AGRICULTURAL IMPACT STATEMENT


DATCP File Photo

DATCP #4622

Rochester Lateral Pipeline Project
Racine, Kenosha, and Milwaukee Counties
PSC Docket # 6630-CG-139

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

PUBLISHED MARCH 11, 2025

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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
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
IAM	Independent Agricultural Monitor
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

TERMS

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") 4622 for a natural gas pipeline lateral proposed by the Wisconsin Electric Gas Operations, ("WE-GO"), doing business as We Energies. The proposed pipeline (referred to as "Rochester Lateral Pipeline Project" or "Project") in the towns of Brighton, Dover, and Norway and the villages of Rochester, Raymond and Caledonia, and the cities of Oak Creek, in Kenosha, Racine, and Milwaukee Counties (see Figure 1). WE-GO has indicated the primary reason for the Project is to address the request from their customer, Wisconsin Electric Power Company, for firm natural gas service at existing and planned electric generation facilities in southeastern Wisconsin to meet the increased demand (We Energies, 2024). The Project is a distribution system expansion that will tie supply and load together from Bluff Creek to Oak Creek.

To construct the Rochester Lateral Pipeline Project, WE-GO proposes to install approximately 33 miles of 30-inch and 24-inch steel 650 pounds per square inch gauge ("psig") maximum allowable transmission main. The 30-inch main will extend from the existing Rochester Gate Station in Dover, WI to the Oak Creek Power Plant site in Oak Creek, WI. The 24-inch main extends from the proposed 30-inch main Oak Creek Power Plant site as well as from then proposed 30-inch main to the Lakeshore Lateral in Brighton, WI. There is also approximately 2,287 feet of existing 16-inch 300 psig main to be replaced with 24-inch main. The proposed project will be described as having two potential routes, "Route A" and "Route B". The preferred route contains a combination of segments from both route options.

The proposed Project will impact up to 223 agricultural landowners and approximately 303.7 to 396.7 acres of agricultural lands depending on the selected route, staging areas and access roads.

The Public Service Commission of Wisconsin (PSC) has authority over the Project and the project initiator must obtain a Certificate of Authority (CA) to obtain the right to proceed with the Project. Through the issuance of a CA, the PSC would select the project route and other project criteria WE-GO shall follow. To date, WE-GO has submitted a CA application for the Project to the PSC under PSC Docket ID: 6630-CG-139 and is

awaiting a ruling from the PSC. The Department will provide the PSC with AIS #4622 as evidence to aid in determining the outcome of WE-GO's CA application.

In accordance with Wis. Stat. §32.035(3), WE-GO has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural property owners with two acres or more of impact posed by the Project. In accordance with Wis. Stat. §32.035(4)(b), the Department has reviewed and analyzed WE-GO 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 WE-GO 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 12. The AIS analysis begins on page 17 with information on the project located in Section 2. Information and conclusions on the agricultural setting of Kenosha, Milwaukee and Racine Counties 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 3. Appendices for AIS 4622 contain the following information: additional project figures and tables (Appendix A), WE-GO's Agricultural Management Plan (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). Landowner responses to the Department's pre-construction questionnaire (Appendix G), Agricultural Monitoring Form for Pipeline Projects (Appendix H), and a document providing an overview of the natural gas pipeline construction process (Appendix I). A copy of WE-GO's response to DATCP's recommendations can be found in Appendix J.

If WE-GO deviates from the selected alternatives or the selected sites, WE-GO 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.

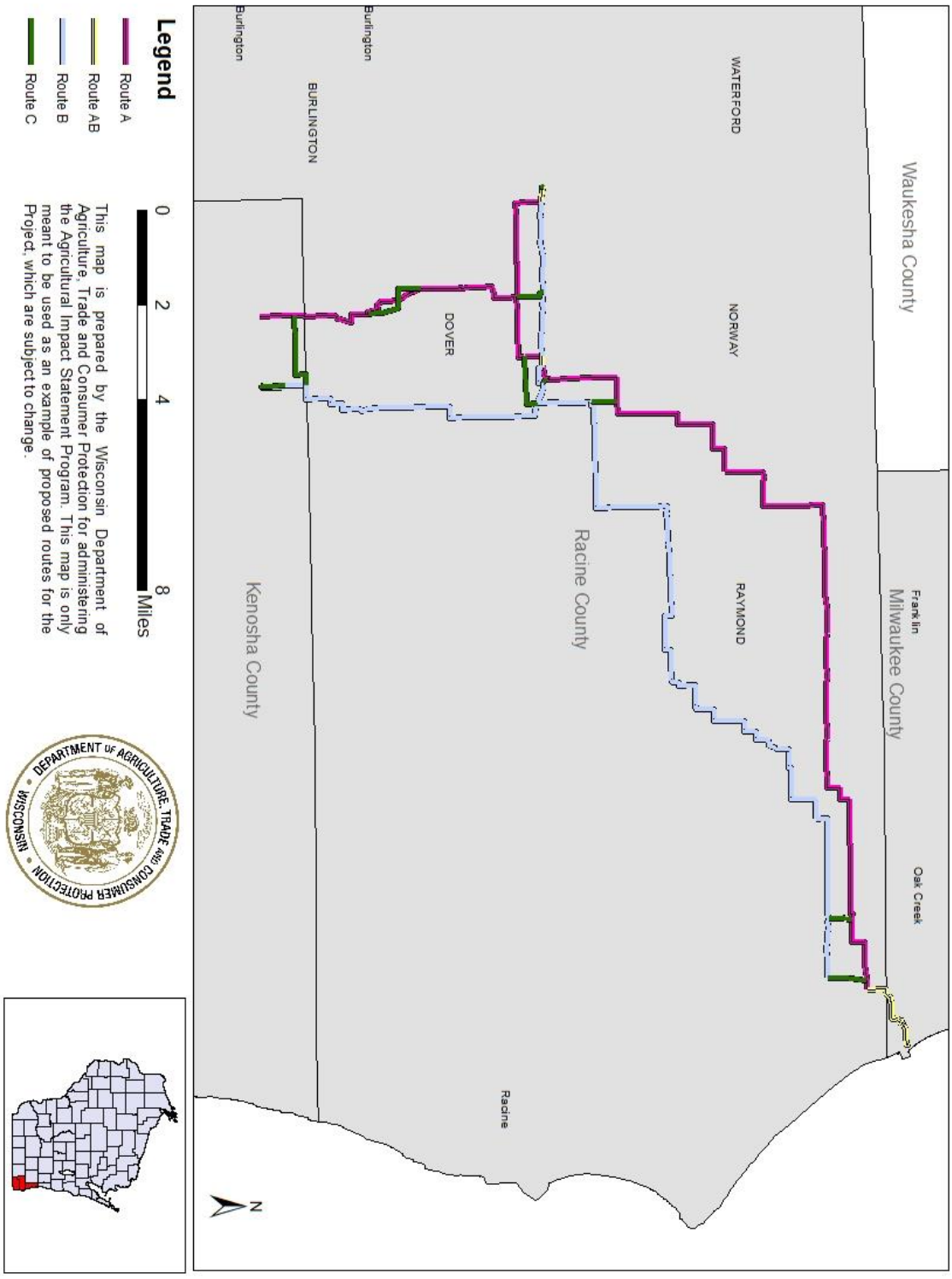

Figure 1: Location of the Rochester Lateral Pipeline Project route in Kenosha, Milwaukee and Racine Counties, WI, DATCP.

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Department has reviewed and analyzed the materials provided by Wisconsin Electric Gas Operations ("WE-GO") and comments from the affected agricultural property owners and operators regarding the proposed Rochester Lateral Pipeline Project. Should PSC approve the Project, the Department provides the following recommendations, in accordance with Wis. Stat. §32.035(4)(b) to PSC, WE-GO and agricultural landowners and operators to help mitigate impacts on agricultural lands and agricultural operations resulting from the Project.

Recommendations to the Public Service Commission

1. The PSC should select a route alternative that utilizes as much pre-existing ROW including pipeline, railroad and roadway corridors to reduce the overall impacts to agricultural lands and operation such as potential parcel severance during the period of construction and long-lasting impacts to the soil in terms of crop yield loss and drainage. Overall, the Department prefers the preferred route offered by WE-GO, but the Department suggests PSC consider exchanging certain sections of one route with another that follow edge of fields and road ROWs to the degree possible, such as choosing Segment B-6 over A-6. See Section 4.4 for more discussion on this recommendation.

2. Based upon the scale of the project, affecting several hundred acres of farmland, of landowners citing concerns of ongoing crop yield loss issues and restoration issues related to an existing natural gas pipeline on farmland posed to be impacted, the Department recommends that for the duration of project construction, the PSC require WE-GO to hire an Independent Environmental Monitor (IEM) and/or an Independent Agricultural Monitor (IAM), or an individual with the capacity for both an IEM and IAM, but that only has stop-work authority when acting in the capacity of the IEM. If this recommendation is approved by the PSC, the IEM/IAM should be hired in consultation with and the approval of the PSC, DATCP, and WisDNR and all reports generated by IEM/IAM should be shared with the PSC, DATCP, and WisDNR.

3. If PSC determines an IAM should be hired by WE-GO, the Department suggests that PSC require that the IAM is hired in consultation with and the approval of the PSC, DATCP, and WisDNR and all reports generated by IEM/IAM should be shared with the PSC, DATCP, and WisDNR. Furthermore, the IAM should be required to complete the Department's standard Agricultural Monitoring Form for Pipeline Projects (ARM-LWR-543) as seen in Appendix H and submit said monitoring forms to DATCP weekly or a timeframe that is consulted with and approved by PSC, DATCP and WisDNR. If WE-GO has an applicable form that shares information that is requested on form ARM-LWR-543, then that can be used in lieu of ARM-LWR-543.

