AGRICULTURAL IMPACT STATEMENT

DATCP File Photo

DATCP #4613

STP 975 Lateral Capacity Improvement Project

Portage County

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Portage County

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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LETTER TO THE READER

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
AI	Agricultural Inspector
AIN	Agricultural Impact Notification
AIS	Agricultural Impact Statement
CTH	County Highway
CREP	Conservation Reserve and Enhancement Program
CRP	Conservation Reserve Program
DATCP	Department of Agriculture, Trade and Consumer Protection (the Department)
FP	Farmland Preservation Program
FSA	Farm Service Agency
HDD	Horizontal Directional Drilling
MFL	Managed Forest Law
PACE	Purchase of Agricultural Conservation Easement
PSC	Public Service Commission of Wisconsin
ROW	Right-of-Way
USDA	U.S. Department of Agriculture
WisDNR	Wisconsin Department of Natural Resources

TERMS

Agricultural operation	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.
Easement	*Easements* are contracts – bound to the property – which allow another party the right to use or enter a property without owning the property. *Easements* may be temporary (i.e. time limited) or permanent.
Horizontal Directional Drilling	A technique involving the drilling of an underground pilot hole to tunnel for an extended linear distance to avoid surface disturbance to a resource like a waterbody, wetland, or infrastructure. The pilot hole is enlarged through successive ream borings with progressively larger bits. Finally, a pre-welded segment of pipe is pulled or pushed through the completed tunnel.
Mitigation	Avoiding, minimizing, rectifying (repairing), reducing, eliminating, compensating for, or monitoring environmental & agricultural impacts.
Open Trench	The excavation of a trench to install individual sections of a pipeline. After the pipeline is installed, the trench is backfilled with soil.
Prime Farmland	Defined by the U.S. Department of Agriculture as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses.
Right-of-Way (ROW)	The right to cross another's property for transportation or transmission purposes, such as roads, powerlines, and pipelines.
Severance	Splitting an agricultural parcel into two or more smaller parcels
Three-lift Soil Handing	A soil handling method requiring the excavation and stockpiling of 1) *topsoil*, 2) subsoil and 3) substratum in three separate piles. After excavation and construction is complete, the excavated soils are backfilled in the reverse order from which they were removed (i.e. last soil removed is the first soil backfilled).
Topsoil	The thin, top layer of soil where the majority of nutrients for plants is found.
Uneconomic Remnant	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.
Wasteland	Small or irregularly shaped areas within a remnant agricultural field that are not able to be cultivated. These areas reduce the amount of tillable acres within a remnant field, which may also impact the economic viability of the remnant field.

SUMMARY OF AGRICULTURAL IMPACT STATEMENT

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") has prepared Agricultural Impact Statement ("AIS") #4613 for a natural gas pipeline lateral proposed by the Wisconsin Public Service ("WPS"). WPS is a subsidiary of WEC Energy Group. The proposed pipeline (referred to as "STP 975 Lateral Capacity Improvement Project" or "Project") is located in the towns of Plover and Stockton in Portage County as shown in Figure 1. WPS has indicated the primary reason for the Project is to address the limited capacity of the existing Stevens Point 975 Pounds per Square Inch Gauge ("psig") Maximum Allowable Operating Pressure (MAOP) Transmission Pipe, which would also allow for future growth (DATCP, 2025a).

To construct the STP 975 Lateral Capacity Improvement Project, WPS proposes to install approximately four miles of 8-inch diameter pipeline. This pipeline would be built parallel to the existing Stevens Point 975 psig MAOP Transmission Pipeline for the most part, which is currently a 6-inch diameter pipeline. The pipeline originates from County Highway (CTH) HH Metering Station located along the Portage County Line to the Plover City Gate Station, located at the corner of CTH R and Black Oak Dr. WPS plans to utilize some shared ROW with the existing Stevens Point 975 where possible to reduce new *Right-of-way*s (ROW) acquisitions. WPS plans to abandon the existing 6" in place and release the easement back to the landowner where the new easements do not overlap the existing easements. Despite these efforts, the proposed Project will impact nine unique agricultural landowners and approximately 30 acres of agricultural lands.

In accordance with Wis. Stat. §32.035(3), WPS 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 Project route. In accordance with Wis. Stat. §32.035(4)(b), the Department has reviewed and analyzed WPS materials and the comments 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 WPS and the agricultural landowners and operators to help mitigate current and future impacts on agricultural lands and *agricultural operations* along the Project route.

The set of recommendations are located within the AIS Recommendation Section beginning on page 9. The AIS analysis begins on page 12 with information on the project located in Section 2. Information and conclusions on the agricultural setting of Portage 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 0. Appendices for AIS #4613 contain the following information: additional project figures (Appendix A), WPS Project Agricultural Mitigation Plan (AMP) (Appendix B), Three-lift soil Candidate key (Appendix C), information on the appraisal and compensation process (Appendix D), a copy of Wisconsin's agricultural impact statement statute (Appendix E),

and various additional sources of related information for agricultural landowners and operators (Appendix F).

If WPS deviates from the selected alternatives or the selected sites, WPS 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.

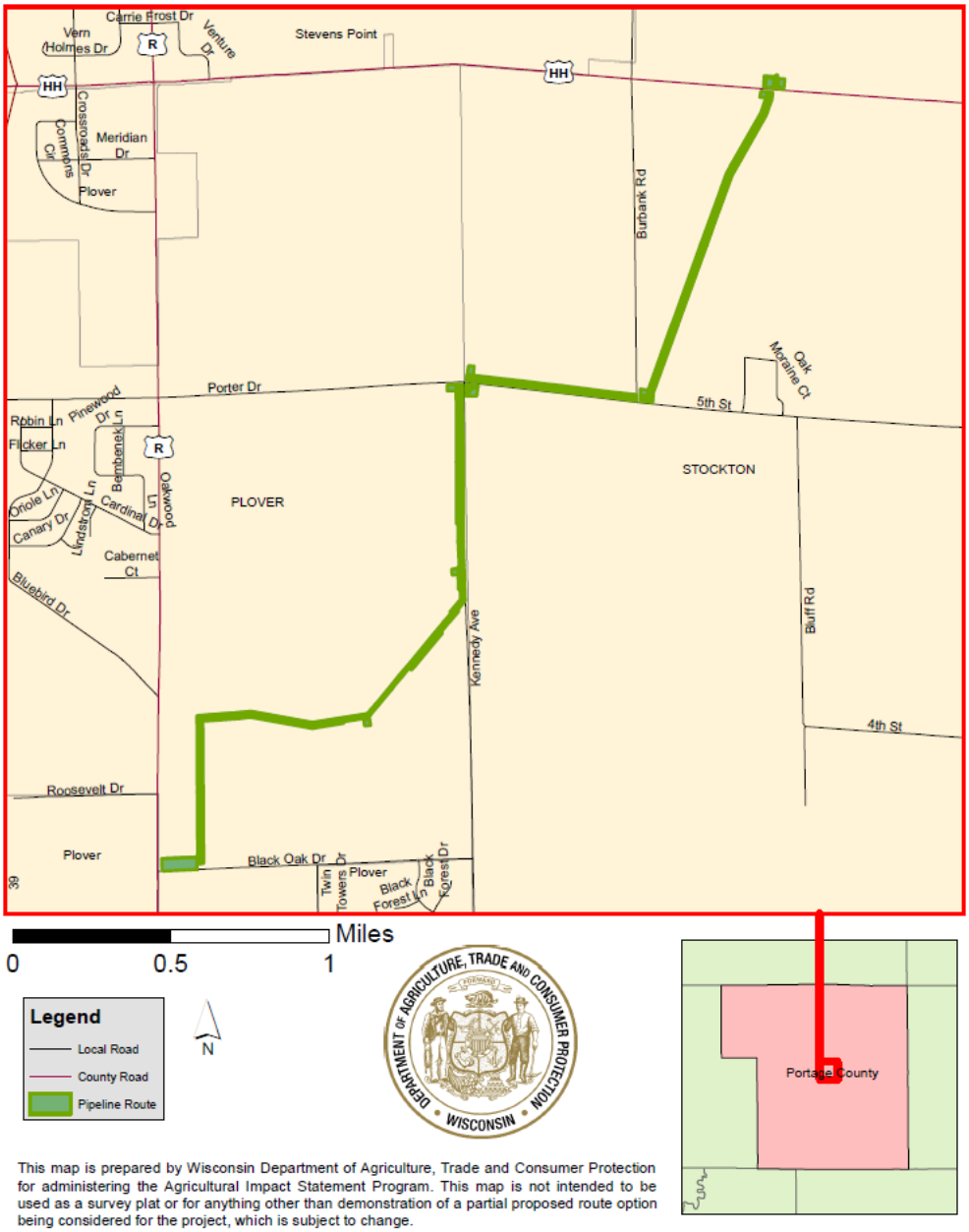


Figure 1: Location of the STP 975 Lateral Capacity Improvement Project route in the towns of Plover and Stockton, Portage County, WI (DATCP, 2025a).

