

AGRICULTURAL IMPACT STATEMENT



**DATCP
#4164**

**Mauston-New Lisbon Union Airport
Cities of Mauston and New Lisbon
Juneau County
BOA Project ID: AIP 3-55-0040-09**



**WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
*PUBLISHED OCTOBER 12, 2016***

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DATCP #4164

Mauston-New Lisbon Union Airport
Land Acquisition for Runway 32 Protection

Cities of Mauston & New Lisbon
Juneau County

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Ben Brancel, Secretary

John Petty, Administrator

Division of Agricultural Resource Management

Keith Foye, Director

Bureau of Land and Water Resources

Sara Walling, Chief

Nutrient Management and Water Quality Section

Marilyn M. Weiss, Author

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I. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) has prepared this agricultural impact statement (AIS) in accordance with [Wis. Stat. §32.035](#). The AIS is an informational and advisory document that describes and analyzes the potential effects of the project on farm operations and agricultural resources, but it cannot stop a project.

The 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 and equipment; livestock; and personnel used by an individual, partnership, or corporation under single management to produce agricultural commodities. The 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 proposing agency may not negotiate with or make a jurisdictional offer to a landowner until 30 days after the AIS is published.

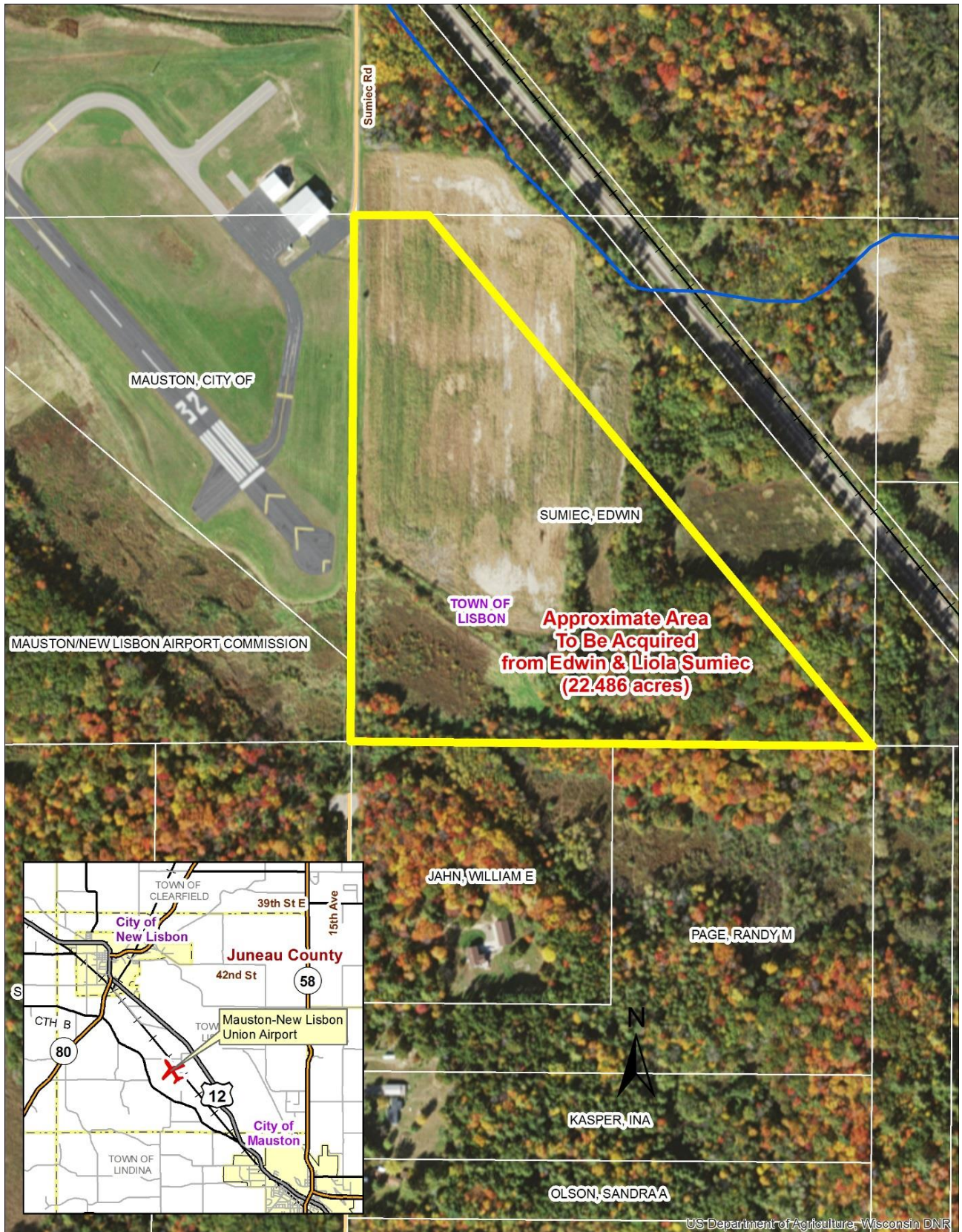
II. PROJECT DESCRIPTION

The Mauston-New Lisbon Union Airport is located between the cities of Mauston and New Lisbon in the town of Lisbon, Juneau County. The airport is located between Ferdon Road, Sumiec Road, and CTH B. The airport has one paved 3,688-foot runway running northwest-southeast (Figure 1).

The airport must comply with Federal and State criteria for clear approaches to ensure the safety of aircraft, pilots, passengers, and people on the ground. The runway protection zone and the approach to runway 32 are partially obstructed by trees south of the runway. A relocation order was issued by the Wisconsin Department of Transportation on May 12, 2016 requiring the airport to purchase lands and interests in lands to be in compliance with the safety requirements. Non-compliance with these requirements would require the closing of Runway 32. The acquisition of the land is expected to begin in October 2016.

