AGRICULTURAL IMPACT STATEMENT


DATCP File Photo

DATCP #4598

Racine County Western Feed Transmission Lines Project

Racine County

PSC Docket ID 137-CE-209

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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MISSION STATEMENT

Dear Reader,

Through the Agricultural Impact Statement ("AIS") program, agricultural operations have the opportunity to provide feedback, document impacts, and suggest alternative solutions when their agricultural lands are affected by an entity with the potential powers of eminent domain. The AIS program also provides affected agricultural landowners time to gather information to make well-informed decisions before a study begins. Lastly, the AIS program makes suggestions and recommendations to study initiators to promote study alternatives and management practices that would reduce potential impacts to agricultural lands and operations.

The AIS program also serves the needs of the study initiator by conducting the AIS analysis and publishing the statement within a timely manner as required by Wis. Stat. § 32.035. In addition, the AIS program provides a continuing presence throughout study development and oversight processes in order to support agricultural operations and the statewide priority to preserve prime farmland.

The Agricultural Impact Statement program and the WI Department of Agriculture, Trade and Consumer Protection are honored to provide this essential state service to the agricultural landowners and operators of the state.

Thank you,

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ACRONYMS

AEA	Agricultural Enterprise Area
AIN	Agricultural Impact Notification
AIS	Agricultural Impact Statement
ATC	American Transmission Company
CPCN	Certificate of Public Convenience and Necessity
CREP	Conservation Reserve and Enhancement Program
CRP	Conservation Reserve Program
DATCP	Department of Agriculture, Trade, and Consumer Protection
EA	Environmental Assessment
EIS	Environmental Impact Statement
FP	Farmland Preservation Program
FSA	Farm Service Agency
IAM	Independent Agricultural Monitor
IEM	Independent Environmental Monitor
kV	Kilovolt
MFL	Managed Forest Law
NEV	Neutral to Earth Voltage
PSC	Public Service Commission of Wisconsin
ROW	Right-of-Way
USDA	U.S. Department of Agriculture
WisDNR	Wisconsin Department of Natural Resources

TERMS

CIRCUIT	A continuous electrical path along which electricity can flow from a source, like a power plant, to where it is used, like a home. A typical transmission circuit consists of three phases, with each phase on a separate set of conductors.
CONDUCTOR	A wire composed of multiple aluminum strands wrapped around a steel core that together carry electricity. A transmission line is constructed with three conductors, one for each phase of the circuit generated by a power plant.
DOUBLE-CIRCUIT	Electric lines with two sets of three conductors, totaling six conductors on one structure. These two circuits are independent of one another.
DISTRIBUTION LINE	An interconnected group of lines and equipment for the delivery of low voltage electricity between the transmission network and end users (i.e. home/business)
KILOVOLT (kV)	A unit of electricity equal to 1,000 volts.
LAYDOWN YARD	Temporary equipment staging and storage areas.
SINGLE-CIRCUIT	Electric lines with one set of three conductors.
SUBSTATION	A facility that monitors and controls electrical power flows, uses high voltage circuit breakers to protect power lines, and transforms voltage levels for safe and reliable delivery of electricity.
TRANSMISSION LINE	An interconnected group of lines and equipment for transporting electric energy on a high voltage power line between power plants and substations.

SUMMARY OF AGRICULTURAL IMPACT STATEMENT

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("the Department") has prepared Agricultural Impact Statement (AIS) #4598 for the construction of two new double-circuit 345-kV transmission lines that extend from the American Transmission Company (ATC)'s Paris-Arcadian 345 kV line (W-30) and Pleasant Prairie-Arcadian 345 kV line (PLPL81) to ATC's new Jupiter and Cosmos Substations within the Villages of Yorkville, Mount Pleasant and Sturtevant in Racine County, WI (The Project). The Project also includes new 138/345 kV double-circuit lines connecting the new Cosmos Substation to the existing Mount Pleasant Substation and a new 345 kV circuit line connecting the new Jupiter Substation to the existing Mount Pleasant Substation.

ATC has indicated the primary reason for the Project is to meet a projected new load interconnection need identified by WE Energies located within the Electronics and Information Technology Manufacturing (EITM) zone, currently served by the Mount Pleasant substation (DATCP, 2024). After performing an initial load interconnection analysis, ATC found thermal and voltage limitations and identified the need for additional transmission.

ATC has proposed two route alternatives for the Project, a preferred route (Northern Route) and an alternative route (Southern Route), as well as where these two routes will then overlap into a common route within the EITM zone (Figure 1). Agricultural impacts within the EITM zone have been described and analyzed in an AIS published on November 10, 2017 (DATCP #4229). Therefore this AIS excludes all aspects of the project that would be located within the EITM zone. Excluding the EITM zone, ATC proposes to impact up to approximately 143.5 acres and 34 agricultural owners

The PSC has authority over the Project and ATC must obtain a Certificate of Public Convenience and Necessity (ATC, 2024) to obtain the right to proceed with the Project. Through the issuance of a CPCN, the PSC would select the project route and other project criteria ATC shall follow. As of July 12, 2024 ATC has submitted a CPCN application for the Project to the PSC under PSC Docket ID: 137-CE-209 and is awaiting a ruling from the PSC. The Department will provide the PSC with AIS #4598 as evidence to aid in determining the outcome of ATC's CPCN application.

In accordance with Wis. Stat. §32.035(3), ATC has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural property owners and operators impacted by the alternative routes. In accordance with Wis. Stat. §32.035(4)(b), the Department has reviewed and analyzed ATC's materials and the comments obtained by the Department from the affected agricultural property owners and operators to assess the agricultural impacts of the proposed project. Through the AIS analysis, the Department offers a set of recommendations and conclusions

to the PSC, ATC and the agricultural landowners and operators to help mitigate current and future impacts on agricultural lands and agricultural operations along the selected route.

The set of recommendations are located within the AIS Recommendation Section beginning on page 7. The AIS analysis begins on page 10 with information on the project located in Section 2. Information and conclusions on the agricultural setting of Racine County and impacted areas can be found in Section 3. The agricultural impacts of the project on the impacted land, landowners and operators can be found in Section 4. Appendices for AIS #4598 contain the following information: additional project figures and tables from ATC (Appendix A), information on the appraisal and compensation process (Appendix B), a complete summary of comments submitted to the Department from agricultural landowners & operators (Appendix C), a copy of Wisconsin's agricultural impact statement statute (Appendix D), various additional sources of related information for agricultural landowners and operators (Appendix E) and a copy of the Department's agricultural monitoring form for transmission line projects. If ATC deviates from the proposed route segments, alternatives or the selected sites, ATC shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may generate an addendum to this AIS, if warranted.

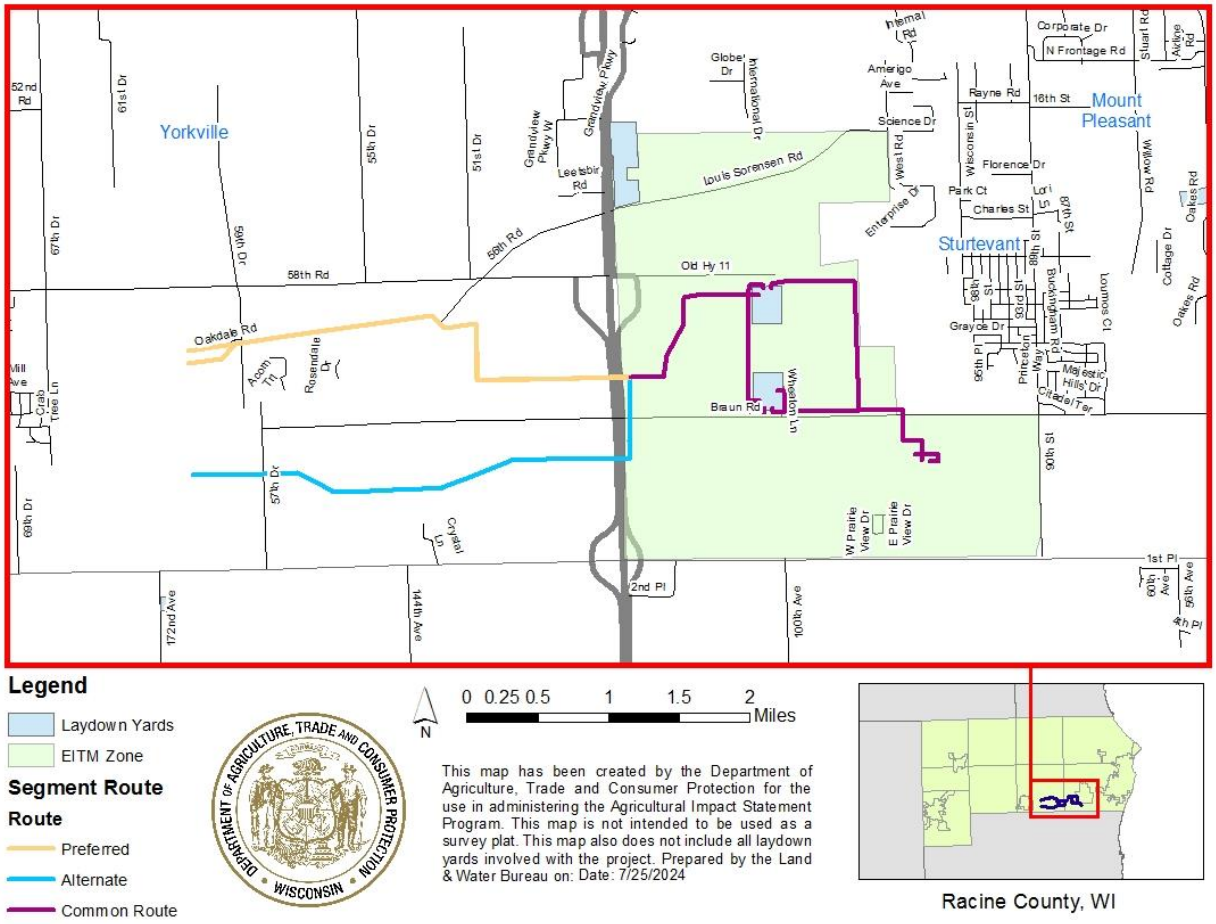

Figure 1: Location of routes for the proposed Western Feed Transmission Line project in Racine County, WI (DATCP).

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has reviewed and analyzed the materials provided by ATC and comments from the affected agricultural property owners and operators regarding the proposed Racine County Western Feed Transmission line project. Should the PSC approve the Project, the Department provides the following recommendations, in accordance with Wis. Stat. §32.035(4)(b), to the PSC, ATC and agricultural landowners and operators to help mitigate impacts on agricultural lands and agricultural operations.

Recommendations to the Public Service Commission

1) Of the two routes proposed by ATC, the Department recommends PSC to consider approving ATC's alternate route based its lower volume of soil with Federal or State priority designation being taken out of farmland preservation programs, and overall total agricultural land acreage impacted compared to the preferred route (~10% less). Further analysis on this recommendation is based on is provided in Section 3 and 4 of the AIS.

2) Should the PSC decide to require an Independent Environmental Monitor (IEM) for the Project, the IEM should be hired in consultation with the approval of the PSC, DATCP, and WisDNR and all reports generated by the IEM should be shared with the PSC, DATCP, and WisDNR.

Recommendations to ATC

1. While ATC includes a Best Management Practice Section within the CPCN application and will hire an Agricultural Specialist that will work with agricultural landowners to address unique concerns, the Department recommends ATC follow all the additional recommended mitigation efforts described in Section 5.5.1 through Section 5.5.15 to mitigate Project impacts to or regarding: topsoil, soil compaction, drainage, de-watering, irrigation, erosion, fencing, weed control, aerial application of seeds and sprays, construction debris, crop rotation & dairy operations, organic farms & other areas with certifications, biosecurity, construction noise, and stray voltage.
2. The Department recommends that ATC follow all recommendations relating to CREP and CRP recommends in section 3.3.1 and 3.3.2, including but not limited to: consulting with landowners regarding potentially effective CREP or CRP agreements prior to any site disturbance activities, and consulting the Department about impacted CREP agreements and the appropriate Wisconsin CRP contact as soon as a route regarding the status of effective agreements within the project corridor and for information regarding required releases of

land and repayment of funds for any CREP or CRP agreements within the chosen project corridor.

3. ATC should continue to monitor the Project ROW for soil erosion and maintain erosion control practices until there is sufficient vegetative growth in the ROW to mitigate soil erosion.
4. ATC should provide agricultural landowners and operators advanced notice of acquisition and construction schedules so agricultural activities can be adjusted accordingly.
5. ATC should provide landowners with direct phone numbers and email addresses to the Agricultural Specialist and project contractors that are able to respond to a range of topics including but not limited to: environmental & agricultural impacts, land acquisition & ROW, project schedule, access limitations, compensation for release of lands from conservation programming and project complaints.
6. If there is adequate growing season for a crop to mature and be harvested after ATC acquires an interest in the impacted lands, but before construction along the Project corridor begins, ATC should allow the current agricultural operators to harvest a crop for that season.
7. ATC should implement training for all construction supervisors, inspectors, and crews to ensure that they understand the steps needed to protect the integrity of agricultural lands and operations during project construction and restoration.
8. ATC shall inform the Drainage Board for Racine County of the proposed project and work with the Board to mitigate potential impacts to existing drainage infrastructure.
9. ATC is advised to consult the County Land Conservation Department on the existence of installed SWRM conservation practices within the Project area.
10. To mitigate the impacts of wasteland creation, the Department recommends that design practices be applied that prioritize edge of field siting for transmission structures in agricultural areas to minimize farmland conversion.
11. While ATC includes a Best Management practice Section within the CPCN, the Department recommends drafting an Agricultural Management Plan for the project.

Recommendations to Agricultural Landowners and Operators

1. Agricultural landowners and operators should review Wis. Stat. §182.017 (i.e. the Landowner Bill of Rights) seen in Appendix D (V) to understand their rights prior to the start of easement negotiations.
2. The Department recommends that the landowners or farm operators with a CREP or CRP agreement consult with their local FSA contact and discuss the impacts of the proposed

project to determine what information is necessary to share with the project initiator in order to maintain compliance with CREP or CRP agreements, as well as to receive any necessary FSA authorizations or approvals.

3. The Department recommends that agricultural landowners work with ATC discuss agricultural practices that may be impacted by the project and provide a list of and contact information for land operators, renters or tenants that ATC may reach out to for a complete understanding of these practices.

4. Landowners should review the recommended mitigation efforts described in Section 5.5.1 through Section 5.5.15 to mitigate project impacts to or regarding: topsoil, soil compaction, drainage, de-watering, irrigation, erosion, fencing, weed control, aerial application of seeds and sprays, construction debris, crop rotation & dairy operations, organic farms & other areas with certifications, biosecurity, construction noise, and stray voltage.

5. Landowners concerned about potential impacts to their agricultural land should keep records of the conditions of the ROW before, during, and after construction, including field moisture conditions, historic presence/absence of ponded water prior to the start of construction for post-construction comparisons, crop yield records and photographs taken every season.

6. Landowners should inform ATC about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.

7. Landowners with organic certification or other certifications should inform ATC of their certifications, provide documentation of certification and inform ATC of prohibited and/or limited activities and the range and type of substances that are and are not permitted according to their certifications.

8. If a landowner is required to repay any cost-share funds because a construction impact resulted in a violation of the SWRM contract, the landowners should contact ATC staff member, as designated by ATC, responsible for handling compensation for release of lands from conservation programs.

9. To mitigate impacts to drainage systems, agricultural landowners should provide ATC with locations of drainage structures prior to construction.

10. Landowners should inform ATC if they use aerial planting or aerial spraying.

11. Livestock owners & operators within the Project ROW who are concerned about the noise potential for the Project should inform ATC or their representatives during the easement negotiation process.

12. Confined animal feeding operations or any operation with livestock facilities in the vicinity of the proposed power line should request pre- and post-transmission line energization NEV testing from their utility provider, which ATC can assisting in coordinating.

13. Landowners should fully describe and discuss property improvements and agricultural operations with appraisers so the appropriate value of the affected property is established.

14. Landowners or operators who are concerned about the creation of a physical or financial remnant that is negligible in value as a result of acquisition of any permanent easement affecting their farm operation should share information regarding impaired use or lost income or value in consultations or easement negotiations with ATC.

15. Prior to the start of construction, landowners should identify for ATC where construction activities may interfere with farm operations, farm building/facilities or farming infrastructure including but not limited to drain tiles, wells, watering systems, drainage ditches, drainage tile, culverts, amongst others.

AGRICULTURAL IMPACT STATEMENT

1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4598 in accordance with Wis. Stat. §32.035 for the proposed construction of two new double-circuit 345-kV transmission lines that extends from the American Transmission Company (ATC)'s Paris-Arcadian 345 kV line (W-30) and Pleasant Prairie-Arcadian 345 kV line (PLPL81) to ATC's new Jupiter and Cosmos Substations within the Villages of Yorkville, Mount Pleasant and Sturtevant in Racine County, WI (The Project). The Project also includes new 138/345 kV double-circuit lines connecting the new Cosmos Substation to the existing Mount Pleasant Substation and a new 345 kV circuit line connecting the new Jupiter Substation to the existing Mount Pleasant Substation.

Agricultural impacts within the EITM zone have been described and analyzed in an AIS published on November 10, 2017 (DATCP #4229). Therefore this AIS excludes all aspects of the project that would be located within the EITM zone.

According to Wis. Stat. §32.035, the AIS is designed to be an informational and advisory document that describes and analyzes the potential effects of a proposed project on agricultural operations and agricultural resources, but it cannot stop a project. The Department is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of any interest in more than five acres of land from any agricultural operation. The term agricultural 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.

