

# AGRICULTURAL IMPACT STATEMENT



DATCP File Photo

**DATCP  
#4707**

**Foundry Ridge Lateral Project  
Walworth County**



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

*PUBLISHED MAY 13, 2026*

# AGRICULTURAL IMPACT STATEMENT

DATCP #4707

Foundry Ridge Lateral Project

Walworth County

WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

Author

**Tucker Sanborn Faris**

Agricultural Impact Statement Program Analyst  
Bureau of Land and Water Resources (DATCP)

Contributing Authors

**Kirsten Biefeld**

Agricultural Impact Statement Program Manager  
Bureau of Land and Water Resources (DATCP)

**Tim Jackson**

Bureau of Land and Water Resources (DATCP)

*PUBLISHED MAY 13, 2026*

# 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,

# TABLE OF CONTENTS

---

LETTER TO THE READER .....	3
TABLE OF CONTENTS.....	4
TABLES.....	5
FIGURES.....	5
ACRONYMS.....	6
TERMS.....	7
SUMMARY OF AGRICULTURAL IMPACT STATEMENT .....	8
AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS.....	10
Recommendations to the Wisconsin Electric Power Company (The Company).....	10
Recommendations to Agricultural Landowners and Operators.....	11
AGRICULTURAL IMPACT STATEMENT .....	12
1. INTRODUCTION .....	12
2. PROJECT DESCRIPTION.....	13
2.1. Project Purpose.....	13
2.2. Project Design.....	13
2.3. Project Right-of-Way (ROW) .....	15
2.4. Project Schedule .....	15
2.5. Service Connections .....	15
2.6. Off-ROW Access Roads.....	15
2.7. Staging Areas .....	15
3. AGRICULTURAL SETTING .....	16
3.1. Farmland Preservation .....	16
3.2. Conservation Programs .....	17
3.3. Drainage Districts.....	21
4. AGRICULTURAL IMPACTS .....	21
4.1. Farmland Acquisitions and Landowner Concerns .....	22
4.2. Severance, Access and Wasteland .....	25
4.3. Prime Farmland and Soils.....	27
5. Agricultural Mitigation Plan .....	29
5.1. Soil Health.....	29
5.2. Drainage .....	33
5.3. Yield & Crop Loss .....	35
5.4. Erosion and Conservation Practices.....	36
6. REFERENCES .....	40
DISTRIBUTION LIST .....	42
Federal and State Elected Officials.....	42
Federal, State and Local Units of Government .....	42
News Media, Public Libraries and Repositories .....	42
Interest Groups, Entities and Individuals .....	43
APPENDICES.....	i
Appendix A: Additional Figures.....	ii
Appendix B: Foundry Ridge Lateral Project Agricultural Mitigation Plan.....	iii

Appendix C: Three-lift soil Candidate Key .....iv  
Appendix D: Appraisal and Compensation Process ..... v  
Appendix E: Wisconsin Statutes .....vi  
1. Agricultural Impact Statement Statute .....vi  
2. Statutes Governing Eminent Domain..... viii  
3. Statutes Governing Access ..... xii  
4. Statutes Governing Drainage ..... xiii  
Appendix F: Additional Information Sources .....xv  
Appendix G: Project Initiator Feedback Form ..... i

## **TABLES**

Table 1: Landowners, Parcels with proposed workspaces by total acres (DATCP, 2026a). ..... 16  
Table 2: Agricultural Landowners Proposed to be Impacted by the Project.....22  
Table 3: Agricultural soils, by farmland classification, impacted by the proposed Foundry Ridge Lateral Project in Walworth County, WI. .... 28

## **FIGURES**

---

Figure 1: Location of the Foundry Ridge Lateral Project, Walworth County, WI (DATCP, 2026a). ....9  
Figure 2: Minor route alteration suggested by Steven Walter ..... 24  
Figure 3: Examples of agricultural wastelands..... 27

## 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
MFL	Managed Forest Law
PACE	Purchase of Agricultural Conservation Easement
PSC	Public Service Commission of Wisconsin
ROW	Right-of-Way
USDA	U.S. Department of Agriculture
WisDNR	Wisconsin Department of Natural Resources

# TERMS

<i>Agricultural operation</i>	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.
<i>Easement</i>	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.
<i>Horizontal Directional Drilling</i>	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.
<i>Mitigation</i>	Avoiding, minimizing, rectifying (repairing), reducing, eliminating, compensating for, or monitoring environmental & agricultural impacts.
<i>Open Trench</i>	The excavation of a trench to install individual sections of a pipeline. After the pipeline is installed, the trench is backfilled with soil.
<i>Prime Farmland</i>	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.
<i>Right-of-Way (ROW)</i>	The right to cross another’s property for transportation or transmission purposes, such as roads, powerlines, and pipelines.
<i>Severance</i>	Splitting an agricultural parcel into two or more smaller parcels
<i>Three-lift Soil Handing</i>	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).
<i>Topsoil</i>	The thin, top layer of soil where the majority of nutrients for plants is found.
<i>Uneconomic Remnant</i>	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.
<i>Wasteland</i>	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”) #4707 for a natural gas pipeline lateral proposed by the Wisconsin Electric Power Company (“the Company”). The Company is doing business as We Energies. The proposed pipeline (referred to as “Foundry Ridge Lateral Project” or “Project”) is located within the Town of Darien in Walworth County as shown in Figure 1. The Company has indicated the primary reason for the Project is to connect the Guardian Interstate Pipeline to the proposed Foundry Ridge Energy Center (DATCP, 2026a).

To construct the Foundry Ridge Lateral Project, the Company has proposed two routes. The approved location of the Foundry Ridge Energy Center will determine which route is constructed. The Foundry Ridge Energy Center is a natural gas-fired electric generating facility being developed by Foundry Ridge Energy Center LLC/Invenergy. It is subject to approval by the PSC and not within the scope of analysis for this AIS. If the proposed location for the Foundry Ridge Energy Center is approved, Route B will be chosen, and the lateral pipeline project will consist of approximately 5.1 miles of new 16-inch natural gas pipeline beginning east of Lawson School Road and ending at the Darien Solar Substation and North Creek Substation. If the alternate location is approved, Route A will be chosen, and the lateral pipeline project will consist of approximately 2.2 miles of new 16-inch natural gas pipeline beginning east of Lawson School Road and ending south of Creek Road next to the intersection of US Highway 14 and Interstate 43. Route A is a shared segment between both routes and Route B includes approximately 2.9 additional miles. (DATCP, 2026a).

The Company plans to utilize existing Interstate 43 roadway corridor where possible to reduce new Right-of-ways (ROW) acquisitions. Despite the use of existing ROW, the proposed Project will impact nine agricultural landowners and approximately a total of 57 acres of agricultural lands under Route B (including Route A segment), and three agricultural landowners and approximately a total of 25.8 acres of agricultural lands under Route A (DATCP 2026).