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Department has reviewed and analyzed the materials provided by WPS and comments from the affected agricultural property owners and operators regarding the proposed STP 975 Lateral Capacity Improvement Project. The Department provides the following recommendations, in accordance with Wis. Stat. §32.035(4)(b) to WPS and agricultural landowners and operators to help mitigate impacts on agricultural lands and *agricultural operations* resulting from the Project.

Recommendations to the Wisconsin Public Service

1) The Department recommends WPS follow all the mitigation efforts described in Section 4.5 through Section 4.8.4 to mitigate Project impacts to or regarding: three-lift soil handling, top soil segregation, soil compaction, increased rock content, de-icing & traction control, drainage, de-watering, erosion, weed control, construction debris, feed supply & dairy operations, and construction noise.

2) WPS should inform the affected agricultural property owners who have soils that are candidates for the three-lift soil handling method. At the same time, WPS should also inform these property owners how three-lift soil handling could preserve the productivity of their fields and distribute a copy of ARM-LWR-294 or a similar publication.

3) WPS should provide landowners with direct phone numbers and email addresses to WPS project staff 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.

4) If there is adequate growing season for a crop to mature and be harvested after WPS has an interest in the impacted lands, but before construction along the Project corridor begins, WPS should allow the current agricultural operators to harvest a crop for that season to the extent possible or the WPS shall compensate the agricultural operators for crop damages.

5) WPS should provide appropriate compensation to all landowners with land enrolled in a conservation easement or farm program if the landowner must reimburse the administering agency for the land's removal or alteration. These conservation or farm programs could include, but are not limited to, Conservation Reserve Program (CRP), Conservation Reserve and Enhancement Program (CREP), Farmland Preservation Program (FP), or the Managed Forest Law program (MFL).

6) WPS is advised to consult the applicable County Land Conservation Department on the existence of installed SWRM (Soil and Water Resource Management) conservation practices within the Project area.

7) WPS 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.

Recommendations to Agricultural Landowners and Operators

1) Landowners should review the recommended mitigation efforts described in Section 4.5 through Section 4.8.4 to mitigate Project impacts to or regarding: three-lift soil handling, top soil segregation, soil compaction, increased rock content, de-icing & traction control, drainage, de-watering, erosion, weed control, construction debris, feed supply & dairy operations, and construction noise.

2) Landowners should also review the Departments three-lift soil handling publication ARM-LWR-294 for additional information.

3) The Department recommends that the landowners or farm operators with a 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 WPS in order to maintain compliance with CRP agreements, as well as to receive any necessary FSA authorizations or approvals.

4) The Department recommends that agricultural landowners work with WPS, 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 WPS may reach out to for a complete understanding of these practices.

5) Landowners with conservation easements within the ROW should consult with the conservation program provider to determine if any effects will occur due to the land's alteration or removal from the contract. If the landowner is charged a fee for removing or altering the land within the conservation easement, the landowners should contact the WPS staff member, as designated by WPS, responsible for handling compensation for release of lands from conservation programs.

6) 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.

7) 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.

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

9) Prior to the start of construction, landowners should identify for WPS 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, fencing, farm access roads, or grain bins.

10) Affected farmland owners should inform the tenant agricultural operators if an easement has or will be obtained by the WPSs on the land the rent, regardless if by judicial offer or voluntary negotiation.

AGRICULTURAL IMPACT STATEMENT

1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") has prepared Agricultural Impact Statement ("AIS") #4613 in accordance with Wis. Stat. §32.035 for a natural gas pipeline lateral proposed by the Wisconsin Public Service ("WPS" or "Project Initiator". WPS is a subsidiary of WEC Energy Group. The proposed pipeline (referred to as "STP 975 Lateral Capacity Improvement Project" or "Project") intersects the towns of Plover and Stockton in Portage County (Figure 1). Through the Project, WPS proposes to replace the existing Stevens Point 975 Pounds per Square Inch Gauge ("psig") Maximum Allowable Operating Pressure (MAOP) Transmission Pipe to increase the capacity of the line and improve pressures at the Plover City Gate Station, which would also allow for future growth (DATCP, 2025a).

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 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.

WPS is exempt from the requirement to obtain a certificate of authority from the Public Service Commission of Wisconsin ("PSC") to construct the Project according to Wis. Stat. § 196.49(5g). Absent the involvement of the PSC, permitting authority over the Project is subject to local and county regulation. WPS is still required to obtain any necessary permits from the Wisconsin Department of Natural Resources ("WisDNR") and abide by Wisconsin Agricultural Impact Statement Statute Wis. Stat. §32.035.

Prior to the release of this AIS, WPS notified the Department of its intent to complete voluntary contracts without actualizing WPS's powers of eminent domain to acquire the impacted agricultural parcels. As WPS has not actualized its powers of condemnation, at this time, to obtain property or *easements* for this project, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable for this project. If WPS does actualize its powers of condemnation at any point during the project, WPS may not negotiate with an owner or make a jurisdictional offer until 30 days after the AIS has been published. If WPS deviates from the selected plans or site alternatives, WPS shall re-notify the Department in accordance with Wis. Stat. §32.035(3). The

Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

Should WPS actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix D. The full text of Wis. Stat. §32.035 is included in Appendix E. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices E and F.

2. PROJECT DESCRIPTION

2.1. Project Summary

WPS has provided the Department with an agricultural impact notification (AIN) and requested spatial materials for analysis for the proposed project (DATCP, 2025a). The AIN and materials from WPS serve as the main reference documents for the Project. The proposed project route represented here is WPS's only proposed route, but the route may still be subject to minor changes by WPS. As the scope of Wis. Stat. §32.035 is limited to agricultural impacts, this analysis will only examine and evaluate the aspects of the Project that affect agricultural lands. A full list of the impacted acres for each agricultural landowner is provided in Table 2 of Section 4.1 Farmland Acquisitions and Landowner Concerns

2.2. Project Purpose

WPS has indicated the primary reason for the Project is to address the limited capacity of the existing Stevens Point 975 psig MAOP Transmission pipe to the area (DATCP, 2025a). WPS determined that the project would increase this capacity would improve pressure at the Plover City Gate Station and provide capacity for additional future growth (DATCP, 2025a).

2.3. Preferred Project Design

To construct the STP 975 Lateral Capacity Improvement Project, WPS proposes to install approximately four miles of 8-inch diameter pipeline. This pipeline would be built parallel to the existing Stevens Point 975 psig MAOP Transmission Pipeline for the most part, which is currently a 6-inch diameter pipeline. The new pipeline will deviate from the path of the old along Kennedy Ave, where the new pipeline is proposed on the West side of the road, and along 5th Street the new pipeline is proposed on the North side of the road. The pipeline originates from County Highway (CTH) HH Metering Station located along the Portage County Line to the Plover City Gate Station, located at the corner of CTH R and Black Oak Dr. For a general overview of the typical construction practices used to install a natural gas pipeline, please read the Department's Natural Gas Pipeline Construction Process publication ARM-LWR-562 available at agimpact.wi.gov.

2.3.1. Pipeline Installation Methods

The pipeline will be installed using a combination of *open trench* and *Horizontal Directional Drilling* (HDD). For additional information on *open trench* and HDD methods, refer to the Department's Natural Gas Pipeline Construction Process publication ARM-LWR-562 available at agimpact.wi.gov. WPS will use the excavated trench method across the majority of agricultural lands (Appendix A: Additional Figures). The typical trench dimension will be approximately 5 feet deep and 6 feet wide. In agricultural lands, trench depth will be deep enough to allow a minimum of 4 feet of soil cover over the top of the pipeline to avoid possible interference with farming equipment.

2.3.2. Above Ground Facilities

WPS has indicated that no above ground facilities will be constructed in the newly acquired ROW as part of the Project. Within the existing boundaries of the CTH HH Metering Station and the Plover City Gate Station, WPS will install station piping to accommodate a future pipeline inspection gauge (PIG) Launcher and PIG receiver respectively. (DATCP, 2025a).

2.3.3. Project Design Alternatives

WPS did not submit project design alternatives as they denoted that the alternatives considered were eliminated from consideration as they made the route much longer and would've been located in a more populated area (DATCP, 2025a).