Recommendations to Wisconsin Electric Gas Operations (WE-GO)

WE-GO has reviewed these recommendations and did offer several comments as shown in Appendix J. The Department's response to WE-GO's comments is available in Appendix J.

1. The Department recommends WE-GO follow all the recommended mitigation efforts described in Section 5.7.1 through Section 5.7.19 to mitigate Project impacts to or regarding: topsoil, increased rock content, de-icing and traction control, de-watering, erosion and conservation practices, fencing, weed control, construction debris, feed supply and dairy operations, construction noise and dust, restoration, irrigation, temporary access roads, managed forests, organic farms, and biosecurity.

2. WE-GO 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.

3. WE-GO should provide landowners with direct phone numbers and email addresses to WE-GO 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. WE-GO should inform the affected agricultural property owners who have soils that are candidates for the three-lift soil handling method. At the same time, WE-GO 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.
5. If there is adequate growing season for a crop to mature and be harvested after WE-GO has an interest in the impacted lands, but before construction along the Project corridor begins, WE-GO should allow the current agricultural operators to harvest a crop for that season to the extent possible or the WE-GO shall compensate the agricultural operators for crop damages.
6. WE-GO should consult with the affected agricultural landowners and operators to ensure any relocated, temporary or newly established agricultural land access points are located in areas that provide safe and efficient access to remnant agricultural properties.
7. WE-GO should provide notice and project information to impacted county drainage districts during the project planning stage and invite DATCP and the county drainage board to identify potential concerns.
8. WE-GO 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).
9. WE-GO should consult the Department as soon as a route is selected affording as much time as possible prior to construction 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 FP agreements within the chosen project corridor.
10. WE-GO is advised to consult the applicable County Land Conservation Department on the existence of installed SWRM conservation practices within the Project area.

11. WE-GO 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 5.7.1 through Section 5.7.19 to mitigate project impacts to or regarding: topsoil, increased rock content, de-icing and traction control, de-watering, erosion and conservation practices, fencing, weed control, construction debris, feed supply and dairy operations, construction noise and dust, restoration, irrigation, temporary access roads, managed forests, organic farms, and biosecurity.

2. The Department recommends that agricultural landowners work with the project initiators to 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 the project initiators may reach out to for a complete understanding of these practices.
3. Landowners who have soils that are candidates for the three-lift soil handling method should request that WE-GO use three-lift soil handling for those soils. Landowners should also review the Departments three-lift soil handling publication ARM-LWR-294 for additional information.
4. Landowners who reside within a county drainage district are required under ATCP 48.40 to notify their county drainage board of the project with its potential to change the flow of water or affect the operation of the drainage district. Refer to Section 3.2 Drainage Districts for more information.
5. 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.

6. Landowners with conservation easements within the ROW should consult with the conservation program provider to determine if there any implications resulting from 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, landowners should negotiate with WE-GO to recover any incurred costs.

7. Landowners who are aware of any SWRM cost-shared practices on their farm within the proposed Project area should consult with their 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.
8. Landowners with organic certification or other certifications should inform the project initiators of their certifications, provide documentation of certification and inform the project initiators of prohibited and/or limited activities and the range and type of substances that are and are not permitted according to their certifications.
9. The construction of a new pipeline is a non-conforming land use on lands subject to an effective farmland preservation agreement according to Wis. Stat. § 91.62(1)(c). Agricultural lands covered by an effective FP agreement, where a non-conforming land use is planned, are required to release the affected lands prior to the initiation of the non-conforming land use. Landowners should contact the Department to release affected agricultural lands from an effective FP agreement.

10. 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.

11. Landowners should inform WE-GO about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.

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

13. Prior to the start of construction, landowners should identify for WE-GO 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.

14. Landowners should fully describe and discuss property improvements and agricultural operations with appraisers so the appropriate value of the affected property is established.
15. Affected farmland owners should inform the tenant agricultural operators if an easement has or will be obtained by the Project Initiators on the land the rent, regardless if by judicial offer or voluntary negotiation.

16. After construction is complete, landowners should monitor for drainage problems. If problems are observed that can be attributed to construction, the landowner and WE-GO should work together to develop a mutually agreeable solution.

17. 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/.

AGRICULTURAL IMPACT STATEMENT

1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") has prepared Agricultural Impact Statement ("AIS") 4622 in accordance with Wis. Stat. §32.035 for a natural gas pipeline lateral proposed by the Wisconsin Electric Gas Operations ("WE-GO"). WE-GO is a subsidiary of WEC Energy Group. The proposed pipeline (referred to as "Rochester Lateral Pipeline Project" or "Project") would be located in the towns of Brighton, Dover, and Norway and the villages of Rochester, Raymond and Caledonia, and the city of Oak Creek, in Kenosha, Racine, and Milwaukee Counties, Wisconsin. Through the Project, WE-GO expects to enhance natural gas service reliability to southeastern Wisconsin (DATCP, 2024a).

The Rochester Lateral Project will provide additional firm deliverability of natural gas to southeastern Wisconsin which will, in part, provide additional required firm natural gas service to Wisconsin Electric's proposed Oak Creek Combustion Turbine generation facility ("OCCT"), the proposed Paris Reciprocating Internal Combustion Engine ("RICE") generation facility, and subsequently to the Elm Road Generating Station ("ERGS") after enhancements are made that will allow ERGS to operate completely fueled by natural gas.

WE-GO has submitted a Certificate of Authority (CA) to the Public Service Commission of Wisconsin (PSC) (REF#: 518981) to obtain approval to construct the Project (We Energies, 2024). The PSC has assigned the Project PSC Docket ID: 6630-CG-139, which can be followed within the PSC Electronic Records Filing System. The PSC will receive testimony and hold hearings to further assess the impacts of this project. Afterwards, the PSC will approve, modify, or deny WE-GO's proposed project. Construction on the project cannot begin before WE-GO receives a CA from the PSC, as well as permits and approvals from other regulatory entities.

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.

On October 2, 2024, Wisconsin Electric Gas Operations ("WE-GO") submitted to the Department an agricultural impact notification (AIN) and requested spatial materials for analysis for the proposed project (DATCP, 2024a). The AIN and materials from WE-GO serve as the main reference documents developing AIS 4622. 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, and offers mitigation strategies for farmland conservation for applicable public projects. 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.

As established under Wis. Stat. §32.035(4)(d), if WE-GO intends to actualize its powers of condemnation at any point during the project through a jurisdictional offer(s), WE-GO may not negotiate with an owner or make a jurisdictional offer until 30 days after the AIS has been published. If WE-GO deviates from the selected alternative or the selected sites, WE-GO 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.

Should WE-GO 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

To construct the Rochester Lateral Pipeline Project, WE-GO proposes to install approximately 33 miles of 30-inch and 24-inch steel 650 pounds per square inch gauge ("psig") maximum allowable transmission main. The 30-inch main will extend from the existing Rochester Gate Station in Dover, WI to the Oak Creek Power Plant site in Oak Creek, WI. The 24-inch main extends from the proposed 30-inch main Oak Creek Power Plant site. The 24-inch main extends from the proposed 30-inch main to the Lakeshore Lateral in Brighton, WI. There is also approximately 2,287 feet of existing 16-inch 300 psig main to be replaced with 24-inch main, a 126 foot 6-inch and a 126 foot 20-inch main to the proposed Oak Creek liquefied natural gas, a 255 foot 20-inch service and turbine meters to serve the proposed Oak Creek Combustion Turbine and a 90 foot 2-inch service and rotary meter to serve the water bath heaters and generator to serve the proposed Oak Creek Combustion Turbine. In summary, the proposed Project includes new pipeline construction, as well as the installation of five new valve assemblies, modifying the existing Rochester Gate station, and replacement of main on the power plant property.

The proposed project will be described as having two potential routes, "Route A" and "Route B" with the preferred route being a combination of both routes. The proposed project route alternatives presented within this AIS do not represent the final project route, which requires PSC approval.

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 lists of the impacted acres for each agricultural landowner is provided in Appendix A: Table 1 and Table 2. The proposed Project, depending on the selected route, will impact up to 223 agricultural landowners and approximately between 303.7 and 396.7 acres of agricultural lands, excluding staging areas.

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 natural gas pipelines 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 Certificate of Public Convenience and Necessity (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 is 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.

WE-GO submitted an application for a CA for the Project to the PSC on October 1, 2024 under PSC Docket ID: 6630-CG-139 (We Energies, 2024). DATCP expects the PSC to utilize the information contained within this AIS, EA, the CA 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 Purpose

In their CA application, WE-GO has indicated the primary reason for the Project is to meet customer demand for firm natural gas service in southeastern Wisconsin. The increased demand for firm natural gas service was analyzed and it was determined that increasing the capacity on the WE-GO's local distribution network and local natural gas storage in the form of liquefied natural gas ("LNG") provides the optimal solution in terms of economics and reliability.

The Project is a critical distribution system expansion that will tie supply and load together from Bluff Creek on the west to Oak Creek on the east. This 33-mile pipeline

project will provide reliability benefits for new and existing load by connecting the Lakeshore Lateral Project (LLP) to the Rochester ANR Pipeline Company's Gate Station and the combined South Oak Creek and Elm Road Generating Station campus.

