

Wisconsin DATCP: Agricultural impact statements mark 40th anniversary

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Wisconsin Department of Agriculture, Trade and Consumer Protection

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MADISON - Where were you on Nov. 16, 1978? It's a question we ask ourselves about the dates of momentous events. On that date 40 years ago, a quietly momentous event gave farmers a voice they hadn't had before. It's the date Wisconsin's first agricultural impact statement was published - the first time the law required that farmers' concerns be put down on paper when a public project threatened to take some of their land.

In fact, it may have been little noticed at the time. Deer hunting season was only two days away, and Thanksgiving, a week away. The Packers had just lost to the Cowboys and were headed to another loss to the Broncos. In the election the week before, Lee Dreyfus had unseated Wisconsin's incumbent Governor, Martin Schreiber. Small wonder that a legal document didn't grab headlines.

Published by the Wisconsin Department of Agriculture, Trade and Consumer Protection, that first ag impact statement addressed rebuilding U.S. Highway 18/151 from a two-lane road to an expressway between Mount Horeb and Dodgeville. It concluded that the project would take almost 200 acres on 12 farms, cost the farmers \$1.45 million over 20 years, and render another 85 or so acres unusable for crops. It didn't stop the project, but it gave those farmers some ammunition in their negotiations with the Department of Transportation.

"That's the real value of ag impact statements, that they give farmers a voice and put 'project initiators' on notice that this land is valuable, that these operations are valuable to the farmers involved and to their communities," said program coordinator Marilyn Weiss. "We're able to analyze how a road or a pipeline or an electric transmission line will impact farm operations, and recommend ways that the project initiator can avoid, minimize or mitigate those effects."

Agricultural impact statements are required when the project initiator - whether a government agency like the Department of Transportation or a business like a power company - has the authority to condemn property and the project will take more than five acres from any one farm. Statements may also be prepared for projects that will take less land, but still affect a farm significantly, or that are within city or village boundaries, but still have a big impact on a farm. Town roads and lower voltage power lines are exempt from the program.

The impacts range from taking farmland outright to crossing it with easements. The soil might be compacted, or the soil structure disrupted by digging and refilling trenches, making it less fertile. Road rights-of-way might cut off small parcels from larger fields, making them too small to maneuver machinery.

Whatever the impact or farmer concern, the two-person ag impact statement staff will listen to farmers and gather input by survey, document it, and look for ways to avoid it. They answer farmers' questions about the process. Sometimes they just listen as farmers vent their frustrations. Often, the project initiator accepts the recommendations in the statement.

Sometimes, the data gathered by the staff serves as bargaining chips when the farmers sit down to negotiate a price for their land.

A Manitowoc County farmer, Ed Klessig, could be called the father of ag impact statements. When he felt that plans for Interstate 43 would eat up too much good farmland, he decided to make his own statement. Before dawn on April 20, 1976, he showed up on the lawn of the Capitol right outside the Governor's office with three cows and a bull calf, set up a tent and makeshift corral to house them, and camped there in another tent for the next month. He organized the Interstate Alternative Association, protested with like-minded people at the road construction site, and generally let it be known that farmers were a force to be reckoned with. The interstate went through, but in 1978, the Legislature passed the law requiring that agricultural impacts be part of the formula when condemnation was on the table. Ed Klessig died in 2006. Since then, DATCP staff have reviewed 4,226 projects including roads, electric transmission lines, natural gas pipelines and airports. Most often, they don't write an agricultural impact statement because the project doesn't take enough farmland to trigger the requirement. They have written statements for almost 850 projects. The numbers of projects and statements fluctuates with the economy and other factors. The peak year was 1992, when they wrote 44 statements. These days, the number of projects and statements has declined, but the size and complexity of the projects tends to be greater, Weiss says. Today, most projects are either natural gas pipelines or electric transmission lines crossing farmland.

Right now, the big project on their plate is the Cardinal-Hickory Creek Electric Transmission Line from Dubuque, Iowa, to Middleton. The analysis is just starting, with Weiss and agricultural economist Alice Halpin attending public meetings to meet with farmers to start gathering information.

So, at 40, the agricultural impact statement program is back where it started, in southwest Wisconsin.

Learn more about agricultural impact statements at https://datcp.wi.gov/Pages/Programs_Services/-AgriculturalImpactStatements.aspx.