2.4. Project Right-of-Way (ROW)

WPS proposes to utilize a combination of new and existing ROW to site the proposed project corridor. Typical widths for permanent and temporary *easement*s will be 50 feet and 25-50 feet respectively. WPS plans to utilize some shared ROW with the existing Stevens Point 975 where possible to reduce new *Right-of-way*s (ROW) acquisitions. WPS plans to abandon the existing 6" pipeline in place and release the easement back to the landowner where the new easements do not overlap the existing easements (DATCP, 2025a).

2.5. Project Schedule

Pending issuance of all state agency and local permits, WPS plans to start acquiring land in August 2025 and start construction in spring of 2026. The pipeline is projected to be in service by December 2026 (DATCP, 2025a).

2.6. Off-ROW Access Roads

WPS will utilize existing roads, road ROW and new ROW to access the Project corridor. Therefore, WPS will not create off-ROW access roads for the Project (Janet Sosnosky, personal communication, May 2025).

2.7. Staging Areas

Based on information found within the AIN, there are currently 7 different agricultural landowners on whose land WPS proposes to house a temporary staging area during construction. A majority of the staging areas, barring the Village of Plover property, occur on agricultural parcels, though not all of the staging areas occur on agricultural land is directly in agricultural use. See Appendix A, Figure 1 for maps outlining the Project and accompanying staging areas.

Table 1: Landowners with a staging area proposed on their land (DATCP, 2025a).

Landowner Name	State Parcel ID	Acres Impacted
DUANE KRUZITSKI	097034230906:28.04	0.23
JOSEPH A PAVELSKI	097030230813-01	0.34
K & J FARMLAND LLC	097034230907:27.03	0.27
MS & S ENTERPRISES	097034230907:05	0.23
MS & S ENTERPRISES LP	097034230918:08.01	0.59
ROMAN F KIZEWSKI	097034230907:26	0.0056
ROMAN F KIZEWSKI	097034230907:25.01	0.34
SUSAN BATCHELDER	097030230813-13	0.23
VILLAGE OF PLOVER	097030230824-05.02	0.23

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 FP 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.

Through this program, counties adopt a state-certified FP plan that maps areas identified as important for FP and agricultural development based upon reasonable and objective criteria. Based on the plan, local governments may choose to adopt a FP zoning ordinance or designate AEAs to achieve further land protections and ensure that farmland covered by the plan is eligible for FP tax credits. Such ordinances must be certified and AEAs must be designated by the Department. Landowners who are eligible in either or both AEA and FP zoning areas and claim the tax credit are

required to follow the state soil and water conservation standards to protect water quality and soil health.

3.1.1. Farmland Preservation Planning

Portage County

The Department certified Portage County's current FP plan in 2016 for a ten-year period ending in 2026 (Portage County, 2016). The criteria for land planned for FP in Portage County includes productive agricultural soils according to USDA/NRCS, existing irrigated farmland, Enterprise and Intermediate Agriculture future land use areas in comprehensive plan, A1 Exclusive Agriculture or Conservancy District zoned parcels, and areas within the Portage County Drainage District (Portage County, 2016). All towns in Portage County have lands that are planned for FP as part of the county's FP Plan. Approximately 50.6 acres planned for farmland preservation in the county's FP plan are affected by the Project's proposed route.

3.1.2. Farmland Preservation Zoning

There are no certified FP zoning jurisdictions located within the Project's proposed area.

WPS should consult with all applicable local zoning authorities to identify if additional restrictions apply and to ensure compliance with local zoning regulations.

3.1.3. Agricultural Enterprise Areas (AEA)

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 a minimum of ten years (or fifteen years if signed before December 8, 2023) in exchange for eligibility for the farmland preservation tax credit. It is possible that new agreements could be enrolled between the time of this analysis and potential construction of finalized designs related to the project corridor. The Department recommends WPS consult the Department in the year preceding construction regarding the status of effective agreements within the project corridor and for information regarding required releases of land from effective farmland preservation agreements.

A review of the Department's AEA program shows Portage County does not contain an AEA (DATCP, 2025b).

Prior to 2009, owners of eligible farmland could sign 10 to 25-year FP agreements outside of AEA boundaries. There are no effective pre-2009 FP agreements located in the towns of Plover and Stockton, Portage County.

3.1. 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, 2021). 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 no drainage districts will be directly impacted by the Project.

3.2. 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.

It is the responsibility of the landowner to maintain their CREP or CRP agreements, and they can work with the WPS 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 WPS in order to maintain compliance with CREP or CRP agreements.

3.2.1. Conservation Reserve Enhancement Program (CREP)

The CREP program 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, 2019).

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.

Currently, only a portion of Portage County is a part of the CREP program. The towns of Plover and Stockton are not within a CREP eligible area, so there no CREP agreements or easements are within the projects proposed route.

3.2.2. Conservation Reserve Program (CRP)

The CRP program 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, 2022). 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, 2022). 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 landowners voluntarily share this information with the Department.

Of the responses to the Department's pre-construction questionnaire, (see Section 4.1, Farmland Acquisitions and Landowner Concerns). One of the landowners impacted by the project included that part of their land is enrolled within CRP.

The Department advises the WPSs 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.

3.2.3. Managed Forest Law (MFL)

The MFL program is a voluntary sustainable forestry program administered by the Department of Natural Resources (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 and reforestation and afforestation of land to meet the size and density requirements are required in enrolled landowner's management plans. Land with buildings or improvements associated with buildings are not eligible for MFL. Exceptions such as utility right of ways are permitted such that the project and its ROW will not interfere with future or current MFL eligibility (WisDNR, 2017).

The Department recommends that all landowners review potential implications of the Project's proposed area to their MFL enrolled lands. Impacted landowners should visit the WisDNR Forestry Assistance Locator website www.dnr.wi.gov/fal/ to find their local DNR Tax Law Forestry Specialist and discuss the implication of the route to their MFL enrolled lands.

A review of MFL data from the statewide parcel dataset indicates that the Project will not impact lands enrolled within the MFL program.

3.2.4. Purchase of Agricultural Conservation Easement Programs

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 the National Conservation Easement Database, the Department found no publicly held easements in Portage County that may be affected by the project (NCED, 2025). There may be other public or private conservation easements that were not identified within the federal database that DATCP reviewed. DATCP recommends that the WPSs work with the landowners to verify if there are other conservation agreements that have not yet been identified.

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

The state has a Soil and Water Resource Management (SWRM) grant 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.

WPS is advised to consult the applicable 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 the WPS staff member, as designated by WPS, 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 WPS 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 consider alternatives that may reduce impacts to agricultural lands. To promote the opportunity for alternatives, the Department has used information provided by WPS for this AIS and information gathered from agricultural landowners to analyze the potential agricultural impacts of the STP 975 Lateral Capacity Improvement Project ("Project") in Portage County, WI. The analysis of the agricultural impacts and conclusions drawn from it form the basis of the Department's recommendations within the AIS Recommendation Section above.

4.1. Farmland Acquisitions and Landowner Concerns

Before constructing the Project, WPS will be acquiring easement contracts for permanent ROW and temporary construction areas. These easement contracts grant the utility the right to construct, operate, maintain, inspect, and repair the pipeline. According to Wisconsin Statute § 196.745, the utility is required to maintain the natural gas pipeline in an adequate and safe manner. All vegetation will be removed from the easement for construction of the pipeline. In addition, maintenance of the in-service pipeline will require continuing management of vegetation that grows within the easement. The type of vegetation that is allowed to grow within the easement and how vegetation is maintained are all subject to the easement contract. Regarding liability, the landowner is not liable for the construction, operation, maintenance, or repair of the pipeline, provided the landowner has not damaged any project facilities. Additional information about the appraisal and compensation process is included in Appendix D: Appraisal and Compensation Process.

After the easement is acquired by the utility, the easement seller still owns the land. Furthermore, no member of the public, other than utility employees or representatives have access to the easement without the landowner's permission. Under normal conditions, utilities typically make every effort to notify landowners before they anticipate accessing the easement. In emergency response situations, the utility has the right to access the easement without permission from the landowner. The easement contract will contain all specifics regarding access, rights, responsibilities, and liabilities and should be thoroughly reviewed by the landowner prior to signing.

The Department attempted to contact 9 agricultural landowners with a pre-construction questionnaire to gain insight on their farm operations and potential concerns they have about potential impacts posed by the project (Table 2). Of these, two landowners and a farm operator replied to the questionnaire, sharing their concerns related to the Project. 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 WPS in accordance with Wis. Stat. §32.19(4m)(b) if WPS exercises the powers of eminent domain through a jurisdictional offer to the agricultural property owner. A voluntary sale between WPS 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 Proposed to be Impacted by the Project.