2.4. Project Location

The Rochester Lateral Pipeline Project occurs within Kenosha, Milwaukee, and Racine counties, WI (Figure 1). Proposed Route A would be approximately 51 miles in length and would connect the Oak Creek Combustion Turbine which is in the City of Oak Creek, Milwaukee County to ANR Rochester Gate on State Highway 20 in the Village of Rochester, Racine County. The pipeline would cross the village of Caledona, Dover, Raymond, and Rochester and the Town of Norway. The proposed pipeline also extends south into Kenosha County and connects to the Lakeshore Lateral Project in the Town of Brighton. Route A is comprised of nineteen segments: AB1, A1, A2, A3, AB2, A4, A5, A6, A7, A8, AB3, AB4, AB5, AB6, A9, A10, A11, A12, A13.

Proposed Route B would be approximately 33 miles in length and would connect the Oak Creek Combustion Turbine which is in the City of Oak Creek, Milwaukee County to ANR Rochester Gate on State Highway 20 in the Village of Rochester, Racine County. The pipeline would cross the village of Caledona, Dover, Raymond, and Rochester and the Town of Norway. The proposed pipeline also extends south into Kenosha County and connects to the Lakeshore Lateral Project in the Town of Brighton. Route B is comprised of seventeen segments: AB1, B1, B2, AB2, B3, B4, B5, B6, B7, B8, AB3, AB4, AB5, AB6, B9, B10, B11.

There is also Route C segments that could be utilized for connecting Route A and Route B: C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11.

Approximately 2.6 miles of Route A and Route B overlap – in areas connecting the proposed pipeline to existing infrastructure. If approved, the PSCW may choose to select the alternate route, combinations of a different route segments, or alter a proposed route segment when deciding the final route.

2.5. Preferred Project Design

According to the AIN submitted to the Department (DATCP, 2024a) and the CA (REF#: 518981) submitted to the PSCW under Docket ID: 6630-CG-139 (We Energies, 2024), the preferred route is a 33-mile route that combines segments from both Route A and Route B (segments A-4, A-6, A-7, A-8, B-1, B-2, B-4, B-5, B-10, B-11, C-4, C-5, C-11, AB-1, AB-2, AB-3, AB-4, AB-5, AB-6).

A map showing the preferred route segments can be found in the CA application - Appendix A: Attachment 10 (REF# 518995) or see Appendix A, Figure 1 of this document. If approved, the PSCW may choose to select the alternate route, combinations of a different route segments, or alter a proposed route segment when deciding the final route. See Appendix A, Table 2 for a chart describing the preferred route.

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.

2.5.1. Project Routing and Siting

According to WE-GO's CA application, each route segment was evaluated based on four primary factors for comparison: location, cost, environmental impacts, and construction impacts. Based on the evaluation, each segment was categorized and scored using a weighted number one through five, with five being more favorable. The four factors were then summed for each route. Twenty possible routes that were created using a combination of the available route segments beginning at Rochester Gate, ending at Oak Creek, and connecting to the Lakeshore Lateral. The highest scoring route is the preferred route – a combination of Routes A and B (See Appendix A, Figure 1).

2.5.2. Pipeline Installation Methods

The pipeline will be installed using a combination of open-cut trenching, horizontal directional drilling (HDD), and jack and bore. Generally, the size of the trench will be

approximately eight feet wide by seven feet deep for 24-inch and 30-inch pipe (We Energies, 2024). In areas where the soil has limited cohesion, the trench width may need to be widened to allow for benching or sloping, ensuring adequate depth of cover for the gas pipe is achieved.

In agricultural lands, trench depth will be sufficiently deep enough to allow a minimum of four feet of cover over the top of the pipeline to avoid possible interference with farming equipment. Material excavated during trenching in agricultural lands will have topsoil and subsoil separated, if applicable, as to not impede future growing seasons and promote healthy soil after restoration (We Energies, 2024).

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.

2.5.3. Above Ground Facilities

WE-GO has indicated there will be improvements for the Rochester Gate Station and as well as value assemblies included as above ground facilities associated with the Project (WE-GO 2024). Improvements will be made to the Rochester Gate Station, and the existing site will be expanded approximately 22,500 ft. Valve assemblies will be made at various locations along routes A & B, which would use approximately 50 ft x 50 ft. See Appendix E Attachments 1-6 from PSC Docket ID: 6630-CG-139 for additional details of these above ground facilities.

WE-GO also describes that there are plans for a new high pressure regulator station and an SCCT Meter Set, however these are not on lands zoned for agriculture, and are outside of the scope of our review.

2.6. Project Right-of-Way (ROW)

The proposed Project does not contain segments that would share part or all an existing pipeline ROW. For the portions of the project that are constructed in agricultural lands a permanent easement of 50 feet and a temporary construction easement of 50 feet will be used. For portions of the project adjacent to road ROW

and in non-agricultural lands a maximum 50-foot permanent easement and a maximum of 25 foot temporary easement will be used adjacent to the road ROW and the non-paved ROW will be utilized for temporary work space (We Energies, 2024).

Road ROW will be used for main installation where terrain or other obstacles outside of the road ROW limits the construction workspace. The construction zone within the easement is anticipated to encompass the entire width of the easement. Construction will take place in the easements, where applicable, and the road ROW (We Energies, 2024). In areas where the project is adjacent to overhead electric power corridor, approximately 35 feet of easement would overlap the existing electric facility easement. A preliminary plan set showing the proposed easements can be found in PSC Docket ID: 6630-CG-139 Appendix A, Attachments 16-18.

2.7. Project Schedule

According to the AIN, construction is tentatively scheduled to begin in late 2026 with an estimated completion by the end of 2027 (see Table 1). There have not been any seasonal or regulatory construction constraints identified at this time. WE-GO will acquire all permits associated with each individual phase prior to the start of construction of that specific phase. An overview of the natural gas pipeline construction process can be found in Appendix I.

Table 1: Project Schedule

Project Milestone	Anticipated Deadline
PSC CA Application Decision	October 2025
Land Acquisitions	October 2025
Construction Start	December 2026
Project In-service Date	December 2027

2.8. Off-ROW Access Roads

This project may utilize 6 off-ROW access roads (see Table 2). WE-GO cites the reason for the proposed off-ROW access roads is to access both sides of a proposed or potential HDD location with necessary equipment or to minimize the impacts to a wetland by having the equipment traverse a non-wetland or smaller wetland area (We Energies, 2024).

Table 2: Access Road Description

Access Road Name	Route Segment	Approximate Dimensions	Land Cover
Access Road 1 (ag field access path west of 51st St)	A6	760 feet long x 15 feet wide	Agricultural Land
Access Road 2 (through farmstead lot and agricultural field north of 7 Mile Rd)	C6	750 feet long x 15 feet wide	Agricultural land, Developed Low-intensity
Access Road 3 (Along transmission corridor east of 76th St)	A6	1,500 feet long x 15 feet wide	Agricultural land, Non-forested Wetland, Waterway
Access Road 4 (along agricultural field fenceline west of Botting Rd)	B8	1,600 feet long x 15 feet wide	Agricultural Land
Access Road 5 (Agricultural fields and along fenceline south of County Road K)	B6	3,000 feet long x 15 feet wide	Agricultural Land
Access Road 6 (Roadside wetland and agricultural field west of 27th St)	B6	260 feet long x 15 feet wide	Agricultural Land

2.9. Staging Areas

Temporary staging areas (laydown yards/laydown areas) outside of the Project ROW will be utilized to store job trailers, construction vehicles and equipment, and other related material. A map of potential staging areas is provided within the PSC Docket Appendix A, Attachment 11 (REF # 496222). See Table 3 below for a list of agricultural landowners proposed to be impacted by the Project's staging areas.

Table 3: Agricultural landowners and approximate acres proposed to be impacted by staging areas

Landowner Name	Acres Impacted
GREEN LAND INVESTORS LLP	7.30
GUSCHL TRUST CHARLES	16.18
HANS WEISSGERBER JR	17.15
RACINE COUNTY AGRICULTURAL SOCIETY	29.94
STEVEN B AMENT & LISA A AMENT REVOC TRUST DTD 5/1/2023	3.97
STRUEDER LIVING TRUST JOSEPH M & VIRGINIA R	0.047

At the time of this analysis, WE-GO anticipates up to four staging areas would be selected and approximately one to thirteen acres would be utilized at each selected location.

WE-GO notes that construction contractor hired for the project may, for convenience or safety reasons, arrange alternate staging areas with private landowners (We Energies, 2024). If additional staging areas are proposed at a later date, WE-GO will complete an assessment of the site for potential environmental and cultural impacts. If the review indicates no adverse impact, a courtesy copy of the review with a description of the proposed construction activity will be provided to the PSC.

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

Kenosha County's current FP plan was certified by the Department in 2013 and was granted an extension to its expiration, which is now set for 2025 (DATCP, 2013). The criteria for land planned for FP in Kenosha County includes lands that are predominately in or planned to support active agricultural, agricultural accessory, agriculture-related and natural resource uses; lands that are clearly shown as "Farmland Protection on in town and village land use maps; lands that are completely outside designated sanitary sewer service areas; lands primarily within areas previously identified in Kenosha County's 1981 Farmland Preservation Plan; and land where at least 50 percent of the farmland is covered by NRCS National Prime Farmland soils or soils of Statewide Significance. The Project's routes A, B and C would affect a total of 37.7 acres of land planned for FP in the Town of Brighton (DATCP, 2013).

Racine County's current FP plan was certified by the Department in 2012 through 2022 and was granted an extension to its expiration, which is now set for 2024 (DATCP,

2012). At the time of this publication, Racine County is seeking to re-certify their FP plan with the Department. There are no lands within the Project's proposed routes that are planned for FP by Racine County.

Milwaukee County does not have an FP plan certified by the Department.