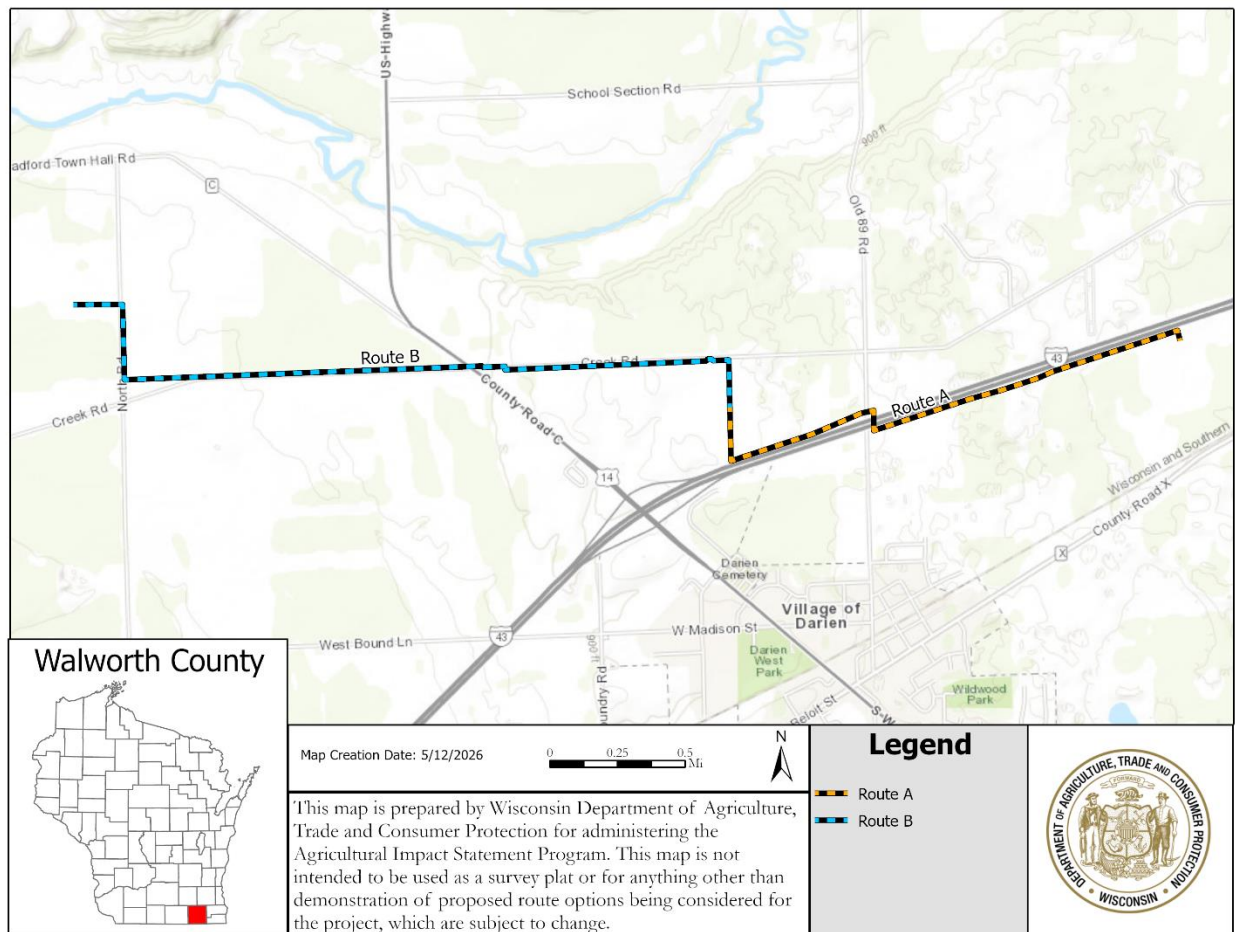
In accordance with [Wis. Stat. §32.035\(3\)](#), the Company has provided the Department with the necessary information and materials to conduct an AIS. The Department has also contacted the agricultural property owners and operators impacted by the Project route. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed the Company 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 the Company 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 10. The AIS analysis begins on page 13 with information on the project located in Section 2.

Information and conclusions on the agricultural setting of Walworth County and impacted areas can be found in Section 2.7. The agricultural impacts of the project on the impacted land, landowners and operators can be found in Section 0. Analysis of the Project’s Agricultural Mitigation Plan can be found in Section 5. Appendices for AIS #4707 contain the following information: additional project figures and tables from the Company (Appendix A), Foundry Ridge Lateral Project Agricultural mitigation 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), various additional sources of related information for agricultural landowners and operators (Appendix F) and the Project Initiator Feedback Form (Appendix G).

If the Company deviates from the selected alternatives or the selected sites, the Company 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 Foundry Ridge Lateral Project, Walworth County, WI (DATCP, 2026a).



# AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

---

The Department has reviewed and analyzed the materials provided by the Wisconsin Electric Power Company (the Company) and comments from the affected agricultural property owners and operators regarding the proposed Foundry Ridge Lateral Project. The Department provides the following recommendations, in accordance with [Wis. Stat. §32.035\(4\)\(b\)](#) to the Wisconsin Electric Power Company and agricultural landowners and operators to help mitigate impacts on agricultural lands and agricultural operations resulting from the Project.

## Recommendations to the Wisconsin Electric Power Company (The Company)

- 1) The Company should follow all the recommended mitigation efforts described in Section 5 to mitigate Project impacts regarding: topsoil, soil compaction, drainage, de-watering, erosion, fencing, weed control, construction debris, feed supply & dairy operations, and construction noise.
- 2) The Company 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) The Company should inform the affected agricultural property owners who have soils that are candidates for the three-lift soil handling method. Concurrently, the Company should 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.
- 4) The Company 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.
- 5) If there is adequate growing season for a crop to mature and be harvested after the Company has an interest in the impacted lands but before construction along the Project corridor begins, the Company should allow the current agricultural operators to harvest a crop for that season to the extent possible, or the Company shall compensate the agricultural operators for crop damages.
- 6) The Company 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).

- 7) The Company should consult the Department as soon as a route is selected, affording as much time as possible prior to construction to determine if there are any new CREP or FP agreements within the chosen project corridor.
- 8) The Company 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.
- 9) The Company 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 to mitigate project impacts regarding: topsoil, soil compaction, drainage, de-watering, erosion, fencing, weed control, construction debris, feed supply & dairy operations, and construction noise.
- 2) Landowners who have soils that are candidates for the three-lift soil handling method, as informed by the Company, should request that the Company 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.
- 3) Landowners with conservation easements within the ROW should consult with the conservation program provider to determine if there are 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 the Company to recover any incurred costs.
- 4) 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.
- 5) Prior to the start of construction, landowners should identify for the Company 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.
- 6) After construction is complete, landowners should monitor for drainage problems. If problems are observed that can be attributed to construction, the landowner and the Company should work together to develop a mutually agreeable solution.

# AGRICULTURAL IMPACT STATEMENT

---

## 1. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (“Department”) has prepared Agricultural Impact Statement (“AIS”) #4707 in accordance with [Wis. Stat. §32.035](#) for a natural gas pipeline lateral proposed by the Wisconsin Electric Power Company (“the Company”) doing business as We Energies. The Company is a subsidiary of WEC Energy Group. The proposed pipeline (referred to as “Foundry Ridge Lateral Project” or “the Project”) is located within the Town of Darien in Walworth County as shown in (Figure 1). According to the Walworth County Comprehensive Plan, all of Walworth County is within the We Energies natural gas service area (Walworth County, 2019). Through the Project, the Company plans to connect the Guardian Interstate Pipeline to the proposed Foundry Ridge Energy Center (DATCP 2026), (Erik Strommen, Personal Communication, March 2026).

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

The AIS reflects the general objectives of the Department in its recognition of the importance of conserving vital agricultural resources and maintaining a healthy rural economy. The Department is not involved in determining whether or not eminent domain powers will be used or the amount of compensation to be paid for the acquisition of any property.

The Company is exempt from the requirement to obtain a certificate of authority from the Public Service Commission of Wisconsin (“PSC”) to construct the Project according to Wis. Stat. § 133.03(1)(e)(1)(a) (Erik Strommen, Personal Communication, March 2026). Absent the involvement of the PSC, permitting authority over the Project is subject to local and county regulation. The Company is still required to obtain any necessary permits from the Wisconsin Department of Natural Resources (“WisDNR”) and abide by Wisconsin Agricultural Impact Statement Statute [Wis. Stat. §32.035](#).