The AIS reflects the general objectives of the Department in its recognition of the importance of conserving vital agricultural resources and maintaining a healthy rural economy. The Department 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.

ATC has submitted an application for a Certificate of Public Convenience and Necessity (CPCN) to the Public Service Commission of Wisconsin (PSC) (REF#: 508494) to obtain approval to construct the Project (ATC, 2024) on July 12th, 2024. The PSC has assigned the Project PSC Docket ID: 137-CE-209, which can be followed within the PSC Electronic Records Filing System. The PSC will analyze the need for the project and the potential environmental and community impacts in an Environmental Assessment (EA). In addition, the PSC will receive testimony and hold hearings to further assess the impacts of this project. Afterwards, the PSC will approve, modify, or deny ATC's proposed project. Construction on the project

cannot begin before ATC receives a CPCN from the PSC, as well as permits and approvals from other regulatory entities.

As established under Wis. Stat. §32.035(4)(d), if ATC intends to actualize its powers of condemnation at any point during the project through a jurisdictional offer(s), ATC may not negotiate with an owner or make a jurisdictional offer until 30 days after the AIS has been published. If ATC deviates from the selected alternative or the selected sites, ATC shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

The full text of Wis. Stat. §32.035 is included in Appendix D. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices B, E, and F.

2. PROJECT DESCRIPTION

2.1. Project Summary

ATC has provided the Department with an agricultural impact notification (AIN) and requested spatial materials for analysis for the proposed project (DATCP, 2024). The requested AIN materials from ATC and ATC's CPCN application to the PSC serve as the main reference documents for the Project. The proposed project route alternatives presented here do not represent the final project route, which requires PSC approval.

ATC is proposing to construct two new double-circuited 345 kV transmission lines from the existing ATC Paris-Arcadian 345 kV and Prairie-Arcadian 345 kV lines in the Town of Paris within Kenosha County to ATC's new Jupiter and Cosmos Substations. The Project also includes new 138/345 kV double-circuit lines connecting the new Cosmos Substation to the existing Mount Pleasant Substation and a new 345 kV circuit line connecting the new Jupiter Substation to the existing Mount Pleasant Substation. As the Jupiter and Cosmos Substations and their connecting non-high voltage transmission line are within the EITM zone, for reasons listed in Section 1, these aspects of the project will not be included within the analysis of this AIS.

ATC's primary reason for the proposed Western Feed T-Line project is to maintain capacity for a proposed load addition resulting from a new data center campus located in the EITM zone in the Village of Mount Pleasant (ATC, 2024). The size of the proposed load addition, as well as thermal and voltage limitations of existing transmission facilities, is what requires the construction of the additional facilities described in the Project. ATC lists the Project as the first in a series of network upgrade projects needed to reliably serve what the CPCN application describes as an unprecedented new load addition and address remaining system

limitations.

The proposed Project, depending on the selected route and excluding the EITM zone, will impact up to approximately 143.5 acres and 34 agricultural owners. A full list of the impacted acres for each agricultural landowner is provided in Table 2 (Section 4.2: *Agricultural Impact*).

2.2. Public Service Commission of Wisconsin (PSC)

The PSC is an independent regulatory agency that regulates public electric, natural gas, water and sewer utilities in Wisconsin. Through PSC regulations, public utilities must obtain PSC approval before setting new utility rates and undertaking major construction projects, such as electric transmission lines or substations. Prior to gaining approval, PSC staff review the utilities application and prepare either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) to evaluate the need, alternatives, cost, and environmental and social impacts of the proposed project.

Approval from the PSC is obtained by the issuance of a CPCN or a Certificate of Authority (CA), both of which grant the utility the right to proceed with the project as described within the CPCN or CA. Issuance of a CPCN or CA determined by a three-member PSC Commission. PSC Commissioners are full-time staff, appointed by the Governor, tasked with reviewing the project case file (documents, reports, testimony) and ultimately deciding whether to approve, modify, or deny a project. If the PSC determines that the project is needed and feasible, the utility must adhere to the PSC ruling and project alternatives/route selected by the Commission. PSC approval is not constrained by the utilities' "preferred" or "alternate" route designations mentioned within this AIS and the Commission may choose any combination of route segments described in the application.

ATC submitted a CPCN for the Project to the PSC on July 12, 2024 under PSC Docket ID: 137-CE-209 (ATC, 2024). DATCP expects the PSC to utilize the information contained within this AIS, the EA, the CPCN application, and testimony from the public to determine the degree of impacts each route alternative will have on the agricultural landscape and economy, prior to issuing a ruling.

2.3. Project Design and Purpose

ATC is proposing to construct two new double-circuited 354 kV transmission lines from the existing ATC Paris-Arcadian 345 kV and Pleasant Prairie-Arcadian 345 kV lines in the Town of Paris within Kenosha County to ATC's new Jupiter and Cosmos Substations. Also included in the Project, but not discussed within this AIS, are three new 138/345/345 kV double-circuit transmission lines intended to interconnect the new Jupiter and Cosmos Substations with the Mount Pleasant Substation. According to the CPCN, ATC has proposed a preferred route, known as the North Route, and offered the WPSC one alternative route, the South Route.

ATC reviewed six full-length route alternatives before identifying two superior route variations, a Preferred Route (North) and an Alternate Route (South). The routes were chosen based on Wis. Stat. § 196.491(3)(d) and to minimize environmental, land use, social, and engineering considerations (ATC, 2024). ATC has identified the Preferred Route based on a greater portion of its total length paralleling existing linear infrastructure, fewer impacts to wetlands and water crossings, and better construction access.
The Racine County Western Feed Transmission Lines Project (the Project), contains two route alternatives that are each comprised of multiple different route segments as seen in Figure 1. Additionally, the preferred route contains two alternative starting locations (3A or 3B). If the preferred route is approved, the PSC may decide to exchange segments or relocate certain parts of a segment when setting the final route, so long as the route remains contiguous.

2.3.1. Project Location

The proposed routes for the Project occur within Racine County, WI (Figure 1). The segments making up the proposed preferred and alternate routes outside of the EITM zone that are considered within this report (1, 3A, 3B, and 4) begin just northwest and southwest, respectively, of the intersection between Highway 11 and 59th Dr. and end west of the intersection between Braun Rd. and I-94 in the Village of Yorkville. The preferred route (North) has two optional starting points – Option A and Option B – that follow along segment 3A or 3B, respectively. The alternative starting locations of the preferred route exist to offer the minimal number of intersections with a DNR-owned retired rail corridor by the Project. One laydown area will be located at 335 172nd Ave, Union Grove, WI 53182 and another at 3845 S. 27th St, Franksville, WI 53126, however neither affect existing agricultural land.

2.3.2. Preferred Project System with Preferred Route Description

According to the AIN submitted to the Department (DATCP, 2024) and the CPCN (REF#: 508494) submitted to the PSCW under Docket No. 137-CE-209 (ATC, 2024), ATC's preferred route for the Project is to build a new 345 kV double-circuit line from the existing Pleasant Prairie-Arcadian 345 kV line (PLPL81) into the new Jupiter and Cosmos substations. The Preferred Route (North) is approximately 3.6 miles in length and would navigate from just northwest of the intersection between Highway 11 and 59th Dr. to just north of Braun Rd. and I-94 utilizing Segments 3A, 3B, and 4 (see Appendix A, Figure 1). Transmission line structures will consist of self-supporting weathering steel supported on concrete drilled pier foundations spaced approximately 500-1200 ft. apart depending on segment. The preferred route would utilize route segments 3A and 4 OR 3B and 4 as follows:

- From the existing Pleasant Prairie-Arcadian 345 kV line, follow route segment 3A heading east approximately 2.09 miles first parallelling a retired rail corridor, next follow Durand Ave, and then cross country ending near the intersection between Highway 11 and 58th Rd.

- From the existing Pleasant Prairie-Arcadian 345 kV line, follow route segment 3B heading east approximately 2.14 miles first paralleling a retired rail corridor, then following Durand Ave, and then heading cross country ending near the intersection between Highway 11 and 58th Rd. Segment 38 begins slightly south of segment 3A.
- For 1.48 miles follow Route 311, Route 11, and then head cross country ending at the Jupiter and Cosmos substations just east of Highway 41 (I-94).

2.3.3. Alternative Route Description

ATC proposed one alternative route for the Project. The Alternate Route (South) would span approximately 3.7 miles and would use the same system design as described above in Section 2.3.1 but utilize Segments 1 and 2 (see Appendix A, Figure 1). However, Segment 2 is located east of Highway 41 (I-94) within the EITM zone, so it is not included in the scope of this report. If approved, the PSC may choose to select the alternative route, combinations of different route segments, or alter a proposed route segment when setting the final route. The alternate route would utilize segment 1 as follows:

- From the existing Pleasant Prairie-Arcadian 345 kV line, follow route segment 1 heading east 3.17 miles cross country until reaching the new Jupiter and Cosmos substations just east of Highway 41 (I-94).

2.3.4. Off-ROW Access Roads

According to the AIN and the CPCN application, ATC – where possible – will access the Project from Company-owned ROW or by public roads or by public roads that intersect or parallel the Project ROW (DATCP, 2024; ATC, 2024). Based on an initial field review of the Project corridor, ATC has also identified up to 20 locations outside the Project ROW where off-ROW access paths will be required for wire pull setups. If ATC plans to obtain permissions for the temporary off-ROW access roads, it will be through direct negotiation between the construction contractor and the landowner on a case-by-case basis rather than by formal easement negotiation. If additional off-ROW access roads are identified, ATC stated they will complete an environmental review of the newly identified access roads and submit the necessary information to the PSC prior to establishing the access road. Once construction has concluded, ATC plans to restore the Project's off-ROW access roads to pre-construction conditions unless landowner negotiations and requirements decide otherwise. (DATCP, 2024; ATC, 2024).

2.3.5. Laydown Yards

ATC initially identified seven laydown yards in its initial application filing, seen in Appendix A – Figure 6 (REF # 508482) the Project's CPCN. An eighth laydown yard was added after the filing, seen within the PSC Docket as Appendix H Exhibit 6. Laydown areas are used to store and partially

assemble equipment and materials. These are sited on or near existing substations or on large fenced-in gravel yards in the following locations:

- Paris Substation – WEC owned land north of the Paris Substation.
- Jupiter Substation – new greenfield substation.
- Cosmos Substation – new greenfield substation.
- Racine Substation – land across from Racine Substation (2300 Oakes Road).
- Hribar – trucking company that has a large gravel area that is fenced-in and secured.
- 7213 East Frontage Road, Caledonia, WI – large fenced-in gravel yard.
- 3845 27th Street, Franksville, WI – large fenced-in gravel yard.
- Pleasant Prairie Substation – outside the Pleasant Prairie Substation, added after initial PSC filing.

Only the Paris Substation and the 3845 27th Street, Franksville, WI locations are within the scope of this report. None of the laydown areas, including the two within the scope of this report, affect agricultural landowners. However, there are temporary workspaces that will affect agricultural landowners.

Temporary workspaces, also known as staging areas, consist of a matted work pad and are necessary in certain cases to facilitate conductor stringing operations. Temporary workspaces are constructed adjacent to ROWs with five work pads needed along the Preferred Route (North) and four work pads needed along the Alternate Route (South). If additional staging areas or temporary workspaces are required, ATC will notify the Commission of these new construction locations and will submit the necessary information to the PSC prior to establishing new laydown yards (ATC, 2024). These Off-ROW stringing setup areas and laydown yards are depicted in Appendix A, Figure 3 (REF # 508489) of the Project PSC docket.

2.3.6. Project Need

ATC has indicated the primary reason for the Project is to accommodate for the size of the proposed load addition resulting from a new data center campus in the EITM zone in the Village of Mount Pleasant. According to the AIN and the CPCN (REF#: 508494), ATC stated that a distribution project would not provide capacity high enough to serve the proposed load and would result in several thermal and voltage limitations. However, ATC also notes that the Project will not address or resolve all thermal and voltage limitations resulting from the load addition. The Project is intended to be the first in a series of network upgrade projects.

2.3.7. Existing Transmission Lines

The sole existing transmission facility within the EITM zone is the Mount Pleasant 345/138 kV Substation. The Project as proposed will construct two new double-circuited 354 kV transmission lines from the existing ATC Paris-Arcadian 345 kV and Pleasant Prairie-Arcadian 345 kV lines in the

Town of Paris within Kenosha County to ATC's new Jupiter and Cosmos Substations. The Project also includes, although outside of the scope of this report, new 138/345 kV double-circuit transmission lines interconnecting the new Cosmos Substation to the existing Mount Pleasant Substation and a new 345 kV single-circuit transmission line interconnecting the new Jupiter Substation to ATC's existing Mount Pleasant Substation.

2.3.8. Project Routing and Siting

Wisconsin's energy policy Wis. Stats. § 1.12(6) prioritizes the siting of electric transmission corridors to certain types of corridors according to the following ranking: 1st) existing corridor, 2nd) highway and railroad corridor, 3rd) recreational trails (to the extent that the facilities may be constructed below ground and that the facilities do not significantly impact environmentally sensitive areas) and 4th) new corridor. Within their CPCN application, ATC stated they established potential route corridors using the multi-stage process seen below and involved the following transmission line siting priorities (ATC, 2024):

1) Identification of a Project study area in which data was collected to inform ATC about the existing environmental, land use, social, and engineering opportunities and sensitivities between the established Project endpoints (ATC, 2024).
2) Identification of potential route corridors between established endpoints meeting the routing priorities defined in Wis. Stats. § 1.12(6). These priorities are to be used consistent with economic and engineering considerations, reliability of the electric transmission system, and protection of the environment.
3) Identified routes are screened against several criteria, including those specified in criteria specified in Wis. Stat. § 196.491(3)(d) and other internal criteria to determine the proposed route alternatives. In no particular order, these criteria include, but are not limited to, the following (ATC, 2024):
    - Location of existing linear infrastructure;
    - Use of existing ROWs to minimize the need for additional facility ROW (corridor sharing);
    - Locations of cemeteries, community facilities (schools, day care facilities, places, of worship, and hospitals);
    - County and state road expansion plans;
    - Community and landowner impacts;
    - Ability to minimize impacts to environmental and natural resource features, including wetlands, waterways, and woodlands;
    - Archeological, tribal, and historic resources;
    - Location of airports, airstrips, and heliports
    - Avoiding recreational areas and state forest lands;
    - Avoiding high-density residential areas;

- Conformance with existing and proposed land use patterns;
- Design modifications or construction practices to overcome terrain or other physical challenges; and
- Maintaining compatibility with local agricultural practices.

2) Perform a multidisciplinary review and evaluation of each identified route considering and balancing the factors discussed above, in addition to the design, engineering, economic, and operational considerations.

Through this multi-stage evaluation process ATC has proposed route segments 1, 2, 3A, 3B, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, of which segments 1, 3A, 3B, and 4 are considered within this report. The segments making up the proposed preferred and alternate routes begin just northwest and southwest, respectively, of the intersection between Highway 11 and 59th Dr. and end west of the intersection between Braun Rd. and I-94 in the Village of Yorkville. Additional information on route alternatives and ATC's analysis can be found within the Project application for a CPCN to PSC, under PSC Docket ID: 137-CE-209 (ATC, 2024).

2.3.9. Project Schedule

According to the AIN and the CPCN application, pending approval by the PSC and obtaining all state agency permits, ATC plans on following the schedule for the proposed project (DATCP, 2024; ATC, 2024).

Table 1: The anticipated construction timeline for the proposed Racine County Western Feed transmission line project, pending approval by the PSC and obtaining all state permits (ATC, 2024; DATCP, 2024).

ANTICIPATED PROJECT ACTIVITY	PRELIMINARY DATE
EXPECTED PSC DECISION	September 2025
LAND ACQUISITION START	September 2025
CONSTRUCTION START	November 2025
PROJECTED IN-SERVICE	December 2026

2.4. Project Right-of-Way (ROW)

Throughout all proposed project quad-circuit corridors, which consist of two double-circuit sub-corridors, the four proposed route segments (1, 3A, 3B, and 4) considered within the scope of this report will generally require a 350 ft wide ROW (ATC, 2024). According to the CPCN application, to reduce the width and overall amount of new ROW required, ATC proposes to maximize the sharing or paralleling of existing ROW when possible. Overall, the proposed ROW for ATC's Preferred Route Option A (segments 3A and 4) utilizes 1.60 acres (~1%) of shared ROW, the Preferred Route Option B (segments 3B and 4) utilizes .50 acres (~0%) of shared ROW. The Alternative Route (segments 1 and 2) utilizes 4.2 acres (~3%) of shared ROW (ATC, 2024)

3. AGRICULTURAL SETTING

3.1. Farmland Preservation

Wisconsin's farmland preservation (FP) program provides local governments and landowners with tools to aid in protecting agricultural land for continued agricultural use and to promote activities that support the larger agricultural economy. Lands that are planned for farmland preservation by the county and included in a certified zoning district or located within an Agricultural Enterprise Area (AEA) are afforded land use protections intended to support agriculture, and are eligible for the farmland preservation tax credit.

3.1.1. Farmland Preservation Planning

The Department certified Racine County's current FP plan in 2013 for a ten-year period ending in 2023 (Racine County, 2013). The plan's expiration has since been extended through 2024. The criteria for land planned for FP in Racine County includes areas predominately in, or planned to support areas predominately in, active agriculture, agricultural accessory, agricultural-related or natural resource use; areas of productive soils with at least 50% of parcels covered by Class I, II or III soils; areas location in a block of similar parcels which together encompass at least 100 acres; areas identified as prime agricultural land or agricultural preservation in town and village future land use plans; and areas currently zoned for agricultural preservation (Racine County, 2013). Three towns in Racine County have lands that are planned for FP as part of Racine County's FP Plan.