Landowner Name	Impacted Acres
DUANE KRUZITSKI	0.73
JOSEPH A PAVELSKI	2.84
K & J FARMLAND LLC	3.62
KIZEWSKI FARMS INC	0.28
M S & S ENTERPRISES LP	5.19
MARNOR ENTERPRISES LLC	2.67
PAVELSKI MARSH LLC	2.66
ROMAN F KIZEWSKI	8.67
SUSAN BATCHELDER	4.29

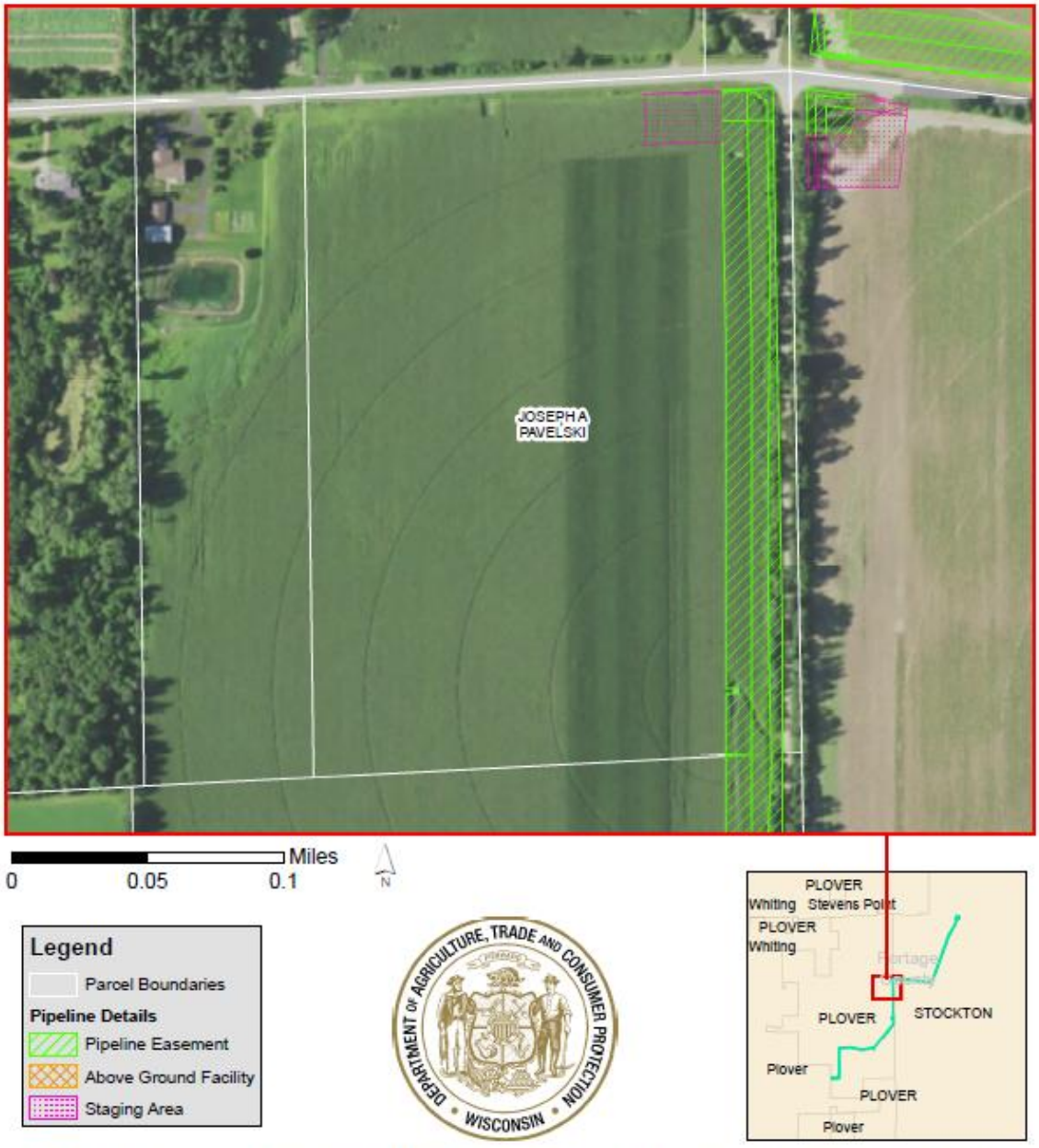
4.1.1. Joseph A. Pavelski/Pavelski Marsh and Ken Feltz (Land operator)

Joseph Pavelski owns nearly 800 acres of land, including 700 acres of cropland, 80 acres of pasture for dairy cows, and 10 acres for home/farm buildings. Ken Feltz operates 40 acres of Pavelski's land along the proposed Project area. Both the landowner and the operator share concerns that Project may disrupt the pivot irrigation which Pavelski and Feltz wrote that this would impact their ability to water the remaining fields and could impact their harvest. Pavelski and Feltz also noted that there are buried electric wires and pipes within the Project area. Overall, Pavelski and Feltz are concerned that the Project would impact the soil productivity and crop yield of the agricultural fields the Project runs through, as well as impacting the possibility of irrigation and manure/fertilization application on the field.

Based on aerial imagery of the project area, the center pivot for the field's irrigation system is sited in a location within the project ROW. Use of the pivot irrigation system may be impaired during construction. If the irrigation pivot were not able to be used during project construction, the rest of Pavelski's field to the west of the project area may not be watered if the structure is impaired by Project construction (Figure 2a), resulting in crop yield loss. The Department recommends that the landowner share the location of irrigation pivots with WPS, and that WPS work with the landowner

to determine how the irrigation pivot could remain in use during the construction period to mitigate crop yield loss to the degree possible or compensate for loss of crop the irrigation pivot covered.

Additionally, Joseph Pavelski also responded for Pavelski Marsh LLC, in which aerial imagery illustrates that the Project design will to sever Parcel ID 030230813-16 during construction (Figure 2b). For further information regarding potential severance of the parcel due to the Project, see Section 4.3.1 Severance for further information and recommendations the Department proposes for the Project.



This map is prepared by Wisconsin Department of Agriculture, Trade and Consumer Protection for administering the Agricultural Impact Statement Program. This map is not intended to be used as a survey plat or for anything other than demonstration of a partial proposed route option being considered for the project, which is subject to change.

Figure 2a: Aerial imagery showing circular lines depicting range of irrigation pivot in Pavelski's field.