3.1.2. Farmland Preservation Zoning

Establishing FP zoning strengthens farmland protections beyond what an FP plan affords. WE-GO has applied for a CA under Wis. Stat. § 196.491 from the PSC. If such certificate is issued, the project will be a permitted use in the FP zoned area under Wis. Stat. § 91.44(1)(f). If a CA is not issued, the project will be subject to conditional use regulations in the FP zoned area under Wis. Stat. § 91.46(4) and must meet the requirements listed under Wis. Stat. § 91.46(4)(a)-(4)(e). The extent of certified FP Zoning within the project area is described below.

The Town of Waterford has adopted Racine County zoning, which includes a certified FP zoning district. The certified FP zoning district for Racine County is the A-1 Farmland Preservation district (DATCP, 2024b). This zoning district restricts covered lands to agricultural uses and uses compatible with agriculture and is certified to be consistent with the state's FP Law, Chapter 91. The impacted agricultural parcels are zoned A-1 by Racine County. If the CA is not issued by the PSC for the Project and the Project do not meet the criteria within Wis. Stat. § 91.44(1)(f), a conditional use permit is required under Wis. Stat. § 91.46(4) for a transportation, communications, pipeline, electric transmission, utility or drainage use, to remain in the district.

The project initiator 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

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 FP tax credit. A review of the Department's AEA program shows that Kenosha, Milwaukee and Racine counties do not contain any designated AEAs (DATCP, 2024b).

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 within the Project's proposed ROW.

3.2. Drainage Districts

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board and for the primary purpose of draining lands for agricultural use (DATCP, 2019). 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 the Project's proposed routes A and C cross three active drainage districts in Racine County: the Eagle Creek District #5204, the Hoosier Creek District #5205 and the Norway-Dover District #5208. The Project's proposed route B crosses one active drainage district in Racine County: the Yorkville-Raymond District #5207. Under ATCP 48.40, any landowner is 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. A drainage board directory can be found at the following link: https://datcp.wi.gov/Pages/Programs_Services/DrainageDistricts.aspx.

It is recommended that the Project Initiator also provide notice and project information to the county drainage district during the project planning stage and invite DATCP and

the county drainage board to identify potential concerns. The AIN that WE-GO (DATCP, 2024a) submitted to the Department indicated that WE-GO has identified potential drainage districts that are posed to be impacted, but did not include if WE-GO has already informed the drainage board of Racine County of this project. To that end, the Department reiterates that the Project Initiator shall inform the drainage board of 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)

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, 2019a).

Racine County

A review of the Department's CREP records indicate that as of December 2024, the Project's proposed Route A will encroach upon three effective CREP agreements in Racine County, two of which are set to expire in 2025. The project's proposed Route B will encroach upon two effective CREP agreements 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 advises the Project Initiator 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).
- Consult with the Department as soon as possible, ideally 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 landowners voluntarily share this information with the Department.

Of the forty-four responses to the Department's pre-construction questionnaire, four of the landowners impacted by the project included that part of their land is enrolled within CRP.

The Department advises the Project Initiator 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. 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). A review of the statewide parcel data indicates that the Project's proposed routes will impact 8.6 total acres on four parcels enrolled in the MFL program.

In order to analyze project impacts on MFL enrollments, the Department conducted a spatial analysis to determine total percent of change of size of parcels enrolled in MFL as compared to the Project's proposed area. This analysis indicated that the Project's proposed Route A would impact approximately 2.6 acres of MFL enrolled land, including no parcels where the impacted acres are greater than 10% of the parcel's total, meaning there would be a greater potential that they no longer meet the 80% eligibility requirement to remain enrolled in the MFL program. The Project's Route B would impact approximately 6.0 acres of MFL enrolled land, including no parcels where the impacted acres are greater than 10% of the parcel's total, meaning there is a greater potential that they no longer meet the 80% eligibility requirement to remain enrolled in the MFL program.

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.

3.3.4. 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. 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 found that at least one publicly held easement in Racine County (WRP-NRCS) would be impacted by the Project (NCED, 2024).

3.3.5. 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.

WE-GO 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 WE-GO staff member, as designated by WE-GO, 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 consider alternatives that may reduce impacts to agricultural lands.

To promote the opportunity for alternatives, the Department has used information provided by WE-GO for this AIS and information gathered from agricultural landowners to analyze the potential agricultural impacts of the Rochester Lateral Pipeline Project ("Project") in Kenosha, Milwaukee and Racine Counties, 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. Landowner Rights

Before constructing the Project, WE-GO 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.

4.2. Agricultural Land Acquisitions & Easements

In order to implement the proposed Project, WE-GO will affect up to 223 agricultural landowners and approximately 303.7 to 396.7 acres of agricultural lands depending on the selected route. WE-GO plans to use a combination of temporary and permanent easements to obtain the necessary rights to construct the Project. The Department analyzed all impacted agricultural lands, regardless of the lands' current easement status, for the proposed Construction Project.

The Department attempted to contact landowners with 2 acres of impact or greater and mailed 124 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 (Appendix A, Table 1). There were another 96 agricultural landowners impacted by the proposed Construction Project route alternatives with impacts less than two acres who were not contacted (Appendix A, Table 2). 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 WE-GO in accordance with Wis. Stat. §32.19(4m)(b) if WE-GO exercises the powers of eminent domain through a jurisdictional offer to the agricultural property owner. A voluntary sale between WE-GO and an agricultural property owner, after a jurisdictional offer has been made, would not negate the potential for a farm replacement payment.

4.3. Agricultural Landowner Concerns

To gather additional information about the project's impact to agricultural lands and farm operations, the Department attempted to contact landowners with 2 acres of impact or greater. In total, the Department mailed 124 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 44 agricultural landowners responded, resulting in a response rate of 35.5%. A complete record of responses received for the Project can be found in Appendix G: Landowner Comments.

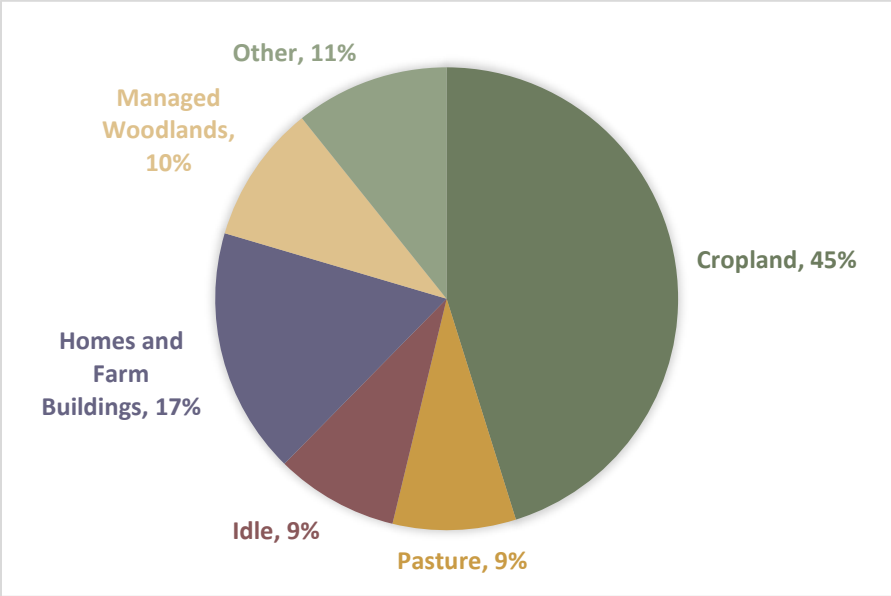

Figure 2: Land use of impacted agricultural parcels as reported by pre-construction questionnaire respondents.

The majority of the respondents (42 of the total 44 landowners, or 95%) reported their agricultural operations includes cropland. Of the total respondents, 36% or 16 landowners cited that the impacted parcels also had homes and farm buildings on them, 23% or 10 landowners cited having wetlands, classified as other on Figure 2. Of the respondents, 20% or 9 landowners cited having managed woodlands, 18% or 8 landowners have pasture and 18% or 8 landowners have idle land. Ten respondents (~23%) also indicated their agricultural operations possessed livestock and farm animals, including dairy cattle, beef cattle, pigs, sheep/goats, poultry and horses.

When asked to select any of the concerns shown in Figure 3 about the Project, the primary concern identified by respondents was drainage or drain tile issues (86% or 38 landowners) (Figure 3). A majority of respondents were also concerned about impacts related to crop yield (77% or 34 landowners) and soil productivity and health (66% or 29 landowners) (Figure 3). Other areas of concern reported by the respondents are shown in Figure 3.

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. Four respondents indicated having CRP agreements on their land, one cited having a CREP agreement on their land, two respondents cited having Fund for Lake Michigan Buffer program on their land, one cited having an MFL agreement on their land, and one cited having Agriculture Risk Coverage and Price Loss Coverage from FSA on their land.

Additionally, multiple landowners identified concerns relating to issues with complete land restoration after past natural gas pipeline projects on their land and ongoing crop yield losses since. In particular, Dale Noble, from Noble Grain Farms, cited specific issues resulting from the We Energies Lakeshore Lateral Pipeline that had been installed on his property approximately four years ago. Noble reported that the previous pipeline project caused a loss of top soil on his farm and ongoing crop yield issues still persist. In his questionnaire, Noble discussed concerns related to construction impacts with the Lakeshore pipeline such as broken drainage tiles not being replaced or fixed for 6-8 weeks. Noble provided maps to the Department in which he cites yield losses are most severe directly along the existing pipeline on his land (see Appendix G: Landowner Comments).