A review of the department's FP plan data shows that the Project would not impact any FP planned lands.

3.1.2. Farmland Preservation Zoning

Establishing FP zoning strengthens farmland protections beyond what an FP plan affords. A review of the Department's FP program participation map shows that two towns in Racine County have adopted FP zoning administered under town zoning authority (DATCP, 2021a).

A review of the department's FP zoning data shows that the Project would not impact any FP zoned lands.

3.1.3. Agricultural Enterprise Areas

AEAs are community-led efforts to establish designated areas important to Wisconsin's agricultural future. This designation highlights the importance of the area for local agriculture and further supports local farmland preservation and agricultural development goals. Designation as an AEA also enables eligible landowners to enter into FP agreements. Through an FP agreement, a landowner agrees to voluntarily restrict the use of his/her land to agriculture for fifteen years in exchange for eligibility for the farmland preservation tax credit.

A review of the Department's AEA program shows that Racine County does not contain any designated AEAs (DATCP, 2021b).

3.1.4. Managed Forest Law

The MFL program is a voluntary sustainable forestry program administered by WisDNR under subch. III of ch. NR 46. In exchange for reduced property taxes, eligible landowners commit to a 25-50 year sustainable forest management plan on their privately owned woodlands. Sustainable forestry practices such as harvesting mature timber according to sound forest management practices, reforestation and afforestation of the land, are required in enrolled landowner's management plans. Potential enrollees must also show their parcel complies with size and density requirements under Wis. Stat. § 77.82(1)(a)2, which states that at least 80% of the parcel must be producing or capable of producing a minimum of 20 cubic feet of merchantable timber per acre per year. Land with buildings or improvements associated with buildings are not eligible for MFL. Exceptions such as utility ROWs are permitted such that the project and its ROW will not interfere with future or current MFL eligibility (WisDNR, 2017).

A review of statewide parcel data MFL classifications indicates that the Project will not impact any MFL enrolled land.

3.1.5. Purchase of Agricultural Conservation Easement Programs (PACE)

The 2009 - 2011 State of Wisconsin budget authorized the state Purchase of Agricultural Conservation Easement (PACE) Program under Wis. Stats. § 93.73, which is intended to provide matching funds to assist local governments and non-profits with the purchase of permanent agricultural conservation easements. The intent of the PACE program is to preserve agricultural land of significance at risk of development and to provide an additional layer of permanent protection to certified FP planned areas and designated AEAs. Post PACE acquisition, the partnering local entity and the Department co-hold the agricultural conservation easement voluntarily purchased from landowners. At the time of this analysis, the state's PACE Program is not currently funded or accepting new applications. However, the state holds 17 PACE easements. A review of the Department's PACE Program shows the Project would not impact any state held PACE easements.

Counties and private non-governmental organization such as land trusts may also hold agricultural conservation easements. Based on a review of publicly available online resources, the Department could not find any record of a county held or non-governmental organization held agricultural conservation easement that would be impacted by the Project (Land Trust, 2024; GLC, 2024).

3.2. Drainage Districts

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board for the primary purpose of draining of lands for agricultural use

(DATCP, 2019a). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repairing the district's drains. According to the Department, approximately 190 active districts exist within 27 of Wisconsin's 72 counties.

A review of the Department's Drainage Program database indicates that Racine County has 8 active drainage districts that are managed under the Drainage Board for Racine County. Of the active drainage districts, both the Project's preferred and alternate route encroach upon the Yorkville-Raymond District (#5207). Under ATCP 48.40, landowners are required to notify a county drainage board of any action, including a change in land use that will alter flow of water into or from a district drain, increase soil erosion or movement of suspended soils to a district drain, or affect the operation of the drainage district or costs incurred by the district. The notification that ATC submitted to the Department (DATCP, 2024) did not indicate whether ATC has already informed the Drainage Board for Racine County of this project. To that end, the Department reiterates that ATC should inform the Drainage Board for Racine County of the proposed project and work with the Board to mitigate potential impacts to existing drainage infrastructure.

3.3. Conservation Programs

Voluntary conservation programs such as the USDA Conservation Reserve Enhancement Program (CREP) and the USDA Conservation Reserve Program (CRP) are financial incentive programs to help agricultural landowners meet their conservation goals. The USDA and the Department jointly administer the CREP program in Wisconsin.

3.3.1. Conservation Reserve Enhancement Program

CREP pays eligible agricultural landowners enrolled within the program to install filter strips along waterways or to return continually flooded fields to wetlands while leaving the remainder of the adjacent land in agricultural production. To be eligible for CREP payments, a recipient must have agricultural lands in crop production that are within 150 ft of a stream or water body or 1,000 ft from a grassland project area (DATCP, 2019b).

A review of the Department's CREP records indicate that as of August 2024, the Project's preferred route will encroach upon one effective CREP agreement in Racine County.

CREP enrollment information is privileged to the USDA, Cooperators, such as the Department, and program participants. Construction activities for the Project may directly or indirectly increase the occurrence of storm water runoff, erosion and sedimentation on lands in the project corridor. The effective status of CREP agreements and new enrollment is subject to change between the time of this analysis and any proposed construction activity.

It is the responsibility of the landowner to maintain their CREP or CRP agreements, and they can work with the project initiator to maintain this compliance. The Department recommends that the landowners or farm operators with a CREP or CRP agreement consult with their local FSA contact

and discuss the impacts of the proposed project to determine what information is necessary to share with the project initiator in order to maintain compliance with CREP or CRP agreements.

The Department recommends ATC to:

- Work with landowners to identify effective CREP agreements prior to any construction or site disturbance activities
- Coordinate with the appropriate Wisconsin CRP contact regarding effective CRP contracts within the project area and coordinate with FSA regarding impact mitigation to CREP enrolled lands and/or potential contract (CRP-1) releases within 12 months of expected construction or site disturbance activities
- To limit situations of CRP-1 contract termination, limit site disturbance of CRP/CREP to times outside of the Primary Nesting Season (May 15th to August 1st) to the extent practicable and necessary in coordination with FSA to ensure compliance with these contracts
- Consult with the Department at least 12 months prior to any construction or site disturbance activities to determine the impact of the selected route on any CREP easements consult with the Department on impacts to any state agreements that may require termination and repayment of funds. If any portion of the CRP-1 contract is terminated by USDA-FSA, the corresponding area under the state CREP agreement must also be terminated. Termination of any part of a CREP agreement requires repayment of any funds issued to the landowner under the terms of the agreement

3.3.2. Conservation Reserve Program (CRP)

CRP is a land conservation program administered by the Farm Service Agency of the USDA. In exchange for a yearly rental payment, eligible agricultural landowners enrolled in the program agree to remove highly erodible land from agricultural production and plant resource-conserving plant species such as grasses or trees that will improve environmental health and quality (USDA, 2019). Eligible agricultural landowners must possess lands with the potential for long-term improvements to water quality, prevent soil erosion or establish beneficial wildlife habitats according to the USDA Environmental Benefits Index (USDA, 2019). CRP enrollment information is privileged to the USDA and CRP program participants. The Department is therefore unable to determine if any of the impacted agricultural parcels are enrolled within the CRP program, unless a landowner voluntarily shares this information.

Of the 9 responses to the Department's pre-construction questionnaire, two of the landowners impacted by the project indicated that at least part of their land is enrolled within CRP.

The Department advises ATC to:

- Work with landowners to identify effective CRP agreements prior to any construction or site disturbance activities.
- Coordinate with the appropriate Wisconsin CRP contact regarding effective CRP contracts within the project area and coordinate with FSA regarding impact mitigation to CRP enrolled lands and/or potential contract (CRP-1) releases within 12 months of expected construction or site disturbance activities.

3.3.3. Soil and Water Resource Management Grant Program (SWRM)

The state has a SWRM program with goals including: enhancing surface and groundwater protections, providing financial and technical assistance for locally led conservation and addressing soil and water resource concerns. Through the SWRM Program, the Department allocates funds to County Conservation Departments to facilitate landowner cost-share for installation of conservation practices. When a cost-share contract is issued under Wis. Stat. §92.14, a landowner and or grant recipient agrees to install and maintain the conservation practice according to an operation and maintenance plan.

Landowners who are aware of any SWRM cost-shared practices on their farm within the proposed Project area should consult with the County Land Conservation Department to determine 1) the compatibility of the proposed ROW easement with the existing conservation practice and 2) if any effects will occur due to alteration of a practice during construction activities.

ATC is advised to consult the County Land Conservation Department on the existence of installed SWRM conservation practices within the Project area. Practices that are not maintained in accordance with the terms of the contract operation and maintenance plan may be subject to repayment of cost-shared funds. If a landowner is required to repay any cost-share funds because a construction impact resulted in a violation of the SWRM contract, the landowners should contact ATC staff member, as designated by ATC, responsible for handling compensation for release of lands from conservation programs. The landowner should be compensated for any termination of SWRM grant contract resulting from a construction impact.

4. AGRICULTURAL IMPACTS

In addition to being a key component of Wis. Stat. §32.035, documenting the agricultural impacts of a project provides the project initiator and the agricultural landowner the opportunity to better understand the project in its own right as well as learn how the project will impact agriculture. Furthermore, the documentation of agricultural impacts by agricultural landowners and operators creates the opportunity for them to suggest alternatives that may reduce impacts to agricultural lands.

In order to promote the opportunity for alternatives, the Department has used information provided by ATC for this AIS and information gathered by the Department from agricultural landowner(s) to analyze the potential agricultural impacts of the Project in Racine County, WI. The analysis of the agricultural impacts and conclusions drawn from the analysis form the basis of the Department's recommendations within the AIS Recommendation Section above.

Agricultural operations and future productivity may be affected during construction of the Project. Impacts to agricultural lands may include but are not limited to:

- Interference with farm operation access in the ROW and adjacent areas
- Alteration of surface and subsurface drainage systems
- Impacts to grazing areas, row crops or existing fencing
- Use of prohibited substances on farms that follow organic or other sustainable management practices

Following construction, some impacts may affect agricultural operations for years. These long term impacts may include but are not limited to:

- Yield reduction due to erosion, topsoil mixing and/or compaction
- Ponding from altered surface and subsurface drainage profiles
- Inadequate restoration resulting in alteration to original land contours

ATC has indicated within their CPCN application and AIN, pending Project approval, they will coordinate and consult with each agricultural landowner to obtain detailed information about each agricultural operation including but not limited to: locations of farm animals and crops, current farm biological security practices, landowner concerns, and coordination of construction access routes. ATC will use agricultural landowner feedback to identify potential project impacts to each agricultural operation along the Project route and to the extent practicable, implement measures to mitigate impacts (DATCP, 2024). Subsequent discussion includes agricultural acquisitions, landowner concerns and recommended agricultural mitigation practices. A summary of landowner concerns submitted to the Department through a landowner pre-construction survey for the Project can be found in Appendix C: Agricultural Landowner Comments.

4.1. Landowner Rights

Wisconsin Statute § 182.017, also referred to as the "Landowner Bill of Rights", describes the rights of landowners and the requirements the utility must adhere to, when a transmission line will be constructed on private property. The transmission line applicant and contractor operating on the applicants behalf must comply with all aspects of this statute, which covers the range of topics described below:

- Compensation
- Infrastructure Repair
- Soil Conservation & Erosion
- Debris Removal
- Consent for Weed & Brush Control
- Landowner and Utility Liabilities
- Tree Harvesting and Tree Ownership
- Interference with television & radio reception
- Right-of-way Restriction

The applicant may request landowners to waive some rights during the negotiation process, but landowners are not required to do so. The Landowner Bill of Rights is still applicable to condemned land. The Department recommends that each affected landowner review the Landowners Bill of Rights (see Appendix D Section V) in its entirety prior to the start of easement negotiations.

4.2. Agricultural Land Acquisitions

In order to implement the proposed Project, ATC will affect approximately 128 - 143.5 acres (excluding the EITM zone) of agricultural lands depending on the selected route, access roads, and laydown yards. While there is existing easements along proportions of the proposed route, ATC has determined the existing easements are insufficient to accommodate the proposed Project for reasons outlined in Section 2.4 above. Therefore, ATC plans to use a combination of temporary and permanent easements to obtain the necessary rights to construct the Project across all agricultural lands, regardless of a lands' current easement status (ATC, 2024). As ATC's current easement on agricultural lands are insufficient, the Department analyzed Project impacts to agricultural lands, regardless of the lands' current easement status.

The Department attempted to contact 35 agricultural landowners as shown in Table 3. The following section relays the feedback and comments received from stakeholders and agricultural landowners through the Department's efforts. The information obtained helped form the basis of the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural landowners in general.

Agricultural tenant operators impacted by the Project may be eligible for a farm replacement payment from ATC in accordance with Wis. Stat. §32.19(4m)(b) if ATC exercises the powers of eminent domain through a jurisdictional offer to the agricultural property owner. A voluntary sale between ATC and an agricultural property owner, after a jurisdictional offer has been made, would not negate the potential for a farm replacement payment.

Table 2: Agricultural landowners, shown by Project route, the Department attempted to contact.

Agricultural Landowner	Impact (acres)
AARON HANSEN	0.1
ADAMS STREET DEVELOPMENT LLC	3.7
ALVIN R WILKS FAMILY TRUST U/A DTD 4/9/1999	20.5
BRUCE W & VICKI L FUNK TRUST DATED AUGUST 20, 2015	21.3
CAROLE DRINKWATER	0.0019
CHARLES A KUIPER AND SUSAN A KUIPER REVOCABLE TRUST DATED JUNE 30, 2017	24.5
CHERYL MOORE	0.1
COUNTY LINE KR INVESTORS, LLC	0.1
DARYL L POISL SR REVOCABLE LIVING TRUST DATED MARCH 31, 2021	22.1
DENNIS J LEE	7.7
GEHRAND LIVING TRUST DATED 5/30/97	2.1
HARMANN REVOCABLE TRUST DATED DECEMBER 21, 2020	4.8
JEAN R WILKS SURVIVOR'S TRUST DTD 4/9/1999	8.9
KELLEY L WILKS	12.1
KEVIN L WILKS	0.4
KEVIN L WILKS	3.2
KLAUS PROPERTIES LLC	0.7
LEE BROTHERS LLP	61.4
LORETTA M WILKS FAMILY HERITAGE TRUST DATED DECEMBER 29, 2015	9.9
LORETTA M WILKS IRREV INCOME TRUST DATED DECEMBER 19, 2015	10.6
LORETTA M WILKS IRREV INCOME TRUST DTD 12/29/2015	16.2
LYNN - ANDERSON	2.5
MICROSOFT CORPORATION	212.9
NEIL YOUNG	31.4
OBCO LLC	0.1
SARA A ROSENTHAL FAMILY TRUST 01/20/2003	0.000009
SCOTT & SANDRA CHRISTENSEN FAMILY TRUST 08/26/2021	0.00001
SCOTT A WAITE TRUST DTD 4/13/2023	0.2
SLAVKO M GRCIC & ROSEANN GRCIC IRREVOCABLE TRUST DATED JULY 20, 2016	0.1
UHLENHAKE REVOCABLE TRUST	11.2
VILLAGE OF MOUNT PLEASANT	23.8
VINCENT I RUFFOLO	0.1
WHITLEY FARMS INC (Union Grove)	6.0
WHITLEY FARMS INC (Sturtevant)	20.9
WI DEPT OF NATURAL RESOURCES	0.003

4.3. Summary of Landowner Concerns

In order to gather additional information about the project's impact to agricultural lands and farm operations, the Department mailed surveys to agricultural landowners in the Project ROW routes who had agricultural impacts of one or more acres. In total, the Department mailed 35 surveys. Agricultural landowners were given the opportunity to respond by mail or call the AIS program manager to give a verbal response. A total of 9 agricultural landowners responded, resulting in a response rate of 26%. A complete record of responses received for the Project can be found in Appendix C: Agricultural Landowner Comments.

The majority of the respondents reported their agricultural operations consisted of cropland (67%) followed by managed woodlands (56%), then homes and farm buildings (44%). Two respondents also indicated their agricultural operations possessed livestock and farm animals including cattle and horses.

