

APPENDICES

DATCP #4625

Elm Road - Racine Transmission Project

Milwaukee and Racine Counties

**WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION**

PUBLISHED FEBRUARY 5, 2026

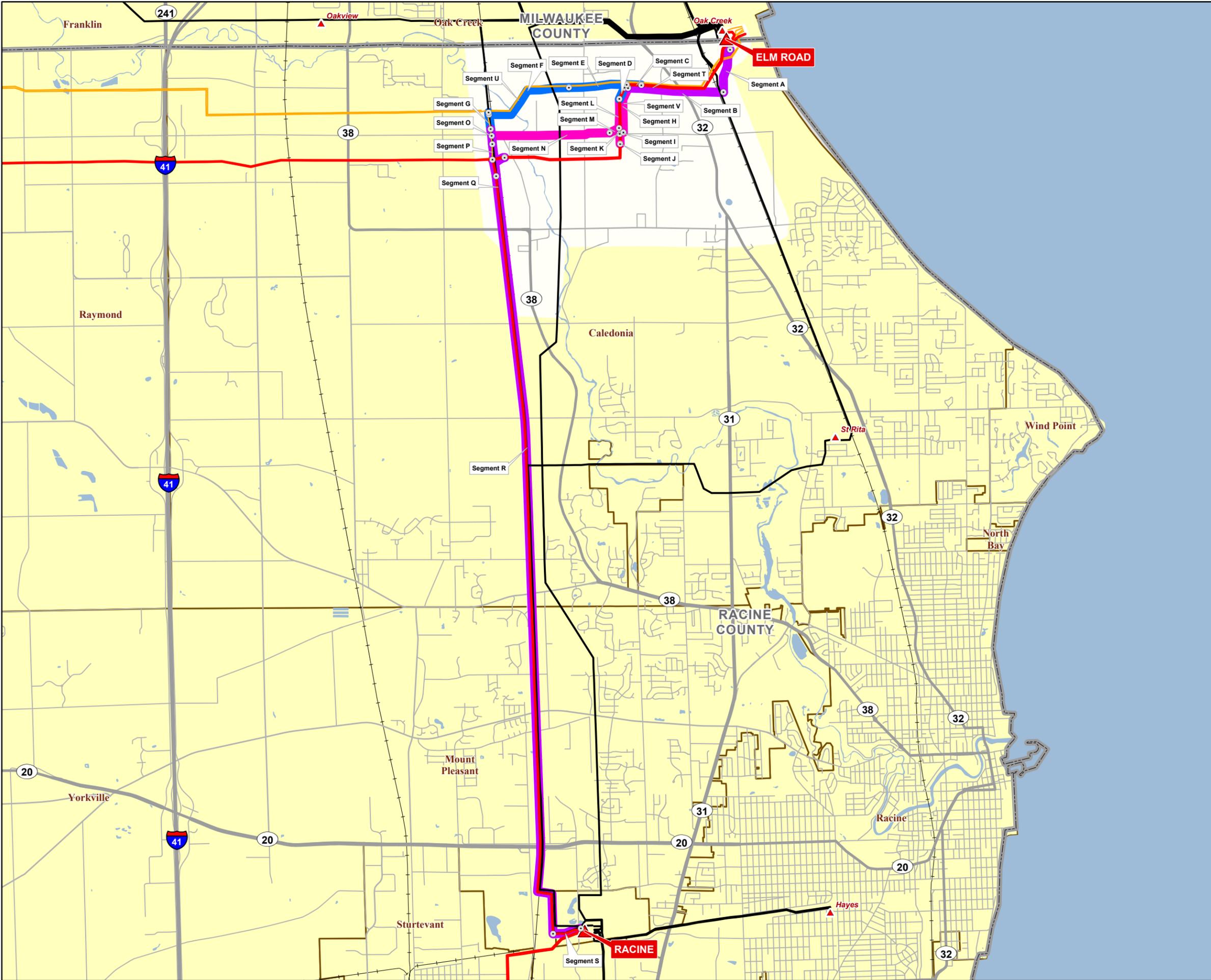
APPENDIX TABLE OF CONTENTS

Appendix A: Additional Figures & Tables..... iii
Appendix B: Appraisal and Compensation Process vi
Appendix C: Wisconsin Statutes vii
Appendix D: Additional Information Sources xxi
Appendix E: Project Initiator Feedback Form..... xxiii

APPENDIX A: ADDITIONAL FIGURES & TABLES

Figure 1: Map of Proposed Project and Route segments (ATC, 2025).

Refer to Attachments Beginning on the Next Page



**APPENDIX A FIGURE 1
PROPOSED PROJECT**

*Elm Road to Racine
Project*

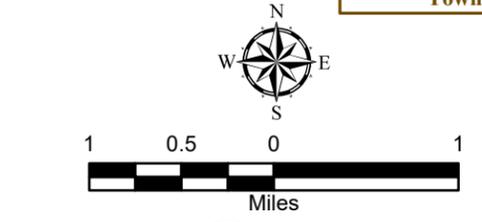


Map Area
Shown in
Red

PROJECT RELATED DATA **PROJECT SUBSTATIONS**

- Preferred Route
- Alternate Route
- Common Route

- EXISTING TRANSMISSION LINES**
- Substation
 - 138-kV
 - 230-kV
 - 345-kV
 - Interstate, US or State Highway
 - Railroad
 - Approximate Gas Pipeline
 - Open Water
 - COUNTY BOUNDARY
 - City/Village
 - Town



The information presented in this map document is advisory and is intended for reference purposes only. Applicant owned and operated facility locations are approximate.
Base Map Data Sources: ATC, WDNR, PSCW, WDOT, US Census.