The Company notified the Department of its intent to complete voluntary contracts without actualizing the Company’s powers of eminent domain to acquire the impacted agricultural parcels. If the Company does actualize its powers of condemnation at any point during the project, the Company may not negotiate with an owner or make a jurisdictional offer until 30 days after the AIS has been published. If the Company deviates from the selected plans or site alternatives, the Company shall re-notify the Department in accordance with Wis. Stat. §32.035(3). The

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

Should the Company 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 included in Appendices E and F.

## **2. PROJECT DESCRIPTION**

### **2.1. Project Purpose**

The Company has provided the Department with an agricultural impact notification (AIN) and requested spatial materials for analysis of the proposed project (DATCP, 2026a). The AIN and materials from the Company serve as the main reference documents for the Project. As the scope of [Wis. Stat. §32.035](#) is limited to agricultural impacts, this analysis will only examine and evaluate the aspects of the Project that affect agricultural lands. A full list of the impacted acres for each agricultural landowner is provided in Table 2.

The Company has indicated the primary reason for the Project is to connect a natural gas pipeline lateral to the proposed Foundry Ridge Energy Center being developed by Foundry Ridge Energy Center LLC/Invenergy (DATCP 2026). The natural gas pipeline proposed in this project will connect the Guardian Interstate Pipeline to the Foundry Ridge Energy Center. The Foundry Ridge Energy Center is not subject to analysis under this AIS.

### **2.2. Project Design**

The Foundry Ridge Lateral Project is located within the Town of Darien in Walworth County, WI. There are two proposed routes for the project (Route A and Route B), and the final approved location of the Foundry Ridge Energy Center will determine which proposed route is chosen (DATCP, 2026a). The location of the Foundry Ridge Energy Center as well as associated 138 kV Generator Tie Line are subject to approval by the PSC under [Docket ID: 9835-CE-100](#) and is not covered under this AIS. There are two possible locations for the Foundry Ridge Energy Center – the proposed site and the alternate site. The proposed site location is adjacent to the Darien Solar Substation and North Creek Substation, located between North Road and Clowes Road, south of County Road C. The alternate site location is between the intersection of Interstate 43 and Highway 43 and Creek Road ([Invenergy, 2026](#)).

If the alternate site for the Foundry Ridge Energy Center is approved by the PSC, Route A of the lateral pipeline project covered in this AIS will be chosen and will consist of approximately 2.2 miles of new 16-inch natural gas pipeline beginning east of Lawson School Road and ending south of Creek Road next to the intersection of US Highway 14 and Interstate 43. If the proposed site for the Foundry Ridge Energy Center is approved by the PSC, Route B of the lateral pipeline project will be chosen and will consist of approximately 5.1 miles of new 16-inch natural gas pipeline beginning east of Lawson School Road and ending at the Darien Solar Substation and North Creek Substation. Route B includes the entirety of Route A as well as an additional 2.9 miles, approximately (DATCP, 2026a).

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](#).

### ***2.2.1. Pipeline Installation Methods***

The pipeline will be installed using primarily open trench, using Horizontal Directional Drilling (HDD) to cross underneath buildings, roads and Interstate 43. 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](#). The Company will use the open trench method across the entirety of agricultural lands (Appendix A: Additional Figures).

The typical trench dimension will be approximately 8 feet deep and 7 feet wide. In agricultural lands, trench depth will be deep enough to allow a minimum of 4 feet of soil cover over the top of the pipeline to avoid possible interference with farming equipment (DATCP 2026).

### ***2.2.2. Above Ground Facilities***

The Company has indicated that an Above Ground Gate Station and an accompanying permanent access road will be installed at the eastern end of Route A, near the intersection of Interstate 43 and Lawson School Road, prior to the planned activities of We Energies. The Above Ground Gate Station and access road will be installed by Guardian Pipeline, LLC, which maintains the interstate pipeline that will supply natural gas to the Foundry Ridge Energy Center through the lateral pipeline covered under this AIS (Erik Strommen, Personal Communication, March 2026). Because the Above Ground Gate Station and access road are being installed by a third-party prior to the Foundry Ridge Lateral Project activities, they are not within the scope of this analysis. During construction of the Project, We Energies plans to install additional equipment to the Above Ground Gate Station (DATCP 2026).

### ***2.2.3. Alternative Routes***

The Company considered one route alternative to Route A during the project design phase. The route started along Creek Road west of Kendall Court and continued along Creek Road for

approximately 8600 feet. Sections along Creek Rd, near Oak Hill Street, are populated with multiple residences and their associated buildings are located close to the public right-of-way. According to the Company, this reduces the ability to obtain easements with adequate width for the proposed pipe, and the installation would cause significant impact to residential properties. Due to these factors, the proposed Route A was chosen over this alternative (DATCP 2026).

### **2.3. Project Right-of-Way (ROW)**

The Company proposes to utilize a combination of new and existing ROW to site the proposed project corridor. Typical widths for both permanent and temporary easements will be 50 ft.

For Route A, 25.8 acres of agricultural right-of-way will be acquired through permanent and temporary easement. For Route B (not including aspects of Route A), 31.30 acres of agricultural right-of-way will be acquired through permanent and temporary easement.

### **2.4. Project Schedule**

Pending issuance of all state agency and local permits, the Company plans to begin construction in January 2027. The pipeline is projected to be in service by August 2027 (DATCP 2026).

### **2.5. Service Connections**

The Project's stated purpose is to connect the Guardian Interstate Pipeline to the Foundry Ridge Energy Center, a proposed facility in development by the Foundry Ridge Energy Center LLC/Invenergy.

### **2.6. Off-ROW Access Roads**

Guardian Interstate Pipeline LLC plans to install one Off-ROW access road prior to the planned activities of the Project, in order to access the planned Above Ground Gate Station at the eastern end of Route A (DATCP, 2026a). Both the Above Ground Gate Station and permanent access road are outside the scope of this analysis.

### **2.7. Staging Areas**

The proposed laydown and storage area for this project will be on property acquired by Invenergy and will not affect any agricultural land. However, there are several proposed workspaces on agricultural land which are listed in Table 1.

Table 1: Landowners, Parcels with proposed workspaces by total acres (DATCP, 2026a).

Primary Owner Name	State Parcel ID	Area Acres
DEAN KINCAID ENTERPRISES LLP	127B D 2100002C	0.22
DEAN KINCAID ENTERPRISES LLP	127BA394200002	0.02
TOWN OF DARIEN	127B D 2000011	0.17
BVV HOLDINGS LLC	127B D 2200007	0.23
DEAN KINCAID ENTERPRISES LLP	127B D 2100002C	0.02
SUSAN MARSHALL	127B D 2100003B	0.52
DEAN KINCAID INC	127B D 1900001	0.06

### 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.

##### 3.1.1. Farmland Preservation Planning

The Department certified Walworth County’s FP plan in 2023 for a ten-year period ending in 2033 (Walworth County, 2023). Criteria used to map Farmland Preservation Areas in Walworth County include consistency with County and locally adopted land use and resource management plans, lands covered predominately by soils in Land Capability I, II and III, lands currently zoned in the A-1, Farmland Preservation Zoning District, and consideration of the 2012 Walworth County Farmland Preservation Plan (Walworth County, 2023).

All towns in Walworth County have lands that are planned for FP as part of the county’s FP Plan. Approximately 30.31 acres planned for farmland preservation in the county’s FP plan are affected by the Project’s proposed Route B (not including aspects of Route A). Approximately 25.30 acres planned for farmland preservation in the county’s FP plan are affected by the Project’s proposed Route A.

