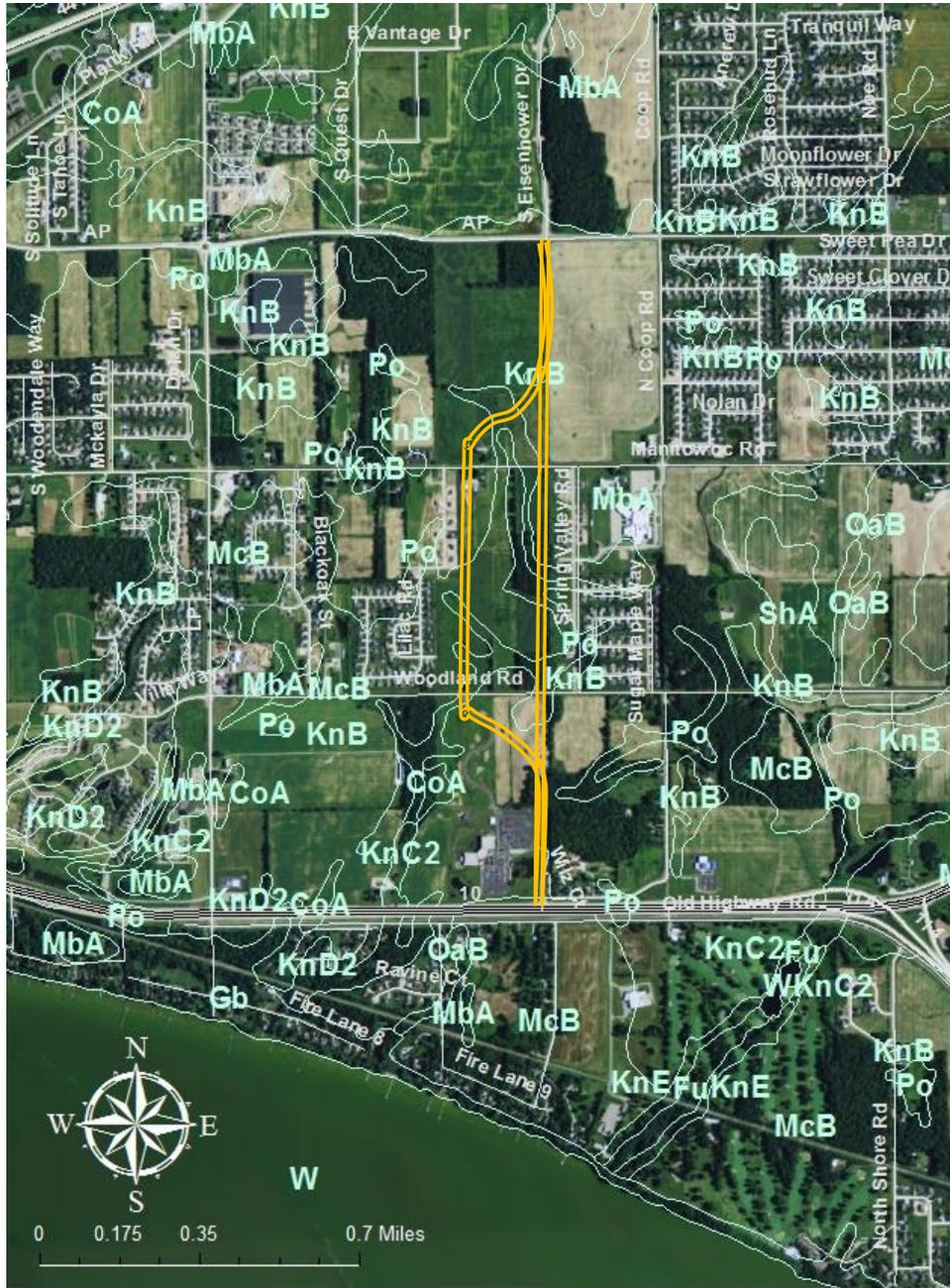
Table 7. Mapped Soil Units within the Proposed Project Area

