

United States Senate

WASHINGTON, DC 20510

February 23, 2016

Ms. Margaret Burlingham
Chair
Jefferson County Farmland Easement Commission
311 South Center Avenue
Jefferson, Wisconsin 53549

Dear Ms. Burlingham:

Upon your request, I contacted the U.S. Department of Agriculture (USDA) regarding your concerns with the Natural Resources Conservation Service (NRCS) processing of Agricultural Conservation Easement Program applications. Thank you for contacting my office. Your thoughts and opinions are important to me.

I am enclosing the response I received from the USDA for your records. I hope you will find the enclosed information helpful.

Again, thank you for contacting my office. If you have any questions or concerns regarding the USDA's response, please contact Mr. Jon Wachter in my Madison office.

Sincerely,



Tammy Baldwin
United States Senator

TB:JW



#6

FEB 22 REC'D
FEB 15 REC'D

FEB 08 2016

The Honorable Tammy Baldwin
United States Senator
30 West Mifflin Street, Suite 700
Madison, Wisconsin 53703

Dear Senator Baldwin,

Thank you for your letter of December 16, 2015, on behalf of your constituent, Ms. Margaret Burlingham, regarding processing of Agricultural Conservation Easement Program (ACEP) applications, and appraisals to be effective for longer than 12 months.

The Agricultural Act of 2014 repealed the Farm and Ranch Lands Protection Program (FRPP) and created, in its place, the Agricultural Land Easement (ALE) component of ACEP. As the Natural Resources Conservation Service (NRCS) developed the policy and regulations that govern ACEP-ALE, we considered feedback from our partners and participants on program implementation issues, including the duration of the appraisal effective date. As a result, the policy and regulations for the duration of appraisal effective dates have changed slightly between the repealed FRPP and the new ACEP-ALE. For FRPP, the appraisal policy requires that the effective date of the appraisal must be within 12 months of the closing date. Whereas the ACEP-ALE appraisal policy states that the effective date of the appraised value must be within 6 months before or after the date the cooperative agreement or applicable amendment is executed, identifying the parcel selected for funding or must be within 12 months of the easement closing date.

The easements referenced by Ms. Burlingham, one with Greg Wilke and the other with Clifford Haberman, are enrolled in FRPP and ACEP-ALE, respectively, and therefore fall under the respective program's regulations and policy. The FRPP parcel is subject to the 12 months appraisal effective date. The ACEP-ALE parcel that was enrolled in September 2014, and had an appraisal effective date of August 22, 2014, would still be able to use the August 22, 2014, appraisal if it meets all other requirements, according to policy.

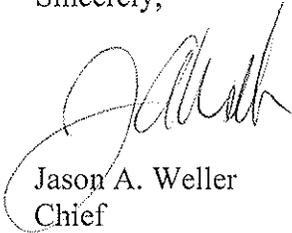
As Ms. Burlingham noted in her letter, NRCS must complete its required due diligence prior to making a significant investment of Federal funds for the purchase of a perpetual conservation easement. NRCS continues to develop and implement strategies to close easements efficiently while maintaining the integrity of its programs and the management of Federal funds. Due to the complexity of acquiring easements, there are many elements which can prolong the acquisition process, but whether delays are due to landowner, entity, or NRCS issues, all issues must be resolved to successfully acquire each easement pursuant to applicable regulations and policies.

The Honorable Tammy Baldwin
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We truly value the landowners and entities, like the Jefferson County Farmland Easement Commission, who participate in NRCS' easement programs, and recognize the tenacity and fortitude necessary to accomplish our shared mission of preserving our valuable agricultural working lands.

Again, thank you for writing. If you have questions, please have a member of your staff contact Todd Batta, Assistant Secretary for Congressional Relations, at (202) 720-7095.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Weller", written over a circular stamp or seal.

Jason A. Weller
Chief

cc:
The Honorable Tammy Baldwin
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

JEFFERSON COUNTY**FARMLAND CONSERVATION EASEMENT COMMISSION**

311 South Center Avenue, RM 113

Jefferson, WI 53549

920-674-71110

BOARD OF COMMISSIONERS

Margaret Burlingham, Chair

Walt Christiansen, Vice-Chair

Steve Nass

Blane Poulson

Mariah Hadler

**RE: Easement Status Report****Wilke:**

- Re-appraisal shows total value at \$195,000 ; \$30,000 less than original

Fair Market Value of Easement	\$ 195,000.00
Purchase Price: \$ paid-out	\$ 146,250.00
County Portion	\$ 48,750.00
Federal Portion	\$ 97,500.00
Landowner Portion	\$ 48,750.00