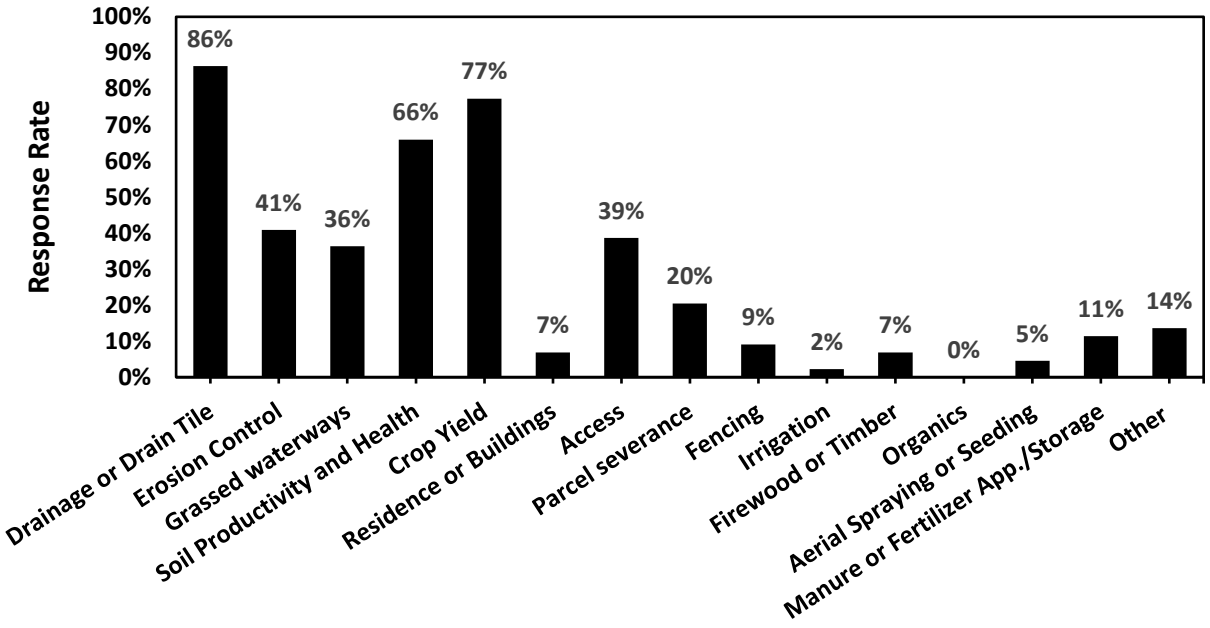

Figure 3: Landowner concerns resulting from the proposed Project.

4.3.1. Landowner Concern Conclusions

After review and analysis of the agricultural landowner responses obtained from the Department's pre-construction questionnaire surveys, the Department has identified the following priority areas of agricultural landowner concerns: drainage/drain tiles, crop yield, soil productivity and health (Figure 3).

Eighty-six percent of respondents were concerned about drainage and drain tile issues associated with the Project. Farmland drainage systems are an important tool for managing water levels especially on hydric soils and for increasing crop yield. To mitigate impacts to drainage systems, agricultural landowners should provide WE-GO with locations of drainage structures and waterways; in-turn, WE-GO should provide additional considerations to preserve these structures, which are linked to the productivity of the impacted agricultural land. Please refer to Section 5.5 "Drain Tile Repair and Drainage" for additional information about drainage damage mitigation practices.

Seventy-seven percent of respondents were concerned about crop yield being impacted due to project. Please refer to Section 5.4 "Yield Compensation & Crop Loss" for

additional information about crop yield issues, as well as Section 4.6 for a comparative analysis of route impacts to agricultural soils. The Department also recommends additional mitigation efforts to reduce as much potential impact as possible beyond what WE-GO cites for their standard practices. Please refer to Section 5.1 - 5.7 for additional agricultural mitigation practices that the Department recommends.

4.4. 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.

4.4.1. Severance

Severing an agricultural parcel to accommodate a project 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/or 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 proposed project does not contain any pipeline segments that would share part or all of an existing pipeline ROW (We Energies, 2024). A portion of the project will be constructed within road ROW and will parallel existing utility ROW in some segments. The project initiator has identified the following agricultural parcels which may be bisected by the proposed pipeline:

Table 4: Agricultural parcels, where the pipeline parallels an existing transmission line easement, considered to be bisected by the proposed pipeline by route, segment, and landowner of record (2024 Parcel Data).

Route	Segment	Tax Parcel	Primary Owner
A	A-6	104042204017000	BEAR COUNTRY HOLDINGS LLC
		168042108003000	DAVID EHRHARDT
		168042109003050	JOSE G MORA
		104042205067000	RJTTEC LP
		104042204030000	ROBERT D & JUDY L GROVE REVOCABLE TRUST
		104042205062000	RUDOLPH F STUEDEMANN JR
A, C	A-6, C-6	104042203026000	ROBERT D & JUDY L GROVE REVOCABLE TRUST
B	B-6	168042131007000	DUSTIN WARNTJES
		168042131008000	WILKS TRUST - ETAL DONALD & ROBBYN J

Table 5: Agricultural parcels, where the pipeline does not follow an existing transmission line easement, considered to be bisected by the proposed pipeline by Route, Segment, and landowner of record (2024 Parcel Data).

Route	Segment	Tax Parcel	Primary Owner
B	B-5	6032002010000	BIRD TRUST JONATHAN J & KAREN J
	B-11	6032035029010.00	STEVEN B AMENT & LISA A AMENT REVOC TRUST DTD 5/1/2023
B, C	B-3, C-3	6032002010000.00	BONNER REVOCABLE TRUST DONALD J
C	C-10	30-4-220-031-0200	KENNETH AND MARY KOKALJ JOINT REVOCABLE LIVING TRUST
		30-4-220-032-0205	THOMAS W KERKMAN

A visual inspection of 2024 parcel data suggests that additional agricultural parcels within the proposed ROW may be severed, but not necessarily divided into two equal parts, by the construction of the proposed project depending on the selected route (Table 6).

Table 6: Agricultural parcels, which may be severed by the proposed pipeline by route, segment, and landowner of record (2024 Parcel Data).

Route	Segment	Parcel	Primary Owner
A	A-6	168042118009000	RICHARD L & KAY M SCOTT REVOCABLE TRUST DATED SEPTEMBER 21, 2015
	A-6	168042118004000	MELVIN HEBRON; EVELYN CHRISTENSEN 50%
	A-6	168042118002040	LARRY W PETERSON; Melvin Hebron
	A-6	168042107044000	MELVIN A HEBRON; KAREN L HEBRON
	A-6	168042107001000	KYLE & THERESA BOSCH
	A-6	168042108007103	Scott KRZMAN
	A-6	168042108006010	JOSEPH FALASCHI; AMANDA FALASCHI
	A-6	168042108006020	TIM LAMPMAN; AMY LYNN MARQUARDT
	A-6	168042108004000	THOMAS WERNETTE
	A-6	168042109005000	RICHARD L & KAY M SCOTT REVOCABLE TRUST DATED SEPTEMBER 21, 2015
	A-6	168042109003060	DEAN LAGENFELD
	A-6	168042110034009	ANDREW D WESSEL; JENNIFER A LIERMANN
	A-6	168042111012000	DIANE K SCHWARTZ IRREVOCABLE TRUST; DAVID C SCHWARTZ, et al.
	A-6	104042207016000	DIANE M SPANIER TRUST AGREEMENT DTD 3/30/1999
	A-6	104042205062000	RUDOLPH F STUEDEMANN JR; RANDOLPH J STUEDEMANN
	A-6	104042205062010	GARY L & JO ANNE L PROCHASKA REV TRUST DTD 5/10/2013
	A-6	104042204018030	GROSS FAMILY TRUST FRANCIS D & KATHLEEN M
	A-6	104042204018010	FREDRICK A MARKWARDT; LORRAINE P MARKWARDT
	A-7	104042203039000	GREGORY J BAUMANN; EILEEN M WALTER

	A-10	006032033001000	BARTHOLOMEW G & ANNY AMENT REV TRUST DATED MAY 10, 2013
	A-10	006032033001020	ROWE REV TRUST 7/30/04 8%INT; ROWE LIV TRUST 9/21/99 92%INT; c/o Nancy Usher/Southview Associates LP
A, C	A-6, A-7, C-6	104042203009001	RACINE COUNTY
A, B, C	A-2, A-3, B-3, C-3	006032010007000	DAVID & SHARON SMOLENSKY LIVING TRUST DATED NOVEMBER 19, 2020
B	B-5	006032002010000	BIRD TRUST JONATHAN J & KAREN J
	B-6	168042130057000	MYRNA G DECAMP FAMILY TRUST DTD 12/19/2006
	B-6	168042128006000	DARREL A KENNEDY; EVA K KENNEDY
	B-6	168042128005000	WILLIAM W HUNTER REVOCABLE TRUST AGREEMENT
	B-6	168042128002020	ROBERT J RAABE
	B-6	168042128003005	FERNABELLE ACRES LLC
	B-6	168042127023000	JOHN A SYTY
	B-6	104042208005000	PAUL K THOMAS; HASAN S SALEM
	B-6	104042208003000	THOMAS TRUST WALTER R & EDA; THOMAS BROTHERS FARMS 1/2 INT
	B-7	104042211016000	DAVID J HIGGENS; TERESE M HEINEN
B, C	B-7, B-8, C-7	104042211003000	SCOTT D WOLLENBERG; JULIE A WOLLENBERG
C	C-9	006032028002000	BRATZ IRREVOC TRUST DTD 04/09/2021

Aligning the route with field boundaries can reduce the potential to sever an agricultural parcel. After project construction 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.