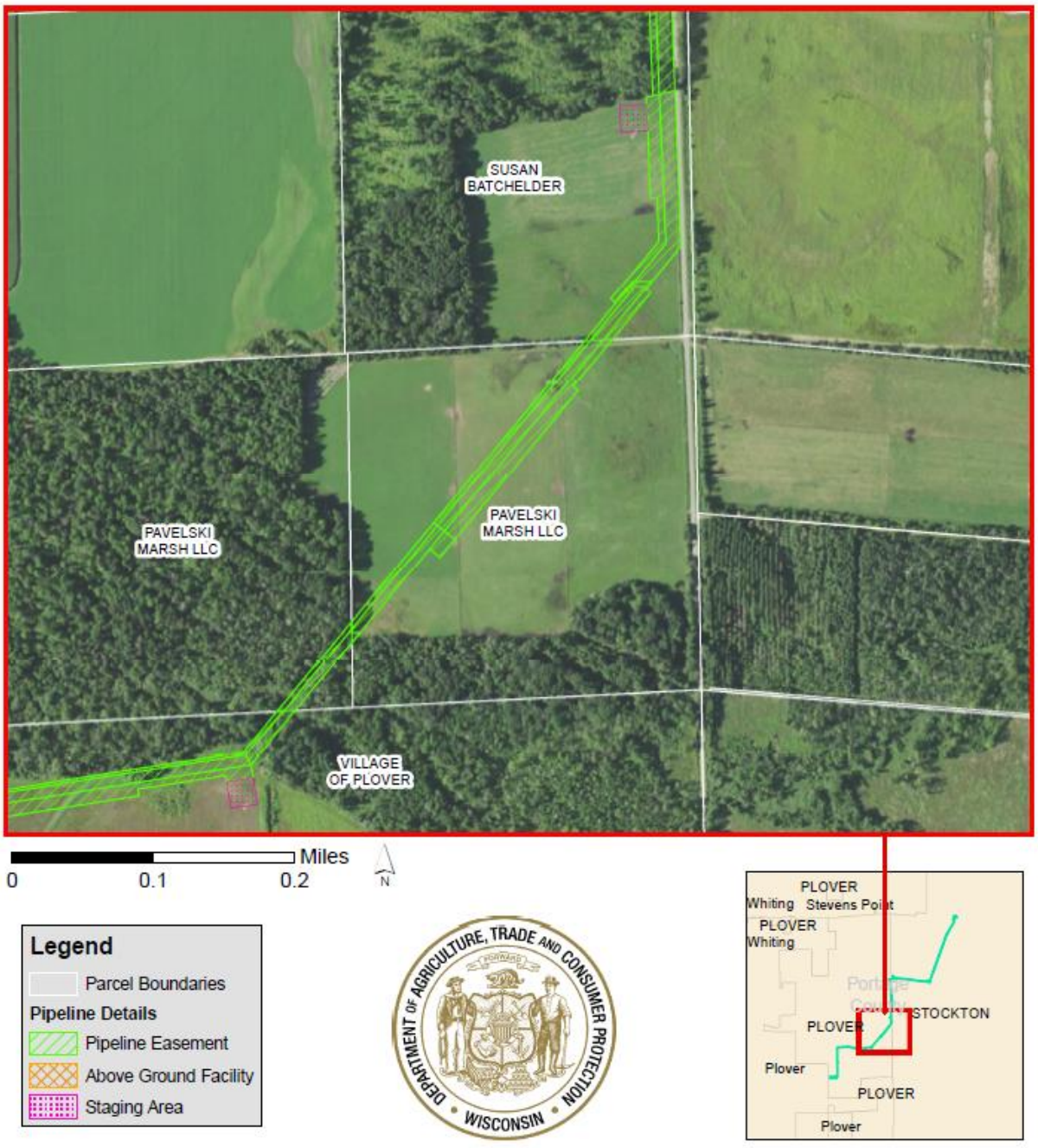


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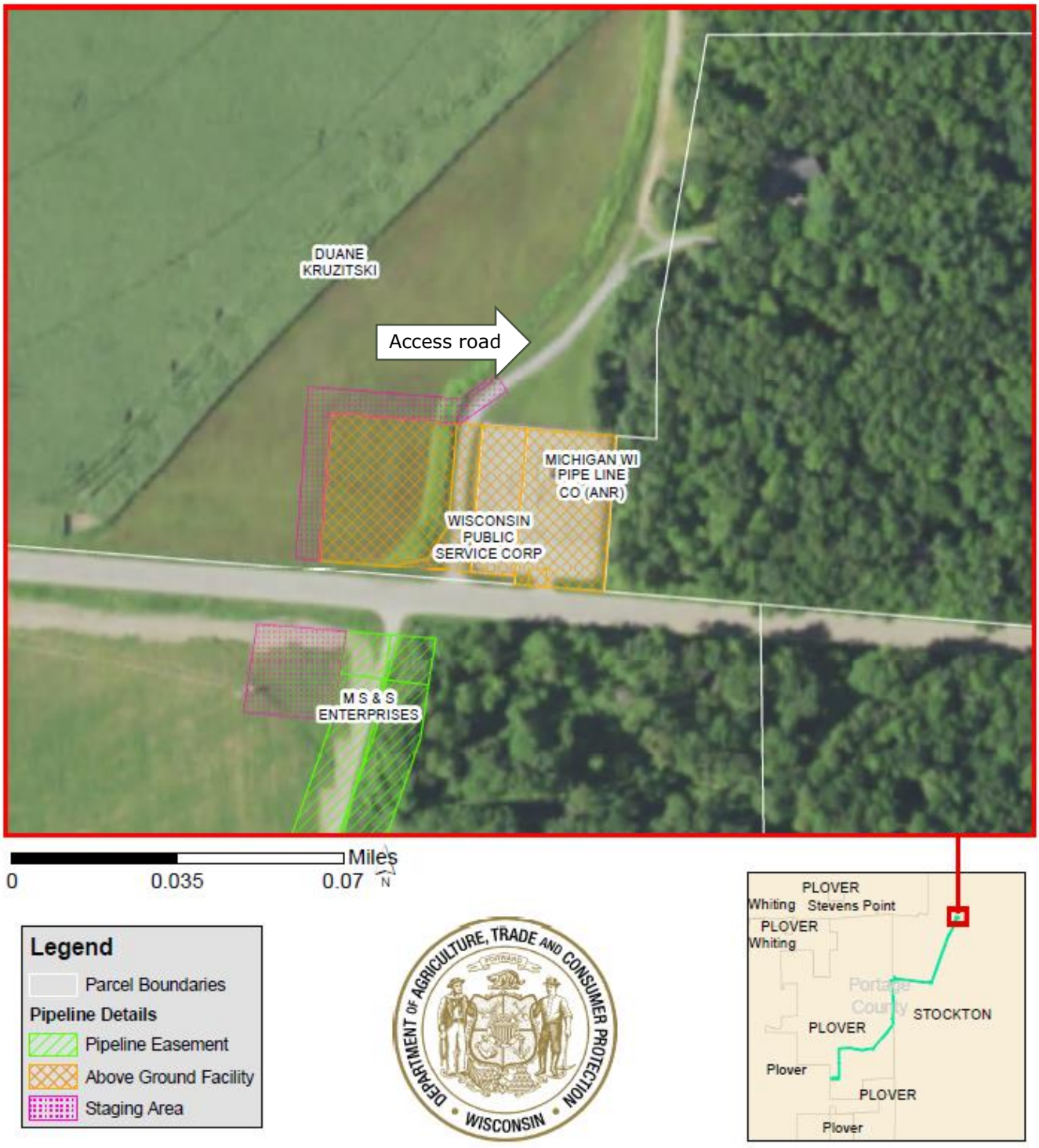
Figure 2b: Aerial Imagery of Pavelski Marsh LLC depicting the potential severance due to the proposed Project.

4.1.2. Duane Kruzitski

Duane Kruzitski owns 200 acres of land, 185 of which are cropland, 10 acres of managed woodlands and 5 acres that contain home/farm buildings. Mr. Kruzitski shared concerns that the Project would impact an access road that provides access from CTH HH to Duane Kruzitski's farmland and forested land. As seen in Figure 3, there is an existing above ground facility, the CTH HH Metering Station for the existing Stevens Point 975psig MAOP Transmission pipe. WPS states that this metering station will be expanded to accommodate a new PIG Launcher for the increased pipe diameter of the transmission line (Figure 3). Kruzitski shared concerns that this proposed above ground facility expansion may impact the use of the access road, as well as impacting property improvements such as the trees that Kruzitski planted in the last few years along the western curve of the access road. Additionally, Kruzitski shared that the area around the access road is in a low spot of his land, and the construction of a new above ground facility would disrupt the current flow of water from the woodlands and direct into the field, potentially causing flooding and lowering the crop yield of his fields.

The Department recommends that WPS work with the landowner for siting of a potential new access road and discuss potential mitigation strategies to address potential drainage issues that may occur as a result of the Project. Additional mitigation measures the Department recommends for drainage concerns as a result of the Project can be found in Section 4.6, Drainage.



This map is prepared by Wisconsin Department of Agriculture, Trade and Consumer Protection for administering the Agricultural Impact Statement Program. This map is not intended to be used as a survey plat or for anything other than demonstration of a partial proposed route option being considered for the project, which is subject to change.

Figure 3: Aerial imagery showing existing CTH HH Metering Station on the east of the current access road, to where expansion will occur to the west of the access road.

4.2. Agricultural Mitigation Plan

WPS has voluntarily prepared an AMP for the Project and will utilize an environmental/agricultural inspector to ensure the AMP is adhered to during project construction and restoration phases (DATCP, 2025a). The Department reviewed the AMP to verify that it aligns with current agriculturally relevant BMPs and *mitigation* steps the Department seeks for the Project. A copy of the AMP is available in Appendix B: WPS STP 975 Agricultural Mitigation Plan.

In the following sections, the Department will review several other BMPs that may provide additional protections for *agricultural operations* and mitigate agricultural impacts.

4.3. Severance, Access and Wasteland

The acquisitions of agricultural property can 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 agricultural lands impacted by the Project.

4.3.1. Severance

Severance may be a physical barrier such as a road or non-physical barrier such as land use restrictions. 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, divide the operation of a farm or potential result in farmland conversion. Under Wisconsin's Eminent Domain Statute, compensation for damages resulting from *severance* is described in Wis. Stat. § 32.09(6).

The new pipeline will parallel the existing 6" Stevens Point 975 psig MAOP Transmission pipeline, except in sections along Kennedy Ave. and 5th Street. The existing pipeline will be abandoned in place. In the AIN submitted to the department the project initiator did not identify any agricultural parcels projected to be severed by the proposed project. In the Project's AMP (Appendix B), the project initiator has adopted management practices to mitigate site access issues that may result from construction (DATCP, 2025a).