- Matching Funds Confirmation will require updating; form 230
- Adjust title commitment
- Other forms as required by NRCS

Haberman:

- Re-appraisal shows total value at \$180,000; \$15,000 more than original

Fair Market Value of Easement	\$ 180,000.00
Purchase Price: \$ paid-out	\$ 135,000.00
County Portion	\$ 45,000.00
Federal Portion	\$ 90,000.00
Landowner Portion	\$ 45,000.00

- Matching Funds Confirmation form 230 for ALE
- Adjust title commitment and company certification
- Deed language approval by NRCS
- Mortgage Subordination; currently at Haberman's lending institution
- Other forms as required by NRCS

COMPARISON OF CURRENT VALUE TO PREVIOUS VALUE

The market value as of March 3, 2016 is determined in this supplemental appraisal report to be as follows.

Market Value Before Encumbrance	\$895,000
Market Value After Encumbrance	\$700,000
Total Loss in Market Value	\$195,000

The previous market value as of December 4, 2014 was as follows.

Market Value Before Encumbrance	\$875,000
Market Value After Encumbrance	\$650,000
Total Loss in Market Value	\$225,000

The current loss in market value is about \$30,000 or 13% lower than the previous loss in market value based on the following.

- The market value before encumbrance is about 2% higher than the previous market value with the decline in market value loss being entirely based on the increasing encumbered value.
 - In the after value, two new sales were located, both being highly comparable with similar tillable acreage ratios and very recent sales (6 and 7 months old) which are good indicators of current values. Notably Sale 2 was given 30% consideration in the final market value conclusion, along with Sale 4, which was given 70% consideration for the final market value conclusion.
 - Additional information was available regarding the acquisition of Sale 1 (After Encumbrance) which was utilized in the previous appraisal and in the current appraisal was adjusted downward for (a previously unknown) motivated buyer. An adjustment for soil conditions was also broken out separately from topography which required upward adjustment for Sale 1 being of inferior quality soils. No weight was given to Sale 1 in the final market value conclusion.
 - No adjustment was utilized for the Farmstead Zone for Sale 4 (After Encumbrance) as it was determined that Sale 4 would permit similar use and thus was considered similar to the subject property.
 - Some of the difference in value can be attributed to typical market idiosyncrasies with new data coming available and indicating somewhat different results.
 - Demand for agricultural use land has remained strong with few properties available and it is likely this is being reflected in the smaller spread between the encumbered and unencumbered values.
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COMPARISON OF CURRENT VALUE TO PREVIOUS VALUE

The market value as of March 3, 2016 is determined in this supplemental appraisal report to be as follows.

Market Value Before Encumbrance	\$1,005,000
Market Value After Encumbrance	\$825,000
Total Loss in Market Value	\$180,000

The previous market value as of December 4, 2014 was as follows.

Market Value Before Encumbrance	\$990,000
Market Value After Encumbrance	\$825,000
Total Loss in Market Value	\$165,000

The current market value is about 1.5% higher for the unencumbered value with the encumbered value remaining about the same; resulting in about a 9% higher total loss in market value.

PERMANENTLY PROTECTED FARMLAND

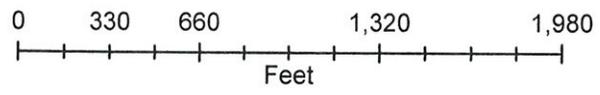
Jefferson County
Farmland Conservation Easement Commission

Protected Property
 Farmstead Area
 Easement Exception
 We Energies Easement

Farmland Conservation Easement
 Sections 11, 14 & 15, T8N, R13E
 Town of Waterloo, Jefferson County, WI
 Grantors: Clifford R Haberman
 Grantee: Jefferson County, WI
 Utility Easement



Data Sources:
 Parcel Dataset; Roadway Center Lines;
 Jefferson County, Land Information Office
 Farmstead & Exception; JC Land Surveyor
 Utility: JC, LWCD



1 inch = 660 feet
 Map compiled by:
 Jefferson County Land & Water
 Conservation Department
 March, 2016

FOR AND IN CONSIDERATION of the sum of Sixty and No/100 Dollars (\$60.00), the receipt whereof is hereby acknowledged, the undersigned grantor, EDWARD G. RADKE of Louise Radke, his wife, owner, s...