Table 1: Table of Landowners with 0.05 acres of impact or more the Department reached out to with the Pre-construction questionnaire sent on September 3, 2025.

Refer to Attachments Beginning on the Next Page

Landowner Name	Acres Impacted
ALAN R POLINSKI	0.76
BEVERLY J REHBEIN FAMILY TRUST DATED MAY 30, 2008	10.93
C & N W RAILWAY CO	0.41
CALEDONIA CONSERVANCY LTD	3.43
CHARLES MICHNA	1.32
DAVID J HIGGENS	0.66
DIANE L WILKOWSKI	0.46
DITTMAR TRUST BRIAN C	1.46
ERICA L BORCHARDT	0.95
GREGORY C LATHROP	0.80
JAMES J JUTRZONKA	2.32
JAMES R SCHMIDT & CYNTHIA R SCHMIDT JOINT IRREVOC TRUST DTD 4/25/2023	2.22
JEFF LENTZ	0.98
KENNETH MC KELLIPS	0.12
KIMBERLY JANICEK	1.56
KOREY A LUCZAK	0.52
OSGOOD FAMILY LLP DR NORMAN OSGOOD	0.24
PAUL M MUNIA	0.056
PETERKA FARMS, INC LJR	5.11
PHILLIP D VINCER	0.17
RACINE COUNTY	0.74
RANDALL F PETERKA	2.10
RICARDO BECERRA	0.18
ROBERT D & JUDY L GROVE REVOCABLE TRUST	5.24
ROBERTO SANCHEZ	0.53
RUBEN GONZALEZ	0.54
SCOT D BARTELS	0.94
VICKI L MAGNUSON	1.25
VITUS HLOUSHEK JR	5.67
WILLIAM MEYERS	4.27
WISCONSIN ELECTRIC POWER COMPANY	31.56

Table 2: Complete List of Landowners with updated acreage information received from ATC on October 10, 2025.

Refer to Attachments Beginning on the Next Page

Landowner Name	Acres Impacted
AARON KNEPPER	0.000072
ALAN R POLINSKI	0.73
American Transmission Co, LLC	0.97
AMERICAN TRANSMISSION COMPANY LLC	11.60
ANGELA JANOTA	0.0031
BEVERLY J REHBEIN FAMILY TRUST DATED MAY 30, 2008	10.32
C & N W RAILWAY CO	0.085
C & N W RR *	0.15
C & NW RR	0.00081
CALEDONIA CONSERVANCY LTD	2.17
CARRIE DYGON	0.033
CHARLES MICHNA	1.32
CURTIS J WIDMER	0.015
DAVID J CHRISTENSON	0.046
DAVID J HIGGENS	0.65
DIANE L WILKOWSKI	0.46
DITTMAR TRUST BRIAN C	2.07
ERICA L BORCHARDT	1.35
GORDON R GERKE	0.015
GREGORY C LATHROP	0.74
GREGORY J BAUMANN	0.025
JAMES J JUTRZONKA	2.41
JAMES R SCHMIDT & CYNTHIA R SCHMIDT JOINT IRREVOC TRUST DTD 4/25/2023	2.12
JEFF LENTZ	1.01
JON M VIERK	0.0027
JONATHAN W HAMILTON	0.030
KENNETH MC KELLIPS	0.12
KIMBERLY JANICEK	1.27
KOREY A LUCZAK	0.51
OSGOOD FAMILY LLP DR NORMAN OSGOOD	1.29
PAUL M MUNIA	0.048
PETERKA FARMS, INC LJR	4.65
PHILLIP D VINCER	0.17
RACINE COUNTY	0.75
RANDALL F PETERKA	2.10
RICARDO BECERRA	0.18
ROBERT D & JUDY L GROVE REVOCABLE TRUST	5.08
ROBERTO SANCHEZ	0.53
RUBEN GONZALEZ	0.51
SCOT D BARTELS	0.93
VICKI L MAGNUSON	1.22
VITUS HLOUSHEK JR	7.13
WILLIAM MEYERS	2.19
WISCONSIN ELECTRIC POWER COMPANY	36.91
WISCONSIN STATE OF	0.016

APPENDIX B: APPRAISAL AND COMPENSATION PROCESS

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

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

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

- 4) The appraisal must be submitted to the condemner or its designated real estate contractor within 60 days after the landowner receives the initial appraisal
- 5) The appraisal fee must be reasonable
- 6) The appraisal must be a full, narrative appraisal
- 7) The appraisal must be completed by a qualified appraiser

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

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

APPENDIX C: WISCONSIN STATUTES

The Department of Agriculture, Trade and Consumer Protection (the Department) is required to prepare an AIS whenever more than five acres of land from at least one farm operation will be acquired for a public project if the agency/company acquiring the land has the authority to use eminent domain for property acquisitions. The Department has the option to prepare an AIS for projects affecting five or fewer acres from each farm if the proposed project would have significant effects on a farm operation. The entity proposing a construction project is required to provide the Department with the necessary details of the project so that the potential impacts and effects of the project on farm operations can be analyzed. DATCP has 60 days to make recommendations and prepare the AIS. DATCP shall publish the AIS upon receipt of the fee required to prepare the AIS. The Department provides the AIS to affected farmland owners, various state and local officials, local media and libraries, and any other individual or group who requests a copy. Thirty days after the date of publication, ATC may begin negotiating with the landowner(s) for the property.