When asked to select any of the concerns shown in

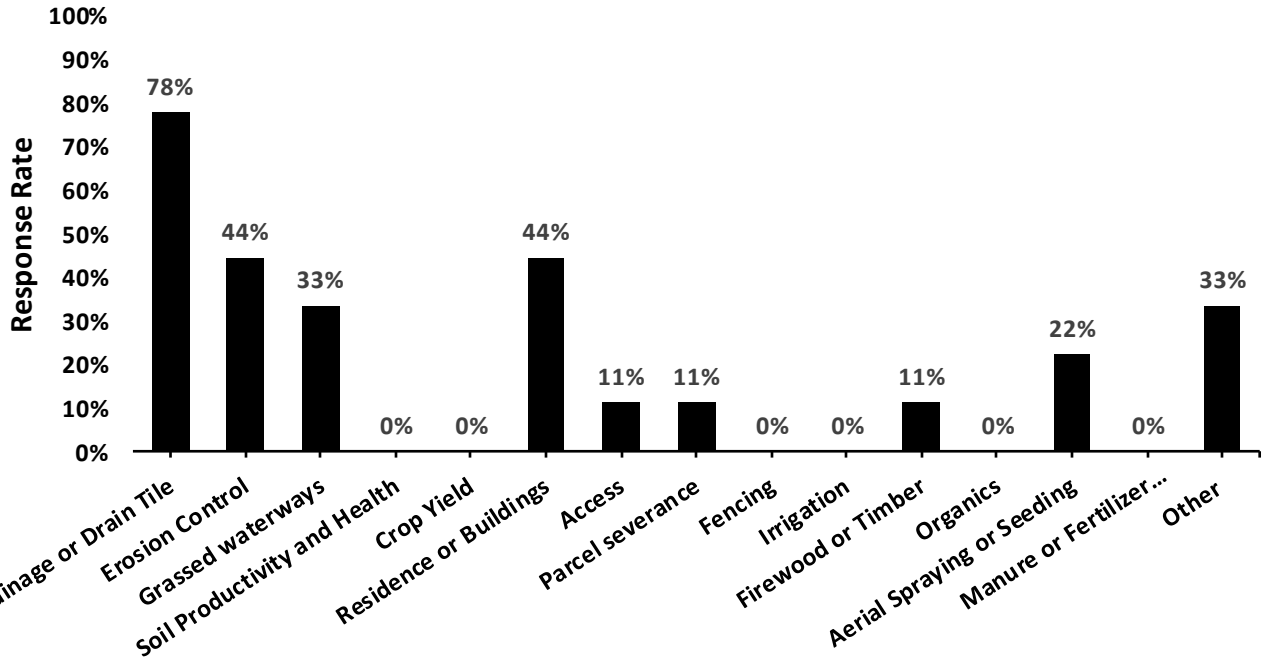

Figure 2

about the Project, the primary concern identified by respondents was drainage or drainage tiles (78%) (

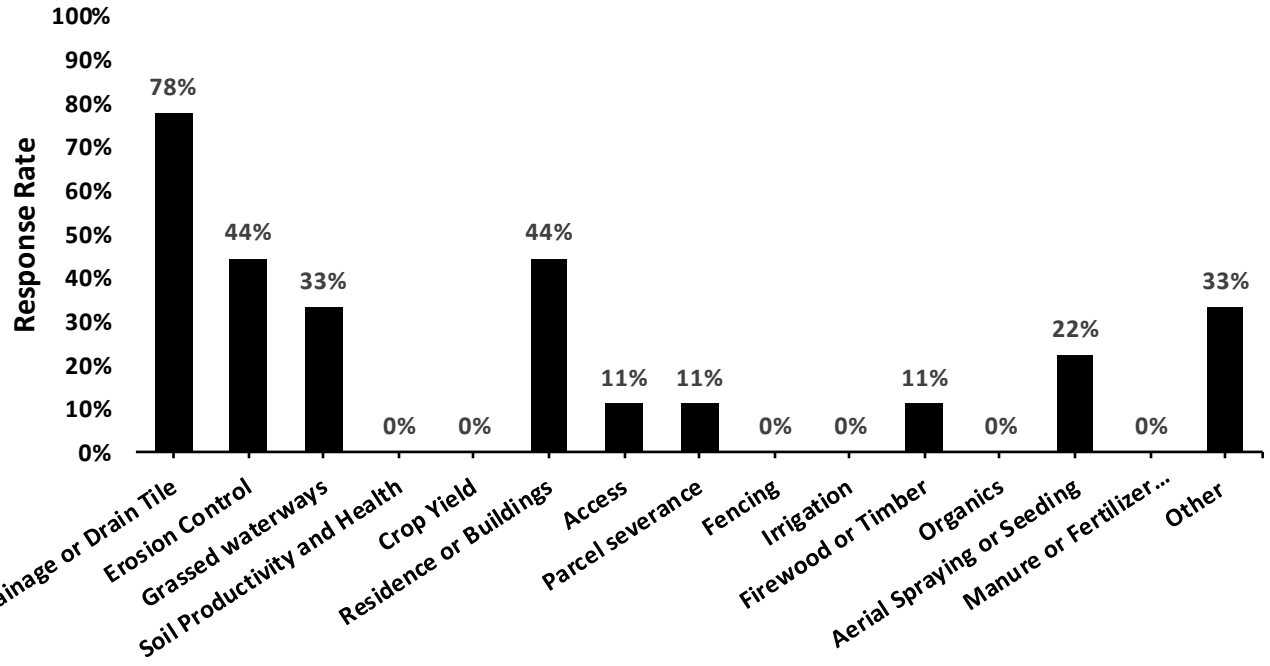

Figure 2). Respondents were also concerned about impacts related to access, impacts to residence, erosion control, which was specified by those who chose this category as maneuvering around transmission structures (

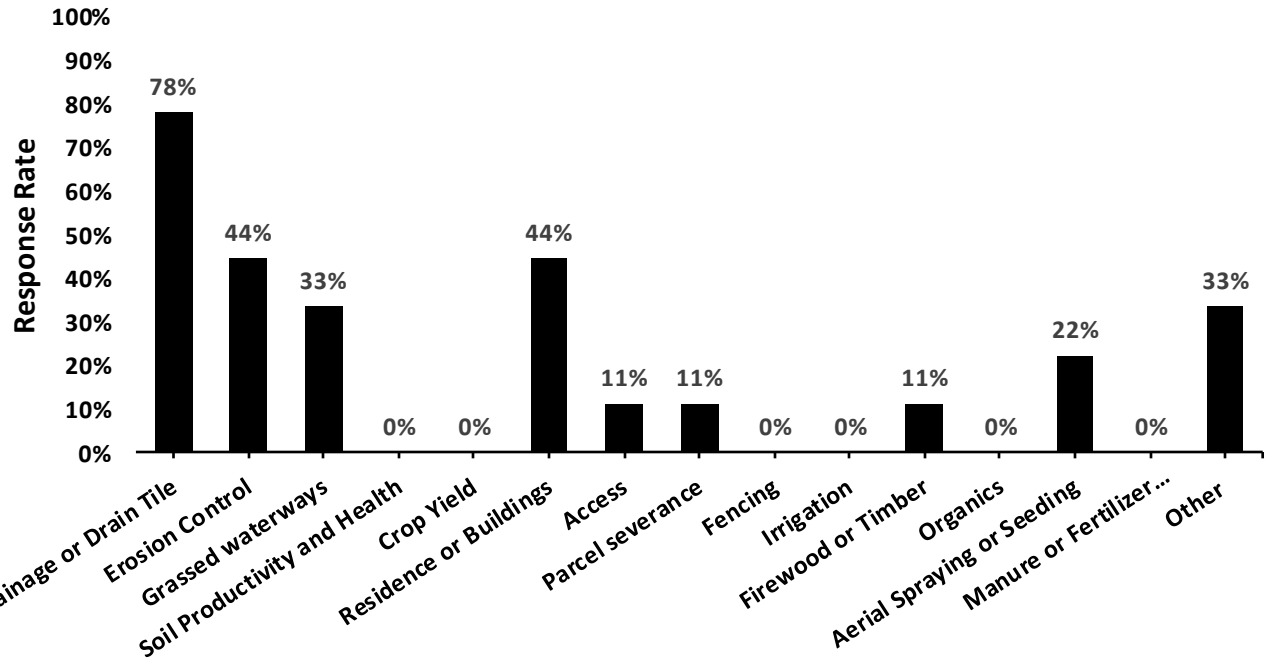

Figure 2). Other areas of concern reported by the respondents are shown in

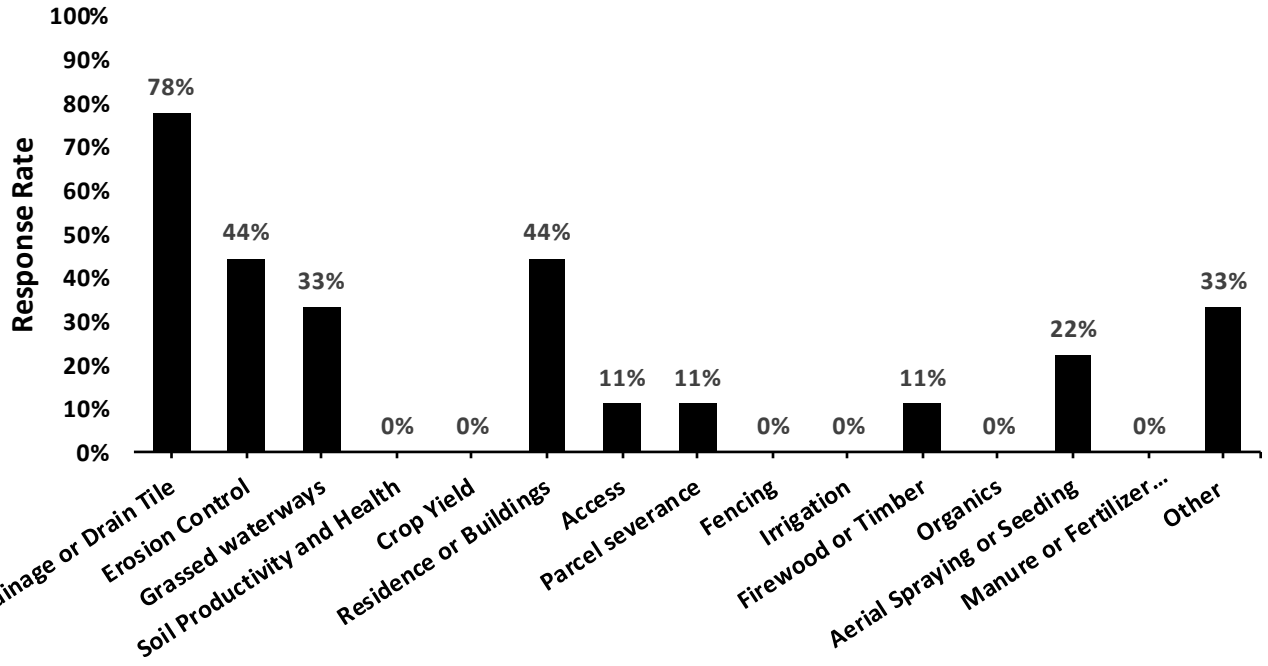

Figure 2.

Agricultural landowners were also asked to indicate if they participated in any conservation or agricultural programming including FP agreements, FP zoning, CREP, CRP and MFL. One respondent indicated they had acreage enrolled in CREP, while two indicated that they were enrolled in CRP. Respondents did not report participation in any other conservation or agricultural program identified by the Department.

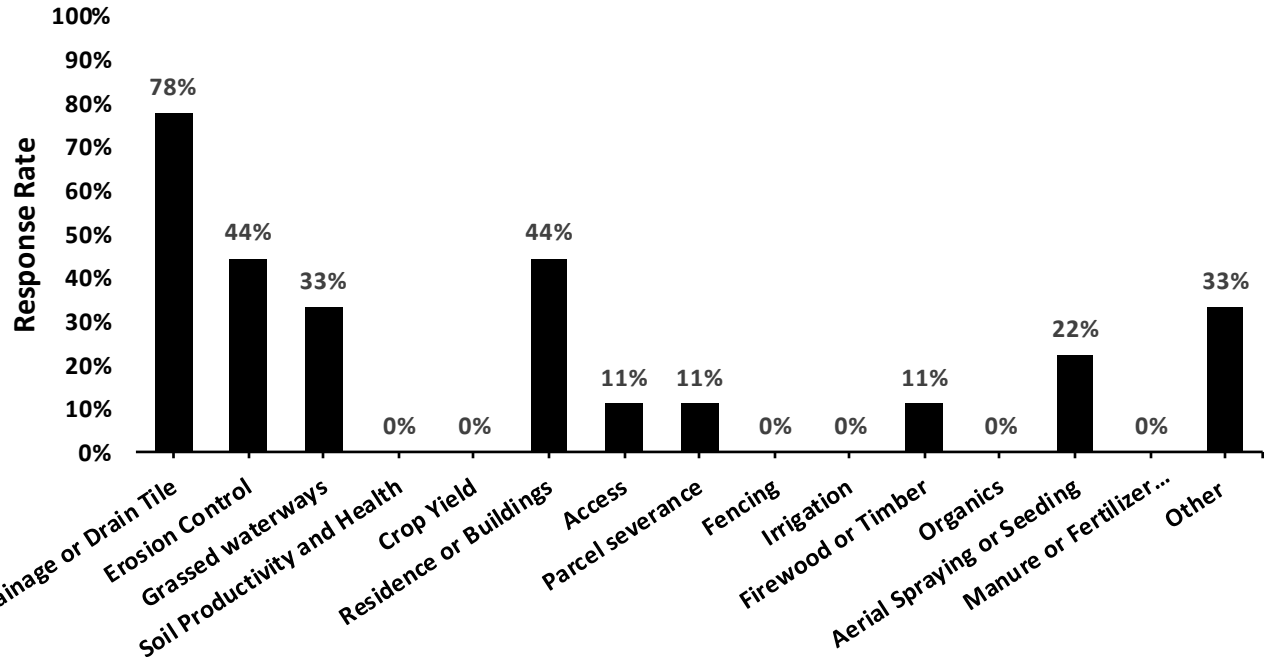

Figure 2: Landowner concerns resulting from the proposed Project.

4.3.1. Landowner Concern Conclusions

After review and analysis of the agricultural landowner responses obtained from the Project surveys, the Department has identified the following priority areas of agricultural landowner concerns: drainage or drainage tiles, access, and maneuvering around transmission structures. Farmland drainage systems are an important tool for managing water levels especially on hydric soils and for increasing crop yield.

A majority of all respondents indicated concerns related to drainage or drainage tiles. For example, eight of the landowners expressed concern over impacts to drainage tiles, while two landowners indicated there were large drain tile segments along the proposed route. To mitigate impacts to drainage systems, agricultural landowners should provide ATC with locations of drainage structures; in-turn, ATC should provide additional considerations to preserve these structures, which are directly linked to the productivity of the impacted agricultural land.

4.4. Severance, Access and Wasteland

The temporary and permanent easements of agricultural property required to implement any of the proposed Project alternative routes could result in agricultural parcel severance, removal of existing field access points and potentially the creation of wastelands and uneconomic remnant parcels. The circumstances (i.e. loss of access, severance, wasteland etc.) surrounding the impacts

to each impacted remnant agricultural parcel are unique, thus some agricultural parcels may remain economically viable, while others may not. The following analysis will document the potential for severance, loss of access and potential creation of wastelands and uneconomic remnant parcels for the agricultural parcels impacted by the proposed alternatives for the proposed Project in Racine County, WI.

4.4.1. Severance

As proposed, the preferred and alternate routes will temporarily and/or permanently sever agricultural parcels to accommodate the construction of the transmission line. Severance may be a physical barrier such as a temporary access road or a non-physical barrier such as permanent land use restrictions. Imposing land use restrictions as part of a transmission line easement ROW may still allow an agricultural landowner to access lands. However, barring the growth of trees or other woody plants as part of an easement may prevent the continuation of an existing agricultural land use, such as managed forestlands. Regardless of the means, severing an agricultural parcel effectively splits the existing parcel into two or more smaller parcels. Severing an agricultural parcel may also remove existing access points, create agricultural wastelands or uneconomic remnant parcels, and even divide the operation of a farm. Under Wisconsin's Eminent Domain Statute, compensation for damages resulting from severance is described in Wis. Stat. § 32.09(6).

Both the proposed preferred and alternative Project routes hold the potential to temporarily sever agricultural parcels during construction. All proposed transmission line routes will cross agricultural parcels, however ATC reported contiguous farming beneath the transmission will still be possible subject to the limitations of ROW easements. In its AIN, ATC reported the preferred route generally follows parcel edges and is not projected to bisect farms. The alternate route however will require crossing agricultural properties at an angle or mid-parcel indicating in-field siting of structures will be required at some locations to mitigate or avoid impacts to sensitive natural resources. To mitigate impacts to agriculture in the engineering and design phases ATC will attempt to site structures near edge of parcels (DATCP, 2024). In the CPCN application (PSC REF#: 508494), ATC reported that 21 transmission structures are proposed to be installed in agricultural fields along the preferred route while 27 structures are proposed within agricultural fields along the alternate route an additional 41 structures are proposed in agricultural fields along common route.

Landowners are encouraged to review *Mitigation of Construction Impacts- Agricultural Lands* within Section 7.4.4 of the project CPCN application (PSC REF#: 508494) for specific details regarding mitigating or minimizing construction impacts in and around agricultural lands prior to easement negotiation and construction.

4.4.2. Access

As proposed, the Project has the potential to temporarily limit agricultural field access and limit access to agricultural operations during construction. When agricultural lands and operations lose access, even temporarily, agricultural productivity may be impacted if crops, livestock or other

agricultural products cannot be tended too. Lost access may also directly result in lost income if a field cannot be planted or harvested, or if an agricultural operation as a whole is hindered.

Site-specific access limitations will be specific to temporary and permanent easements utilized for laydown yards, staging areas, off-ROW access roads and the transmission line ROW. Construction mitigation efforts for each farm will vary according to land use activities of the farm operator, type of farm operation, soil conditions, extent of construction activities on the parcel or farm operation, and feasibility to avoid areas of concern. Landowners and farm operators with concerns related to access on their farm operation should discuss them with ATC during easement negotiations and in subsequent communications.

4.4.3. Wasteland

Acquisitions and easements that impact farmland frequently create small remnant fields that may be difficult to access, are irregularly shaped, or are no longer able to produce the pre-existing agricultural crop (e.g timber). These small irregularly shaped remnant fields may also contain numerous obstacles, such as transmission line poles, that can make it difficult for agricultural equipment to navigate and reduce the amount of tillable acres. This in turn reduces agricultural productivity, decreases the economic viability of the land and increases the likelihood of creating undeveloped land (Wis. Stat. § 70.32(2)(a)(5)) or what is commonly referred to as wasteland as shown in Figure 4. Compensation for the reduction in the value of parcels that are small and/or irregularly shaped and the potential creation of uneconomic remnant parcels according to Wis. Stat. 32.06(3m) should be addressed in the appraisal of each affected parcel.