Map Unit Symbol	Description	Rating	Capability Class	Drainage Class	Permeability	Depth to Water Table (inches)
KnB	Kewaunee loam, 2 to 6 % slopes	Prime	2e	Well drained	low	20 to 40 inches
MbA	Manawa silt loam, 0 to 3 % slopes	Prime where drained	2w	Somewhat poorly drained	low	0 to 12 inches
Po	Poygan silty clay loam, 0 to 2 % slopes	Prime where drained	2w	Poorly drained	low	0 inches

Table 8. Comparison of Soils on Each Alignment

Soil Type	Alignment along Parcel Lines		West Alignment	
	Acres	% of Alignment	Acres	% of Alignment
Kewaunee loam, 2 to 6 % slopes	1.1	9	3.4	21
Manawa silt loam, 0 to 3 % slopes	9.5	81	10.3	65
Poygan silty clay loam, 0 to 2 % slopes	1.2	10	2.2	14
Totals	11.8	100	15.9	100

Figure 5. NRCS Mapped Soil Types within the Proposed Project Area.



4. Agricultural Impacts

The proposed project will require the fee-simple acquisition of either 11.75 or 15.85 acres of farmland from three or four landowners, depending on the alternative chosen. The affected landowners are listed in Table 9 below. The general location of these alternatives is shown in Figures 2 and 3 in Section 2.

Table 9. Proposed Farmland Acquisitions in Fee-Simple.

Farmland Owners	Alternative 2: Along Parcel Lines (Acres)	Alternative 3: West Alignment (Acres)
Joseph Schreiber	5.79	11.18
Randall Jahnke	2.25	3.11
CRU LLP	3.02	1.56
Gem Family LLC	0.69	0.0
Totals	11.75	15.85

DATCP contacted each of the farmland owners by mail who could lose more than one acre of land due to the proposed project. Two responded. Several attempts were made to contact the other landowner by phone. The following paragraphs summarize the responses as well as descriptions of other potential impacts of this project on agriculture.

Landowner Comments

Farm Owner/Operator: Joseph Schreiber

Proposed Acquisition: Fee-simple acquisition of 5.79 acres for the Alignment along Property Lines or 11.18 acres for the West Alignment

Mr. Schreiber owns 150 acres of land, including 130 to 135 acres of cropland. He typically grows corn, hay, and oats, and he also raises 30 head of cattle.

Both of the proposed alternatives would affect wetland on the Schreiber property. Mr. Schreiber does not currently have any drainage tiling on his land, but the existing wetlands reduce erosion in the area, which maintains the cropland's productivity. Both alternatives would also affect woodland on the Schreiber property. Mr. Schreiber cuts firewood and periodically logs his woodland. The Alignment along Parcel Lines would affect more woodland on the Schreiber property than the West Alignment.

Mr. Schreiber is opposed to both of the alternative routes, but he indicated that the West Alignment would put him out of business. He is opposed to the extension of Eisenhower Drive because he feels there are an adequate numbers of roads, including four-lane highways, to move traffic in the area. In addition, he has had problems with trash and litter being dumped on his property by the

users of adjacent roads and developments. This trash has the potential to damage farm equipment and harm livestock that ingest the hay that has trash incorporated into it. When livestock ingest such material, they can develop what is known as "hardware disease". Ingested metal, wires, or other objects can damage the animal's viscera and may lead to death. This is a threat to Mr. Schreiber's livestock and to the livestock of anyone who purchases Mr. Schreiber's hay or feed. Increasing development has also forced him to deal with occasional trespassers. He said that most people leave as soon as property boundaries are pointed out. However, a few people are not as easily persuaded.

Mr. Schubert indicated that the severances caused by the West Alignment would make his remaining land unfarmable, which would put him out of business. Refer to the section on severances for more information about impacts from the severance of farmland.

Mr. Schreiber also pointed out that increasing development is more stressful for his cattle, specifically the smell of campfires and the noise and light from fireworks.

Whichever alignment is chosen, Mr. Schreiber would like the town/village of Harrison to install fencing along the edge of the right-of-way to discourage trespassers and create a barrier that will keep as much blowing trash off his property as possible.