### ***3.1.2. Farmland Preservation Zoning***

Establishing FP zoning strengthens farmland protections beyond what an FP plan affords. As the Project is exempt from the requirement to obtain a certificate of authority from the PSC, 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 Town of Darien has adopted County Walworth County zoning, which includes a certified FP zoning district. The certified FP zoning district for the Town of Darien is the A-1 Prime Agricultural Land zoning district (Walworth County, 2022). 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. Impacted agricultural parcels zoned A-1 by Walworth County would require a conditional use permit under Wis. Stat. § 91.46(4) for transportation, communications, pipeline, electric transmission, utility or drainage use, to remain in the district.

The Company 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 a minimum of ten years (or fifteen years if signed before December 8, 2023) in exchange for eligibility for the farmland preservation tax credit.

A review of the Department's AEA program shows that the project corridor, under either route, does not fall on lands within Walworth County's single Agricultural Enterprise Area (DATCP, 2026b).

Additionally, prior to 2009, owners of eligible farmland could sign 10 to 25-year FP agreements outside of AEA boundaries. The Department's analysis found no effective pre-2009 FP agreements located in the Town of Darien, Walworth County.

## **3.2. Conservation Programs**

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

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

Compensation to landowners with 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.

### ***3.2.1. Conservation Reserve Enhancement Program (CREP)***

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

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

A review of the Department's CREP records indicates that, as of April 2026, the proposed project corridor, under either route, will not encroach upon any effective CREP agreements.

Because of this, the Department advises the Company to:

- Work with landowners to identify effective CREP agreements prior to any construction or site disturbance activities
- Coordinate with the appropriate Wisconsin CRP contact regarding effective CRP contracts within the project area and coordinate with FSA regarding impact mitigation to CREP enrolled lands and/or potential contract (CRP-1) releases within 12 months of expected construction or site disturbance activities
- To limit situations of CRP-1 contract termination, limit site disturbance of CRP/CREP to times outside of the Primary Nesting Season (May 15th to August 1st) to the extent practicable and necessary in coordination with FSA to ensure compliance with these contracts
- Consult with the Department as soon as a route is selected, affording as much time as possible 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.

### ***3.2.2. 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, 2026). 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 3 responses to the Department's pre-construction questionnaire, none of the landowners impacted by the project indicated holding any lands enrolled in CRP.

The Department advises Wisconsin Electric Power Company 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 CREP enrolled lands and/or potential contract (CRP-1) releases within 12 months of expected construction or site disturbance activities.

### ***3.2.3. Managed Forest Law (MFL)***

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

In order to analyze project impacts on MFL enrollments, the Department conducted a spatial analysis to determine total acres impacted on parcels enrolled in MFL as compared to their sizes, and therefore their MFL eligibility. This analysis indicated that the project corridor, under either route, will not affect any lands enrolled in MFL.

#### ***3.2.4. Purchase of Agricultural Conservation Easement Programs***

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

A review of the Department's PACE Program shows the Project would not impact any state-held PACE easements.

Counties and private non-governmental organizations such as land trusts may also hold agricultural conservation easements. Based on a review of the USGS-PAD Data Explorer, the Department found no publicly held easements that will be impacted by the Project (USGS-PAD, 2026). There may be other public or private conservation easements that were not identified within the federal database that DATCP reviewed. DATCP recommends that the Company works with landowners to verify if there are other conservation agreements that have not yet been identified.

Compensation to landowners with 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.

#### ***3.2.5. 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.

The Company 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 has resulted in a violation of the SWRM contract, the landowners should contact the We Energies staff member, as designated by the Company, 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.

### **3.3. Drainage Districts**

Drainage districts are local governmental entities governed under Wis. Stat. Ch. 88 and organized under a county drainage board for the primary purpose of draining of lands for agricultural use (DATCP, 2021). Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repair 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 Walworth County has one active drainage district (District #5). This district is not connected to any known drainage flow pathways that may be impacted by the project. Therefore, District #5 is not expected to be impacted by the proposed project.

## **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 the Company for this AIS and information gathered from agricultural landowners to analyze the potential agricultural impacts of the Project in Walworth County, WI. The analysis of the agricultural impacts and conclusions drawn from it form the basis of the Department's recommendations within the AIS Recommendation Section above.

#### 4.1. Farmland Acquisitions and Landowner Concerns

Before constructing the Project, the Company 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, has access to the easement without the landowner's permission. Under normal conditions, utilities typically make every effort to notify landowners before accessing the easement. In emergency response situations, the utility has the right to access the easement without permission from the landowner. The easement contract will contain all specifics regarding access, rights, responsibilities, and liabilities and should be thoroughly reviewed by the landowner prior to signing.

The Department attempted to contact nine agricultural landowners with a pre-construction questionnaire to gain insight into their farm operations and concerns they have about potential impacts posed by the project (Table 2). Of these, three landowners replied to the questionnaire, sharing their concerns related to the Project. The following section relays the feedback and comments received from stakeholders and agricultural landowners through the Department's efforts. The information obtained helped form the basis of the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural landowners in general

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

Table 2: Agricultural Landowners Proposed to be Impacted by the Project.

Landowner Name	Impacted Acres
BVV HOLDINGS LLC	1.21
DEAN KINCAID INC	29.07
ELSIE M BROCKWELL	0.88
JEFFREY DUTTON TRUST	6.18
MICHAEL J SMILEY	1.77
R&R VENTURES LP	5.18
ROBERT C HANSEN TRUST	0.94
STEVEN S WALTER	5.30
WADDELL 89 DARIEN LLC	6.05

#### 4.1.1. *Michael J. Smiley*

Michael J. Smiley contacted the Department with several questions regarding the construction process. His property is located within Route B, east of the intersection of Highway 14 and Creek Rd. He inquired about the Project’s ROW distance from Creek Road, and whether the pipeline installation would require removal of his fence, which runs parallel to Creek Road. He also inquired why the pipeline routes south onto his land, rather than continuing along the northern side of Creek Road. The Department referred these questions to the We Energies project contact, who indicated 1) the pipeline runs south of his fence, and will require a small section to be removed during installation, which will be re-installed, and 2) the project crosses Creek Road to the south at this location because there are several mature trees on the northern side of the road which would conflict with the installation, and the pipeline continues south of Creek Road to the east where it joins the Above Ground Gate Station (Erik Strommen, Personal Communication, April 2026).

#### 4.1.2. *Steven S. Walter*

Steven S. Walter contacted the Department with a concern regarding the proposed route through his property. His property is located within Route A and Route B, adjacent to Interstate 43 to the north. He owns a waste-hauling business with waste-storage facilities on his land and has plans for future expansion across contiguous parcels that he owns. The pipeline’s proposed route is located along two of Walter’s parcels, parcel IDs B D 2100005A and B D 2200007A and conflicts with this planned expansion. Walter suggested a re-route which would resolve this conflict. This re-route will shift the pipeline’s location from where it moved south to travel along Interstate 41 ROW and instead to the northern boundary of his property, where it will not conflict with the planned expansion and would continue as proposed otherwise. The Department relayed his concerns and suggested re-route to the Project contact, who stated they will move forward with revising the route as suggested by the landowner (Erik Strommen, Personal Communication, April 2026). On May 12, 2026 the Company provided the Department with new project routing information, with the only change being the suggested re-route being incorporated into the Project. The original route and the route alteration are shown in Figure 2. This route alteration lessened the impact of agricultural land on Steven S. Walter’s land from 6.47 acres to 5.30 acres.