To reduce minimize the impacts to agricultural land, particularly in the potential to sever agricultural parcels during Project construction and potential long-lasting impacts such as yield loss, impact of drainage and more, the Department suggests PSC consider route segments that follow edge of fields and road ROWs to the degree possible, such as choosing segment B-6 over A-6. Reviewing the CA application Appendix A Attachment 9, Route Segment Weighted Criteria, B-6 costs $2,025,458 more, but was rated to have a lower environmental and construction impact, see Table 7 (We Energies, 2024). It additionally follows the edges of parcels and mostly follows along the roadway, and could potentially severe 8 farm operations during construction compared to 17 farm operations with A-6 (see Table 6).

Table 7: Comparison of Route A-6 and B-6 based on WE-GO Weighted Criteria for Route

SEGMENT	Size	Footage	Route Location	Construction Cost Estimate	Environmental	Construction Impact
A-6	30	83491	3.74	$68,790,260	4.02	3.00
B-6	30	84770	3.84	$70,815,718	3.42	2.50

4.4.2. 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.

Depending on the location of the selected Project ROW, construction may temporarily affect field access points along the selected route. To mitigate access impacts, the project initiator has indicated it will coordinate with affected landowners during the preconstruction phase to provide alternative access methods and locations during construction to the extent practicable (DATCP, 2024a).

The Department recommends that WE-GO informs 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.

4.4.3. Wasteland

Acquisitions and *easements* that sever farmland frequently create small remnant fields that may be difficult to access or are irregularly shaped. Small remnant fields that are irregularly shaped 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*. 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 Figure 1.
The Department's analysis found that the Project is unlikely to create significant agricultural *wastelands* and should not create any *uneconomic remnant* fields. 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.

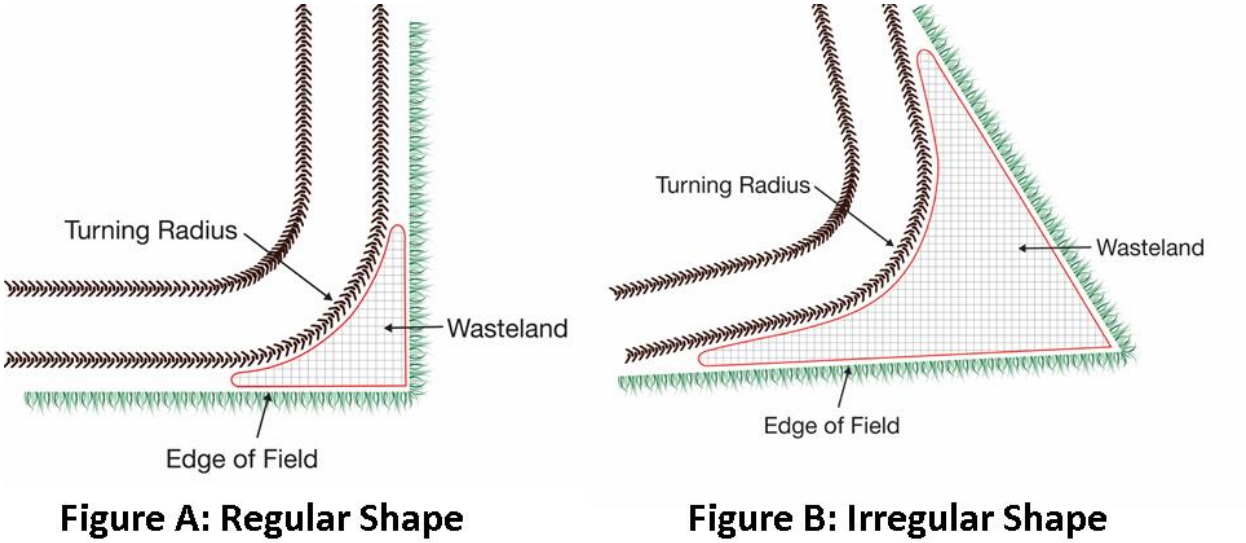

Figure 4: Examples of agricultural wastelands created from regular shaped fields with square corners (Figure A) and irregular shaped fields with sharp or acute angles (Figure B) that may result from parcel severance.

4.5. Agricultural Buildings and Infrastructure

WE-GO stated to the Department that the proposed Rochester Lateral Pipeline Project will not impact any farm residences, buildings or above ground agricultural structures. WE-GO did report that the Project is likely to damage or break below ground drain tiles, which is described in Section 4.7 (DATCP, 2024a).

4.6. Prime Farmland and Soils

As proposed, the Project will impact more than 300 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 7). *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 5. The soil texture of agricultural soils impacted by the Project was analyzed, in general terms, across the project ROW for the preferred route (PSC REF: 518995), Route A and Route B (PSC REF: 518994), as identified in Appendix A, Attachment 6 of the application for certificate of authority (PSC REF: 519000). Table 5 is not representative of all possible route configurations for the proposed project.
If selected, the preferred route (segments A-4, A-6, A-7, A-8, B-1, B-2, B-4, B-5, B-10, B-11, C-4, C-5, C-11, AB-1, AB-2, AB-3, AB-4, AB-5, AB-6) will impact up to 303.7 acres of agricultural soils. Across impacted parcels in the preferred route, 98.9% hold some level of Federal or State priority designation, with 1.1% classed as not prime farmland. Within the boundary of the project ROW, 94.2% have been designated as *Prime farmland* or *Prime farmland if drained*.

If selected, Route A (segments A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, AB-1, AB-2, AB-3, AB-4, AB-5, AB-6) will impact up to 310.3 acres of agricultural soils. Across impacted parcels in Route A, 98.9% hold some level of hold some level of Federal or State priority designation, with 1.1% classed as not prime farmland. Within the boundary of the project ROW, 90.9% have been designated as *Prime farmland* or *Prime farmland if drained*.

If selected, Route B (segments B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11, AB-1, AB-2, AB-3, AB-4, AB-5, AB-6) will impact up to 396.7 acres of agricultural soils. Across impacted parcels in Route B, 98.5% hold some level of hold some level of Federal or State priority designation, with 1.5% classed as not prime farmland. Within the

boundary of the project ROW, 91.5% have been designated as *Prime farmland* or *Prime farmland if drained*.

The agricultural soils across the Project ROW in the preferred route, Route A and Route B, when classified by texture, are primarily silt loam soils of various soil series. In general, 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 best suited for crop production (UW-Extension, 2005). This soils analysis shows that the preferred route, Route A and Route B will impact or remove prime farmland and high quality soils.

Table 8: Agricultural soils, by farmland classification, impacted by the proposed Project in Kenosha, Milwaukee and Racine Counties, WI.

Soil Texture	**Prime Farmland*** (acre)	**Prime Farmland if Drained**[◊] (acre)	**Farmland of Statewide Importance**[ŧ] (acre)	**Not Prime Farmland**[ϕ] (acre)	**Total** (acre)
Preferred Route					
Alluvial	0.0	0.0	0.0	0.1	0.1
Gravel	0.0	0.0	0.0	1.3	1.3
Loam	14.9	12.0	0.0	0.4	27.3
Loamy Sand	1.1	0.0	0.0	0.0	1.1
Muck	0.0	0.0	6.4	0.6	7.0
Sandy Loam	0.9	0.2	0.0	0.0	1.1
Silt Loam	112.0	62.4	7.1	0.0	181.5
Silty Clay	0.0	23.0	0.0	0.0	23.0
Silty Clay Loam	0.0	59.6	0.7	0.1	60.4
Water	0.0	0.0	0.0	1.0	1.0
				Preferred Route Total	303.7

Route A					
Alluvial	0.0	0.0	0.0	0.1	0.1
Gravel	0.0	0.0	0.0	0.4	0.4
Loam	10.9	11.0	0.0	0.4	22.2
Loamy Sand	1.1	0.0	0.0	0.0	1.1
Muck	0.0	0.0	10.8	0.6	11.5
Sandy Loam	0.5	0.0	0.0	0.0	0.5
Silt Loam	122.6	48.5	13.1	0.9	185.0
Silty Clay	0.0	7.5	0.0	0.0	7.5
Silty Clay Loam	0.0	80.2	0.8	0.2	81.1
Water	0.0	0.0	0.0	1.0	1.0
				Route A Total	310.3
Route B					
Landfill	0.0	0.0	0.0	1.5	1.5
Loam	11.9	19.6	0.0	0.9	32.3
Muck	0.0	0.0	7.9	0.5	8.4
Sandy Loam	0.7	0.0	0.0	0.0	0.7
Silt Loam	134.2	89.7	17.8	2.5	244.2
Silty Clay	0.0	23.6	0.0	0.0	23.6
Silty Clay Loam	0.0	83.2	2.5	0.0	85.7
Water	0.0	0.0	0.0	0.4	0.4
				Route B Total	396.7

*__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.

ŦFarmlands 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.

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

4.7. 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 layers etc.) have the potential to negatively impact crop yields from two years up to a decade within the ROW depending on construction methods, severity of the construction impacts, and mitigation practices (Culley and DOW 1988; Soon et al., 2000; Shi et al., 2014).

The Project has the potential to create a range of soil health impacts for the impacted agricultural operations. The nature of open trench construction methods inevitably brings risks of topsoil mixing and soil compaction. 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 has reviewed the Project AMP and found that it complies with agricultural mitigation and restoration activities the Department seeks. The Department's review and analysis of the AMP is contained in Section 5.1.