The cities are proposing to purchase (fee-simple) in total, 57.75 acres of land from four property owners. Two of the parcels, to be purchased, totaling 25 acres are wooded lots used for recreation. One of the parcels is a wooded residential lot of 10 acres and the owners will be relocated. The fourth parcel from which land would be purchased is owned by Edwin & Liola Sumiec and involves an agricultural field (Figure 1).

Figure 1: Location of Agricultural Property to be Acquired



The entire Sumiec property includes 10 tax parcels totaling 238.75 acres. The airport proposes to purchase 22.486 acres of land, located between Sumiec Road and the railroad tracks (Figure 1). Approximately 10.9 acres of the Sumiec property that would be purchased is currently farmed. A review of the USDA state-wide cropland data appear to show that the field is used to grow cash crops. The remaining 11.6 acres to be acquired are a mix of wetlands, woodlands, and shrubs (approximately 3.1 acres of wetlands, 1.3 acres of wooded wetlands, and 7.2 acres upland woods and shrubs).

After the land is acquired, it is anticipated that the farmland would not be taken out of production but could be leased by the airport owners for agricultural purposes. Crops that create wildlife hazards for airport operators may not be allowed.

III. AGRICULTURAL SETTING

The following information is intended to describe the existing agricultural sector of Juneau County in general terms and to aid agricultural property owners in their easement negotiations with the airport.

Agricultural Productivity

Juneau County is fourth in the state for sales of fruits, tree nuts, and berries and twelfth in vegetables, melons, potatoes, and sweet potatoes in the state. (USDA NASS Annual Wisconsin Agricultural Statistics Bulletin).

Table 1 shows the number of acres harvested annually of selected crops in Juneau County for 2010 through 2014. Acreages for the crops listed are relatively consistent across the five-year period. The change in acres harvested for corn for grain correlate with crop prices. The increase in corn silage acreage in 2014 was linked to declines in prices of corn for grain. Changes in the number of acres of hay and silage harvested may have occurred as a result of the changes in dairy cattle numbers.