do hereby convey unto

WISCONSIN ELECTRIC POWER COMPANY,

a Wisconsin corporation, its successors and assigns, the right, permission, and authority to construct, maintain, operate, and replace a line of poles, together with the necessary stub supports, anchors and guy wires, and underground accessories, upon, over and across the premises of the undersigned in the Southwest one-quarter (SW 1/4)

of Section numbered Eleven (11) Township numbered Eight (8) North, Range numbered Thirteen (13) East, Town of Waterloo Jefferson County, Wisconsin, the center line of said line of poles being described as follows:

Commencing at a point in the west line of Section Fourteen (14), said point being fourteen (14) feet south of the northwest corner of said section Fourteen (14); running thence easterly a distance of eight hundred eighty-three (883) feet to a point, which point is twenty (20) feet south of the north line of said Section Fourteen (14); running thence northeasterly a distance of three hundred (300) feet to a point in the south line of Section Eleven (11); running thence easterly along the south line of said section to the southeast corner of the Southwest one-quarter (SW 1/4) of Section Eleven (11).

Also the right, permission, and authority is granted to said Company to string, operate, maintain, and replace wires and cables on said transmission line poles, supported by necessary crossarms and appliances, for the purpose of transmitting electrical energy; said wires and cables shall be strung not less than eighteen (18) feet above the ground at all points.

Also the right, permission, and authority is granted to said Company to Trim and/or cut down and remove all trees and overhanging branches within twenty-five (25) feet of said above described center line, and to trim or cut down and remove such trees now or hereafter on the premises of the undersigned located outside of said twenty-five (25) feet which in falling may interfere with or endanger said electric line.

The undersigned covenant, and agree that no structure will be erected or hay, grain or straw stack or other materials will be placed on the premises of the undersigned in such a manner as to extend within twenty (20) feet of said wires and cables, and ~~no structure will be erected or hay, grain or straw stack or other materials will be placed on the premises of the undersigned in such a manner as to extend within twenty (20) feet of said wires and cables, and~~

The Company shall have the right to enter upon the premises of the undersigned for the purpose of erecting, patrolling, and maintaining said line, but payment shall be made by it for damage to growing crops, fences, or livestock.

This agreement shall bind the heirs, successors or assigns of all parties hereto.

Dated this 27th day of April, 1955.

In Presence of:

Olis F. Forke
Olis F. Forke

Edward G. Radke
Edward G. Radke

Albert Stoparz
Albert Stoparz

Louise Radke
Louise Radke

STATE OF WISCONSIN
Jefferson County } ss.

Personally came before me this 27th day of April, 1955,

the above named Edward G. Radke and Louise Radke, his wife,

to me known to be the person who executed the foregoing instrument and acknowledged the same.



Olis F. Forke
Olis F. Forke
Notary Public, Jefferson County, Wis.

My Commission expires February 9, 1950

No. 502486
Received for record this 12 day of May, A.D. 1955
at 6:30 A.M. Arthur J. Recumery
Register of Deeds

STATE OF WISCONSIN
County } ss.

Personally came before me this _____ day of _____, 19__

the above named _____

21-Misc-369

**Jefferson County
Purchase of Agricultural Conservation Easements (PACE) Program
Application – Appraisal Supplement**

Return to:
Jefferson County Land & Water Conservation Department
311 S Center Ave, Room 113 ~ Jefferson, WI 53549
(920) 674-7110



The Jefferson County Purchase of Agricultural Conservation Easements (PACE) Program seeks to permanently protect working farms from non-agricultural development through paid and donated easements. The property a landowner submits under this application should include the farmstead and surrounding workland.

A landowner does not have to offer to restrict all of his/her unused development rights on the property. The landowner will be asked to identify the location of any remaining unused development rights on the property. A survey, legal description, and rezoning of future building sites not covered by the easement may be required prior to closing at the owners expense.

Appraisal, title work and required surveys:

- An initial application fee of \$750, which will be used to defray county administrative costs (such as first appraisal, title work and farmstead survey).
- Neither title commitment nor property appraisal will be ordered until any known environmental hazards are fully mitigated to the satisfaction of Jefferson County and compliance with all soil & water conservation standards are documented by appropriate staff.
- Appraisals are valid for one (1) year upon execution date as set forth in the property appraisal report.
- If a second or subsequent appraisal is required, the landowner will be obliged to deposit the sum of \$1000. Under some circumstances this may be partially or fully refunded.
- A landowner that requests portions of any contiguous acreage to remain unencumbered will be required to have such areas surveyed at their own expense or deposit \$1500 to have a survey prepared by the County. Such an easement exception could reduce the overall ranking for the program.

Please initial that you have read and understand the above statements: _____