4.4.3.1. Wasteland

By the nature of transmission line projects, both the preferred and alternative routes proposed by ATC for the Project have the potential to permanently create small amounts of agricultural wastelands in the immediate area surrounding each transmission line structure (Figure 3). To mitigate the impacts of wasteland creation, the Department recommends that design practices be applied that prioritize edge of field siting for transmission structures in agricultural areas to minimize farmland conversion.

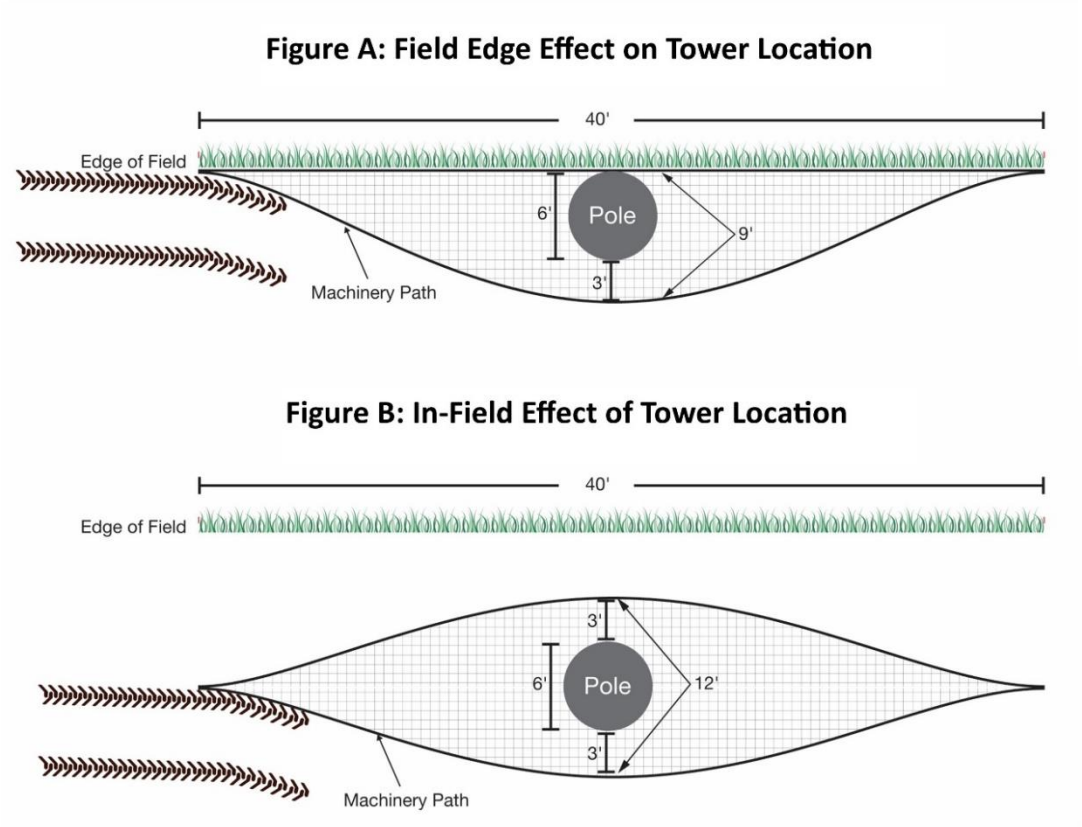

Figure 3: Examples of agricultural wastelands created by altering the pathway of agricultural machinery to navigate around transmission line towers along a field edge (Figure A) and within a field (Figure B).

4.4.3.2. Uneconomic Remnant Fields

Uneconomic remnant is defined in Wis. Stat. § 32.06(3m)(a) to mean "the property remaining after a partial taking of property, if the property remaining is of such size, shape, or condition as to be of little value or of substantially impaired economic viability. Under this provision, if the acquisition of only part of a property for the benefit of the project would leave the landowner with an uneconomic remnant, a condemnor shall offer to acquire the remnant concurrently.

Landowners or operators who are concerned about the creation of a physical or financial remnant that is negligible in value as a result of acquisition of any permanent easement affecting their farm operation should share information regarding impaired use or lost income or value in consultations or easement negotiations with ATC.

4.5. Prime Farmland and Soils

In spatial data provided in the AIN, ATC reported the Project will impact between 128 to 143.5 acres (including the common route for both alternatives) of agricultural lands, including cropland, idle or fallow fields and other agricultural land, and agricultural soils depending on the selected route (excluding land located within the EITM Zone). This soils analysis does not include lands required for temporary staging areas or laydown yards outside of the Project ROW. In the CPCN,

ATC identified 8 laydown yards and that temporary workspace consisting of a matted work pad outside the ROW will be required along either route, which are further discussed in Section 2.3.5, *Laydown Yards*. Temporary work pads for the project are planned entirely within agricultural areas (PSC REF#: 508494) and may impact additional agricultural soils.

Impacts to prime farmland and soils measured in this analysis reflect the Project's cumulative impact and does not necessarily differentiate between permanent or temporary impacts to an agricultural operation. The soils impacted by the proposed Project were cataloged and analyzed by farmland classification, for each route alternative, using the USDA-Natural Resources Conservation Service prime farmland soils GIS layer. Farmland soil classifications impacted by the Project include prime farmland, prime farmland if drained, farmland of statewide importance or farmland of local importance (Table 3). Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2017) and is based on the ability of the land and soil to produce crops. Definitions of prime farmland, prime farmland if drained and farmlands of statewide/local importance are provided under Table 3. The soil texture of agricultural soils impacted by the Project was analyzed, in general terms, across the project ROW.

If selected, the preferred route ROW will impact up to 143.5 acres of agricultural soils. Option A and B of the preferred route have comparable soils impacts. Across impacted parcels in the preferred route with Option A, 99.9% hold some level of Federal or State priority designation, with .1% classed as not prime farmland. Across impacted parcels in the preferred route with Option B, 100% hold some level of Federal or State priority designation. An estimated 77.52 acres of agricultural lands within the preferred route ROW are known to be hydric or contain hydric inclusions. See Section 4.6 *Drainage and Soil Health Impacts* for additional discussion of hydric soils.

If selected, the alternate route will impact up to 128.11 acres of agricultural soils. Across impacted parcels in the alternate route, 97.4% hold some level of Federal or State priority designation, while 2.6% are classed as not prime farmland. An estimated 48.8 acres of agricultural lands within the South Route ROW are known to be hydric or contain hydric inclusions.

Across the impacted agricultural parcels in both routes, the soils primarily consist of silt loam and silty clay loam textured soils of various soil series. Silt loam soils are medium-textured soils (Cornell, 2017) with good soil structure, possess an ideal ability to hold onto water without becoming excessively wet and are usually well suited for crop production (UW-Extension, 2005). Silty clay loam soils are fine-textured soils (Cornell, 2017) that have a similar water holding capacity to silt loam textured soils, but have a smaller pore structure making less water available to crops (UW-Extension, 2005).

This soils analysis shows that both the preferred and alternative routes will impact or remove prime farmland and high quality soils. Comparatively, potential impacts to prime farmland posed by the preferred route, option A comprise 40.7% of total impacted agricultural soils while potential

impacts to prime farmland posed by the preferred route, option B comprise 40.9% of total impacted agricultural soils. Potential impacts to prime farmland posed by the alternate route comprise 48.3% of total impacted agricultural soils.

Table 3: Agricultural soils, shown by Project route and farmland classification, impacted by the proposed Project in Racine County, WI.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained◊ (acre)	Farmland of Statewide Importance₮ (acre)	Not Prime Farmland¢ (acre)	Total (acre)
Preferred Route, Option A					
Silt Loam	10.5	0.0	0.6	0.0	11.1
Water	0.0	0.0	0.0	0.1	0.1
				Preferred Route, Option A Total	11.2
Preferred Route, Option B					
Silt Loam	11.5	0.0	1.4	0.0	12.8
				Preferred Route, Option B Total	12.8
Preferred Route					
Muck	0.0	0.0	4.4	0.0	4.4
Silt Loam	46.8	0.0	5.1	0.0	51.9
Silty Clay Loam	0.0	73.1	0.0	0.0	73.1
				Preferred Route Total	129.5
				Preferred Total with Option A	140.7
				Preferred Total with Option B	142.3
Alternate Route					
Muck	0.0	0.0	3.6	0.0	3.62
Silt Loam	61.2	0.0	13.5	2.1	76.7
Silty Clay Loam	0.0	45.2	0.0	0.0	45.2
Unclassified	0.0	0.0	0.0	1.2	1.2
				Alternate Route	126.7
Common Route (Excluding EITM Zone)					
Silt Loam	0.9	0.0	0.0	0.0	0.9
Silty Clay Loam	0.0	0.3	0.0	0.0	0.3
				Common Route	1.2

*__Prime farmland__ is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and may be utilized for cropland, pastureland, rangeland, forest land, or other lands excluding urban built-up land or water. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management.

◊__Prime farmland if drained__, indicates that if farmland is drained it would meet prime farmland criteria.

₮__Farmlands of statewide importance__ are set by state agency(s). Generally, these farmlands are nearly prime farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields high as prime farmlands under proper conditions.

¢__Not Prime farmland__, indicates farmland is neither prime farmland nor of designated importance.

4.6. Drainage and Soil Health

Maintaining proper field drainage and preserving soil health is vital to the success of an agricultural operation. If drainage is impaired, water can settle in fields and cause substantial damage, such as reducing soil health, harming or killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. Soil structure, texture, organic matter and microorganisms are all important factors that influence soil health (Wolkowski and Lowery, 2008).

4.6.1. Drainage and Soil Health Impacts

Project construction activities have the potential to disrupt and/or mix soil profiles within the Project ROW as well as the surrounding area. Construction activities may affect the existing surface and subsurface (i.e. drain tile) drainage patterns of agricultural fields if drainage tile lines are broken or if the topography of grassed waterways, known water flowlines or erosion control structures are altered. Agricultural landowner feedback gathered by the Department indicates that at least several impacted agricultural parcels contain drainage tile that could be affected by the Project (Appendix C: Agricultural Landowner Comments). The agricultural soils impacted by the proposed Project ROW are also widely known to be hydric or contain hydric inclusions. As much as 54% of the preferred route ROW agricultural soils and as much as 38% of the alternate route ROW agricultural soils are known to be hydric or contain hydric inclusions. Hydric soils are commonly saturated, flooded or ponded for an extended period during the growing season, causing anaerobic conditions within the upper soil layer and may be associated with wetlands. It is common practice for agricultural operations to install drainage systems to mitigate the impacts of hydric soils, drainage systems are most common in eastern and southern areas of the state where soils and topography preclude adequate drainage (Olson, 2020).

Prior to the start of construction, landowners should identify for ATC where construction activities may interfere with farm operations, farm building/facilities or farming infrastructure including but not limited to drain tiles, wells, watering systems, drainage ditches, drainage tile, culverts, amongst others. ATC has incorporated a Best Management Practice for identifying and repairing drain tile in Section 7.4.4 of its CPCN Application (REF#: 508494).

The movement of heavy equipment through the Project ROW may also compact soil and impede drainage. UW-Extension report A3367 states that heavy equipment with axle loads that exceed 10 tons increase the risk of soil compaction into subsoil layers that cannot be removed by conventional tillage (Wolkowski and Lowery, 2008). In addition, research has also shown that construction activities can negatively impact soil properties, soil health and crop yields for up to a decade within the ROW depending on the type and severity of construction impacts (e.g equipment axle weight, use of excavation, intermixing of soil layer etc.) (Culley and DOW 1988; Shi et al., 2014).

ATC has discussed construction impacts related to soils and their applicable management practices in Section 5.5 of its CPCN Application (REF#: 508494) including practices like sediment and erosion control, use of composite, topsoil segregation, clean up and restoration. Specific practices to minimize or mitigate construction impacts in and around agricultural lands are discussed in Section 7.4.4 of the CPCN Application (REF#: 508494). The Department recommends ATC take several mitigation efforts related to topsoil mixing, soil compaction, drainage, de-watering, and erosion control as seen in Section 5.5 "Recommended Mitigation Efforts" to mitigate impacts to drainage and soil health on agricultural lands and preserve prime farmland & soils.

5. AGRICULTURAL IMPACT MITIGATION

ATC has indicated within their CPCN application and AIN, pending Project approval, they will coordinate and consult with each agricultural landowner to obtain detailed information about each agricultural operation including but not limited to: locations of farm infrastructure, animals and crops, current farm biological security practices, locations of drainage tiles, use of off-ROW access roads, landowner concerns and coordination of construction access routes. ATC will use agricultural landowner feedback to identify potential project impacts to each agricultural operation along the Project route and to the extent practicable, implement measures to mitigate impacts (DATCP, 2024; ATC, 2024).

The Department recommends that landowners whom are concerned about potential impacts to their agricultural land should keep records of the conditions of the ROW before, during, and after construction. Records could include keeping crop yield records, beginning once the ROW is known, and photographs taken every season. These measures can help a landowner negotiate for compensation, should damages caused by Project occur.

5.1. Independent Environmental Monitor (IEM)

For large-scale utility projects, the requirement for project initiators (i.e. utilities) to hire an IEM has become a standard part of a PSC approval order. When hired, an IEM works on behalf of the PSC, WisDNR, the Department or other state regulatory agency as opposed to the utility. IEMs monitor project construction activities and report on a wide range of environmental issues such as construction impacts to wetlands, waterways, protected species, archaeological sites, state and federal properties, and erosion control. The IEM is also responsible for reporting incidents and has the power to stop project work if construction activities would violate permits, approvals, PSC order conditions, or agreement with a state regulatory agency.

Should the PSC decide to require an IEM for the Project, the IEM should be hired in consultation with the approval of the PSC, DATCP, and WisDNR and all reports generated by the IEM should be shared with the PSC, DATCP, and WisDNR.

5.2. Independent Agricultural Monitor (IAM)

When a project affects a significant amount of agricultural land an IAM may also need to be hired. IAMs monitor project construction activities and report on a wide range of agricultural issues including but not limited to construction impacts to soil health, soil erosion, crop damage, agricultural operations, irrigation and impacts to surface and subsurface drainage. Similar to and IEM, an IAM works on behalf of the PSC, WisDNR, the Department or other state regulatory agency as opposed to the utility. IAMs should also verify the project initiator is complying with any agricultural best management practices and agricultural conditions in the PSC order and any environmental relevant construction documents approved by the PSC. While the duties of an IAM and IEM may sound similar, the IAM specializes in agricultural impacts and the IAM does not hold the power to stop the project.

Agricultural impacts from the Project may include but are not limited to crop damage, loss of access, soil compaction, mixing of topsoil, soil erosion, impacts to surface and subsurface drainage, impacts to irrigation systems and stray voltage. For assistance mitigating these potential agricultural impacts and working with agricultural landowners during the negotiations, construction and restoration phases of the Project, ATC plans to hire an experienced Agricultural Specialist.

Given the Project 1) proposes a length ranging from 9.6 - 9.7 miles total with the common route within the EITM zone, 2) ATC has hired an experienced Agricultural Specialist, according to their CPCN application, to work with farmers through negotiations, construction and restoration, the Department believes the potential magnitude of environmental impacts do not constitute the need for an IAM. The Agricultural Specialist hired by ATC will have the ability to assist impacted agricultural landowners and help mitigate the potential agricultural impacts from the Project.

5.3. Agricultural Mitigation Plan

According to the AIN submitted to the Department (DATCP, 2024) and the CPCN application submitted to the PSC REF#: 414784 (ATC, 2024), ATC will not have an agricultural mitigation plan. In place of an agricultural mitigation plan, ATC described their standard practices to mitigate Project impacts to agricultural operations.

ATC plans to minimize Project impacts to agricultural lands through careful consideration of agricultural impacts during the routing & siting process and by implementing construction practices aimed at preserving top soil, reduce soil mixing, preventing erosion, and minimizing soil compaction (DATCP, 2024; ATC, 2024). Such stated construction practices include:

- Siting construction access routes to mitigate agricultural impacts.
- Placement of timber matting for vehicle/equipment access and work pads to distribute equipment loads over a larger surface area and minimize compaction of soils.

- Coordinating with landowners during the design process to avoid, to the extent practicable, the siting of a transmission line tower or project structure on or near drain tiles.
- Restoring agricultural lands to pre-existing conditions through soil de-compaction, repair of drain tile if necessary, and appropriate compensation for any loss in productivity.
- Hiring an Agricultural Specialist to work with agricultural landowners through the different project phases: negotiations, construction and restoration.

Prior to construction, ATC also proposes to consult with each agricultural landowner to understand their farm specific agricultural operation, including but not limited to: locations of farm infrastructure, animals and crops, locations of drainage tiles, use of off-ROW access roads, landowner concerns and coordination of construction access routes. ATC plans to incorporate agricultural landowner feedback to identify potential project impacts to each agricultural operation along the Project route and to the extent practicable, implement measures to mitigate the impacts. ATC has stated that they will hire an Agricultural Specialist that will work with agricultural landowners to address unique concerns (DATCP, 2024; ATC, 2024).

To ensure agricultural landowners along the route the PSC selects are aware of their ability to request pre- and post- NEV testing, at no cost, the Department recommends that ATC inform each landowner with livestock facilities within ½-mile of the selected Project ROW of their ability to request Phase II Stray Voltage Testing from their local utility.