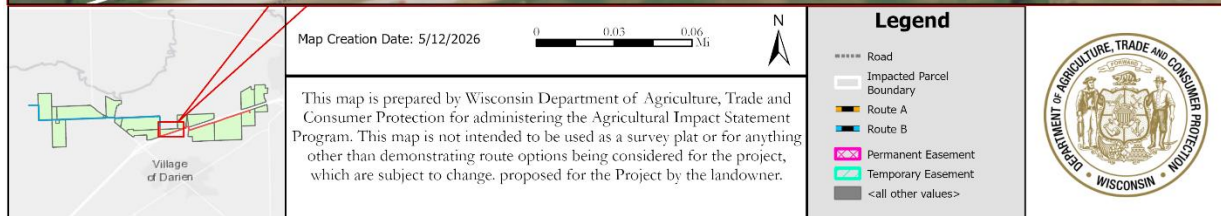
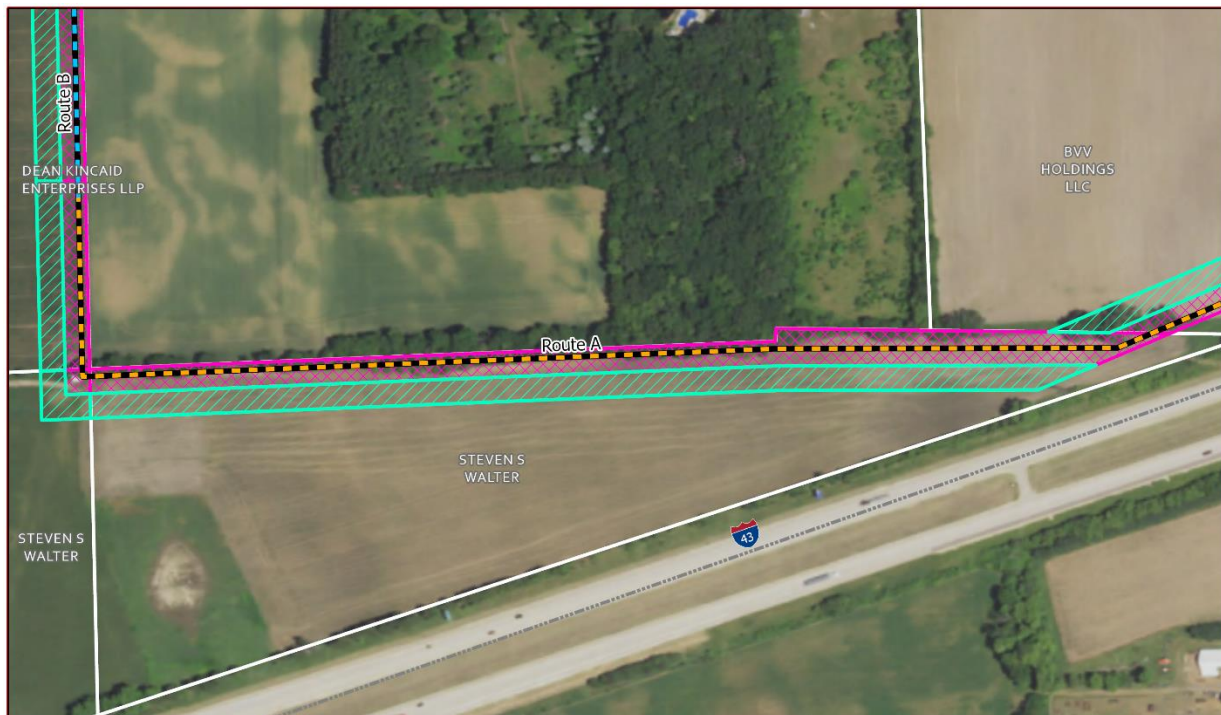


Figure 2: The top image shows the original route proposed by the Company, the bottom image shows the re-route option that the Company is now utilizing based on Steven S. Walter's feedback. Map created by DATCP.

## 4.2. Severance, Access and Wasteland

The acquisition of agricultural property can result in agricultural parcel severance, removal of existing field access points and the creation of *wastelands* and uneconomic remnant parcels. The circumstances (i.e. loss of access, severance, wasteland etc.) surrounding the impacts to each 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.

### 4.2.1. Severance

Severance may be a physical barrier such as a road or non-physical barrier such as land use restrictions. Regardless of the means, severing an agricultural parcel effectively splits the existing parcel into two or more smaller parcels. Severing an agricultural parcel may also remove existing access points, create agricultural wastelands or uneconomic remnant parcels, divide the operation of a farm or potential result in farmland conversion. Under Wisconsin's Eminent Domain Statute, compensation for damages resulting from severance is described in [Wis. Stat. § 32.09\(6\)](#).

A visual inspection of 2026 parcel data suggests two agricultural parcels within the originally proposed ROW may be temporarily severed during construction. In both Routes A and B, the proposed project corridor runs north-south through the property of Steven S Walter, potentially limiting access between fields. However, as detailed in Section 4.1.2, the requested minor route alteration will eliminate this temporary severance by shifting the route to the northern boundary of the property. In both Routes A and B, the update proposed project corridor could still potentially cause a temporary severance during construction on the south-eastern corner of the BVV Holdings property as it cuts up northeast to cross Old 89 Road (refer to Appendix A, Figure 1, Page 9).

Aligning the route with field boundaries can reduce the potential to sever an agricultural parcel. Post-restoration, many pre-existing agricultural land uses should be able to return, which further reduces the potential for permanent severance. The impacts of parcel severance may include crop damage, field access issues or loss, amongst others. During the pre-construction phase, landowners concerned about the impacts of parcel severance should communicate the location of property improvements such as structures, field access points, drain tiles or installed conservation practices, existing certifications (organic, etc.), management of livestock including the location of existing fencing within the project ROW, and plans to spread manure or other organic material on lands within the proposed project ROW with the project initiator. This information will ensure that construction may proceed in accordance with applicable mitigation practices identified in the project's Agricultural Mitigation Plan (Appendix B). The practices outlined in the Agricultural Mitigation Plan minimize the effects of parcel severance and impacts to agriculture, which include practices for restoration of fencing, repair of severed drain tiles, 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 pre-existing land uses within the ROW such as MFL, maple syrup production, Christmas tree production, etc. In these situations, land use restrictions create a non-physical barrier to agricultural production. Essentially, land use restrictions have the potential to sever a proportion of an agricultural parcel that may no longer contribute to an agricultural operation. Details of landowner/operator concerns are provided in Section 4.1.

#### *4.2.2. Access*

Acquisitions of farmland may remove existing points of access utilized by agricultural operations to enter their remaining farmland. Access to farmland may also be temporarily lost within the project ROW while the project is under construction. When agricultural lands and operations lose access, even temporarily, agricultural productivity may be impacted if crops, livestock or other agricultural products cannot be tended. Lost access may also directly result in lost income if a field cannot be planted or harvested, or if an entire agricultural operation is hindered.

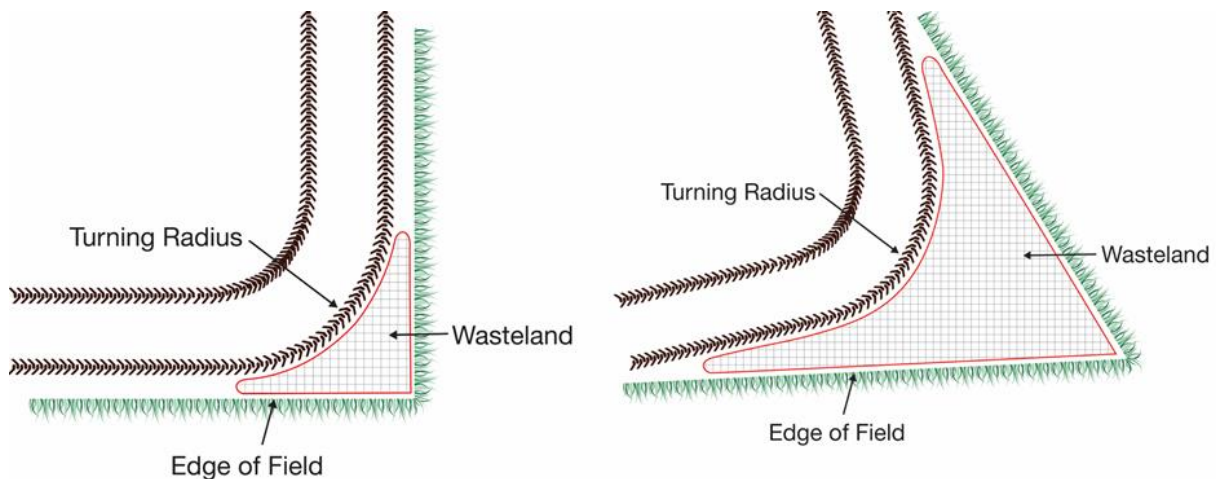
Construction may temporarily affect field access points along the selected route. To mitigate access impacts, it is recommended that the project initiator coordinate with affected landowners during the preconstruction phase to provide alternative access methods and locations during construction to the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