Table 1: Acres of Selected Crops Harvested

Crop	2010	2011	2012	2013	2014
Corn for Grain	36,800	38,000	37,500	31,400	38,900
Corn for Silage	4,900	4,700	- -	7,000	- -
Soybeans	22,900	22,700	22,800	17,600	23,300
Winter Wheat	1,300	3,500	1,900	1,840	2,850
Alfalfa Hay	12,100	10,800	10,200	- -	- -

Land in Farms

Juneau County is classified as a rural county, a county having less than 100 residents per square mile. The population of the county in 2015 was 26,987 residents or approximately 34 residents per square mile. According to the 2012 Census of Agriculture, Juneau County has 227,901 acres

of land in farms or 44.3 percent of the total land area. The farmland is primarily used for crops, pasture, or grazing. It also includes woodland and wasteland not cropped or grazed, providing it is part of the overall farm operation. The average number of acres of land in farms for Wisconsin’s rural counties is 38.7 percent of the total county, slightly less than the percentage of Juneau County.

From 2007 to 2012, the acres of Juneau County land in farms decreased by only 0.5 percent compared to Wisconsin as a whole which decreased by 4.1 percent.

Table 2: Acres of Land in Farms

Location	2007	2012	Change
Juneau County	181,046	180,039	(-0.5%)
Wisconsin	15,190,804	14,568,926	(-4.1%)

Number and Size of Farms

Between 2007 and 2012, the number of farms increased by 3.8 percent in Juneau County where as the number of farms in the state, as a whole, decreased by 11.1 percent (2012 Census of Agriculture). The average size of farms decreased by 9 acres in Juneau County and by 15 acres in Wisconsin from 2007 to 2012.

Table 3: Number of Farms and the Average Size of Farms, 2007 and 2012

Location	2007		2012	
	Number of Farms	Average Size of Farms (acres)	Number of Farms	Average Size of Farms (acres)
Juneau County	797	227	827	218
Wisconsin	78,463	194	69,754	209

Property Taxes and Values

Table 4 details the 2014 average property tax, assessed value, and sale price per acre of agricultural land in Juneau County, rural counties, and in Wisconsin. The assessed values and property taxes are based on the use value of “agricultural land”. Agricultural land is defined by statute as, “...land, exclusive of buildings and improvements, and the land necessary for their location and convenience, that is devoted primarily to agricultural use.” (Wis. Stat. §70.32(2)(c)1g)

Table 4: Farmland Taxes and Values

Location	2014 Dollars per Acre of Farmland		
	Average Tax	Assessed Value	Sale Value
Juneau County	\$2.74	\$134	\$3,623
Rural Counties	\$3.04	\$164	\$3,599
Wisconsin	\$3.17	\$167	\$5,037

In 2014, average property taxes on Juneau County farmland were 9.9 percent lower than the average for rural counties and 13.6 percent lower than the average for Wisconsin (Wisconsin Department of Revenue).

The average assessed value of farmland in Juneau County was 18.3 percent lower than the average for rural counties and 19.8 percent lower than the average for Wisconsin as a whole (Wisconsin Department of Revenue).

In Juneau County, the average sale price of agricultural land was 0.6 percent higher than the average for rural counties and 28.1 percent higher than the average for Wisconsin (NASS Wisconsin 2015 Agricultural Statistics). These values do not include farmland sold and converted to nonfarm use and do not include farmland with buildings or improvements. Also, these figures are from 2014 and may not accurately reflect the current market for farmland.

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 certified Juneau County's Farmland Preservation Plan in 2013. The plan identifies farmland preservation areas in the county and 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 agricultural property deemed for purchase for this project is not part of any farmland preservation zoning or agreement.

IV. AGRICULTURAL LANDOWNER IMPACTS

Farmland Soils Definitions

Farmland soil is classified by the USDA based on its ability to produce crops. Protection of prime farmland, prime farmland if drained, and farmland of statewide importance should be a priority for project.

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 also available for these uses (the land could be cropland, pastureland, rangeland, forest land, 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.

Prime farmland if drained is prime farmland that requires draining in order to have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops.