5.4. Cleanup and Restoration

In accordance with Wis. Stat. § 182.017(7)(c), following the completion of construction activities, ATC will restore the area to preconstruction conditions. In general, cleanup and restoration activities include the removal of construction mats, temporary clear span bridges, and any other material or debris (including stones and rocks) from the ROW. Stockpiled topsoils and subsoils removed during construction are returned, in the proper order, and graded to match the existing topography and slopes. All ruts and depressions are restored and new topsoil may be brought in where topsoil has been lost or seriously mixed with subsoils. Agricultural soils are also monitored for compaction and when required undergo decompaction efforts to return the soil structure to its original condition. In areas where crops are not present--such as roadsides, pastures, old fields or upland woods--native seed mixes (or other appropriate seed mixes approved by the landowner) may be sown.

Under Wis. Stat. § 182.017(7)(c), if drainage tiles, fencing or other agricultural features are damaged during construction, ATC is responsible to repair and/or replace the damaged feature. ATC is also responsible to pay for any crop damages caused by construction or maintenance of the transmission line. Within the AIN to the Department (DATCP, 2024), ATC stated they will work with agricultural landowners to compensate them for crop damages, compaction, and potential future

crop loss as a result of the Project in the following manner. Yield losses would be identified and agreed to in a Damage Report supplied by the landowner once construction commences. ATC would use the USDA Custom Rate Guide as the reference to set crop damage payments, while the National Agricultural Statistics Service website, which gives average yield by crop by county, would be referenced to confirm crop yields. Compensation for soil compaction claims will depend on if the agricultural operator de-compacts the soil or if an ATC contractor conducts soil de-compaction. Should guidance be required to settle an agricultural damage claim, ATC plans to utilize the subcontracted Agricultural Specialist during the claim process (DATCP, 2024).

The Department recommends that ATC continue to monitor the ROW for soil erosion and maintain erosion control practices until there is sufficient vegetative growth in the ROW to mitigate soil erosion. Only after restoration activities are complete and vegetation has re-established within the ROW, should temporary restoration erosion control devices, not designed to be left in place, be removed. Landowners should contact the Agricultural Specialist for concerns related to erosion on agricultural lands resulting from Project construction activities.

5.5. Recommended Mitigation Efforts

5.5.1. Topsoil Mixing

Agricultural topsoil is an invaluable resource that should be preserved. Excavation activities required to create the structural foundations for electric transmission line poles have the potential to mix highly productive topsoil with underlying less productive and potentially rocky subsoils. Deep rutting also has the potential to intermix topsoil. If intermixing of topsoil occurs, the resulting soils are generally known to be less productive and in-turn reduce the agricultural productivity of the impacted area. When excavation is needed, ATC is required by Wis. Stat. § 182.017(7)(c) to segregate and stockpile topsoil from subsoil.

The Department recommends that ATC take the following steps to prevent the mixing of topsoil with subsoil layers within the Project ROW:

1) Do not spread mixed soils or segregated subsoils over cropland, pastures or other agricultural fields.
2) Prevent and monitor for erosion to keep topsoil segregated and within the ROW.
3) Avoid working in areas with recently saturated soils.
4) If rutting occurs, allow sufficient time for the soil to dry before repairing the ruts.
5) If topsoil mixing occurs, remove the intermixed soil and replace with new topsoil.

5.5.2. Soil Compaction

Equipment used to construct electric transmission lines has the potential to compact soil and reduce soil productivity on the farmland traversed during construction. Soil compaction is widely

known to have a range a potential negative impacts to the productivity of soil, including reduced crop productivity, reduced crop uptake of water and nutrients, restriction of plant rooting depth, decreased water infiltration and increased surface runoff.

Several factors influence whether soil becomes compacted. An important influence is soil moisture: the wetter the soil, the more likely it is to be compacted from traffic. The potential for compaction also depends on the soil texture. Coarser textured soils, like sand or sandy loam, are less likely to become compacted than are clay or silty clay loams. Finally, the axle weight of the construction equipment affects compaction. UW-Extension report A3367 states that heavy equipment with axle loads that exceed 10 tons increase the risk of soil compaction into subsoil layers that cannot be removed by conventional tillage (Wolkowski and Lowery, 2008). The expected compaction depth increases as the axle load and soil moisture content increases.

The Department recommends taking the following steps to prevent soil compaction and rutting wherever possible. Measures to prevent soil compaction within the Project ROW include:

1) Using low-ground pressure and/or wide tracked equipment to reduce axel weight applied to soils.

2) Using construction matting in wet areas, areas prone to rutting, or wetlands to spread out ground pressure.

3) When possible, conducting construction work during winter months when the ground is frozen.

4) Avoiding work in areas with recently saturated soils.

5) If rutting occurs, allowing sufficient time for the soil to dry before repairing the ruts.

After construction is complete, the ROW will be compacted to some degree. The Department recommends measuring for soil compaction post-construction within the Project ROW and outside of the Project ROW with a penetrometer throughout the soil horizon and comparing the measurements. If soil measurements within the Project ROW are comparatively higher, this is an indication that compaction has occurred. In areas where soil compaction occurred, the Department recommends ATC take steps to de-compact the soils by conducting a sufficient amount of deep tillage (V-ripper, chisel plow, para plow or other depth appropriate tillage implement) within the ROW to help restore the soil structure to pre-construction productivity. Following de-compaction, the soil should be measured again for signs of compaction to ensure proper de-compaction has occurred throughout the topsoil and subsoil profile. The Department also recommends ATC monitor soil moisture conditions post-construction throughout the Project ROW for signs of standing water. Areas with standing water may also have experienced soil compaction and should be measure for compaction.

5.5.3. Drainage

Proper field drainage is vital to a successful farm operation. Construction of an electric transmission line can disrupt improvements such as drainage tiles, grassed waterways, and drainage ditches, which regulate the flow of water on farm fields. If drainage is impaired, water can settle in fields and cause substantial damage, such as killing crops and other vegetation, concentrating mineral salts, flooding farm buildings, or causing hoof rot and other diseases that affect livestock. Construction-caused soil compaction or damaged drain tiles can lead to ponded water where none existed prior to construction. If drain tiles are damaged, ATC is required by Wis. Stat. § 182.017(7)(c) to repair or replace the damage drain tile.

To help mitigate the potential for drainage impacts, the Department recommends the following:

1) Agricultural landowners should inform ATC about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.

2) Agricultural landowners should document field moisture conditions and the historic presence/absence of ponded water prior to the start of construction for post-construction comparisons.

3) ATC should consider using the techniques outlined in Section 5.5.2 "Soil Compaction" when crossing a known drain tile.

4) Where construction activities have created new wet areas, ATC should work with the landowner to determine the best means to return the agricultural land to pre-construction function.

5.5.4. De-watering

During excavation/auguring of the structure foundation for a transmission line pole, dewatering may be necessary. Improper dewatering can result in soil erosion, sedimentation and deposition of gravel, sand, or silt onto adjacent agricultural lands, and the inundation of crops. The discharge of these construction waters must be in compliance with current drainage laws, local ordinances, WisDNR permit conditions, and the provisions of the Clean Water Act. ATC is required by Wis. Stat. § 182.017(7)(c) to compensate the landowner for any damage to agricultural fields caused by construction de-watering activities

The Department recommends the following to mitigate the impacts of construction water discharge on agricultural lands:

1) ATC should identify prior to construction 1) excavation sites with low areas and/or hydric soils where de-watering is likely and 2) suitable upland areas for discharge.

2) Discharge locations should be well-vegetated areas with topography that will prevent the water from returning to the ROW, resist soil erosion, and allow for infiltration and settling of gravel and other unwanted sediments prior to entering a field, pasture, or waterbody.

3) Cropland, pasturelands and other agricultural areas selected for discharge should not be inundated for more than 24 hours, as longer durations could result in crop damage.

4) ATC should not directly discharge or allow construction waters from non-organic farms to enter an organic farming operation.

5.5.5. Irrigation

Electric transmission line construction activities and the placement of transmission line poles can interfere with the operation of linear or center pivot irrigation systems used to irrigate crops. Soil compaction from construction equipment may also impact or damage underground piping that supplies irrigation systems. Any interruption to irrigation systems cause by the Project can deprive crops from needed water and nutrients resulting in decrease crop yields.

The Department recommends the following to mitigate the impacts to irrigation systems:

1) Prior to construction, agricultural operations that use irrigation within or adjacent to the Project ROW should inform ATC of their irrigation system, how the Project may impact the system, irrigation schedules frequency of irrigation and weather conditions that may change the irrigation schedule.

2) ATC should consider using the techniques outlined in Section 5.5.2 "Soil Compaction" when crossing a known irrigation pipeline.

3) If the Project plans to disrupt an irrigation system, ATC should notify the landowner beforehand and establish a mutually acceptable amount of time that the system will be taken out-of-service.

4) If any part of an irrigation system is damage as a result of construction activities, ATC should pay for and repaired reported damages as soon as possible.

5) If an irrigation system needs to be reconfigured as a result of the Project, ATC should work with the irrigation operators to reconfigure the irrigation equipment where necessary and to compensate them for any portion of cropland where the irrigation system no longer operates.

5.5.6. Erosion and Conservation Practices

Electric transmission line construction activities and the placement of transmission line poles can destabilize existing erosion control practices such as diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc. The destabilization of these erosion control practices have the potential to cause soil erosion within the

ROW, but also from upland fields. During wet conditions the risk of soil erosion is increased, as exposed soils, especially areas with increased slope, may more easily erode and move downslope. Wind erosion may also be of concern if existing windbreaks are removed from the ROW, especially when soils are dry. If left unchecked, significant erosion can have an adverse effect on the long-term productivity of agricultural lands. ATC is required by Wis. Stat. § 182.017(7)(c) to restore existing erosion control practices such as diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc. that are damaged by construction activities to pre-construction condition and function.

The Department recommends the following to mitigate soil erosion within the Project ROW:

1) Once construction is complete, pending soil decompaction, impacted agricultural lands within the ROW should be returned to cropland or seeded with the appropriate seed mix.

2) ATC should inspect all temporary erosion controls structures on a daily basis throughout construction and restoration phases and undertake erosion control structure maintenance as required to prevent soil erosion within the ROW.

3) ATC should avoid impacting any existing permanent erosion control structure (e.g diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc.) that's intended to prevent soil erosion from an upland agricultural area.

4) Should ATC disrupt an existing permanent erosion control structure, a temporary structure should be installed until the permanent erosion control is restored.

5.5.7. Fencing

The construction process may require fences that cross the Project ROW to be severed. According to Wis. Stat. § 182.017(7)(c), if ATC is required to cut or sever a fence they are required to install a temporary gate and repair all damages to fencing. Changes to existing fence lines can interfere with grazing activities, particularly for rotational grazing operations that depend on precise, scheduled grazing in particular areas. To mitigate the impacts to fencing, the Department recommends the following:

1) Prior to construction, ATC should consult with agricultural landowners with grazing operations in and adjacent to the Project ROW and modify construction activities and timing to mitigate impacts to livestock.

2) ATC and agricultural landowners should agree on the appropriate measures to prevent livestock from entering the Project ROW.

3) ATC should develop a plan for livestock to access pastures adjacent to the Project ROW or otherwise compensate the landowner for the costs related to restricted grazing.

5.5.8. Weed Control

The Project may introduce noxious weeds or other invasive plants species into the Project ROW that compete with agricultural crops. Noxious weeds may also spread from parcel to parcel by construction equipment and project activities. Once weeds establish, they can interfere with agricultural harvesting equipment, attract unwanted insects, and require physical removal or chemical applications to remove.

Post construction and restoration, agricultural operations may resume normal agricultural cropping activities within the ROW so long as the crop or agricultural equipment do not interfere with transmission line facilities. After construction and during the operation of the line, ATC is required by Wis. Stat. § 182.017(7)(d) to control weeds and brush around the transmission line facilities. However, ATC shall not use herbicide for weed and brush control without the express written consent of the landowner (Wis. Stat. § 182.017(7)(d)).

The Department recommends the following to control for and manage the spread of noxious weeds within the project ROW:

1) Agricultural landowners should state in writing whether they do or do not give ATC their consent for herbicide to be applied within the ROW they own.

2) ATC should clean construction equipment and materials prior to entering an area of certification.

3) ATC should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.

4) ATC should use tracking pads at frequently used access points.

5) Agricultural landowners and beekeepers should consider using the free online DriftWatch™ and BeeCheck™ registries, operated by FieldWatch™ to communicate areas containing specialty crops or beehives with pesticide applicators, in order to minimize the risk of accidental exposure. For more information on DriftWatch, please visit the DATCP DriftWatch website at the provided link or at https://wi.driftwatch.org/.

6) ATC and its contractors that are applying herbicide or pesticides should utilize the Department's Driftwatch™ online mapping tool to locate agricultural lands and operations that are susceptible to herbicide or pesticides. If the online mapping tool locates an agricultural operation on or near areas that will receive herbicide or pesticide applications, ATC should contact the operation to discuss the appropriate methods required to minimize the risk of accidental exposure.

5.5.9. Aerial Application of Seeds and Sprays

The location of an electric transmission line on cropland can restrict the aerial application of seeds and chemicals and can increase the danger of making aerial applications. In turn, agricultural pilots have to maneuver to avoid transmission lines, which may result in uneven, imprecise or missed aerial applications. When aerial applications are restricted or prevented agricultural produces may experience 1) increased weed growth and pest infestations that reduce crop yields, 2) increased cost and labor from land based application of seeds and chemical in non-applied areas.

To mitigate the potential for impacts to aerial application, the Department recommends the following:

1) Agricultural landowners inform ATC if they use aerial applications.
2) ATC and the impacted agricultural landowners work to determine the most effective techniques to minimize the impact to their aerial applications.
3) ATC install colored wire shielding near fields that utilize aerial applications.

5.5.10. Construction Debris

After construction is complete, there may be construction debris remaining on the field. If large pieces of debris or rocks are left in the field, agricultural machinery may be damaged when the landowner first works the land. ATC is required by Wis. Stat. § 182.017(7)(c) to clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction. To that end, ATC shall also clear the ROW of signage, construction mat debris, litter, and spoil piles etc.

To mitigate the potential impact of construction debris, the Department recommends the following:

1) Should a landowner find construction debris remaining in the field after ATC has cleared the field, the landowner should contact the ATC IEM or IAM to report the debris prior to operating agricultural equipment in the field.
2) Should ATC remove an existing power line pole from within or immediately adjacent to cropland, ATC should remove the old structure at a minimum of four feet below the ground surface.
3) Should ATC create a hole within croplands during the removal of any part of the existing transmission structure, they should fill the hole with clean imported topsoil.

5.5.11. Crop Rotation and Dairy Operations

The construction of an electric transmission line may disrupt a planned crop or crop rotation. Impacts to alfalfa fields and planned alfalfa seeding are especially disruptive to dairy operations as they need to maintain a proper supply of alfalfa to feed dairy cows. Any delays, yield reductions or damages to an alfalfa crop may require the dairy operation to buy haylage or hay, obtain more

corn silage, and/or provide protein supplements such as soybean oil meal to make up for the lost alfalfa. With advanced notice of the Project's construction schedule, a dairy operator would be better able to adjust forage requirements and plan for any increased associated costs. If the Project is approved, the Department recommends that ATC provide any impacted dairy operations with advanced notice of the construction schedule across their operations and compensate the landowner for any increased costs associated with construction impacts to forage requirements.

5.5.12. Organic Farms & Other Areas with Certifications

Construction and ongoing maintenance activities for the Project may jeopardize a farm's organic certification or other certifications such as *pesticide-free* (certified areas) if a prohibited chemical is used on their certified land, drifts from a neighboring field or enters their land on construction machinery, construction matting or improper de-watering. ATC and their contractors must use caution and care where the Project ROW borders or crosses an area with certification. Wis. Admin. Code § ATCP 29.50(2) states that no pesticides (includes herbicides) may be used in a manner that results in pesticide overspray or significant pesticide drift. In addition, any oil or fuel spill on these farms could prevent or remove a farm's certification.

ATC reviewed the recommended BMPs below and shared in personal communication the additional BMPs they will follow (Julie Hanson, personal communication, October 16, 2024): in areas with organic or other certifications, be mindful of the following objects or activities are prohibited: the use of aerosol cans is prohibited; no refueling or lubrication without a barrier under the area; take steps to avoid erosion of non-organic soils onto organic lands. These additional restrictions will help avoid jeopardizing organic or other certifications for affected landowners. Additionally, in areas with organic or other certifications, ATC will maintain records of any seeds, fertilizer or soil used on those agricultural properties.

To mitigate impacts to areas with certifications, the Department recommends the following:

1) ATC should not apply pesticides to organic farms or other certified farms that preclude the use of these chemicals without the expressed written consent of the landowner.

2) ATC shall not apply a pesticide in a manner that results in overspray or significant drift.

3) ATC should clean construction equipment and materials prior to entering an area of certification. ATC reviewed this recommendation and added that this BMP will be followed by additionally ensuring that equipment is cleaned and will remove non-organic soils and plant materials from equipment (Julie Hanson, personal communication, October 16, 2024).

4) ATC should post signs at entry points to an area of certification denoting its existence and reminding personnel of appropriate mitigation steps to take. ATC reviewed this recommendation and added that they would post these signs with steel posts or untreated lumber (Julie Hanson, personal communication, October 16, 2024).

5) Agricultural landowners with an area of certification should contact ATC and report the range and type of substances that are and are not permitted according to their certifications.