A visual inspection of 2024 parcel data suggests that agricultural parcels within the proposed ROW may be severed during construction, but not necessarily divided into two equal parts, by the construction of the proposed project depending on the selected route (Table 2). Impacts of severance during construction may include access limitations to an existing access/field road within parcels 034230907:11.02 and 0342300907:05.

Table 3: Agricultural parcels, which may be severed by the proposed pipeline by landowner of record and Parcel ID (2024 Parcel Data).

Property Owner	Parcel ID
K & J Farmland LLC	034230909:27.03
MS & S Enterprises	034230907:11.02 034230907:05
Pavelski Marsh LLC	030230813-16
Roman F. Kizekski	034230907:22
Susan Batchelder, Jodi Ann & Anthony Pauloski, Et. Al.	030230813-13

Aligning the route with field boundaries can reduce the potential to sever an agricultural parcel. Post-restoration, many pre-existing agricultural land uses should be able to return, which further reduces the potential for permanent severance. The impacts of parcel severance may include crop damage, field access issues or loss amongst others. During the pre-construction phase, landowners concerned about the impacts of parcel severance should communicate the location of property improvements such as structures, field access points drain tile or installed conservation practices; existing certifications (organic, etc.); management of livestock including the location of existing fencing within the project ROW; plans to spread manure or other organic material on lands within the proposed project ROW with the project initiator. This information will assure that construction may proceed in accordance with applicable mitigation practices identified in the project Agricultural Mitigation Plan to minimize the effects of parcel severance and impacts to agriculture (Appendix B) which includes practices for: restoration of fencing, repair of severed drain tile, repair of existing erosion control facilities etc..

Post-construction, the Project Initiator will impose certain land use restrictions within the ROW that will prevent the construction of agricultural related buildings and the growth of some agricultural commodities such as trees or other woody plants. While agricultural landowners can still access these lands, they may be prohibited from continuing a pre-existing land use within the ROW such as MFL, maple syrup production, Christmas tree production, etc. In these situations, land use restrictions create a non-physical barrier to agricultural production. Essentially, land use restrictions have the potential to sever a proportion of an agricultural parcel that may no longer contribute to an agricultural operation. Details of landowner/operator concerns are provided in Section 4.1.

4.3.2. Access

Acquisitions of farmland may remove existing points of access utilized by *agricultural operations* to enter their remaining farmland. Access to farmland may also be temporarily lost within the project ROW while the project is under 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. Lost access may also directly result in lost income if a field cannot be planted or harvested, or if an entire *agricultural operation* is hindered.

Construction may temporarily affect field access points along the selected route. To mitigate access impacts, it is recommended that the project initiator coordinate with affected landowners during the preconstruction phase to provide alternative access methods and locations during construction to the extent practicable. The Department recommends that the project initiator inform landowners of projected construction timelines well in advance of when and where construction will occur and for how long they could potentially lose access to all or a portion of the impacted farm fields. Landowners should disclose construction information to tenant operators where applicable.

4.3.3. Wasteland

Acquisitions and *easements* that sever farmland frequently create small remnant fields that may be difficult to access or are irregularly shaped. These small irregularly shaped remnant fields may also contain numerous obstacles that can make it difficult for agricultural equipment to navigate and reduce the amount of tillable acres. This in turn reduces agricultural productivity and decreases the economic viability of the land, which increases the potential 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. 32.05(3m) should be addressed in the appraisal of each affected parcel.

Above ground or surface-level structures in crop fields, such as valve assemblies, have the potential to alter travel patterns for agricultural equipment operators to maneuver around and may also create fragments of *wasteland* as shown in 4A and B below.

The Department's analysis found that the Project is unlikely to create significant agricultural *wasteland*. This determination is based on two main findings: 1) the Project proposes limited surface structures on agricultural lands and 2) the impacted agricultural lands can largely be returned to the pre-existing agricultural use. Collectively, these aspects limit the Project's potential to change the shape of a field or to create agricultural wastelands.

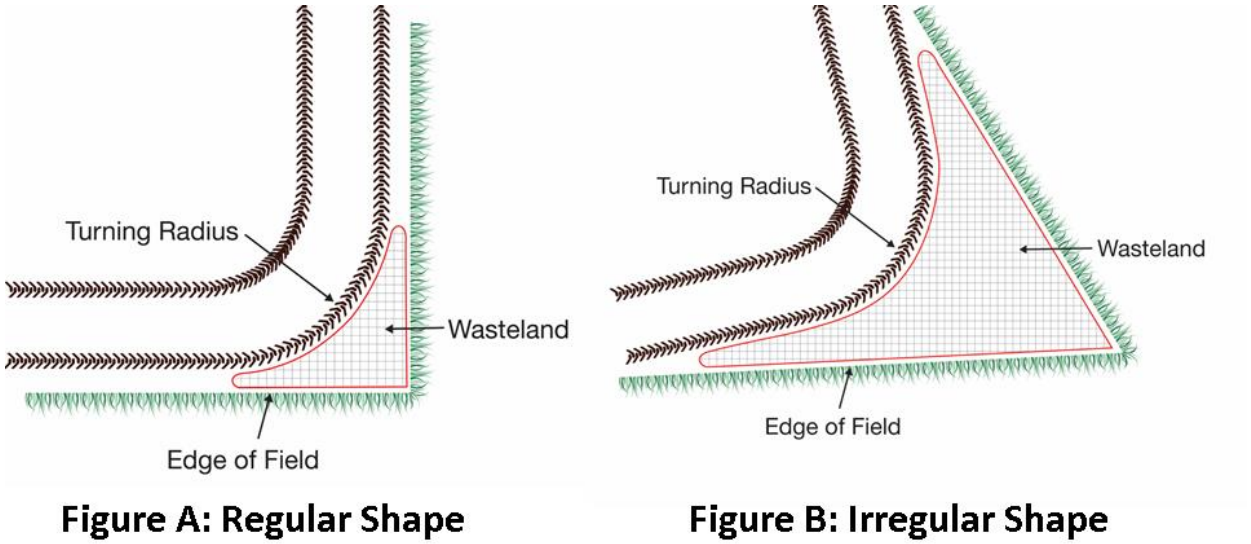


Figure A: Regular Shape **Figure B: Irregular Shape**

Figure 4: Examples of agricultural wastelands created from regular shaped fields with square corners (Figure A) and irregular shaped fields with sharp or acute angles (Figure B) that may result from parcel severance.

4.4. Prime Farmland and Soils

As proposed, the Project will impact approximately 30 acres of agricultural lands and soils. The soils impacted by the proposed Project were cataloged and analyzed by farmland classification, for the proposed route, using the NRCS *prime farmland* soils GIS layer. Farmland soil classifications impacted by the Project include *prime farmland* and *prime farmland* if drained (Table 4). *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 for the proposed route. The soil analysis includes permanent, temporary, workspace and all project-related areas for that route.

The proposed route will impact up to 30.9 acres of agricultural soils. Across impacted parcels, 35.1% hold some level of Federal or State priority designation, with 62.3% classed as not prime farmland. Within the boundary of the project ROW, 2.6% have been designated as *Prime farmland* or *Prime farmland* if Drained.

The agricultural soils across the Project ROW when classified by texture, are primarily loamy sand soils of various soil series. In general, loamy sand soils are sandy or light silty soils (Cornell, 2017) with a gritty soil structure, possess good drainage, aeration and water retention attributes (UW-Extension, 2005). While the majority of the ROW is classed as not prime farmland, its attributes demonstrate it is still suitable for a variety of agricultural uses.

Table 4: Agricultural soils, by farmland classification, impacted by the proposed Project in Portage County, WI.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained◊ (acre)	Farmland of Statewide Importance‡ (acre)	Not Prime Farmland◊ (acre)	Total (acre)
Proposed Route					
Loamy Sand	0.0	0.0	10.8	16.3	27.1
Muck	0.0	0.0	0.0	3.0	3.0
Sandy Loam	0.1	0.8	0.0	0.0	0.8
				Proposed Route Total	30.9

***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.

4.5. Soil Health

Soil structure, texture, organic matter and microorganisms are all important factors that influence soil health (Wolkowski and Lowery, 2008). Project construction activities with the potential to impact soil health include excavation and the movement of heavy equipment through the Project ROW that may compact soil. 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). This construction-caused soil compaction may also damage drain tiles leading to ponded water where none existed prior to construction. Construction activities may also disrupt and/or mix soil profiles within the Project ROW as well as the surrounding area. Research has also shown that construction related impacts (e.g. equipment axle weight, use of excavation, intermixing of soil layer etc.) have the potential to negatively impact crop yields for up to a decade within the ROW depending on the type and severity of the construction impacts (Culley and DOW 1988; Shi et al., 2014).

