

Cooperative Agreement
between
Wisconsin Department of Agriculture, Trade and Consumer Protection
and
Wisconsin Department of Transportation
On the Procedures to be Used to Implement Wis. Stat. § 32.035
Titled
“Agricultural Impact Statements”

I. STATEMENT OF PURPOSES

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the Wisconsin Department of Transportation (WisDOT) recognize that the Wisconsin legislature has charged DATCP with the duty and responsibility of preparing an Agricultural Impact Statement (AIS) which assesses the impacts on the State's farm operations resulting from the acquisition by condemners of agricultural lands or any interests therein for projects involving the actual or potential exercise of the power of eminent domain. DATCP and WisDOT recognize that the Wisconsin legislature has charged WisDOT with the duty and responsibility of furnishing the citizens of Wisconsin with an adequate, safe, and economical transportation system. DATCP and WisDOT further recognize that the construction, reconstruction, maintenance, and repair of transportation facilities, such as highways, bridges harbors, railroads, and airports may have adverse effects on the State's farm operations.

DATCP and WisDOT agree that in order to carry out their respective duties and responsibilities in a timely, reasonable and economical manner, which is in the public interest, they will consult and cooperate with each other as set forth in this agreement. DATCP and WisDOT concur in this agreement with the intent that each agency may continue to perform its statutory duties and responsibilities and assure that adverse effects on Wisconsin's farm operations that may result from the improvement and maintenance of transportation facilities are minimized to the most reasonably possible extent within the need to provide Wisconsin citizens, businesses, and industries with adequate, safe, and economical transportation systems.

II. DEFINITIONS

- A. Non-Significant Acquisitions - DATCP and WisDOT agree that notification of certain WisDOT acquisitions of interests in farm operations do not require detailed information in the project notification and shall be termed “Non-Significant Acquisitions”. Non-Significant Acquisitions are typified as minor amounts of land, the loss of which would not have a significant adverse effect on a farm operation and include the following types of acquisitions. Non-Significant Acquisitions include:

1. Projects that require the acquisition of one acre or less from a farm operation and will not have a significant effect on any farm operation as a whole.
2. Linear corridor acquisitions such as highways or railroads that are typified by narrow strips along and generally parallel to existing rights-of-way for the purpose of maintaining or improving existing transportation facilities or service.
3. Non-linear acquisitions such as airport, wayside, weigh station or building construction that are typified by having small acquisitions contiguous to existing rights-of-way or other publicly-owned land for the purpose of maintaining or improving an existing transportation facility, structure, building or service.

III. WisDOT OBLIGATIONS

- A. WisDOT shall coordinate with DATCP consistent with this agreement for all projects which propose to acquire interests in farm operations. WisDOT will include, as appropriate, DATCP's analysis of agricultural impacts as a part of the environmental documentation for each project.
 1. Projects that require Non-Significant Acquisitions may be reported to DATCP using a summary format. The summary format will include the following information, if relevant to the project:
 - a. WisDOT Project ID number or Airport Layout Plan ID number
 - b. Highway number or name or project name
 - c. Starting and ending points of the project or general description of the project location
 - d. Location (county, town, village, city)
 - e. Number of farms affected
 - f. Acres to be acquired from each affected farm operation
 - g. Project location map with property acquisition areas clearly identified.
 2. Projects that require the acquisition of one to five acres from a farm operation shall be reported individually to DATCP by submitting a completed Notice (Agricultural Impact Notice for Highway Projects, form ARM-LWR-359 or Agricultural Impact Notice for Airport Projects, form ARM-LWR-360). The submitted Notice will include the required associated files in the formats described in the Notice and the Spreadsheet for Highway Projects Or Spreadsheet for Airport Projects. A simplification of these filing requirements may be appropriate for some projects, based on agreement between DATCP and WisDOT.
 3. Projects that require at least one acquisition over five acres from a farm operation shall be reported individually to DATCP by submitting a completed Notice (Agricultural Impact Notice for Highway Projects, form ARM-LWR-359 or Agricultural Impact Notice for Airport Projects, form ARM-LWR-360). The submitted Notice will include the required associated files in the formats described in the Notice and the Spreadsheet for Highway Projects Or Spreadsheet for Airport Projects. In addition, the Notice shall include any other individual, group, club, or

committee which has demonstrated an interest in and requested a copy of the project AIS.