Farmland Owners: CRU LLP

Renters: B&B Family Farm LLC

Proposed Acquisition: Fee-simple acquisition of 3.02 acres for the Alignment along Parcel Lines or 1.56 acres for the west alignment

CRU LLP owns 70.1 acres of land that is all cropland and rented to B&B Family Farm LLC.

The owners did not identify any concerns about the proposed project or a preference for either alternative.

Potential Agricultural Impacts

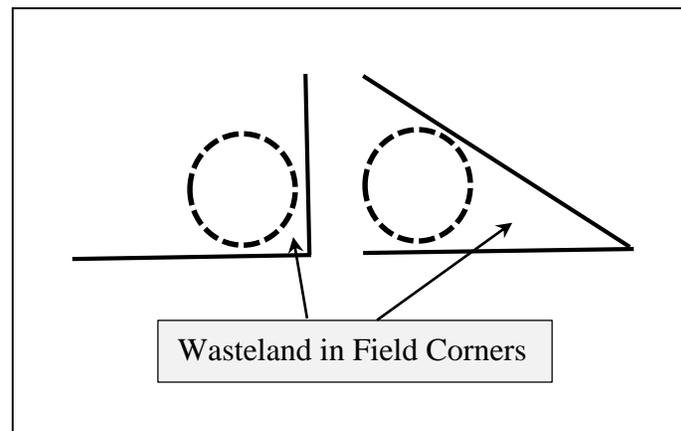
Severances

Acquisitions that sever farmland frequently create irregularly shaped fields, making equipment usage awkward and production more costly. This is the case for the Eisenhower Drive project where the west alignment follows curves. 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 6 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.

If the west alignment is chosen, the new roadway will sever 28.29 acres of Joseph Schreiber's property and 6.13 acres of Randall Jahnke's property.

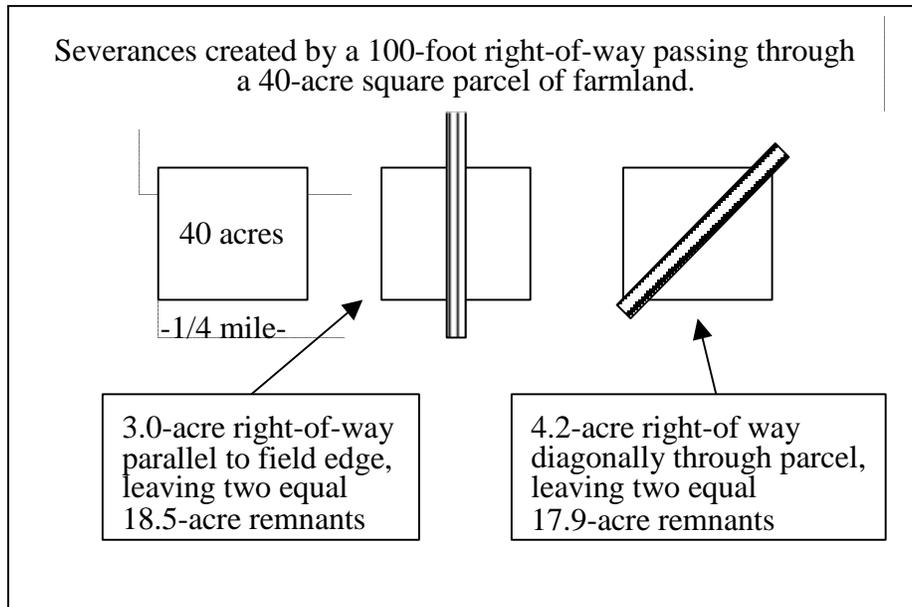
Figure 6. Equipment Turning Radius in a Right-Angle Field Corner and in an Acute-Angle Field Corner



Examples of the impacts on a 40-acre parcel that is severed by a four-lane highway are shown in Figure 7. Fields are severed diagonally at the north and south ends of the West Alignment. 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 or the path followed when working that field. Farmers may find such remnant parcels too inefficient to farm profitably.