5. AGRICULTURAL IMPACT MITIGATION

Whether it be by design or geographic footprint, some projects have the potential for greater agricultural impacts. Common characteristics of projects with the potential for increased agricultural impacts include project ROWs spreading across long linear tracks of land, impacts to numerous landowners or state/federal requirements to prepare an environmental assessment or environmental impact statement. Examples of these

projects include natural gas pipelines, high-voltage electric transmission lines or the expansion/creation of a highway corridor. In response to these types of projects, the Department analyzes the potential for best management practices (BMP) and/or an agricultural mitigation plan (AMP) to reduce or eliminate project related agricultural impacts.

WE-GO has voluntarily prepared an AMP for the Project, which the Department has reviewed as part of this analysis in Section 5.3. A copy of the AMP can also be found in Appendix B. WE-GO stated they believe the Project's AMP will help assure that impacted agricultural operations impacts will be minimized to the greatest extent possible (DATCP, 2024a). Contractors will also be required to structure their construction activities to be consistent with the AMP. The Department recognizes the value and benefits achieved when any project initiator proactively supports practices and efforts to restore impacted lands to pre-construction conditions and mitigate impacts to agricultural productivity.

An overview of the natural gas pipeline construction process can be found in Appendix I.

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.

Regardless of the route selected, the proposed Project will impact several hundred acres of agricultural land, there is the potential for a range of environmental impacts to soil, wetlands, woodlands, wildlife, archaeological sites, waterways, and, conservation properties. If approved by the PSC, the Department recommends WE-GO be required to

hire an IEM for the duration of the construction of Project. The IEM should be hired in consultation with and the approval of the PSC, DATCP, and WisDNR and all reports generated by IEM should be shared with the PSC, DATCP, and WisDNR.

5.2. Agricultural Inspector (AI) & Independent Agricultural Monitor (IAM)

When a project affects agricultural land, an AI or IAM may need to be hired. Each will monitor project construction & restoration 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. Each will also verify if the project initiator is complying with any agricultural best management practices or conditions established by the project initiator or required by a regulatory agency. The main difference between an AI and an IAM is that an IAM works on behalf of the regulatory agency, as opposed to the project initiator.

The construction of the Rochester Lateral Pipeline Project holds the potential for numerous agricultural impacts, which WE-GO plans to mitigate by following an AMP. The Company will have a project Construction Manager (CM) and an Environmental Manager (EM) for the project. To assist with on-site inspection and monitoring, the Company may also have one or more individuals designated as the project AI. AIs will have a thorough understanding of the AMP and gas lateral construction sequences and processes, as well as knowledge of agronomy and soil conservation.

WE-GO stated in the AMP that an AI will be present during construction and restoration phases to ensure the AMP is implemented properly (see Appendix B). If the AI discovers actions that do not appear to meet the AMP requirements, they may stop work at that location if necessary and will immediately contact the EM or CM, who will determine if site-specific restoration action is necessary, as well as ensure the contracts are trained in the appropriate construction methods.

As the Project offers a range of route alternatives, differing in the amount of existing railroad and roadway ROWs used, the amount of potential agricultural impacts also varies. Potential agricultural impacts from the Project include but not limited to crop damage, loss of access, soil compaction, mixing of topsoil, soil erosion, impacts to surface and subsurface drainage, and impacts to irrigation systems. Regardless of the route selected, the proposed Project will impact several hundred acres of agricultural land and the Department recommends that the PSC require WE-GO to hire an IAM for the duration of Project construction.

Should the PSC require an IAM for the Construction Project, the Department recommends the IAM complete the Department's standard Agricultural Monitoring Form for Pipeline Projects (ARM-LWR-543) in Appendix G. For the Department to maintain constant review of Construction Project activities occurring on agricultural lands, the IAM should document daily observations of construction activities on agricultural land only. The IAM should send the Department an updated form weekly.

5.3. Agricultural Mitigation Plan

The Department's review of the Project found several potential agricultural impacts where an AMP is vital to mitigating agricultural impacts. WE-GO has voluntarily prepared an AMP for the Project and will utilize an agricultural inspector to ensure the AMP is adhered to during project construction and restoration phases (DATCP, 2024a; Joel Brieske, personal communications, January 2025). 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.

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

5.4. 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 Cr.

WE-GO 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. WE-GO will compile a list of potentially affected farm owners whose land is eligible for three-lift soil handling based on criteria set forth by the Department (see Appendix C: Three-lift Soil Candidate Key. WE-GO 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).

5.5. Yield Compensation & Crop Loss

The Department's soil health analysis, seen in Section 4.7, has indicated the potential for the Rochester Lateral Pipeline 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, Project Initiator 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. Project Initiator 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 project initiator 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.

WE-GO has prepared a plan for determining the value of the impacted crop and compensating the impacted farm operation as seen in Appendix B: BMP 08 – Crop Compensation. BMP 08 conforms to the mitigation practices the Department seeks when advocating for crop loss/yield reduction compensation. Specifically, WE-GO states in BMP-08 that, "[t]*he landowner/renter will be compensated a total of 200% of the value of the crop based on the calculation in Item 2 above. 100% of the value of the crop during the year of construction, 60% the first year after construction, and 40% the second year after construction."* (Appendix B: BMP-08).

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.

5.6. Drain Tile Repair & Drainage

The Department's soil health analysis, seen in Section 4.7, has indicated the potential for the Rochester Lateral Pipeline Project to damage or break several agricultural drain tile lines. Construction activities – especially those that excavate soil – can disrupt, damage or break agricultural infrastructure including drainage tiles, grassed waterways, and drainage ditches. Project Initiator have a duty to restore the agricultural landscape as near to pre-existing conditions as possible.

WE-GO 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 when advocating for restoration of damaged or broken agricultural drain tile lines. To facilitate the understanding of drainage system restoration to the impacted agricultural landowners, the Department offers a brief overview of recommendations it supports:

- Agricultural landowners should inform WE-GO 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.
- WE-GO should consider using the techniques outlined in Section 5.7.3 "Soil Compaction" when crossing a known drain tile.
- Should WE-GO damage or break a functional drain tile line, WE-GO should repair the drain tile line before backfilling the trench. Repairs should consist of installing a new piece of drain tile or rigid PVC to span the width of the trench and reconnect to the undamaged sections of drain tile. The drain tile repair should be properly bedded to ensure the existing slope of the tile is maintained during backfilling.
- Where construction activities have created new wet areas WE-GO should work with the landowner to determine the best means to return the agricultural land to pre-construction grades and drainage function.

5.7. Recommended BMPs

The following section will relay the Department's analysis of WE-GO's AMP, beyond the three main project specific areas of agricultural related impacts reviewed in Sections 5.3 – 5.5. The Department will relay any mitigation step(s) to WE-GO that it supports but did not find within the AMP. Agricultural landowners may use the following information as recommendations for potential mitigation practices they may want WE-GO to follow on their property.

5.7.1. 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. The three-lift soil handling method can be used to greatly mitigate construction impacts to agricultural soils. See Section 5.4 for further discussion about this method.

WE-GO 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 ELECTRIC GAS OPERATIONS has the option to remove amounts of topsoil in excess of 12" at its discretion. (*Appendix B: BMP-02).

WE-GO should also consider adding the following mitigation practices to either BMP-02 or BMP-06 to promote the preservation of topsoil:

- Prohibit the spreading of mixed soils or segregated subsoils on undisturbed cropland, pastures or other agricultural fields, unless authorized by the landowner.
- Should soils become 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.

5.7.2. 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. Project Initiator 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.

WE-GO 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.

5.7.3. Soil Compaction & Wet Conditions

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. Review Section 4.7: *Soil Health* for additional information on the factors influencing soil health. Prevention of rutting and compaction is easier than restoring the soil structure after it has been damaged. The most effective method to reduce

compaction and rutting in construction ROWs is to avoid the use of heavy construction equipment when the soils are wet.

WE-GO 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).

WE-GO should also consider adding the following mitigation practices to BMP-06 to further mitigate the impacts of soil compaction:

- Use only low-ground pressure and/or wide tracked equipment within ROW to reduce axel weight applied to soils.
- Use construction matting in wet areas or areas prone to rutting within the ROW to spread out pressure.

- Avoid working in areas with recently saturated soils.
- When possible, conduct construction work during winter months when the ground is frozen.

5.7.4. 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 WE-GO 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.

The Department did not find mention of mitigation practices related to de-icing and traction control within the Project AMP. To address impacts related to salt applications on temporary road matting over agricultural soils, WE-GO should consider adding the following BMPs to the Project AMP.

- WE-GO 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, WE-GO should limit the sodium chloride application rate to the lowest level required to maintain a safe working environment.

- WE-GO should prepare a spill response plan in the event sodium chloride or an alternative product is over applied or spilled onto agricultural soils.

5.7.5. 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.

WE-GO 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 wishes to highlight the following mitigation practice contained in BMP-05 as they align with Department priorities to mitigate agricultural impacts from trench dewatering:

- *Rainwater or groundwater that collects in the trench will be pumped:*
  - *Onto a well-vegetated area that will prevent the water from returning to the right-of-way, or*
  - *Into a filter bag or a settling basin constructed of straw bales when adequate vegetation is absent or when in the vicinity of a wetland or waterbody*. (Appendix B: BMP-05).
- *Preferably, dewatering efforts will not deliver water onto cropland. If it is absolutely necessary to do so, the crops will be inundated (flooded) less than 24 hours.* (Appendix B: BMP-05).
- *Discharge of water from the trench of non-organic farm operations and hydrostatic testing shall not be made in a way that can runoff onto adjacent organic farm operations.* (Appendix B: BMP-05).