- B. WisDOT shall provide in writing, additional information requested by DATCP within a reasonable number of days from the receipt of the request.
- C. WisDOT shall notify DATCP of any change in any project's acquisition of interests in any farm operation and supply information at the appropriate level of detail as determined by DATCP. A notification of a change to DATCP is not required if a landowner requests a change and is the only landowner from which the varied interest would be acquired.
- D. WisDOT shall review and comment on a draft AIS, in a timely manner.
- E. WisDOT shall issue payment to DATCP, within 30 days of receipt of a DATCP invoice for all actual costs incurred by DATCP in its review and evaluation of all WisDOT projects, plans, and studies submitted to DATCP for review.

IV. DATCP OBLIGATIONS

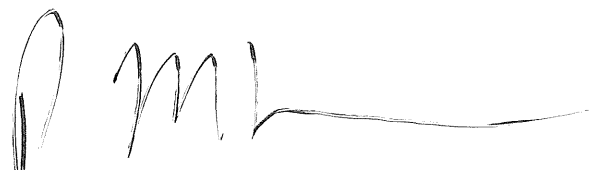
- A. Within 10 business days of receiving a complete Notice, DATCP will inform WisDOT if an AIS will be prepared.
- B. DATCP shall, in a timely fashion, inform WisDOT of any additional project information required by DATCP to complete an AIS.
- C. DATCP shall prepare a draft AIS within 60 calendar days of receiving all requested information from WisDOT.
- D. DATCP shall review, evaluate, and determine the need for an AIS or a supplement to an AIS whenever WisDOT identifies changes to a project's proposed acquisition of interests in any farm operation as described in III. C.
- E. DATCP shall provide WisDOT copies of the draft AIS or supplement to an AIS for timely review by WisDOT.
- F. DATCP shall invoice WisDOT on a quarterly basis for all actual costs incurred by DATCP in its review and evaluation of all WisDOT plans submitted to DATCP and for WisDOT projects that require an AIS, with the exception of projects involving airports. Airport projects shall be billed in compliance with Wis. Stat. §32.035(3).

V. AREAS OF MUTUAL AGREEMENT

- A. Hardship Acquisitions
 - 1. Where DATCP and WisDOT agree that owners of farmland would suffer extreme and unnecessary hardship as a result of delaying an acquisition, WisDOT may

acquire parcels in advance of satisfying the requirements of Wis. Stat. § 32.035. Such acquisitions are termed "hardship" acquisitions and must comply with the requirements of Wis. Stat. §§ 84.09 and 32.25(1).

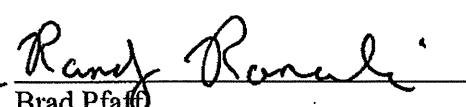
2. WisDOT shall notify DATCP of each proposed hardship acquisition that involves an interest in any farm operation and include the reason(s) for the acquisition and property owner contact information, whenever:
 - a. The hardship acquisition would be necessary in advance of satisfying the requirements of Wis. Stat. § 32.035.
 - b. The hardship acquisition involves a change in acquisition from a farm operation either before or after the satisfaction of the requirements of Wis. Stat. § 32.035.
 3. A notification of a hardship acquisition is not required when:
 - a. The hardship status of the acquisition occurs after the acquisition has been addressed in an AIS and the other requirements of Wis. Stat. § 32.035 have been satisfied.
 - b. The hardship acquisition results from a landowner's request for a variance and is the only landowner from which the interest would be acquired.
- B. WisDOT and DATCP agree, as per Wis. Stat. § 32.035(4), that "town highway" projects are exempt from the AIS process and as such do not require WisDOT to submit project notification to DATCP.
- C. WisDOT recognizes that DATCP may need to contact affected landowners to discuss a proposed acquisition and its effects on the farm operation in order to fully evaluate potential agricultural impacts.
- D. DATCP recognizes that agents acting under the direction of WisDOT may fulfill the obligations of this Cooperative Agreement.
- E. DATCP and WisDOT agree that a review of this Cooperative Agreement will be conducted biennially from the date the agreement is signed by DATCP and WisDOT.
- F. This agreement can be amended by either party upon notification of the other party in writing, provided both parties concur with the amendment. Disagreements shall be resolved in a timely manner.



8/21/19

Date

For Craig Thompson
Secretary
Wisconsin Department of Transportation



7-31-2019

Date

for Brad Pfaff
Secretary
Wisconsin Department of Agriculture,
Trade and Consumer Protection