I. AGRICULTURAL IMPACT STATEMENT STATUTE

[Wisconsin Statute § 32.035](#) is provided below and describes the Wisconsin Agricultural Impact Statement procedure and content.

(1) DEFINITIONS. In this section:

- (a) "Department" means department of agriculture, trade, and consumer protection.
- (b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 (2), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(2) EXCEPTION. This section shall not apply if an environmental impact statement under s. 1.11 is prepared for the proposed project and if the department submits the information required under this section as part of such statement or if the condemnation is for an easement for the purpose of constructing or operating an electric transmission line, except a high voltage transmission line as defined in s. 196.491(1) (f).

(3) PROCEDURE. The condemnor shall notify the department of any project involving the actual or potential exercise of the powers of eminent domain affecting a farm operation. If the condemnor is the department of natural resources, the notice required by this subsection shall be given at the time that permission of the senate and assembly committees on natural resources is sought under s. 23.09(2)(d) or 27.01(2)(a). To prepare an agricultural impact statement under this section, the department may require the condemnor to compile and submit information about an affected farm operation. The department shall charge the

condemnor a fee approximating the actual costs of preparing the statement. The department may not publish the statement if the fee is not paid.

(4) IMPACT STATEMENT.

- (a) *When an impact statement is required; permitted.* The department shall prepare an agricultural impact statement for each project, except a project under Ch. 82 or a project located entirely within the boundaries of a city or village, if the project involves the actual or potential exercise of the powers of eminent domain and if any interest in more than 5 acres from any farm operation may be taken. The department may prepare an agricultural impact statement on a project located entirely within the boundaries of a city or village or involving any interest in 5 or fewer acres of any farm operation if the condemnation would have a significant effect on any farm operation as a whole.
- (b) *Contents.* The agricultural impact statement shall include:
 - 1. A list of the acreage and description of all land lost to agricultural production and all other land with reduced productive capacity, whether or not the land is taken.
 - 2. The department's analyses, conclusions, and recommendations concerning the agricultural impact of the project.
- (c) *Preparation time; publication.* The department shall prepare the impact statement within 60 days of receiving the information requested from the condemnor under sub. (3). The department shall publish the statement upon receipt of the fee required under sub. (3).
- (d) *Waiting period.* The condemnor may not negotiate with an owner or make a jurisdictional offer under this subchapter until 30 days after the impact statement is published.

(5) PUBLICATION. Upon completing the impact statement, the department shall distribute the impact statement to the following:

- (a) The governor's office.
- (b) The senate and assembly committees on agriculture and transportation.
- (c) All local and regional units of government that have jurisdiction over the area affected by the project. The department shall request that each unit post the statement at the place normally used for public notice.
- (d) Local and regional news media in the area affected.
- (e) Public libraries in the area affected.

- (f) Any individual, group, club, or committee that has demonstrated an interest and has requested receipt of such information.
- (g) The condemnor.

II. STATUTES GOVERNING EMINENT DOMAIN

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

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

Section 32.09 of the Wisconsin Statutes describes the compensation provided for property acquisition and certain damages:

- (6)** In the case of a partial taking of property other than an easement, the compensation to be paid by the condemnor shall be the greater of either the fair market value of the property taken as of the date of evaluation or the sum determined by deducting from the fair market value of the whole property immediately before the date of evaluation, the fair market value of the remainder immediately after the date of evaluation, assuming the completion of the public improvement and giving effect, without allowance of offset for general benefits, and without restriction because of enumeration but without duplication, to the following items of loss or damage to the property where shown to exist:
 - (a)** Loss of land including improvements and fixtures actually taken.
 - (b)** Deprivation or restriction of existing right of access to highway from abutting land, provided that nothing herein shall operate to restrict the power of the state or any of its subdivisions or any municipality to deprive or restrict such access without compensation under any duly authorized exercise of the police power.
 - (c)** Loss of air rights.
 - (d)** Loss of a legal nonconforming use.
 - (e)** Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on condemnee's land. In determining severance damages under this paragraph, the condemnor may consider damages which may arise

during construction of the public improvement, including damages from noise, dirt, temporary interference with vehicular or pedestrian access to the property and limitations on use of the property. The condemnor may also consider costs of extra travel made necessary by the public improvement based on the increased distance after construction of the public improvement necessary to reach any point on the property from any other point on the property.

(f) Damages to property abutting on a highway right of way due to change of grade where accompanied by a taking of land.

(g) Cost of fencing reasonably necessary to separate land taken from remainder of condemnee's land, less the amount allowed for fencing taken under par. (a), but no such damage shall be allowed where the public improvement includes fencing of right of way without cost to abutting lands.

Section 32.19 of the Wisconsin Statutes outlines payments to be made to displaced tenant occupied businesses and farm operations.

(4m) BUSINESS OR FARM REPLACEMENT PAYMENT. (a) Owner-occupied business or farm operation. In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment, not to exceed \$50,000, to any owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies, and who actually purchases a comparable replacement business or farm operation for the acquired property within two years after the date the person vacates the acquired property or receives payment from the condemnor, whichever is later. An owner displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to the initiation of negotiations for the acquisition of the real property on which the business or farm operation lies may elect to receive the payment under par. (b) 1. in lieu of the payment under this paragraph, but the amount of payment under par. (b) 1. to such an owner displaced person may not exceed the amount the owner displaced person is eligible to receive under this paragraph. The additional payment under this paragraph shall include the following amounts:

1. The amount, if any, which when added to the acquisition cost of the property, other than any dwelling on the property, equals the reasonable cost of a comparable replacement business or farm operation for the acquired property, as determined by the condemnor.
2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisitions of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations

for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of administration.

3. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement property, but not including prepaid expenses.

4. Any reasonable project costs incurred or to be incurred by the displaced person.

(b) Tenant-occupied business or farm operation. In addition to amounts otherwise authorized by this subchapter, the condemnor shall make a payment to any tenant displaced person who has owned and occupied the business operation, or owned the farm operation, for not less than one year prior to initiation of negotiations for the acquisition of the real property on which the business or operation lies or, if displacement is not a direct result of acquisition, such other event as determined by the department of commerce, and who actually rents or purchases a comparable replacement business or farm operation within 2 years after the date the person vacates the property. At the option of the tenant displaced person, such payment shall be either:

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of administration and the monthly rent of a comparable replacement business or farm operation and multiply the difference by 48; or

2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

(5) EMINENT DOMAIN. Nothing in this section or ss. 32.25 to 32.27 shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages.

Section 32.25 of the Wisconsin Statutes delineates steps to be followed when displacing persons, businesses, and farm operations.

(1) Except as provided under sub.(3) and s. 85.09 (4m), no condemnor may proceed with any activity that may involve the displacement of persons, business concerns or farm operations until the condemnor has filed in writing a relocation payment plan and relocation assistance service plan and has had both plans approved in writing by the department of administration.

(2) The relocation assistance service plan shall contain evidence that the condemnor has taken reasonable and appropriate steps to:

(a) Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.

- (b) Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.
- (c) Assist displaced owners or renters in the location of comparable dwellings.
- (d) Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.
- (e) Assist in minimizing hardships to displaced persons in adjusting to relocation.
- (f) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the implementation of the relocation program.
- (g) Determine the approximate number of persons, farms or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.
- (h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of administration for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.
- (i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.

(3) (a) Subsection (1) does not apply to any of the following activities engaged in by a condemnor:

1. Obtaining an appraisal of property.
2. Obtaining an option to purchase property, regardless of whether the option specifies the purchase price, if the property is not part of a program or project receiving federal financial assistance.

III. STATUTES GOVERNING ACCESS

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

Entrances to highway restored. Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises

shall be constructed as a part of the improvements, and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter, each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

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

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

(4) CONNECTIONS BY OTHER HIGHWAYS. After the establishment of any controlled-access highway, no street or highway or private driveway, shall be opened into or connected with any controlled-access highway without the previous consent and approval of the department in writing, which shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such consent and approval is given.

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

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

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

IV. STATUTES GOVERNING DRAINAGE

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

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

(b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).

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

WisDOT specification 205.3.3 further describes its policies concerning drainage:

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

prosecution of the work to interrupt existing surface drainage, sewers, or under drainage, provide temporary drainage until completing permanent drainage work.

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

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

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

V. LANDOWNER BILL OF RIGHTS

[Wisconsin Statute § 182.017](#) **Transmission lines; privileges; damages** is provided below:

(1g) Definitions. In this section:

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

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

1. A corporation, limited liability company, partnership, or other business entity organized to furnish telegraph or telecommunications service or transmit heat, power, or electric current to the public or for public purposes.
2. An independent system operator, as defined in s. 196.485 (1) (d).
3. An independent transmission owner, as defined in s. 196.485 (1) (dm).
4. A cooperative association organized under ch. 185 or 193 to furnish telegraph or telecommunications service.
5. A cooperative association organized under ch. 185 to transmit heat, power, or electric current to its members.
6. An interim cable operator, as defined in s. 66.0420 (2) (n).
7. A video service provider, as defined in s. 66.0420 (2) (zg).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the transmission lines above the landscape, and the number and maximum voltage of the lines to be constructed and operated thereon.

- (b) In determining just compensation for the interest under s. 32.09, damages shall include losses caused by placement of the line and associated facilities near fences or natural barriers such that lands not taken are rendered less readily accessible to vehicles, agricultural implements and aircraft used in crop work, as well as damages resulting from ozone effects and other physical phenomena associated with such lines, including but not limited to interference with telephone, television and radio communication.
- (c) In constructing and maintaining high-voltage transmission lines on the property covered by the easement the utility shall:
1. If excavation is necessary, ensure that the top soil is stripped, piled and replaced upon completion of the operation.
 2. Restore to its original condition any slope, terrace, or waterway which is disturbed by the construction or maintenance.
 3. Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.
 4. Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.
 5. Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.
 6. Repair any drainage tile line within the easement damaged by such construction or maintenance.
 7. Pay for any crop damage caused by such construction or maintenance.
 8. Supply and install any necessary grounding of a landowner's fences, machinery or buildings.
- (d) The utility shall control weeds and brush around the transmission line facilities. No herbicidal chemicals may be used for weed and brush control without the express written consent of the landowner. If weed and brush control is undertaken by the landowner under an agreement with the utility, the landowner shall receive from the utility a reasonable amount for such services.

- (e) The landowner shall be afforded a reasonable time prior to commencement of construction to harvest any trees located within the easement boundaries, and if the landowner fails to do so, the landowner shall nevertheless retain title to all trees cut by the utility.
- (f) The landowner shall not be responsible for any injury to persons or property caused by the design, construction or upkeep of the high-voltage transmission lines or towers.
- (g) The utility shall employ all reasonable measures to ensure that the landowner's television and radio reception is not adversely affected by the high-voltage transmission lines.
- (h) The utility may not use any lands beyond the boundaries of the easement for any purpose, including ingress to and egress from the right-of-way, without the written consent of the landowner.
- (i) The rights conferred under pars. (c) to (h) may be specifically waived by the landowner in an easement conveyance which contains such paragraphs verbatim.