#### *4.2.3. Wasteland*

Acquisitions and easements that sever farmland frequently create small remnant fields that may be difficult to access or are irregularly shaped. These small irregularly shaped remnant fields may also contain numerous obstacles that can make it difficult for agricultural equipment to navigate and reduce the amount of tillable acres. This in turn reduces agricultural productivity and decreases the economic viability of the land, which increases the potential of creating undeveloped land ([Wis. Stat. § 70.32\(2\)\(a\)\(5\)](#)) or what is commonly referred to as wasteland as shown in Figure 33. 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.

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.

The Department’s analysis found that the project will potentially create an irregularly shaped remnant on the property of R&R Ventures, between Interstate 43 and the permanent access road that will be installed prior to the Company’s planned activities (Refer to Appendix A, Figure 1, Page 13). The project initiator reported that the access road will be installed by Guardian Interstate, LLC prior to the project, and the landowner agreed to this access easement and proposed the location to allow room for future development (Charlie Nowakowski, Personal Communication, March 2026). As the potential remnant is part of a separate project, it is outside the Department’s scope to analyze this remnant or make recommendations concerning it.



**Figure A: Regular Shape**

**Figure B: Irregular Shape**

Figure 3: 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.

### 4.3. Prime Farmland and Soils

Under Route B (including Route A as a common segment), the Project will impact approximately 57 acres of agricultural lands and soils. Under Route A, the Project will impact approximately 25.8 acres of agricultural lands and soils. The soils impacted by the proposed Project were cataloged and analyzed by farmland classification for each route alternative, using the NRCS prime farmland soils GIS layer. Farmland soil classifications impacted by the Project include prime farmland and prime farmland if drained (Table 4). Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2024) and is based on the ability of the land and soil to produce crops. Definitions of prime farmland, prime farmland if drained and farmlands of statewide/local importance are provided under Table 3. The soil texture of agricultural soils impacted by the Project was analyzed, in general terms, across the project ROW.

Within Route B (excluding Route A as a common segment), 99% (or 31 acres) of the agricultural lands impacted by the Project have received Federal designation as Prime farmland or Prime farmland if Drained (Table 3). Within Route A, 84% (or 21.6 acres) of the agricultural lands impacted by the Project have received Federal designation as Prime Farmland or Prime farmland if drained (Table 3). The agricultural soils across the Project ROW under both routes, when classified by texture, are primarily silt loams of various soil series. In general, loam and 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 Company’s proposed Foundry Ridge Lateral Project will primarily impact prime farmland and high-quality soils under either route.

Table 3: Agricultural soils, by farmland classification, impacted by the proposed Foundry Ridge Lateral Project in Walworth County, WI.

<b>Soil Texture</b>	<b>Prime Farmland* (acre)</b>	<b>Prime Farmland if Drained<sup>o</sup> (acre)</b>	<b>Farmland of Statewide Importance<sup>‡</sup> (acre)</b>	<b>Not Prime Farmland<sup>§</sup> (acre)</b>	<b>Total (acre)</b>
<b>Route A</b>					
Loam	0.0	0.0	0.0	0.0	0.0
Sandy Loam	0.0	0.0	2.9	0.1	3.1
Silt Loam	19.8	1.8	0.6	0.5	22.7
<i>Route A Total</i>					25.8
<b>Route B (distinct segment only)</b>					
Loam	0.0	0.0	0.0	0.1	0.1
Sandy Loam	0.0	0.0	0.0	0.2	0.2
Silt Loam	31.0	0.0	0.0	0.0	31.0
<i>Route B (distinct segment only) Total</i>					31.3
<b>Route B (including Route A segment)</b>					
Loam	0.0	0.0	0.0	0.1	0.1
Sandy Loam	0.0	0.0	2.9	0.4	3.3
Silt Loam	50.8	1.8	0.6	0.5	53.6
<i>Route B (including Route A segment) Total</i>					57.0
<p><b>*Prime farmland</b> 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.</p> <p><b><sup>o</sup>Prime farmland if drained</b>, indicates that if farmland is drained it would meet prime farmland criteria.</p> <p><b><sup>‡</sup>Farmlands of statewide importance</b> 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.</p> <p><b><sup>§</sup>Not Prime farmland</b>, indicates farmland is neither prime farmland nor of designated importance.</p>					

During a review of the materials provided by the Company, the Department noted potential impacts to two field-verified wetlands on the properties of BVV HOLDINGS LLC and ELISE M BROCKWELL, where the Company plans to use the open-trench method rather than the horizontal

directional drilling method for pipeline installation across the wetlands. The Department contacted the project contact for clarification on why the open-trench method was being used in the wetland, and the project contact indicated they were not recommending horizontal directional drilling due to the crossing angle of the proposed HDD, and the resulting need to acquire additional easement if the section were rerouted. The project contact also indicated that this section will be subject to further discussion in the Practical Alternative Analysis once a wetland disturbance application is submitted to WDNR. (Charlie Nowakowski, Personal Communication, March 2026). Refer to Appendix A: Figure 1, Page 9 for aerial images of the wetland disturbance.

## **5. AGRICULTURAL MITIGATION PLAN**

The Company has voluntarily prepared an AMP for the Project and will utilize an agricultural inspector (AI) to ensure the AMP is adhered to during project construction and restoration phases (DATCP, 2026A). 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: Agricultural Mitigation Plan.

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.

### **5.1. 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 increases the risk of soil compaction into subsoil layers that cannot be removed by conventional tillage (Wolkowski and Lowery, 2008). This construction-caused soil compaction may also damage drain tiles leading to ponded water where none existed prior to construction. Construction activities may also disrupt and/or mix soil profiles within the Project ROW, as well as the surrounding area. Research has also shown that construction related impacts (e.g. equipment axle weight, use of excavation, intermixing of soil layer etc.) have the potential to negatively impact crop yields for up to a decade within the ROW depending on the type and severity of the construction impacts (Culley and DOW 1988; Shi et al., 2014).

#### ***5.1.1. Three-Lift Soil Handling***

The three-lift soil handling procedure is recommended for cropland and pasture where the mixing of the subsoil layers from construction practices, such as pipeline trenching, may result in persistent crop yield reductions. For agricultural soils, the typical pipeline construction practice is to remove and stockpile only the topsoil (usually the top 12 inches) from the entire pipeline trench. In contrast, the three-lift soil handling method requires the stockpiling of the 1) topsoil, 2) subsoil and

3) substratum in three separate piles. After the pipeline has been placed within the trench, the excavated soils would be backfilled in the reverse order from which they were removed (i.e. last soil removed is the first soil backfilled). For more information on the three-lift soil handling method, refer to the Department's Three-Lift Soil Management publication [ARM-LWR-294](https://www.agimpact.wi.gov) available at [agimpact.wi.gov](https://www.agimpact.wi.gov).