The Project has the potential to create a range of drainage and soil health impacts for the impacted agricultural operations. The nature of open trench construction methods inevitably brings risks of topsoil mixing, soil compaction and damage or breakage of drain tiles. For more information on pipeline construction methods and open trench excavation, refer to the Department's Natural Gas Pipeline Construction Process publication ARM-LWR-562, which is available at agimpact.wi.gov.

Collectively, these risks raise the potential for yield losses for the impacted agricultural landowners in the Project ROW. The project initiator has prepared an agricultural mitigation plan (AMP) which includes practices to mitigate impacts to soil health. The Department's review and analysis of the AMP can be found in Section 4.2.

ANR responded to recommendations in this section, which can be seen in Appendix G: Project Initiator Feedback Form.

4.5.1. Three-Lift Soil Handling

The *three-lift soil handling* procedure is recommended for cropland and pasture where the mixing of the subsoil layers from construction practices such as pipeline trenching, may result in persistent crop yield reductions. For agricultural soils, the typical pipeline construction practice is to remove and stockpile only the *topsoil* (usually the top 12 inches) from the entire pipeline trench. In contrast, the *three-lift soil handling* method requires the stockpiling of the 1) *topsoil*, 2) subsoil and 3) substratum in three separate piles. After the pipeline has been placed within the trench, the excavated soils would be backfilled in the reverse order from which they were removed (i.e. last soil removed is the first soil backfilled). For more information on the *three-lift soil handling* method, refer to the Departments Three-Lift Soil Management publication ARM-LWR-294 available at agimpact.wi.gov.

The *three-lift soil handling* method is useful when the proposed trench will intersect both the B and C horizons of a soil profile and the C horizon is of poorer quality (gravel, rock, and/or sand) than the B horizon (silt, clay, and/or loam). Alternatively, this practice may be applicable to soil profiles with a distinct upper and lower B horizon, as opposed to a B and C horizon. Additional factors such as slope, soil drainage, thickness of the soil horizons, and acres of soil units crossed by the project are important in determining soil candidates for which the three-lift method could be beneficial for protection of crop yields. A key for identifying soil candidates for *three-lift soil handling* is provided in Appendix C: Three-lift soil Candidate Key.

WPS has prepared a thorough *three-lift soil handling* BMP (Appendix B: BMP-09) within the Project AMP that is consistent with the methodology set forth by the Department (Appendix C). To identify those soils that are candidates for *three-lift soil handling*, WPS will utilize criteria set forth by the Department (Appendix C).

WPS will compile a list of potentially affected farm owners whose land is eligible for three-lift soil handling through analysis of NRCS Soil Maps and/or original soil maps for each county. WPS will inform landowners possessing lands within the construction ROW that meet the three-lift soil handling criteria to offer it as a possible trenching procedure on their property during construction (see Appendix B: BMP-09).

4.5.2. Topsoil Segregation

Agricultural *topsoil* is an invaluable resource that should be preserved. Excavation activities required to create the *open trench* needed to install a natural gas pipeline has 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.

WPS has prepared a BMP for the management and segregation of agricultural *topsoil* as seen in Appendix B: BMP-02. Collectively, BMP-02 in conjunction with BMP-06: *Soil Restoration* conforms to many of the *mitigation* practices the Department seeks to preserve the quality of agricultural *topsoil*. The Department wishes to highlight the following mitigation practice contained in BMP-02 as it aligns with Department priorities to preserve productive agricultural topsoil:

- *All of the topsoil to a depth of 12 inches, or the entire original topsoil depth if it is less than 12 inches, will be removed from the subsoil storage area, the trench area, and the rest of the temporary right-of-way (work and traffic areas); however, topsoil will not be removed from under the topsoil storage piles or areas where construction mats are laid on the surface for material storage or equipment travel. WISCONSIN PUBLIC SERVICE has the option to remove amounts of topsoil in excess of 12" at its discretion.* (Appendix B: BMP-02).

The Department recommends that WPS take the additional steps to prevent the mixing of agricultural *topsoil* with subsoil layers within the Project ROW:

1) Prohibit the spreading of mixed soils or segregated subsoils on undisturbed cropland, pastures or other agricultural fields, unless authorized by the landowner.
2) If topsoil happened to be intermixed, remove any intermixed *topsoil*, within the top 12 inches, from the *right-of-way* (ROW) and replace with new clean *topsoil* that is comparable to the pre-existing *topsoil*.
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.

4.5.3. Soil Compaction

Equipment used to construct natural gas pipelines 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 of potential negative impacts to the productivity of soil, including reduced crop productivity, reduce crop uptake of water and nutrients, restriction of plant rooting depth, decreased water infiltration and increased surface runoff.

WPS has prepared a BMP for soil compaction management and soil decompaction as seen in Appendix B: BMP-06. BMP-06: *Soil Restoration* conforms to many of the *mitigation* practices the Department seeks to alleviate soil compaction issues. The Department wishes to highlight the following mitigation practices contained in BMP-06 as it aligns with Department priorities to prevent soil compaction and/or de-compact agricultural topsoil:

- Deep subsoil ripping shall be carried out on all traffic and work areas of agricultural right-of-way where full corridor stripping of topsoil occurred. This includes the pipeline workspaces, temporary workspaces, and temporary access roads. It does not include the area over the trench. (Appendix B: BMP-06).

- *Subsoil compaction will normally be alleviated with three passes of the de-compaction equipment. Multiple passes refers to the implement passing over the same soil band. That is, three passes of a 10-foot wide implement will treat a 10-foot wide band of soil, not a 30-foot wide band. (Appendix B: BMP-06).*
- *Passes must be made in multiple directions. This can be achieved in the narrow pipeline right-of-way by weaving the implement back and forth across the area being ripped. (Appendix B: BMP-06).*
- *De-compaction through the topsoil may be necessary, if the subsoil and/or topsoil are compacted during topsoil replacement activities. A penetrometer will be used to determine if additional decompaction is necessary through the topsoil.* (Appendix B: Best Construction Management Practices - k).

The Department recommends that WPS take the additional steps to prevent soil compaction and/or de-compact agricultural *topsoil*:

1. Use only low-ground pressure and/or wide tracked equipment within ROW to reduce axel weight applied to soils.
2. Use construction matting in wet areas or areas prone to rutting within the ROW to spread out pressure.
3. Avoid working in areas with recently saturated soils.
4. When possible, conduct construction work during winter months when the ground is frozen.

4.5.4. Increased Soil Rock Content

Large stones at the surface can damage farm machinery and lead to added costs to landowners for removal. Many subsoil layers have a greater rock content than the *topsoil*. Trench excavations may

bring up lower soil horizons with rocky subsoil, which may mix with upper soil layers. Even where *three-lift soil handling* is used, additional rocks may be spread through the subsoil layer during backfilling. WPSs may also apply gravel or rock at access points to agricultural fields or access roads which may mix with soil within or adjacent to the ROW.

WPS has prepared a BMP for soil restoration as seen in Appendix B: BMP-06. BMP-06 conforms to the mitigation practices the Department seeks to prevent increased rock content in agricultural topsoil.

4.5.5. De-icing & Traction Control

Construction crews commonly apply various products to improve vehicle traction across temporary road matting within the construction ROW to control for wet, slippery, or icy conditions. The application of sodium chloride (e.g. rock salt), as a de-icing agent, to temporary road matting within the construction ROW can lead to sodium chloride rich runoff that has potentially detrimental impacts to the health of nearby soils, ecosystems and surface waters (Richburg, 2001; Kelly *et al.*, 2008; Corsi *et al*., 2010). Alternative de-icing products, which are less damaging to the health of soil, vegetation and ecosystems as compared to sodium chloride, do exist. For example, county highway departments commonly apply sand or small lime chips (1/8" to 3/16" diameter), or a combination of the two as an alternative to sodium chloride, especially when surface temperatures are colder than 15°F when sodium chloride is less effective. University of Wisconsin Madison – Extension publication A3877 provides a list of alternative de-icing products WPS may wish to consider when selecting an alternative(s) to sodium chloride based products. However, sodium chloride may still be required to mitigate situations that pose elevated safety risks.

As construction is planned to start in early 2026 and last until late 2026, the Department recommends WPS to consider adding the following BMPs to the Project AMP to address impacts related to salt applications on temporary road matting over agricultural soils.

- WPS should use alternatives to sodium chloride, when safety conditions allow, for de-icing and traction control on temporary road matting when crossing agricultural soils.
- When the application of sodium chloride is necessary to resolve a matter of safety an alternative method cannot, WPS should limit the sodium chloride application rate to the lowest level required to maintain a safe working environment.
- WPS should prepare a spill response plan in the event sodium chloride or an alternative product is over applied or spilled onto agricultural soils.