6) Agricultural landowners and beekeepers should consider using the free online DriftWatch™ and BeeCheck™ registries, operated by FieldWatch™ to communicate areas containing specialty crops or beehives with pesticide applicators, in order to minimize the risk of accidental exposure. For more information on DriftWatch, please visit the WDATCP DriftWatch website at the provided link or at https://wi.driftwatch.org/.

7) ATC and its contractors that are applying herbicide or pesticides should utilize the Department's Driftwatch™ online mapping tool to locate agricultural lands and operations that are susceptible to herbicide or pesticides. If the online mapping tool locates an agricultural operation on or near areas that will receive herbicide or pesticide applications, ATC should contact the operation to discuss the appropriate methods required to minimize the risk of accidental exposure.

8) ATC should generate and distribute a list of organic farms or other certified farms and the prohibited chemicals to their construction staff and contractors.

9) Prior to construction, ATC and the farms with areas of certification should agree to the appropriate methods to avoid unintentional contacts or applications of prohibited chemicals from entering their farms.

10) ATC may wish to underlay heavily used areas of the ROW with geotextile fabric in order to limit the potential for prohibited substances from contaminating areas with certification.

11) ATC should consult with farms with areas of certification prior to the application of seeds for revegetation efforts on their property.

5.5.13.Biosecurity

Farm biosecurity is the implementation of measures designed to protect a farm operation from the entry and spread of diseases and pests. Construction activities can spread weeds, diseases, chemicals and genetically modified organisms (GMO's) that impact an agricultural operation. Certified organic farms and farms with other certifications such as pesticide-free are susceptible to the widest range of biosecurity impacts and may suffer greater negative impacts if their agricultural operation is exposed to a biosecurity threat. For more information on basic biosecurity protocols,

please visit the Department's Basic Biosecurity website at the provided link or at https://datcp.wi.gov/Pages/Programs_Services/BasicBiosecurity.aspx.

The Department recommends the following to mitigate biosecurity risks within the Project ROW:

1) If a landowner or farm operator has a biosecurity plan or have required biosecurity protocols, this information should be shared with ATC for use during Project construction and restoration.

2) ATC and their contractors should avoid contact with livestock and manure throughout the Project.

3) If livestock need to be moved, ATC should work with the livestock owner to move the livestock.

5.5.14. Stray Voltage

Electric distribution systems are grounded to the earth to ensure safety and reliability. At the site of the grounding, electrical current enters the earth where voltage can be detected. This is generally known Neutral to Earth Voltage (NEV). When a person, animal or object is near an NEV, the voltage may pass to them resulting in electrical contact (i.e. shock); this is generally known as stray voltage. Stray voltage often goes unnoticed by humans, but stray voltage from NEV may affect animals on farms. Animals may encounter stray voltage any time the animal makes contact with an electrified point such as a fencing, feeder, the earth or stalls. Animals affected by stray voltage may show changes in behavior or milk production.

The PSC administers Wisconsin's Stray Voltage program under Wis. Stat. § 196.857 in cooperation with the Department. The PSC established the Phase II Stray Voltage Testing Protocol to fulfill its duty to create a standard stray voltage NEV testing protocol as required by Wis. Stat. § 196.857(b). Under the Phase II testing protocol, a utility is mandated to take corrective action to resolve any electrical contact at or above 0.5 volts (Reines and Cook, 1999). The Stray Voltage program is able to review voltage testing data generated by the utility and the conclusions the utility has reached. For more information on the PSC Stray Voltage program, impacts to agricultural operations and mitigation steps, visit https://psc.wi.gov/Pages/Programs/StrayVoltageHomePage.aspx.

Should additional concerns for the health of a herd arise from stray voltage testing, the Department's Herd-Based Diagnostic Program may be able to assist. The program provides a licensed veterinarian, free of charge, to help producers investigate concerns with milk production, milk quality, herd health, and more. For more information on the Herd-Based Diagnostic Program visit https://datcp.wi.gov/Pages/Herd-basedDiagnostics.aspx.

Two respondents to the Department's pre-construction questionnaire indicated their agricultural operations possessed livestock and farm animals including cattle and horses.

The Department recommends the following to mitigate the impact of stray voltage within the project ROW:

1) Confined animal feeding operations or any operation with livestock facilities within ½-mile of the proposed power line should request Phase II Stray Voltage Testing pre- and post-transmission line energization testing from their utility provider, ATC, or the PSC.

2) ATC should inform each landowner with livestock facilities within ½-mile of the Project ROW of their ability to request Phase II Stray Voltage Testing from their local utility, ATC or the PSC. ATC should be responsible for costs associated with Phase II Stray Voltage Testing within ½-mile of the Project corridor.

3) As required by PSC guidance set forth under Wis. Stat. § 196.857, ATC shall take action to resolve electrical contacts at livestock feeding operations detected at or above 0.5 volts that are a result of the Project.

5.5.15. Construction Noise and Dust

During each phase of the Project, noise and dust is likely to be generated. Landowners near the Project ROW may experience noises and dust associated with construction techniques, movement of heavy equipment, and helicopters. This noise and dust may cause dairy, beef cattle and other grazing livestock to stampede, break through fences, and escape from the farm property. Fur animals, poultry and other confined livestock may also be impacted by these sounds.

Once construction activities are completed and mats have been removed, ATC will work with farm operators to develop a plan for dust and erosion control through cover crops or tillage practices that provide a compatible segway into the next cropping operation (Julie Hanson, personal communication, October 16, 2024).

To mitigate impacts of noise and dust, the Department recommends the following:

1) Livestock owners & operators within the Project ROW whom are concerned about the noise potential for the Project should inform ATC or their representatives during the easement negotiation process.

2) Livestock owners & operators near the Project ROW who are concerned about the noise potential for the Project should inform ATC of their concerns prior to the project construction.

3) ATC should identify agricultural livestock operations with sensitive animals within and adjacent to the Project ROW and provide them appropriate advance warning of construction activities, including the use of helicopters, so they may take steps to safe guard their animals.

4) ATC should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.

5) ATC should use tracking pads at frequently used access points.

6) When construction activities have the potential to generate substantial amounts of dust that could impact livestock or an agricultural operation, ATC should apply water over the dust generating areas to reduce dust output.

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DISTRIBUTION LIST

Federal and State Elected Officials

Governor

Governor Tony Evers

State Senators

Honorable Joan Ballweg (Committee on Agriculture)

Honorable Van Wanggaard (Senate District 21)

State Assembly

Honorable Gary Tauchen (Committee on Agriculture)

Honorable Robin Vos (Assembly District 63)

Federal, State and Local Units of Government

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

DATCP Public Information Officer – Dan Richter

DATCP Legislative Liaison – Patrick Walsh

DATCP Acting Administrator, Agricultural Resource Management Division – Brian Kuhn

DATCP Director, Bureau of Land and Water – Tim Anderson

Public Service Commission of Wisconsin

Environmental Affairs Coordinator Supervisor – Adam Ingwell

Environmental Analysis - Historic Preservation Officer – Andrew Craft

Racine County Wisconsin

Racine County Conservationist – Chad Sampson

Racine County Development Services

Racine County Drainage Board

Drainage Board Chair – Alan Hjasperson

Drainage Board Legal Counsel Atty. Mark Hinkston

Towns, Cities and Villages

Village of Mount Pleasant Administrator –	Maureen Murphy
Village of Mount Pleasant Planner –	Robin Palm
Village of Sturtevant President –	Mike Rosenbaum
Village of Sturtevant Clerk -	Cheryl Zamecnik

Village of Yorkville

News Media, Public Libraries and Repositories

Public Libraries

Graham Public Library

Racine Public Library

Newspapers

- Agri-View Newspaper
- Country Today Newspaper
- The Journal Times Newspaper
- Racine County Eye

Wisconsin Document Depository Program

The Library of Congress

Interest Groups, Entities and Individuals

ATC

- Julie Hanson
- Chris Facklam
- Carolyn Tanchester
- John Sagone
- Jason Penning
- Jeremiah Moerke

Agricultural Landowners

- Daryl L. Poisl Sr
- Charles A. Koiper
- Harmann Revocable Trust Date December 21, 2020
- Daniel Neider
- Sara Rosenthal
- Don Wilks
- Eric Wilks
- Kevin & Kelly Wilks
- Neil Young

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WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

DIVISION OF
AGRICULTURAL RESOURCE MANAGEMENT

Agricultural Impact Program
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APPENDICES

DATCP #4598

Racine County Western Feed Transmission Lines Project

Racine County

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

PUBLISHED NOVEMBER 12, 2024

APPENDIX TABLE OF CONTENTS

APPENDIX A: ADDITIONAL FIGURES & TABLES

Figure 1: The ATC Racine County Western Feed Segment Map, shown as Appendix A Figure 1 within the Project's CPCN filling (ATC, 2024).

See Attachments Beginning On the Next Page

APPENDIX A FIGURE 1 PROPOSED PROJECT

Racine County Western Feed Project

Segment Nodes

Segments

- Preferred
- Alternate
- Common

EXISTING ATC TRANSMISSION LINES

- 138 kV
- 345 kV
- EXISTING SUBSTATION
- Interstate, US or State Highway
- COUNTY BOUNDARY
- City/Village

0.5 0 0.5
Miles

N W E S

ATC

The information presented in this map document is advisory and is intended for reference purposes only. Applicant owned and operated facility locations are approximate.

Base Map Data Sources: ATC, WDNR, PSCW, WDOT.

OCTOBER 2024	MAP A1- 1	PAGE 1 OF 1
APPENDIX A FIGURE 1 PROPOSED PROJECT		

Appendix B: Appraisal and Compensation Process

The acquisition of land by entities including but not limited to departments, municipalities, boards, commissions, public officers, and business with eminent domain authority in Wisconsin, is stipulated under Wis. Stat. §32.06. If the entity (the condemnor) actualizes their powers of eminent domain by exercising condemnation, the condemnor shall first provide an appraisal of the affected property to each landowner prior to the start of land acquisition negotiations. An appraisal is an estimate of fair market value, additional information about the appraisal process and landowners rights can be found in the Wisconsin Department of Administration publication, "The Rights of Landowners under Wisconsin Eminent Domain Law," also listed in Appendix D.

The condemnor may conduct a market study to determine current area property values of affected property. If the landowner signs an appraisal waiver form, the market study will be the basis for the condemnor's offer of compensation and no individual property appraisal will be conducted. The condemnor may also offer additional compensation to landowners who choose to sign the appraisal waiver form.

Landowners have the right to obtain their own appraisal of their property under Wisconsin's eminent domain law (Wis. Stat. §32.06) and will be compensated for the cost of this appraisal if the following conditions are met:

1) The appraisal must be submitted to the condemnor or its designated real estate contractor within 60 days after the landowner receives the initial appraisal
2) The appraisal fee must be reasonable
3) The appraisal must be a full, narrative appraisal
4) The appraisal must be completed by a qualified appraiser

Through the process of condemnation, a jurisdictional offer made to the landowner in accordance with Wis. Stat. §32.06(3) will include an appraisal of the fair market value for the land acquisition or easement and any anticipated damages to the property. The fair market value means the price that a willing buyer would pay to a willing seller in the market. This will be based on at least one full narrative appraisal for each property the condemnor intends to acquire. The appraisal must be presented to the landowner. The amount of compensation is based on the appraisal(s) and is established during the negotiation process between condemnor and the individual landowners.

The condemnor is required to provide landowners with information about their rights in this process before negotiations begin. Wis. Stat. § 32.035(4)(d) additionally stipulates that if the condemnor actualizes their condemnation authority, the condemnor cannot negotiate with a landowner or make a jurisdictional offer until 30 days after the AIS is published.

APPENDIX C: AGRICULTURAL LANDOWNER COMMENTS

Charles A. Kuiper, Susan A Kuiper (CHARLES A KUIPER AND SUSAN A KUIPER REVOCABLE TRUST DATED JUNE 30, 2017)

Route: Preferred Route, 3A and 3B

Summary of concerns:

The Kuipers own cropland, dairy cattle, and noted concerns that the Project may impact drainage systems, erosion control, grassed waterways, and aerial spray/seeding. The Kuipers stated that there are drainage and erosion control features on their land, and that any disturbance of top soil or subsoil can negatively impact crop production, as well as a concern of power line structures interfering with farm equipment.

Within their questionnaire, they asked if the project would have an effect on future use of this land for development, and if the project would de-value the land involved.

Daryl L Poisl Sr (DARYL L POISL SR REVOCABLE LIVING TRUST DATED MARCH 31, 2021)

Route: Alternative Route

Summary of Concerns:

Daryl Poisl Sr. shared with the Department that his land contains a majority of managed woodland, along with 190 acres of cropland, as well as home and farm buildings and some wetlands. His farm operation also includes beef cattle. Within the questionnaire, Poisl Sr. noted concerns with the Project impacting drainage structures and residence buildings, and cited frustration dealing with nearby solar panel facilities and current power lines around the property.

HARMANN REVOCABLE TRUST DATED DECEMBER 21, 2020

Route: Preferred Route, 3A

Summary of Concerns:

The Harmann Revocable Trust consists of managed woodlands, cropland, home and farm buildings, as well as wetlands. Within the questionnaire, they noted concerns that the Project may impact drainage structures, erosion control, residence and farm buildings, as well as their 200 year old oak woods.

They wrote that placement of the towers may not allow agriculture use of the 3 acres of cropland. They noted that their property contains field drainage tiles near a pond on their property, and that removal of trees within the easement area would affect surface drainage into the pond, and could increase sediment there as well.

They noted the building of the property is used as a residence, and that removal of trees within the easement area would be within 75ft of the home and decrease the home and total property value, and that all buildings were in good condition. Removal of trees would also affect soil erosion.

Daniel W. Neider

7532 Nicholson Rd

Route: Unknown

Summary of Concerns:

Neider noted having 60 acres of cropland and 10 acres of managed forests. He noted that developing a subdivision on the land had been discussed, and that powerlines would negatively impact that.

SARA A ROSENTHAL FAMILY TRUST 01/20/2003

Route: Preferred Route, 3A and 3B

Summary of Concerns:

Sara Rosenthal cited having two acres of managed woodlands within the proposed easement corridor, and concerns that the project might affect a drainage tile to the north of a pond on the property. If broken, it could flood the front of the property and affect the farm to the east.

Don Wilks (LORETTA M WILKS IRREV INCOME TRUST DTD 12/29/2015; LORETTA M WILKS FAMILY HERITAGE TRUST DATED DECEMBER 29, 2015)

Route: Preferred, 3A and 3B

Summary of Concerns:

Don Wilks cited having 200 acres of crop land. He is concerned that the Project would impact the farm operation's drainage structures, erosion control, grassed waterways, and aerial spraying/seeding. Wilks noted that there was a new tile in the area.

Erik Wilks (LORETTA M WILKS IRREV INCOME TRUST DTD 12/29/2015; LORETTA M WILKS FAMILY HERITAGE TRUST DATED DECEMBER 29, 2015)

Route: Preferred Route, 3A and 3B, Alternate Route

Summary of concerns:

Erik Wilks discussed having cropland, and concerns that the Project would impact drainage tiles and possibly severe the land parcel.

Kevin and Kelley Wilks

Route: Preferred Route, 3A; Alternate Route

Summary of concerns:

Wilks described their farm operation as containing cropland, pasture, and homes and farm buildings. They are concerned that the Project could impact drainage tiles, residence building, and access to farmland. Wilks noted that there are several drainage tiles in the area, as well as a large one right through the middle of the proposed easement area. Wilks also mentioned that this area where the project has been proposed was being saved to be a house lot in the future.

Neil Young

Route: Alternate Route

Summary of concerns:

Young noted that the farm operation consisted of cropland, pasture, managed woodlands, home and farm buildings and wetlands. They also noted having mini horses on the lot. Young expressed concerns that the Project may impact erosion control, grassed waterways, lumber, firewood and a pond on the lot. Young discussed that the property might be going up for sale, and that this project would impact the process of selling the property. Additionally, the powerline could impact the value of the property. Young also mentioned that farming around powerline structures could impact the productivity of the farm.

APPENDIX D: WISCONSIN STATUTES

The Department of Agriculture, Trade and Consumer Protection (the Department) 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. The Department 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 the Department 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 prepare the AIS. DATCP shall publish the AIS upon receipt of the fee required to prepare the AIS. The Department 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.

I. AGRICULTURAL IMPACT STATEMENT STATUTE

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; publicatio*n. 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.

II. Statutes Governing Eminent Domain

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

The Department recommends that farmland owners concerned about eminent domain powers and the acquisition of land should review this statute in its entirety. Landowners may also wish to consult with an attorney who should have expertise in eminent domain proceedings. In addition, any Wisconsin licensed appraiser that landowners employ regarding a project where eminent domain could be used should be knowledgeable in partial takings.

***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 which 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.

(4m) 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 administration.

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 administration 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 administration.

(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 which 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 administration 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.

III. Statutes Governing Access

Section 86.05 of the *Wisconsin Statutes* states that access shall be provided to land which abuts a highway:

Entrances to highway restored. Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements, and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter, each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

Section 84.25 of the *Wisconsin Statutes* describes access restrictions concerning a controlled-access highway.

(3) CONSTRUCTION; OTHER POWERS OF DEPARTMENT. In order to provide for the public safety, convenience and the general welfare, the department may use an existing highway or provide new and additional facilities for a controlled-access highway and so design the same and its appurtenances, and so regulate, restrict or prohibit access to or departure from it as the department deems necessary or desirable. The department may eliminate intersections at grade of controlled-access highways with existing highways or streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access highway and may divide and separate any controlled-access highway into separate roadways or lanes by raised curbings, dividing sections or other physical separations or by signs, markers, stripes or other suitable devices, and may execute any construction necessary in the development of a controlled-access highway including service roads or separation of grade structures.