Farmland of statewide importance generally includes land that is nearly prime farmland and that economically produces high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields as high as those produced by prime farmland if conditions are favorable.

Acquired Property Soils

The NRCS Soils data identified the following soils types within the portion of the Sumiec agricultural field that would be acquired:

- Neenah silt loam, 0 to 3 percent slopes, prime farmland if drained
- Wyeville loamy sand, 0 to 3 percent slopes, farmland of statewide importance
- Delton loamy fine sand, moderately well drained, 1 to 6 percent slopes, prime farmland

The cropland that would be acquired is prime farmland, prime farmland if drained, and farmland of statewide importance. However, the prime farmland soils proposed to be acquired for this project may not be taken out of production but may be leased back for agricultural production. The wooded and wetland area, not currently used for cropland have soils that are not considered prime farmland.

Affected Property

The proposed acquisition of land for the Mauston-New Lisbon Union Airport safety clearances will affect one agricultural parcel of property.

Farmland Owners: Edwin & Liola L. Sumiec

Proposed Acquisition: Fee-simple acquisition of 22.49 acres

Cropland: Cash crops

The land that would be acquired from the Edwin & Liola Sumiec properties is approximately 10.9 acres of cropland from a 15.4-acre field. This leaves 4.5 acres of cropland that would not be acquired by the airport. Agricultural land use in many cases may be compatible with airport land use needs with some conditions, because crop production prevents the growth of tall woody species that could interfere with airport operations. Currently, airport officials anticipate leasing

the acquired 10.9 acres of cropland for crop production. This could change in the future if, for example, FAA regulations no longer allow crop production in runway protection zones. Changes made by the airport to the acquired Sumiec acres will affect the viability of the remaining Sumiec land for crop production.

If the 10.9 acres of farmland are not leased as cropland, the remaining 4.5 acres of cropland which are bordered by the railroad, Sumiec Road, and woodlands and wetlands, may not be viable for agricultural land use.

DATCP staff spoke briefly with Edwin & Liola Sumiec by phone. They had concerns regarding how their field would be divided. DATCP recommends that the airport work with the Sumiecs so that the field can continue to be farmed as long as possible. If the acquired land may be removed from agricultural land use, consideration should be given to the Sumiecs for the 4.5-acres cropland remnant that may not be farmable in the future.

Access to the cropped field is from Sumiec Road. The airport has no plans to change the current access from the public road.

V. APPRAISAL PROCESS

The Bureau of Aeronautics (BOA) is the agent for the owners of the Mauston-New Lisbon Union Airport. BOA has contracted with MSA Professional Services (MSA) to provide land acquisition services

Before negotiations begin, MSA as an agent of the BOA, will provide the landowners with an appraisal. An appraisal is an estimate of fair market value of the parcel.

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:

- The appraisal must be submitted to the BOA or the appropriate agent within 60 days after the landowner receives the BOA's appraisal.
- The appraisal fee must be reasonable.
- The appraisal must be a full narrative appraisal.
- The appraisal must be completed by a qualified appraiser.

The amount of compensation is based on the appraisal(s) and is established during the negotiation process between BOA or its agent and the individual landowner. The law requires landowners be provided with information about their rights in this process before negotiations begin.

VI. RECOMMENDATIONS

- DATCP supports the Airport’s anticipated proposal to lease back the cropland on the acquired parcel.
- DATCP recommends that Edwin & Liola Sumiec be offered the opportunity to rent the Sumiec parcel first to maintain the continuity of their farm operation.
- Edwin & Liola Sumiec or their operators should be given advance notice of the acquisition schedule.

APPENDIX A: DATCP STATUTES FOR AGRICULTURAL IMPACT STATEMENTS

DATCP is required to prepare an AIS whenever more than five acres of land from at least one farm operation will be acquired for a public project if the agency/company acquiring the land has the authority to use eminent domain for property acquisitions. DATCP has the option to prepare an AIS for projects affecting five or fewer acres from each farm if the proposed project would have significant effects on a farm operation. The entity proposing a construction project is required to provide DATCP with the necessary details of the project so that the potential impacts and effects of the project on farm operations can be analyzed. DATCP has 60 days to make recommendations, and publish the AIS. DATCP provides 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 project initiator may begin negotiating with the landowner(s) for the property.