4.6. Drainage

Maintaining proper field drainage and preserving soil health is vital to the success of an *agricultural operation*. However, pipeline construction activities have the potential to affect both surface and subsurface (i.e. drain tile) drainage patterns and the overall soil health of agricultural fields.

Potential drainage impacts from the construction of a pipeline include broken or damaged drainage tile lines, alterations to the topography of existing grassed waterways, or changes to known surface water flowlines. When these impacts happen and go unrepaired, drainage may become impaired, leading to the buildup of standing water on fields. Standing water on agricultural fields has a broad range of negative impacts including crop losses, concentrating mineral salts, flood damage to farm buildings, or causing disease in livestock.

ANR responded to recommendations in this section, which can be seen in Appendix G: Project Initiator Feedback Form.

4.6.1. Drain Tile Repair

Construction activities – especially those that excavate soil – can disrupt, damage or break agricultural infrastructure including drainage tiles, grassed waterways, and drainage ditches. WPSs have a duty to restore the agricultural landscape as near to pre-existing conditions as possible.

WPS has prepared a stepwise plan for temporary and permanent drain tile repairs as seen in Appendix B: BMP-04. BMP-04 conforms to the mitigation practices the Department recommends for restoration of damaged or broken agricultural drain tile lines. The Department offers these additional recommendations:

- Agricultural landowners should inform WPS about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.
- 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.
- WPS should consider using the techniques outlined in Section 4.5.2 "Soil Compaction" when crossing a known drain tile.
- Where construction activities have created new wet areas WPS should work with the landowner to determine the best means to return the agricultural land to pre-construction function.

4.6.2. De-watering

During excavation, trench 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 comply with current drainage laws, local ordinances, WisDNR permit conditions, and the provisions of the Clean Water Act.

WPS has prepared a BMP for trench dewatering as seen in Appendix B: BMP-05. BMP-05: *Trench Dewatering* conforms to the *mitigation* practices sought by the Department. The Department

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

1) 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.

2) WPS should consider using pre-filter bags or other filter devices, prior to discharge, in order to capture sediments, gravel and rocks.

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.

4.7. Yield & Crop Loss

ANR responded to recommendations in this section, which can be seen in Appendix G: Project Initiator Feedback Form.

4.7.1. Yield Compensation

The Department's soil health analysis, seen in Section 4.5, has indicated the potential for the STP 975 Lateral Capacity Improvement Project to impact soil health and crop yields for years to come. As livelihoods of *agricultural operations* are irrevocably linked to the productivity of the soil and crop yields, WPSs have an obligation to compensate impacted agricultural landowners for the future yield reductions across the project ROW. Compensation for yield loss generally occurs at the time of *easement* contract negotiations.

The Department recommends that agricultural landowners request at least 200% of crop value within the ROW for reimbursement. WPSs may structure this reimbursement over a 2 – 4 year timeframe, but the total reimbursement should be no less than 200%. An example agreement may reimburse an agricultural landowner for 100% crop loss the year of construction, followed by a 60% reimbursement the second year and 40% for the third year. Agricultural landowners should also work with the WPS to determine the most appropriate way to determine the value of the crop within the ROW during the year of construction, as well as future crop value.

WPS has prepared a systematic plan for determining the value of the impacted crop and compensating the impacted farm operation as seen in Appendix B: BMP-08. BMP-08 conforms to the *mitigation* practices the Department seeks when advocating for crop loss/yield reduction compensation. Specifically, WPS states in BMP-08 that, "[t]he landowner/renter will be compensated up to 200% of the value of the crop based on the calculation in Item 2 above. 100% of the value of the crop lost during the year of construction and an additional 100% for any potential future year's crop loss*."*

The Department also recommends that agricultural landowners 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 Project damages occur.

4.7.2. Feed Supply

The construction of a natural gas pipeline 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.

The Department did not find mention of *mitigation* or compensation practices related to the disruption of feed supply for dairy operations within the Project AMP. To address impacts resulting in the loss of animal feed, leading to the purchase of replacement feed, WPS should consider adding the following BMPs to the Project AMP.

- Compensate any impacted dairy operations by increased operational costs associated with the purchase of forage resulting from the reduction of forage from within the ROW.

4.8. Erosion and Conservation Practices

Pipeline construction activities 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.

WPS has prepared a BMP to address erosion and repairs to existing agricultural erosion control facilities as seen in Appendix B: BMP-03. BMP-03: *Erosion Control* conforms to the *mitigation* practices sought by the Department. The Department wishes to highlight the following *mitigation* practices contained in BMP-03 as they align with Department priorities to control soil erosion and mitigate impacts to agricultural conservation practices & facilities:

- *Existing agricultural facilities, such as diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc., damaged due to construction activities will be restored to pre-construction conditions. Photographs and elevation surveys may be taken as necessary prior to construction activities at the site to ensure final restoration is satisfactory* (Appendix B: Best Construction Management Practices - i).

- *Erosion controls such as silt fence, staked hay bales, and erosion matting will be used to prevent surface runoff from carrying sediment laden water onto adjacent lands. Dewatering may be required to remove standing water from trench or bore pit areas. Erosion control and dewatering technical standards are described on the Wisconsin Department of Natural Resources website https://dnr.wisconsin.gov/topic/Stormwater/standards. These standards will be met or exceeded at all times. It is not permissible to allow soil or water runoff to occur from non-organically farmed fields onto organically farmed fields at any time even if both fields are owned by the same landowner* (Appendix B: Best Construction Management Practices - f).
- *Temporary erosion controls will be constructed after initial disturbance of the soil and will be properly maintained throughout construction. The erosion control structures will be inspected as described below and reinstalled as necessary (such as after backfilling of the trench) until they are either replaced by permanent erosion controls or restoration is complete* (Appendix B: BMP 03 – Erosion Control).

ANR responded to recommendations in this section, which can be seen in Appendix G: Project Initiator Feedback Form.

4.8.1. Construction Noise and Dust

During each phase of the Project, noise and dust are likely to be generated. Landowners near the Project ROW may experience noises and dust associated with construction techniques and the movement of heavy equipment. 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.

The Department did not find mention of *mitigation* practices related to noise and dust within the Project AMP. To address impacts resulting from construction noise and dust WPS should consider adding the following BMPs to the Project AMP.

- Identify agricultural livestock operations with sensitive animals within and adjacent to the Project ROW and provide them appropriate advance warning of construction activities, so they may take steps to safeguard their animals.
- WPS should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.
- WPS should use tracking pads at frequently used access points.
- Apply water over the dust generating areas to reduce dust output.

Nearby agricultural landowners may also wish to consider the following recommendations:

- Livestock owners & operators within the Project ROW who are concerned about the noise potential for the Project should inform WPS or their representatives during the *easement* negotiation process. Additionally, they may wish to remind WPS of their concerns just prior to the start of construction.

4.8.2. 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. The debris from various woody tress species, such as cherry or walnut trees cans be toxic to livestock.

To mitigate the potential impact of construction debris, WPS has proposed various BMPs in Appendix B: Best Construction Management Practices – h, k and Appendix B: BMP-06. Collectively, these BMPs contain the mitigation practices the Department recommends for to mitigate the impact of construction debris.

4.8.3. 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.

WPS has prepared a BMP to address impacts to weed control as seen in Appendix B: Best Construction Management Practices - h. However, the Department believes WPS may wish to consider implementing the following additional *mitigation* steps, specific to weed control, to strengthen its weed control BMP:

- WPS should offer agricultural landowners, during *easement* negotiations, the ability to state whether they do or do not give WPS express written consent for herbicide to be applied within the ROW they own.

- WPS should use tracking pads at frequently used access points.

- WPS 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, WPS should contact the operation to discuss the appropriate methods required to minimize the risk of accidental exposure.

- 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/.

4.8.4. Restoration

Restoration is the final step in assuring an impacted agricultural area is restored as close as possible to preconstruction conditions. In general, restoration activities include the soil restoration, soil grading and seeding. Stockpiled *topsoil*s 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.

WPS has proposed various BMPs in Appendix B: Best Construction Management Practices and Appendix B: BMP-06 – Soil Restoration to restore the impacted agricultural lands as close as reasonably possible to their pre-construction conditions. Collectively, these BMPs contain the majority of *mitigation* practices the Department supports. The Department believes WPS may wish to consider implementing the following additional *mitigation* steps, to strengthen restoration efforts:

- WPS should 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 as close to pre-construction conditions as possible within the ROW should temporary restoration erosion control devices be removed.

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