(4) CONNECTIONS BY OTHER HIGHWAYS. After the establishment of any controlled-access highway, no street or highway or private driveway, shall be opened into or connected with any

controlled-access highway without the previous consent and approval of the department in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given.

(5) USE OF HIGHWAY. No person shall have any right of entrance upon or departure from or travel across any controlled-access highway, or to or from abutting lands except at places designated and provided for such purposes, and on such terms and conditions as may be specified from time to time by the department.

(6) ABUTTING OWNERS. After the designation of a controlled-access highway, the owners or occupants of abutting lands shall have no right or easement of access, by reason of the fact that their property abuts on the controlled-access highway or for other reason, except only the controlled right of access and of light, air or view.

(7) SPECIAL CROSSING PERMITS. Whenever property held under one ownership is severed by a controlled-access highway, the department may permit a crossing at a designated location, to be used solely for travel between the severed parcels, and such use shall cease if such parcels pass into separate ownership.

IV. Statutes Governing Drainage

Section 88.87(2) of the *Wisconsin Statutes* describes regulations concerning rights of drainage:

> (a) Whenever any county, town, city, village, railroad company or the department of transportation has heretofore constructed and now maintains or hereafter constructs and maintains any highway or railroad grade in or across any marsh, lowland, natural depression, natural watercourse, natural or man-made channel or drainage course, it shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water-soaking uplands or an unreasonable accumulation and discharge of surface water flooding or water-soaking lowlands. All such highways and railroad grades shall be constructed with adequate ditches, culverts, and other facilities as may be feasible, consonant with sound engineering practices, to the end of maintaining as far as practicable the original flow lines of drainage. This paragraph does not apply to highways or railroad grades used to hold and retain water for cranberry or conservation management purposes.
>
> (b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).

(c) If a city, village, town, county, or railroad company or the department of transportation constructs and maintains a highway or railroad grade not in accordance with par. (a), any property owner damaged by the highway or railroad grade may, within 3 years after the alleged damage occurred, file a claim with the appropriate governmental agency or railroad company. The claim shall consist of a sworn statement of the alleged faulty construction and a description, sufficient to determine the location of the lands, of the lands alleged to have been damaged by flooding or water-soaking. Within 90 days after the filing of that claim, the governmental agency or railroad company shall either correct the cause of the water damage, acquire rights to use the land for drainage or overflow purposes, or deny the claim. If the agency or company denies the claim or fails to take any action within 90 days after the filing of the claim, the property owner may bring an action in inverse condemnation under ch. 32 or sue for such other relief, other than damages, as may be just and equitable.

WisDOT specification 205.3.3 further describes its policies concerning drainage:

(1) During construction, maintain roadway, ditches, and channels in a well-drained condition at all times by keeping the excavation areas and embankments sloped to the approximate section of the ultimate earth grade. Perform blading or leveling operations when placing embankments and during the process of excavation except if the excavation is in ledge rock or areas where leveling is not practical or necessary. If it is necessary in the prosecution of the work to interrupt existing surface drainage, sewers, or under drainage, provide temporary drainage until completing permanent drainage work.

(2) If storing salvaged topsoil on the right-of-way during construction operations, stockpile it to preclude interference with or obstruction of surface drainage.

(3) Seal subgrade surfaces as specified for subgrade intermediate consolidation and trimming in 207.3.9.

(4) Preserve, protect, and maintain all existing tile drains, sewers, and other subsurface drains, or parts thereof that the engineer judges should continue in service without change. Repair, at no expense to the department, all damage to these facilities resulting from negligence or carelessness of the contractor's operations.

V. Landowner Bill of Rights

Wisconsin Statute § 182.017 **Transmission lines; privileges; damages** is provided below:

(1g) Definitions. In this section:

(a) "Commission" means the public service commission.

(b) "Company" means any of the following:

1. A corporation, limited liability company, partnership, or other business entity organized to furnish telegraph or telecommunications service or transmit heat, power, or electric current to the public or for public purposes.

2. An independent system operator, as defined in s. 196.485 (1) (d).

3. An independent transmission owner, as defined in s. 196.485 (1) (dm).

4. A cooperative association organized under ch. 185 or 193 to furnish telegraph or telecommunications service.

5. A cooperative association organized under ch. 185 to transmit heat, power, or electric current to its members.

6. An interim cable operator, as defined in s. 66.0420 (2) (n).

7. A video service provider, as defined in s. 66.0420 (2) (zg).

(bm) "Municipal regulation" means any contract, ordinance, resolution, order, or other regulation entered into, enacted, or issued by a municipality before, on, or after July 2, 2013.

(c) "Municipality" means a city, village, or town.

(cq) "Telecommunications service" means the offering for sale of the conveyance of voice, data, or other information, including the sale of service for collection, storage, forwarding, switching, and delivery incidental to such communication regardless of the technology or mode used to make such offering.

(ct) "Urban rail transit system" means a system, either publicly or privately owned, which provides transportation by rail in a municipality to the public on a regular and continuing basis and which begins service on or after July 2, 2013.

(d) "Video service network" has the meaning given in s. 66.0420 (2) (zb).

(1r) Right-of-way for. Any company may, subject to ss. 30.44 (3m), 30.45, 86.16, and 196.491 (3) (d) 3m. and to reasonable regulations made by any municipality through which its transmission lines or systems may pass, construct and maintain such lines or

systems with all necessary appurtenances in, across or beneath any public highway or bridge or any stream or body of water, or upon any lands of any owner consenting thereto, and for such purpose may acquire lands or the necessary easements; and may connect and operate its lines or system with other lines or systems devoted to like business, within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power, or electric light.

(2) Not to obstruct public use. But no such line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any highway, bridge, stream or body of water.

(3) Abandoned lines removed. The commission after a public hearing as provided in s. 196.26, and subject to the right of review as provided in ch. 227, may declare any line to have been abandoned or discontinued, if the facts warrant such finding. Whenever such a finding shall have been made ATC shall remove such line, and on failure for 3 months after such finding of abandonment or discontinuance, any person owning land over, through or upon which such line shall pass, may remove the same, or the supervisors of any town within which said lines may be situated, may remove the said lines from the limits of its highways, and such person or supervisors shall be entitled to recover from ATC owning the lines the expense for labor involved in removing the property.

(4) Location of poles. In case of dispute as to the location of poles, pipes or conduits, the commissioners appointed in condemnation proceedings under ch. 32 may determine the location. In no case, except where the owner consents, shall poles be set in front of or upon any residence property, or in front of a building occupied for business purposes, unless the commissioners find that the same is necessary and the court may review the finding.

(5) Tree trimming. Any company which shall in any manner destroy, trim or injure any shade or ornamental trees along any such lines or systems, or, in the course of tree trimming or removal, cause any damage to buildings, fences, crops, livestock or other property, except by the consent of the owner, or after the right so to do has been acquired, shall be liable to the person aggrieved in 3 times the actual damage sustained, besides costs.

(6) Municipal franchise required. No lighting or heating corporation or lighting or heating cooperative association shall have any right hereunder in any municipality until it has obtained a franchise or written consent for the erection or installation of its lines from such municipality.

(7) High-voltage transmission lines. Any easement for rights-of-way for high-voltage transmission lines as defined under s. 196.491 (1) (f) shall be subject to all of the following conditions and limitations:

(a) The conveyance under ch. 706 and, if applicable, the petition under s. 32.06 (7), shall describe the interest transferred by specifying, in addition to the length and width of the right-of-way, the number, type and maximum height of all structures to be erected thereon, the minimum height of the transmission lines above the landscape, and the number and maximum voltage of the lines to be constructed and operated thereon.

(b) In determining just compensation for the interest under s. 32.09, damages shall include losses caused by placement of the line and associated facilities near fences or natural barriers such that lands not taken are rendered less readily accessible to vehicles, agricultural implements and aircraft used in crop work, as well as damages resulting from ozone effects and other physical phenomena associated with such lines, including but not limited to interference with telephone, television and radio communication.

(c) In constructing and maintaining high-voltage transmission lines on the property covered by the easement the utility shall:

1. If excavation is necessary, ensure that the top soil is stripped, piled and replaced upon completion of the operation.

2. Restore to its original condition any slope, terrace, or waterway which is disturbed by the construction or maintenance.

3. Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.

4. Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.

5. Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.

6. Repair any drainage tile line within the easement damaged by such construction or maintenance.

7. Pay for any crop damage caused by such construction or maintenance.

8. Supply and install any necessary grounding of a landowner's fences, machinery or buildings.

(d) The utility shall control weeds and brush around the transmission line facilities. No herbicidal chemicals may be used for weed and brush control without the express written consent of the landowner. If weed and brush control is undertaken by the landowner under an agreement with the utility, the landowner shall receive from the utility a reasonable amount for such services.

(e) The landowner shall be afforded a reasonable time prior to commencement of construction to harvest any trees located within the easement boundaries, and if the landowner fails to do so, the landowner shall nevertheless retain title to all trees cut by the utility.

(f) The landowner shall not be responsible for any injury to persons or property caused by the design, construction or upkeep of the high-voltage transmission lines or towers.

(g) The utility shall employ all reasonable measures to ensure that the landowner's television and radio reception is not adversely affected by the high-voltage transmission lines.

(h) The utility may not use any lands beyond the boundaries of the easement for any purpose, including ingress to and egress from the right-of-way, without the written consent of the landowner.

(i) The rights conferred under pars. (c) to (h) may be specifically waived by the landowner in an easement conveyance which contains such paragraphs verbatim.

(8) Commission review.

(a) Upon complaint by a company that a regulation by a municipality under sub. (1r) is unreasonable, the commission shall set a hearing and, if the commission finds that the regulation is unreasonable, the regulation shall be void. Subject to pars. (am) to (c), if the commission determines that a municipal regulation that was in effect on January 1, 2007, and immediately prior to January 9, 2008, or that a community standard, as demonstrated through consistent practice and custom in the municipality, that was in effect on January 1, 2007, and immediately prior to January 9, 2008, is substantially the same as the municipal regulation complained of, there is a rebuttable presumption that the latter regulation is reasonable.

(am) A municipal regulation is unreasonable if it has the effect of creating a moratorium on the placement of company lines or systems under sub. (1r) or on

the entrance into the municipality of a video service provider, as defined in s. 66.0420 (2) (zg), or is inconsistent with the purposes of s. 66.0420.

(as) Notwithstanding sub. (2), a municipal regulation is unreasonable if it requires a company to pay any part of the cost to modify or relocate ATC's facilities to accommodate an urban rail transit system.

(b) A municipal regulation is unreasonable if it requires a company to pay more than the actual cost of functions undertaken by the municipality to manage company access to and use of municipal rights-of-way. These management functions include all of the following:

1. Registering companies, including the gathering and recording of information necessary to conduct business with a company.

2. Except as provided in provided in par. (c), issuing, processing, and verifying excavation or other company permit applications, including supplemental applications.

3. Inspecting company job sites and restoration projects.

4. Maintaining, supporting, protecting, or moving company equipment during work in municipal rights-of-way.

5. Undertaking restoration work inadequately performed by a company after providing notice and the opportunity to correct the work.

6. Revoking company permits.

7. Maintenance of databases.

8. Scheduling and coordinating highway, street, and right-of-way work relevant to a company permit.

(c) A municipal regulation is unreasonable if it requires a company to be responsible for fees under s. 182.0175 (1m) (bm) that may be assessed to a municipality as a member of the one-call system under s. 182.0175.

(d) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under par. (b) 1., 2., 3., and 7. through a preexcavation permit fee.

(e) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under par. (b) 4., 5., and 6. only from ATC that is responsible for causing the municipality to incur the costs.

(9) Time limit for permits. If a municipality establishes a permit process under sub. (1r), the municipality shall approve or deny a permit application no later than 60 days after receipt of the application, and, if the municipality fails to do so, the municipality shall be considered to have approved the application and granted the permit. If a municipality denies a permit application, the municipality shall provide the applicant a written explanation of the reasons for the denial at the time that the municipality denies the application.

APPENDIX E: ADDITIONAL INFORMATION SOURCES

Wisconsin State Statutes

1) Wisconsin Statute Chapter 91: Farmland Preservation
   a. Subchapter 91.46(4): Conditional Uses
2) Wisconsin Statute Chapter 32: Eminent Domain
   a. Subchapter 32.035: Agricultural Impact Statement

Department of Agriculture, Trade and Consumer Protection Website Links

3) DATCP (datcp.wi.gov)
4) Farmland Preservation
5) Agricultural Impact Statements
6) Wisconsin Farm Center (Information on services provided to Wisconsin farmers including financial mediation, stray voltage, legal, vocational, and farm transfers)
7) Drainage Districts

Department of Administration (DOA) Website Links

8) DOA (doa.wi.gov)
9) Relocation Assistance (Publications on landowner rights under Wisconsin's eminent domain law)
10) Wisconsin Relocation Rights Residential
11) Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations
12) The Rights of Landowners under Wisconsin Eminent Domain Law, Procedures under sec. 32.06 Wis. Stats. (Condemnation procedures in matters other than highways, streets, storm & sanitary sewers, watercourses, alleys, airports and mass transit facilities)

Department of Natural Resources (facility plan) Website Links

13) DNR (dnr.wi.gov)
14) Managed Forest Law

U.S. Department of Agriculture (USDA)

15) USDA (usda.gov)
16) National Agricultural Statistics Service
17) Web Soil Survey
18) Soil Quality – Urban Technical Note No. 1, Erosion and Sedimentation on Construction Sites

Wisconsin Department of Safety and Professional Services (DSPS)

19) DSPS (dsps.wi.gov)

20) Real Estate Appraisers (Look-up for state certification status of different types of real estate appraisers)

State Bar of Wisconsin

21) State Bar of Wisconsin (www.wisbar.org) (For general legal information and assistance in finding a lawyer)

Appendix F: DATCP Ag. Monitoring Form - ARM-LWR-543

See attachment on next page

ARM-LWR-543 rev 06/15

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Agricultural Resource Management
PO Box 8911, Madison, WI 53708-8911
Phone: (608) 224-4646 Fax (608) 224-4615

Agricultural Monitoring Form for Transmission Line Projects

s. 32.035, Wis. Stats.

Please complete this form at the end of the week for the duration of the transmission line construction project, summarizing the daily construction activities and inspection observations on agricultural land for that week. This form should be submitted to DATCP electronically at DATCPAgImpactStatements@wisconsin.gov, unless another electronic project document storage location is specified.

Personal information you provide may be used for purposes other than that for which it was originally collected (s. 15.04 (i)(m), Wis. Stats).

Section 1: Project/Site Information.	
INSPECTION DATES:	DATCP PROJECT # AND NAME:
MONITOR NAME:	MONITOR PHONE # AND EMAIL:
LOCATION OF WORK CONDUCTED THIS WEEK (AGRICULTURAL PARCEL NUMBERS OR STRUCTURE NUMBERS):	
WEEKLY WEATHER/ SITE CONDITIONS:	

Section 2: Summary of Daily Construction Activities for the Week.

Section 3: Landowner Communication - Complete for each landowner correspondence that week. Add additional rows as necessary.	
NAME OF LANDOWNER:	DESCRIBE COMMUNICATION:
LOCATION (PARCEL NO. OR STRUCTURE NO.):	
DATE:	

Section 4: Weekly Inspection Summary - Indicate the status of each inspection item on agricultural land, summarized for the week. If an item was observed as not acceptable but was corrected later in that week, make note in the comments section that the item was already corrected.					
Items Inspected On Agricultural Land	Acceptable	Not Acceptable	Follow Up Required	N/A	Comments
Clearing Practices	☐	☐	☐	☐	
Dewatering Facilities	☐	☐	☐	☐	
Erosion Control Practices	☐	☐	☐	☐	
Soil Segregation and Storage of Topsoil Spoils	☐	☐	☐	☐	
Soil Mixing	☐	☐	☐	☐	
Soil Compaction	☐	☐	☐	☐	
Excess Rock Content in Soil	☐	☐	☐	☐	
Rutting	☐	☐	☐	☐	
Crop Damage	☐	☐	☐	☐	
Damage to Drainage Improvements (tile, ditches, etc.)	☐	☐	☐	☐	
Unnatural Field Flooding or Ponding of Water	☐	☐	☐	☐	
Biosecurity Concern	☐	☐	☐	☐	
Organic Farms	☐	☐	☐	☐	
Damage to Conservation Techniques (grassed waterways, terraces, contour strips, etc.)	☐	☐	☐	☐	
Other:	☐	☐	☐	☐	
Other:	☐	☐	☐	☐	

Section 5: Outstanding Ag Impact Items to Date – Complete for all locations requiring follow-up actions as identified in Section 4. Previously identified issues should remain in this table on each weekly report until they are corrected. Add additional rows as necessary.				
ISSUE LOCATION	ISSUE	DATE OBSERVED	ACTION/RESOLUTION NEEDED	DATE CORRECTED

Section 6: Photos of Construction Observations - Include at least one photo for each item inspected in Section 4. The photo(s) of each inspection item should be representative of the daily observations that week. Add rows as needed.	
INSERT PHOTO	**PHOTO 1** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:
INSERT PHOTO	**PHOTO 2** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:
INSERT PHOTO	**PHOTO 3** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:

INSERT PHOTO	**PHOTO 4** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:
INSERT PHOTO	**PHOTO 5** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:
INSERT PHOTO	**PHOTO 6** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:

INSERT PHOTO	**PHOTO 7** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:
INSERT PHOTO	**PHOTO 8** DATE: LOCATION: DESCRIPTION: FOLLOW-UP REQUIRED:

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

agimpact.wi.gov