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

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

The Company will compile a list of potentially affected farm owners whose land is eligible for three-lift soil handling through analysis of NRCS Soil Maps and/or original soil maps for each county. The Company will inform landowners who possess 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).

#### ***5.1.2. Topsoil Segregation***

Agricultural topsoil is an invaluable resource that should be preserved. Excavation activities required to create the open trench needed to install a natural gas pipeline have the potential to mix highly productive topsoil with underlying, less productive and potentially rocky subsoils. Deep rutting also has the potential to intermix *topsoil*. If intermixing of topsoil occurs, the resulting soils are generally known to reduce the agricultural productivity of the impacted area. The Company 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. This includes removing agricultural topsoil - to a depth of 12 inches, or the entire original topsoil depth if it is less than 12 inches - from the subsoil storage area, the trench area, and the rest of the temporary right-of-way, and segregating and storing the removed topsoil in designated on-site areas, separate from the subsoil layers. The topsoil will be replaced during the restoration phase of the project.

Additionally, the Department recommends that the Company take the following steps to prevent the mixing of agricultural topsoil with subsoil layers within the Project ROW:

- 1) Prohibit the spreading of mixed soils or segregated subsoils on undisturbed cropland, pastures or other agricultural fields, unless authorized by the landowner.
- 2) Remove any intermixed topsoil, within the top 12 inches, from the right-of-way (ROW) and replace with new clean topsoil that is comparable to the pre-existing *topsoil*.
- 3) Avoid working in areas with recently saturated soils.
- 4) If rutting occurs, allow sufficient time for the soil to dry before repairing the ruts.

In the Project Initiator Feedback Form (Appendix G), the Company indicated it cannot commit to avoiding working in saturated soils due to the potential for impacts to construction timeline and increased project costs. However, the Company states it commits to minimizing rutting during wet conditions by using wide-tracked and/or low-ground pressure equipment and timber matting, as well as repairing any ruts that do occur.

### ***5.1.3. Soil Compaction***

Equipment used to construct natural gas pipelines has the potential to compact soil and reduce soil productivity on the farmland traversed during construction. Soil compaction is widely known to have a range of potential negative impacts to the productivity of soil, including reduced crop productivity, reduce crop uptake of water and nutrients, restriction of plant rooting depth, decreased water infiltration and increased surface runoff.

The Company has prepared a BMP for soil compaction management and soil decompaction as seen in Appendix B: BMP-06 and section K. BMP-06: Soil Restoration conforms to many of the mitigation practices the Department seeks to alleviate soil compaction issues. This includes the use of deep subsoil ripping on all traffic and work areas of agricultural ROW where the topsoil has been stripped, such as pipeline workspaces, temporary workspaces, and temporary access roads, but not the area over the trench or where drain tiles are located. Additionally, 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. Company has stated that de-compaction of the subsoil will only be done when the subsoil condition is friable/tillable in the top 18-inches of the subsoil profile as determined by the Agricultural Inspector.

UW-Extension report A3367 states that heavy equipment with axle loads that exceed 10 tons increases the risk of soil compaction into subsoil layers that cannot be removed by conventional tillage (Wolkowski and Lowery, 2008). The expected compaction depth increases as the axle load and soil moisture content increases. In general, using heavy equipment on dry or frozen soil reduces damage to vegetation and soil.

If development activities must occur on moist, non-frozen soil, potential soil compaction mitigation practices such as access mats can be used to redistribute the weight of heavy equipment over a large surface area. Access matting can aid in mitigating soil compaction, rutting and water infiltration issues (Thompson et al., 2023), though some scientific field studies document a potential imbalance in soil microbial communities in grasslands or pastures by altering soil moisture levels and increasing nutrient availability due to plant die-off under matting with prolonged use (Thompson et al. 2020; Thompson et al. 2023). Overall, access matting aids mitigation of soil compaction and rutting and should be used as needed with thought to avoid prolonged impact, especially on grasslands/pastures.

Additionally, the Department recommends that the Company take the following steps to prevent soil compaction and/or de-compact agricultural topsoil:

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

#### ***5.1.4. Increased Soil Rock Content***

Large stones at the surface can damage farm machinery and lead to added costs to landowners for removal. Many subsoil layers have a greater rock content than the topsoil. Trench excavations may bring up lower soil horizons with rocky subsoil, which may mix with upper soil layers. Even where three-lift soil handling is used, additional rocks may be spread through the subsoil layer during backfilling. Project initiators 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. The Company addresses mitigation practices regarding increased soil rock content in Appendix B: BMP 06, which states that the Company will ensure the size, density and distribution of rock remaining on the construction work area is the same as adjacent areas not disturbed by construction.

The Department recommends that the Company take the following step to prevent increased rock content in agricultural topsoil:

- 1) Unearthed rocks or excess rocks for construction activities should not be spread across the ROW, added to the topsoil pile, or added to other farm fields.

#### ***5.1.5. De-icing & Traction Control***

Construction crews commonly apply various products to improve vehicle traction across temporary road matting within the construction ROW to control for wet, slippery, or icy conditions. The

application of sodium chloride (e.g. rock salt), as a de-icing agent, to temporary road matting within the construction ROW can lead to sodium chloride rich runoff that has potentially detrimental impacts to the health of nearby soils, ecosystems and surface waters (Richburg, 2001; Kelly *et al.*, 2008; Corsi *et al.*, 2010). Alternative de-icing products, which are less damaging to the health of soil, vegetation and ecosystems as compared to sodium chloride, do exist. For example, county highway departments commonly apply sand or small lime chips (1/8" to 3/16" diameter), or a combination of the two as an alternative to sodium chloride, especially when surface temperatures are colder than 15°F when sodium chloride is less effective. University of Wisconsin Madison – Extension publication [A3877](#) provides a list of alternative de-icing products the Company 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. As construction is expected to commence in January 2027 and to address potential impacts related to salt applications on temporary road matting over agricultural soils, the Company should consider adding the following BMPs to the Project AMP:

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

## **5.2. Drainage**

Maintaining proper field drainage and preserving soil health is vital to the success of an agricultural operation. However, pipeline construction activities have the potential to affect both surface and subsurface (i.e. drain tile) drainage patterns and the overall soil health of agricultural fields. Potential drainage impacts from the construction of a pipeline include broken or damaged drainage tile lines, alterations to the topography of existing grassed waterways, or changes to known surface water flowlines. When these impacts happen and go unrepaired, drainage may become impaired, leading to the buildup of standing water on fields. Standing water on agricultural fields has a broad range of negative impacts including crop losses, concentrating mineral salts, flood damage to farm buildings, or causing disease in livestock.

### ***5.2.1. Drain Tile Repair***

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

Under Appendix B: Best Management Practices – section I, The Company states that any drain tile damaged or severed during construction will be repaired. The initial repair may be temporary tubing with a permanent repair installed before backfilling the trench, or a permanent repair may be immediately installed. Additionally, the Department believes the Company may wish to consider implementing the following additional mitigation steps specific to drainage:

- 1) Should the Company damage or break a functional drain tile line, the Company 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. A steel channel or I-beam should also be installed under the drain tile or PVC to assure the pre-existing slope of the tile is maintained during backfilling.
- 2) Where construction activities have created new wet areas the Company should work with the landowner to determine the best means to return the agricultural land to pre-construction function.
- 3) the Company should consider using the techniques outlined in Section 5.1.3 “Soil Compaction” when crossing a known drain tile.

The Department also recommends that agricultural landowners consider:

- 1) Agricultural landowners should inform the Company about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.
- 2) Agricultural landowners should document field moisture conditions and the historic presence/absence of ponded water prior to the start of construction for post-construction comparisons.