[Wisconsin Statute § 32.035](#) is provided below and describes the Wisconsin Agricultural Impact Statement procedure and content.

(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 (2), 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; permitted.* The department shall prepare an agricultural impact statement for each project, except a project under Ch. 82 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.

STATUTES GOVERNING EMINENT DOMAIN

The details governing eminent domain as it relates to utility projects are included in Wis. Stat. ch. 32 (<http://docs.legis.wisconsin.gov/statutes/statutes/32.pdf>).

DATCP recommends that farmland owners concerned about eminent domain powers and the acquisition of land should review this statute in its entirety. Additionally, landowners may wish to consult with an attorney who should have expertise in eminent domain proceedings. Any Wisconsin licensed appraiser should be knowledgeable in partial takings.

APPENDIX B: MAILING LIST

GOVERNOR SCOTT WALKER 115 E CAPITOL	SEN TERRY MOULTON AGRICULTURE COMMITTEE 310 S CAPITOL
REP LEE NERISON AGRICULTURE COMMITTEE 310 N CAPITOL	RESOURCES FOR LIBRARIES (15) DOCUMENT DEPOSITORY PROGRAM 2109 SOUTH STOUGHTON ROAD
SEN JERRY PETROWSKI TRANSPORTATION COMMITTEE 123 S CAPITOL	REP KEITH RIPP TRANSPORTATION COMMITTEE 223 N CAPITOL
STATE DOCUMENTS SECTION THE LIBRARY OF CONGRESS 10 FIRST ST S E WASHINGTON DC 20540-0001	MAUSTON-NEW LISBON UNION AIRPORT W7493 FERDON ROAD NEW LISBON WI 53704
MSA PROFESSIONAL SERVICES INC MICHAEL HINZ 2901 INTERNATIONAL LANE SUITE 300 MADISON WI 53704	ATTN: DIANN DANIELSEN WISCONSIN BUREAU OF AERONAUTICS PO BOX 7914 MADISON WI 53707-7914
EDWIN & LIOLA L SUMIEC N5506 SUMIEC ROAD MAUSTON WI 53948	KATHLEEN KOBYLSKI JUNEAU COUNTY CLERK 220 E STATE STREET, ROOM 112 MAUSTON WI 53948
GREG LOWE JUNEAU COUNTY CONSERVATIONIST COURTHOUSE ANNEX 220 LA CROSSE STREET MAUSTON WI 53948	GREG KIRKING JUNEAU COUNTY - UWEX JUNEAU COUNTY OFFICE BUILDING 211 HICKORY STREET - ROOM 302 MAUSTON WI 53948
BILL E PFAFF TOWN OF LISBON, CHAIRPERSON W6825 42 nd STREET NEW LISBON WI 53950	ANDREA L HAWKINS TOWN OF LISBON CLERK N5293 MEYER ROAD NEW LISBON WI 53950
NEW LISBON MEMORIAL LIBRARY 115 W PARK STREET NEW LISBON WI 53950	HATCH PUBLIC LIBRARY 111 W. STATE STREET MAUSTON WI 53948
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JUNEAU COUNTY STAR TIMES 500 LA CROSSE STREET MAUSTON WI 53948	JOHN CHERNEY WISDOT LIBRARY 4802 SHEBOYGAN AVENUE, ROOM 100A
WISDOT CENTRAL OFFICE FILES HILL FARMS	

Copies of the final AIS will also be emailed to the Newspapers: Country Today and Agri-View



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

**DIVISION OF
AGRICULTURAL RESOURCE MANAGEMENT**

Agricultural Impact Program
P.O. Box 8911
Madison, WI 53708-8911
608-224-4650

https://datcp.wi.gov/Pages/Programs_Services/AgriculturalImpactStatements.aspx