5.7.6. Erosion and Conservation Practices

Natural gas pipeline construction activities can destabilize soil horizons to the point of erosion and impact 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. Soil erosion can affect crop yields through the loss of natural nutrients and applied fertilizers. Seeds and plants can be disturbed or completely removed from the eroded site. Organic matter, manure, and crop residue can be transported off the field through erosion. Pesticides can also be carried off the site with eroded soil. If left unchecked, significant erosion can have an adverse effect on the long-term productivity of agricultural lands.

WE-GO 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).

5.7.7. Fencing

Construction may require fences that cross the Project ROW to be severed. Changes to existing fence lines can interfere with grazing activities, particularly for rotational grazing operations that depend on precise, scheduled grazing in particular areas.

WE-GO has prepared a BMP to address impacts to fencing as seen in Appendix B: Best Construction Management Practices - d. This BMP generally conforms to the mitigation practices sought by the Department. However, WE-GO may also wish to consider adding the following mitigation practice to further address the impacts to fencing caused by the Project:

- WE-GO 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.

5.7.8. 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.

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

- WE-GO should offer agricultural landowners, during easement negotiations, the ability to state whether they do or do not give WE-GO express written consent for herbicide to be applied within the ROW they own.
- WE-GO should use tracking pads at frequently used access points.
- WE-GO 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, WE-GO 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/.

5.7.9. Seeding and Seedbed Preparation

As described in BMP 07: Seeding and Seedbed Preparation, WE-GO will reseed areas disturbed by construction activities following final clean-up. Seeding over the ROW without consulting the landowner may interfere with cropping plans, or may result in a cover crop that is not consistent with the landowner's plans. Seed mixes should determined in consultation with the landowner. Any seedbed preparation and seeding done by WE-GO must be done at the correct time and at the proper depth to promote adequate seed-soil contact on cropland or pasture requiring seeding. Temporary erosion controls will be used if weather does not permit immediate seeding. If seeding is done

outside of recommended windows, temporary erosion control methods such as mulching or temporary cover will be used. BMP 07: Seeding and Seedbed Preparation contains the majority of mitigation practices the Department supports.

5.7.10. 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. 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, WE-GO 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.

5.7.11. Feed Supply and Dairy Operations

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, DATCP recommends that dairy operations should be compensated by WE-GO for increased operational costs associated with the purchase of forage resulting from the reduction of forage from within the ROW.

5.7.12. 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 WE-GO 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.
- WE-GO should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.
- WE-GO 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 WE-GO or their representatives during the easement negotiation process. Additionally, they may wish to remind WE-GO of their concerns just prior to the start of construction.

5.7.13. Restoration

Restoration is 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 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.

WE-GO has proposed various BMPs in Appendix B: Best Construction Management Practices and Appendix B: BMP-07 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. Department believes WE-GO may wish to consider implementing the following additional mitigation steps, to strengthen restoration efforts:

- WE-GO 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 within the ROW should temporary restoration erosion control devices be removed.

5.7.14. Irrigation

Natural gas pipeline construction activities and the placement of pipeline 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.

WE-GO has prepared a BMP to address impacts to irrigation as seen in Appendix B: Best Construction Management Practices - e. However, the Department believes WE-GO may wish to consider implementing the following additional mitigation steps, specific to irrigation systems, to strengthen its BMP:

- Prior to construction, agricultural operations that use irrigation within or adjacent to the Project ROW should inform WE-GO 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.
- WE-GO should consider using the techniques outlined in Section 5.7.3 "Soil Compaction" when crossing a known irrigation pipeline.
- If the Project plans to disrupt an irrigation system, WE-GO should notify the landowner beforehand and establish a mutually acceptable amount of time that the system will be taken out-of-service.
- If an irrigation system needs to be reconfigured as a result of the Project, WE-GO 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.
- Agricultural operators who use irrigation systems irrigators along the pipeline route document irrigation information for their fields, including amount of water and frequency of irrigation and weather conditions such as rainfall and temperature for the growing season prior to the start of pipeline construction. Pre- and post-construction records will assist the landowner in identifying stressed crops caused by the utility's disruption of the irrigation system. Stressed crops could potentially result in reduced yields.

5.7.15. Temporary Access Roads

WE-GO has proposed to install temporary access roads as part of the Project, when an alternative access road does not exist, to allow personnel and construction equipment to access the Project corridor. When a temporary access road is constructed there is a range of potential negative effects to agricultural lands including the mixing of topsoil with subsoil & rocks, soil compaction, soil erosion, and interference with existing drainage & irrigation. New temporary access roads also have the potential to impact agricultural operations by severing cropland or pastures, limiting field access or limiting access to agricultural infrastructure & buildings. Any of these impacts can result in lost

agricultural productivity whether from lost soil productivity, crop losses or the direct loss of agricultural revenue when access to agricultural infrastructure is limited.

The Department recommends the following to mitigate the impacts of access roads when they cross agricultural lands within the Project ROW:

- WE-GO should consult with agricultural landowners before siting any temporary access roads.
- WE-GO should strip and stockpile the topsoil for later reuse during restoration.
- After top soil removal, WE-GO should install a geotextile construction fabric along the roadbed prior to the placement of gravel/rock roadway.
- Access roads should also be designed to allow proper drainage and minimize soil erosion.
- WE-GO should consider using the techniques outlined in Section 5.6 *Drain Tile Repair & Drainage* when siting an access road over drain tiles.

5.7.16. Managed Forest Law, Trees and other Woody Vegetation

See Section 3.3.3 for an overview of the MFL agreements the Project proposes to impact, as well as an explanation of the state's MFL program and what that means for the woodlands. Additional acres of unmanaged forest lands will also be impacted, but are beyond the scope of this AIS as unmanaged forest lands are not defined as an agricultural use according to Wis. Stat. § 91.01(2). Both managed and unmanaged woodlands can provide financial benefit to the landowner either directly through the sale of managed forest for timber, the sale of firewood, or the harvest of tree sap for sale. The removal of any trees from a property may also decrease the market value of the property. Whether trees serve an agricultural function such as livestock shade or windbreaks, or if they provide an aesthetic value, landowners should be adequately compensated for the full loss of the function of the trees.

Prior to the start of construction, WE-GO will remove all woody vegetation, trees and brush not already removed by the landowner from the full width of the Construction Project ROW. Vegetation will be cut at or slightly above the ground surface using

mechanized equipment or by hand. Removal of stumps and roots will also occur over the area where the trench will be excavated.

The Department recommends the following regarding tree removal:

- Landowners who wish to obtain their own appraisal for value of property within a proposed easement should also hire an appraiser who has experience and expertise in valuing trees.
- Landowners who wish to farm within the deforested area should discuss tree stump removal with WE-GO during the easement negotiation process.
- Before an easement is signed, landowners should determine from the utility where trees will and will not be permitted to re-grow within the ROW.
- WE-GO should consult with landowners before disposing of any trees or stumps that need to be removed from the pipeline ROW.

5.7.17. Induced Current on the Pipeline

A small direct current (DC) is applied to pipelines for cathodic protection to prevent corrosion of the pipe material. Because pipelines, particularly if located in electric transmission line corridors, can be carriers of induced alternating current (AC), the pipeline industry takes precautions to discharge AC current along the pipe into the ground. This is necessary to both protect the integrity of the DC cathodic protection system as well as to prevent continued flow of AC current in the pipe. If induced AC current is not adequately grounded, it can cause long-term serious metal loss from the pipe wall, potentially resulting in gas leaks.

5.7.18. 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* or *herbicide 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. WE-GO and their contractors must use caution and care where the Construction 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.

If a determination is made that an organic farm is within the project area, the Department recommends the following:

- WE-GO should not apply herbicides or pesticide to organic farms or other certified farms that preclude the use of these chemicals without the expressed written consent of the landowner.
- WE-GO shall not apply an herbicide or pesticide in a manner that results in overspray or significant drift.
- WE-GO should clean construction equipment and materials prior to entering an area of certification.
- WE-GO should post signs at entry points to an area of certification denoting its existence and reminding personnel of appropriate mitigation steps to take.
- Agricultural landowners with an area of certification should contact WE-GO and report the range and type of substances that are and are not permitted according to their certifications.
- 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/.
- WE-GO and its contractors that are applying herbicide or pesticides should utilize the Departments 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, WE-GO should contact the operation to discuss the appropriate methods required to minimize the risk of accidental exposure.

- WE-GO should generate and distribute a list of organic farms or other certified farms and the prohibited chemicals to their construction staff and contractors.
- Prior to construction, WE-GO and the farms with areas of certification should agree to the appropriate methods avoid unintentional contacts or applications of prohibited chemicals from entering their farms.
- WE-GO 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.
- WE-GO should consult with farms with areas of certification prior to the application of seeds for revegetation efforts on their property.

5.7.19. 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 or herbicide-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 https://datcp.wi.gov/Pages/Programs_Services/BasicBiosecurity.aspx.

The Department did not find mention of mitigation practices related to noise and dust within the Project AMP. To address impacts resulting from biosecurity issues WE-GO should consider adding the following BMPs to the Project AMP:

- WE-GO and agricultural operations within the Project ROW should develop a biosecurity plan that contains a set of protocols including but not limited to: Cleaning construction equipment between parcels; manure handling within the ROW; responsible parties that can move livestock and manure within the ROW; establishing communication channels to report construction and farm activities within the ROW.

- WE-GO and their contractors should avoid contact with livestock and manure throughout the Project.
- If livestock need to be moved, WE-GO should work with the livestock owner to move the livestock.

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We Energies (d.b.a Wisconsin Electric Gas Operations)
- Joel Brieske

Agricultural Landowners

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Charles	Kuiper
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Richard	Thelen
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