(8) Commission review.

- (a) Upon complaint by a company that a regulation by a municipality under sub. (1r) is unreasonable, the commission shall set a hearing and, if the commission finds that the regulation is unreasonable, the regulation shall be void. Subject to pars. (am) to (c), if the commission determines that a municipal regulation that was in effect on January 1, 2007, and immediately prior to January 9, 2008, or that a community standard, as demonstrated through consistent practice and custom in the municipality, that was in effect on January 1, 2007, and immediately prior to January 9, 2008, is substantially the same as the municipal regulation complained of, there is a rebuttable presumption that the latter regulation is reasonable.
- (am) A municipal regulation is unreasonable if it has the effect of creating a moratorium on the placement of company lines or systems under sub. (1r) or on the entrance into the municipality of a video service provider, as defined in s. 66.0420 (2) (zg), or is inconsistent with the purposes of s. 66.0420.
- (as) Notwithstanding sub. (2), a municipal regulation is unreasonable if it requires a company to pay any part of the cost to modify or relocate ATC's facilities to accommodate an urban rail transit system.
- (b) A municipal regulation is unreasonable if it requires a company to pay more than the actual cost of functions undertaken by the municipality to manage company access to and use of municipal rights-of-way. These management functions include all of the following:

1. Registering companies, including the gathering and recording of information necessary to conduct business with a company.
2. Except as provided in provided in par. (c), issuing, processing, and verifying excavation or other company permit applications, including supplemental applications.
3. Inspecting company job sites and restoration projects.
4. Maintaining, supporting, protecting, or moving company equipment during work in municipal rights-of-way.
5. Undertaking restoration work inadequately performed by a company after providing notice and the opportunity to correct the work.
6. Revoking company permits.
7. Maintenance of databases.
8. Scheduling and coordinating highway, street, and right-of-way work relevant to a company permit.

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

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

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

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

APPENDIX D: ADDITIONAL INFORMATION SOURCES

Wisconsin State Statutes

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

Department of Agriculture, Trade and Consumer Protection Website Links

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

Department of Administration (DOA) Website Links

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

Department of Natural Resources (facility plan) Website Links

- 13) [DNR \(dnr.wi.gov\)](#)
- 14) [Managed Forest Law](#)

U.S. Department of Agriculture (USDA)

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

Wisconsin Department of Safety and Professional Services (DSPS)

- 19) [DSPS \(dps.wi.gov\)](https://dps.wi.gov)
- 20) [Real Estate Appraisers](#) (Look-up for state certification status of different types of real estate appraisers)

State Bar of Wisconsin

- 21) [State Bar of Wisconsin \(www.wisbar.org\)](http://www.wisbar.org) (For general legal information and assistance in finding a lawyer)

APPENDIX E: ATC FEEDBACK FORM

Refer to Attachments Beginning on the Next Page

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

Respondent's Name Atwell, LLC (David Hastings) Project Name Elm Rd – Racine Transmission Project
 Date of Respondent's Response 1/19/2026 Project Initiator American Transmission Company (ATC)
 Date of DATCP Response 2/4/2026 AIS # 4625

AIS Recommendation to Project Initiator	Project Initiator Response / Comments / Objections	AIS Program Response / Action
<p>1) The Department recommends ATC follow all the additional recommended mitigation efforts described in Section 5.4 through Section 5.7 to mitigate project impacts to or regarding: soil health, drainage, agricultural infrastructure, and erosion and conservation practices.</p>	<p>ATC is providing comments on the Department's proposed conditions below. The Commission will consider and weigh the Department's recommendations in the context of the overall contested case proceeding for this project and may adopt those recommendations as order points in its final decision. ATC is not committing to any of the Department's proposed recommendations at this time, but will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.</p>	
<p>1A. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.4 Soil Health (5.4.1 De-icing & Traction Control, 5.4.2 Soil Compaction, 5.4.3, Topsoil Mixing)</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section <input type="checkbox"/> ATC does not commit to the recommendations within this section <input checked="" type="checkbox"/> Other Comments: Comments are provided below.</p>	
<p>1B. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.5 Drainage (5.5.1 Drainage Tiles, 5.5.2 De-watering, 5.5.3 Stormwater and Erosion Control Permitting)</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section <input type="checkbox"/> ATC does not commit to the recommendations within this section</p>	

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<input checked="" type="checkbox"/> Other Comments: Comments are provided below.	
<p>1C. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.6 Compensation (5.6.1 Aerial Application of Seeds and Sprays, 5.6.2 Biosecurity, 5.6.3 Fencing, 5.6.4 Irrigation, 5.6.5 Organic Farms and Other Areas with Certifications)</p>	<input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section <input type="checkbox"/> ATC does not commit to the recommendations within this section <input checked="" type="checkbox"/> Other Comments: Comments are provided below.	
<p>1D. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.7 Erosion and Conservation Practices (5.7.1 Construction Debris, 5.7.2 Construction Noise and Dust, 5.7.3 Crop Rotation and Dairy Operations, 5.7.4 Stray Voltage, 5.7.5 Temporary Access Roads, 5.7.6 Weed Control)</p>	<input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section <input type="checkbox"/> ATC does not commit to the recommendations within this section <input checked="" type="checkbox"/> Other Comments: Comments are provided below.	
<p>2) ATC should provide agricultural landowners and operators advanced notice of acquisition and construction schedules so agricultural activities can be adjusted accordingly.</p>	<input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.	
<p>3) ATC should provide landowners with direct phone numbers and email addresses to ATC's Agricultural Specialist and project contractors that are able to respond to a range of topics including but not limited to: environmental & agricultural impacts, land acquisition & ROW, project schedule, access limitations, compensation for release of lands from conservation programming and project complaints.</p>	<input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.	