The proposed project will create a barrier on farms with land on both sides of the highway. Since the West Alignment will sever land on two farms, that alignment would leave farmland on both sides of the highway. If any of the farmers who would lose farmland because of the Alignment along Parcel Lines also own or rent land east of the new roadway, the project will be a barrier for them as well. Some farmland that is now contiguous and easily accessible from one area to another will be divided. If direct access to the highway or access to side roads is not provided in efficient locations, farmers with land on both sides of the highway, whether owned or rented, may have to drive their machinery longer distances and use side roads between parcels. This will increase the time spent and cost of farming these parcels. Refer to the discussion below for additional information issue related to access.

Figure 7. Remnants Left by a Roadway Passing through the Middle of a 40-Acre Field



Access

The town/village of Harrison has indicated that access will be provided to the severed parcels. However, this access will be from side roads, not from Eisenhower Drive. It is important that new access points be in safe and efficient locations for farm use. The proposed project may also affect existing farmland access points.

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.

Some of the soils that would be affected by the proposed project are classified as prime farmland where drained because of inherently shallow water tables. These soils might have drainage tiling. If drainage tiles exist on farmland acquired for the proposed roadway, it will be important for the town/village to ensure that drainage on farmland adjacent to the new roadway is not impaired.

The proposed project will not pass through any drainage districts.

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.

Secondary Development

Highway construction frequently makes formerly remote areas more accessible by reducing distance and travel time to and from these areas. It can be argued that new commercial and residential development is encouraged in these formerly remote areas and along the connecting transportation corridors because of improved accessibility.

If the West Alignment is chosen, the severed parcels of farmland may be a particularly inviting area for development. These parcels would be large enough for many industrial, commercial, or residential developments while simultaneously becoming less appealing for farming due to their smaller sizes, irregular shapes, and access limitations.

Although it will also improve overall access in the area, the Alignment along Parcel Lines will have less of a push toward secondary development because it will not sever any parcels and there will not be direct access between the roadway and adjacent property.

This induced conversion of productive agricultural land to nonfarm development may result in increased property taxes stemming from rising land values and the extension of local services to new development areas. Local governments can use zoning and other measures to control this development.

Appraisal Process

Before negotiations begin, the town/village of Harrison 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 the town/village's compensation offer. The amount of compensation is based on the appraisal(s) and is established during the negotiation process between the town/village of Harrison 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 the town/village of Harrison within 60 days after the landowner receives the town/village's appraisal.
- 2.) The appraisal fee must be reasonable.
- 3.) The appraisal must be complete.

The town/village of Harrison is required by law to provide landowners with information about their rights in this process before the negotiation begins.

6. RECOMMENDATIONS

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

1. DATCP recommends that the town/village of Harrison choose the Alignment along Parcel Lines instead of the West Alignment because it will not sever any farm parcels and it will require the acquisition of less farmland.
2. After land is acquired and before it is needed for roadway construction, the town/village of Harrison 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. The town/village of Harrison should consider constructing fences along the new extension of Eisenhower Drive to discourage trespassers.
4. The town/village of Harrison should consult with landowners on the location of any new access points to ensure that they are constructed in safe and efficient locations.
5. To address potential drainage problems that may occur as a result of the project, project officials should discuss design and construction plans with the Calumet County land conservationist during the design process for this project.
6. 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.
7. 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.

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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: 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 IV: 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 VII 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 V: 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
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JOSEPH SCHREIBER W6265 MANITOWOC RD APPLETON WI 54915	CRU LLP W6102 MANITOWOC RD APPLETON WI 54915
GEM FAMILY LLC 19 CORN SILK CT WRIGHTSTOWN WI 54180	BETH HAUSER CALUMET COUNTY CLERK 206 COURT ST CHILTON WI 53014
TRAVIS PARISH HARRISON TOWN/VILLAGE ADMINISTRATOR W5298 HIGHWAY 114 MENASHA WI 54952	JENNIFER WEYENBERG HARRISON TOWN/VILLAGE CLERK W5298 HIGHWAY 114 MENASHA WI 54952
ANTHONY REALI CALUMET CO CONSERVATIONIST 206 COURT ST CHILTON WI 53014-1198	ERIK RONK CALUMET COUNTY UWEX 206 COURT ST CHILTON WI 53014

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