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

<p>4) If there is adequate growing season for a crop to mature and be harvested after ATC has an interest in the impacted lands, but before construction along the Project corridor begins, ATC should allow the current agricultural operators to harvest a crop for that season to the extent possible or the ATC shall compensate the agricultural operators for crop damages.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: The USDA Custom Rate Guide is used as a guideline for crop damage payments.</p>	<p>This is noted in section 5.3 Cleanup and Restoration within the AIS.</p>
<p>5) ATC 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 agricultural properties.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.</p>	
<p>6) ATC 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 Managed Forest Law (MFL).</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: The AIS should note that, if required, compensation to landowners with land enrolled in a conservation easement program will be determined as part of the appraisal and acquisition process under Wis. Stat. ch. 32.</p>	<p>The following was added within Section 3.1.4 Purchase of Agricultural Conservation Easement Programs and 3.3 Conservation Programs: “Compensation to landowners for required releases of land enrolled in a conservation easement program is typically determined as part of the appraisal and acquisition process with the project initiator under Wisconsin Statute § 32. Refer to Wisconsin Statute § 32.06 for condemnation procedure in non-transportation matters.”</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

<p>7) ATC should work with landowners to identify effective CRP agreements prior to any construction or site disturbance activities and 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 as soon as expected construction or site disturbance activities are known.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.</p>	
<p>8) ATC is advised to consult the applicable County Land Conservation Department on the existence of installed Soil and Water Resource Management (SWRM) conservation practices within the Project area.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.</p>	
<p>9) ATC should implement training for all construction supervisors, inspectors, and crews to ensure that they understand the steps needed to protect the integrity of agricultural lands and operations during project construction and restoration.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation <input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.</p>	
<p>10) ATC is advised to be cognizant when placing of transmission line structures near the EPA Superfund site, Hunts Disposal Landfill, to avoid disrupting the historic waste site and cause potential runoff of contaminants on agricultural lands.</p>	<p><input type="checkbox"/> ATC will voluntarily commit to all or some (if so, clarify) of this recommendation <input type="checkbox"/> ATC does not commit to this recommendation</p>	

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<input checked="" type="checkbox"/> Other Comments: ATC will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.	
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Other Comments from the Project Initiator

AIS Document (Section Number, Page Number, Paragraph Number)	Project Initiator Response / Comments	AIS Program Response / Action
Section 2.4, pp. 18-19 Section 4.4.1, p. 29 Section 4.5, pp. 33-35	The AIS cites statistics regarding right-of-way (ROW) acreage and sharing for the Project, but these appear to be out-of-date. Please refer to the most recent version of ATC’s application for updated ROW acreages and ROW-sharing figures (PSC REF#: 567093, at Section 1.6.7).	Updated the ROW numbers from the newest CPCN application (PSC REF # 567093) as noted.
Section 3.1.2, p. 20 Section 5.5.3, p. 43	<p>The AIS states that ATC “should consult with all applicable zoning authorities to identify if additional restrictions apply and to ensure compliance with local zoning regulations.” It further suggests that ATC “consult with impacted zoning authorities for applicable construction site erosion control and stormwater management requirements, shoreland zoning requirements, and other permits to ensure construction proceeds in a manner minimizing drainage issues and soil erosion for the project site.”</p> <p>ATC works with all local units of government to assure that the representatives of those units of government affected by ATC’s proposed construction projects are informed concerning ATC’s proposed construction activities. However, if any local ordinance or permitting requirement precludes or</p>	<p>DATCP has edited the following in section 3.2.1 from: “ATC should consult with all applicable local zoning authorities to identify if additional restrictions apply and to ensure compliance with local zoning regulations.”</p> <p>And instead replaced the wording as: “Refer to Section 5.5.3: <i>Stormwater & Erosion Control Permitting</i> for further discussion on what local zoning regulations may apply to the Project’s land disturbance activities pending PSC approving the Project’s CPCN.”</p> <p>The following section has been removed:</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<p>inhibits construction or operation of a facility for which the Commission has granted a CPCN, the Project may nonetheless proceed and the local regulation is preempted. Wis. Stat. § 196.491(3)(i); American Transmission Co. v. Dane County, 2009 WI App 126. In other words, ATC is not required to comply with such local ordinances if the Commission issues a CPCN for this project. Refer to Section 1.7.3 of ATC’s CPCN application for additional information.</p>	<p>“ATC should consult with all impacted zoning authorities for applicable construction site erosion control and stormwater management requirements, shoreland zoning requirements, and other permits to ensure construction proceeds in a manner minimizing drainage issues and soil erosion for the project site.”</p> <p>The previous section has been replaced with: “ATC states that it works with all local units of government that the representatives of those units of government affected by ATC’s proposed construction projects are informed concerning ATC’s proposed construction activities.”</p> <p>DATCP has added the following in section 5.5.3 in red:</p> <p>“Under <u>Wisconsin Statute § 196.491(3)(i)</u> and detailed under <u>Wisconsin State Statute § 196.491(6)</u>, if the PSC issues a CPCN for the Project, ATC is not subject to local ordinances that would preclude or inhibit construction or operation of a facility for any matter that the PSC has addressed or could have addressed during the administrative proceeding. If a CPCN is not issued, the Project’s land disturbance activities may be subject to municipal stormwater management and erosion control ordinances, in addition to all state- and federal-level permitting requirements. Project activities may also be subject to shoreland zoning ordinances.”</p>
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Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

<p>Section 3.3.3, p. 23</p>	<p>The AIS states that, if a landowner is required to repay any cost-share funds from the SWRM grant program because “a construction impact resulted in a violation of the SWRM contract,” then the landowners should contact ATC “for handling compensation for release of lands from conservation programs.” Per ATC’s earlier comment, compensation to landowners with land enrolled in a conservation easement program will be determined as part of the appraisal and acquisition process under Wis. Stat. ch. 32.</p>	<p>Added the following language at the end of this section: “ATC noted to the Department that compensation to landowners with land enrolled in a conservation easement program will be determined as part of the appraisal and acquisition process under Wisconsin Statute § 32 (Appendix E: ATC Feedback Form). Refer to Wisconsin Statute § 32.06 for condemnation procedure in non-transportation matters”</p>
<p>Section 5.3, pp. 37-38</p>	<p>The AIS states that “ATC will work with landowners to pay for crop damages, compaction, and potential future crop loss caused by construction activities. Yield losses would be supplied by the farm operator and agreed to in a damage report once construction commences.” ATC is required to pay crop damages caused by construction or maintenance of the Project under Wis. Stat. 182.017(7)(c)7.</p>	<p>The writing noted here was removed from the document and instead it was further re-enforced that ATC is also responsible for paying for any crop damages caused by construction or maintenance of the transmission line under Wis. Stat. 182.017(7)(c)7:</p> <p>“Under Wis. Stat. § 182.017(7)(c), if drainage tiles, fencing or other agricultural features are damaged during construction, ATC is responsible for repairing and/or replacing the damaged feature. Settling compaction claims will depend if the farm operator repairs the compaction or if the project initiator construction crews repair the compaction. Under this same statute, ATC is also responsible for paying for any crop damages caused by construction or maintenance of the transmission line.”</p>
<p>Section 5.3, p. 38, last full paragraph Section 5.7, p. 47</p>	<p>The AIS discusses its recommendations regarding ATC’s monitoring of the ROW for erosion and erosion control practices. ATC notes that, if the Commission approves the project, it will apply for and obtain a</p>	<p>Added the following statement at the end of the aforementioned paragraph: “ATC shared that, pending PSC approval of the Project, the project initiator will apply and obtain a WPDES</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	WPDES stormwater permit from the Wisconsin DNR, which will establish erosion and stormwater control requirements for the project.	stormwater permit from the Wisconsin DNR, which will establish erosion and stormwater control requirements for the project.”
Section 5.4.2, p. 40	<p>The AIS discusses surveying for soil compaction post-construction, stating that “if soil measurements within the Project ROW are comparatively higher, this is an indication that compaction has occurred.”</p> <p>The AIS should specify how ATC should conduct these measurements. On prior projects, DATCP has recommended using a penetrometer to measure soil compaction inside and outside the ROW in areas where soil compaction is suspected or when a landowner has filed an inquiry with ATC’s land agents or specialists. ATC would not oppose a similar recommendation here.</p>	<p>The following language that included specifics on using penetrometer inside and outside all ROW had been replaced in AIS 4605 due to the large scale of the project, it was determined not practicable to conduct soil compaction measurements throughout the entire Project unless it was suspected or requested. With consideration of the size of this project and to provide clear descriptions in the recommendation, the following language has been removed:</p> <p>“The Department recommends surveying for soil compaction post-construction when it is suspected or when a landowner has filed an inquiry with ATC’s land agents or the Agricultural Specialist.”</p> <p>The previous language has been replaced with the following:</p> <p>“The Department recommends measuring for soil compaction post-construction within the Project ROW and outside of the Project ROW with a penetrometer throughout the soil horizon and comparing the measurements. Landowners with concerns of possible soil compaction should file an inquiry with ATC’s land agents or the Agricultural Specialist.”</p>
Section 5.6.3, 5.6.4, p. 45	The AIS recommends that ATC develop a plan for livestock to access pastures adjacent to the Project	The following has been added to the end of both of the referenced sections: “ATC noted to the

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<p>ROW or “otherwise compensate the landowner for the costs related to restricted grazing.” It further notes that if an irrigation system is damaged due to construction activities, ATC should pay for and repair reported damages as soon as possible. Per ATC’s earlier comment, compensation to landowners will be determined as part of the appraisal and acquisition process under Wis. Stat. ch. 32.</p>	<p>Department that compensation to landowners will be determined as part of the appraisal and acquisition process under Wisconsin Statute § 32 (Appendix E: ATC Feedback Form). Refer to Wisconsin Statute § 32.06 for condemnation procedure in non-transportation matters.”</p>
<p>Section 5.7.1, p. 48</p>	<p>Recommendation re: removal of existing poles and four-foot depth of excavation.</p> <p>ATC recommends noting that in some areas four-foot excavation depth may not be practical and excavation will likely be to grade.</p>	<p>The recommendation has been edited to the following (Edits in red):</p> <p>“2) Should ATC remove an existing power line pole from within or immediately adjacent to cropland, ATC should remove the old structure at a minimum of four feet below the ground surface where practicable. ATC noted that where this is not practicable, excavation will be to grade (Appendix E: ATC Feedback Form).”</p>
<p>Section 5.7.4, p. 50</p>	<p>ATC recommends modifying the comment below from:</p> <p>“As required by PSC guidance set forth under Wis. Stat. § 196.857, ATC shall take action to resolve electrical contacts at livestock feeding operations detected at or above 0.5 volts that are a result of the Project.</p> <p>to “As required by PSC guidance set forth under Wis. Stat. § 196.857, ATC shall take action to work with local distribution companies to resolve electrical contacts at livestock feeding operations detected at or above 0.5 volts that are a result of the Project.”</p>	<p>This section has been updated to match recommended wording.</p>
<p>Section 5.3, p. 38</p>	<p>The AIS recommends that as an example, an agreement may reimburse an agricultural landowner for 100% crop loss the year of construction, followed by a 60% reimbursement in the second year and 40%</p>	<p>The example regarding a payment agreement has been removed. Additionally, the AIS had included discussion of the USDA Custom Rate Guide and recommending that landowners work</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<p>for the third year.</p> <p>ATC appreciates DATCP’s efforts to provide guidance on crop damage compensation. We respectfully recommend removing the specific “example” payment included in the document, as it may unintentionally create confusion or imply a standardized payment methodology that does not reflect the variability of real world field conditions.</p> <p>ATC uses the USDA Custom Rate Guide as a reference when determining crop damage payments and works directly with our Agricultural Specialist to ensure compensation aligns with the actual damages incurred and makes agricultural owners whole. We believe this approach provides a more accurate and consistent basis for evaluating impacts than a single illustrative example.</p> <p>We welcome continued collaboration to ensure our process remains fair, consistent, and transparent for agricultural landowners.</p> <p>Our suggestion would be to request the removal of this “example” and propose to replace it with: ATC uses the USDA custom Rate guide as a guideline for crop damage payments. DATCP recommends that ATC work with their Agricultural Specialist to determine crop damage payments are appropriate for the damages caused to make agricultural owners whole.</p>	<p>with the agricultural landowner to ensure appropriate determination of crop value and rearranged language to ensure this was emphasized:</p> <p>“Yield losses would be supplied by the farm operator and agreed to in a damage report once construction commences (DATCP, 2025). ATC cites that the USDA Custom Rate Guide is used as a guideline for crop damage payments and yields are confirmed by the National Agricultural Statistics Service web site which gives the average yield by crop by county. Crop damages and impacted areas are measured using GPS by the contractor. ATC will hire an Agricultural Specialist to assist and coordinate with agricultural landowners to settle damage claims (ATC, 2025; DATCP, 2025). Agricultural landowners should work with ATC and the Agricultural Specialist 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. The Department acknowledges the potential of lingering post-construction yield reductions that may take multiple years to recover.”</p>
<p>Section 5.4, p. 38 Section 5.4.2, p. 40</p>	<p>The draft AIS references the following report: 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</p>	<p>The following section was added: “UW-Extension report A3367 does not account for use of construction matting, which is a tool used to mitigate compaction from equipment.”</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<p>removed by conventional tillage (Wolkowski and Lowery, 2008).</p> <p>UW Extension report AA3367 specifically assumes construction matting is not used. If possible, please remove and replace with a reference that contemplates matting or note that this report does not consider the use of construction matting.</p> <p>Any agricultural field land use access will be matted during the construction of this project.</p>	<p>Refer to comment two rows below for additional context.</p>
<p>Section 5.1, p. 36</p>	<p>ATC recommends removing ‘the’ in “The construction of the ATC Elm Rd – Racine Project has the potential to cause various agricultural impacts.”</p> <p>As revised - “The construction of ATC’s Elm Rd – Racine Project has the potential to cause various agricultural impacts.”</p>	<p>Language has been updated as recommended.</p>
<p>Section 5.4.2, p. 40</p>	<p>The draft AIS references the following report: 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).</p> <p>UW Extension report AA3367 mentions that loads greater than 10 tons/axle increase the risk of compaction. A Grain Cart 2-axle (commonly used in farming) weighs approximately 36,000 lbs or 18 tons and does not damage fields. While under the 10 tons/axle threshold mentioned in the report, it still raises questions as to if this is an appropriate reference.</p>	<p>The focus of the AIS is to analyze possible impacts construction activities have on agricultural land. The reference to the effect of equipment weight on soil compaction is used to demonstrate research on the impact heavy equipment can have on the compaction of agricultural soil in general, but the AIS Program acknowledges that the reference source does not consider construction matting. As a result of this feedback, the Program will work to improve future discussions on compaction with additional research references which may include mitigating impacts of matting. Additionally, the following section was added: “UW-Extension report A3367 does not account for use of</p>

Agricultural Impact Statement (AIS) Program: Project Initiator Response to AIS Recommendations

	<p>If this reference is not removed, ATC recommends noting that this UW Extension report does not contemplate the use of construction matting, or that ATC plans to use construction matting, which would mitigate these compaction concerns.</p>	<p>construction matting, which is a tool used to mitigate compaction from equipment.”</p>
<p>Section 5.5, p. 41</p>	<p>The draft AIS references that hoof rot is a potential risk. ATC recommends that specific reference to hoof rot be removed and made general to diseases that affect livestock.</p>	<p>The section has been edited accordingly: “...or causing hoof rot and other diseases that affect livestock.”</p>



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