### ***5.2.2. De-watering***

During excavation, trench dewatering may be necessary. Improper dewatering can result in soil erosion, sedimentation and deposition of gravel, sand, or silt onto adjacent agricultural lands, and the inundation of crops. The discharge of these construction waters must comply with current drainage laws, local ordinances, WisDNR permit conditions, and the provisions of the Clean Water Act.

The Company has prepared BMP-05 for trench dewatering as can be referenced in the AMP. BMP-05: Trench Dewatering conforms to the mitigation practices sought by the Department. The Department recommends the following to mitigate the impacts of construction water discharge on agricultural lands:

- 1) The Company should identify prior to construction 1. excavation sites with low areas and/or hydric soils where de-watering is likely and 2. suitable upland areas for discharge.
- 2) Discharge locations should be well-vegetated areas with topography that will prevent the water from returning to the ROW, resist soil erosion, and allow for infiltration and settling of gravel and other unwanted sediments prior to entering a field, pasture, or waterbody.
- 3) The Company should consider using pre-filter bags or other filter devices, prior to discharge, in order to capture sediments, gravel and rocks.
- 4) Cropland, pasturelands and other agricultural areas selected for discharge should not be inundated for more than 24 hours, as longer durations could result in crop damage.
- 5) The Company should not directly discharge or allow construction waters from non-organic farms to enter an organic farming operation.

### **5.3. Yield & Crop Loss**

#### ***5.3.1. Yield Compensation***

The Department's soil health analysis, seen in Section 5.1, has indicated the potential for the Foundry Ridge Lateral 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 initiators 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 initiators 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.

The Company has prepared a systematic plan for determining the value of the impacted crop and compensating the impacted farm operation as seen in Appendix B: BMP-08. BMP-08 conforms to the mitigation practices the Department seeks when advocating for crop loss/yield reduction

compensation. Specifically, the Company states in BMP-08 that, *“the 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.”*

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.

### **5.3.2. Feed Supply**

The construction of a natural gas pipeline may disrupt a planned crop or crop rotation. Impacts to alfalfa fields and planned alfalfa seeding are especially disruptive to dairy operations, as they need to maintain a proper supply of alfalfa to feed dairy cows. Any delays, yield reductions or damages to an alfalfa crop may require the dairy operation to buy haylage or hay, obtain more corn silage, and/or provide protein supplements such as soybean oil meal to make up for the lost alfalfa.

The Department did not find mention of mitigation or compensation practices related to the disruption of feed supply for dairy operations within the Project’s AMP. We Energies shared within the project initiator feedback form (Appendix G), that it compensates landowners for crop damage that is a direct result of Project activities, and secondary losses that may result from crop losses (such as a loss in animal feed) are generally not considered for compensation as part of normative business practices.

The Department recommends agricultural landowners and operators document all potential impacts to their farm operation and share them with We Energies when negotiating for compensation.

## **5.4. Erosion and Conservation Practices**

Pipeline construction activities can destabilize existing erosion control practices such as diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc. The destabilization of these erosion control practices has the potential to cause soil erosion within the ROW, but also from upland fields. During wet conditions the risk of soil erosion is increased, as exposed soils, especially areas with increased slope, may more easily erode and move downslope. Wind erosion may also be of concern if existing windbreaks are removed from the ROW, especially when soils are dry. If left unchecked, significant erosion can have an adverse effect on the long-term productivity of agricultural lands.

The Company has prepared a BMP to address erosion and repairs to existing agricultural erosion control facilities as seen in Appendix B: Best Management Practices – sections I and F. Collectively, these conform to the mitigation practices sought by the Department. The Department wishes to highlight the following mitigation practices contained in these sections, 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).*

#### ***5.4.1. Construction Noise and Dust***

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

The Department did not find mention of mitigation practices related to noise and dust within the Project AMP. To address impacts resulting from construction noise and dust the Company 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.
- The Company should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.
- The Company 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 the Company or their representatives during the easement negotiation process. Additionally, they may wish to remind the Company of their concerns just prior to the start of construction.

#### *5.4.2. Construction Debris*

After construction is complete, there may be construction debris remaining on the field. If large pieces of debris or rocks are left in the field, agricultural machinery may be damaged when the landowner first works the land. The debris from various woody trees species, such as cherry or walnut trees, can be toxic to livestock.

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

#### *5.4.3. Weed Control*

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

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

- The Company should offer agricultural landowners, during easement negotiations, the ability to state whether they do or do not give the Company express written consent for herbicide to be applied within the ROW they own.
- The Company should use tracking pads at frequently used access points.
- The Company 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, the Company 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](#)<sup>™</sup> and [BeeCheck](#)<sup>™</sup> registries, operated by [FieldWatch](#)<sup>™</sup> 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/>.

#### ***5.4.4. 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 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.

The Company 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 the Company may wish to consider implementing the following additional mitigation step to strengthen restoration efforts:

- The Company should monitor the ROW for soil erosion and maintain erosion control practices to mitigate soil erosion. Only after restoration activities are complete should temporary erosion control devices be removed.

## 6. REFERENCES

- Cornell University (Cornell). 2017. Soil Health Manual Series Fact Sheet Number 16-04: Soil Texture. Retrieved from [https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/f/5772/files/2016/12/04\\_CASH\\_SH\\_Series\\_Texture\\_Fact\\_Sheet\\_072717-286kw9f.pdf](https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/f/5772/files/2016/12/04_CASH_SH_Series_Texture_Fact_Sheet_072717-286kw9f.pdf) (accessed 13 April 2026).
- Corsi S. R., D. Graczyk, S. Geis, N. Booth and K. Richards. 2010. A fresh look at road salt: Aquatic toxicity and water-quality impacts on local, regional, and national scales. *Environ Sci Technol.* 44:7376–7382. doi.org/10.1021/es101333u
- Culley, J. L. B., and B. K. DOW. 1988. Long-term effects of an oil pipeline installation on soil productivity. *Canadian Journal of Soil Science*, 68:177-181. doi.org/10.4141/cjss88-018
- Invenery. 2026. Application for CPCN – Foundry Ridge Energy Center CPCN Application. PSC Docket #9835-CE-100. PSC REF # 568187. Madison, WI: Public Service Commission Electronic Records Filing System.
- James, K., Bork, E., Carlyle, C., Najafi, F., and Quideau, S. 2016. Access Mats Reduce Mixedgrass Prairie Soil Physical Responses to Industrial Traffic. University of Alberta, Department of Renewable Resources. Retrieved from <https://rri.ualberta.ca/wp-content/uploads/sites/48/2024/07/James-Bork-2016-ii.pdf> (accessed 24 April 2026).
- Richburg, J. A., W. A. Patterson III and F. Lowenstein. 2001. Effects of road salt and *Phragmites australis* invasion on the vegetation of a western MA calcareous lake-basin fen. *Wetlands.* 21, 247–255. doi.org/10.1672/0277-5212(2001)021[0247:EORSAP]2.0.CO;2
- Shi, P., Xiao, J., Wang, Y. et al. 2014. The effects of pipeline construction disturbance on soil properties and restoration cycle. *Environ Monit Assess.* 186, 1825–1835. doi.org/10.1007/s10661-013-3496-5
- Thompson, K.A., Bent, E., James, K., Carlyle, C.N., Quideau, S., Bork, E.W. 2020. Access mats partially mitigate direct traffic impacts on soil microbial communities in temperate grasslands. *Applied Soil Ecology* 145: UNSP 103353. DOI: 10.1016/j.apsoil.2019.09.003
- Thompson, K.A., James, K., Carlyle, C., Quideau, and S. Bork, E. 2022. Timing and duration of access mat use impacts their mitigation of compaction effects from industrial traffic. *Journal of Environmental Management*, Volume 303. <https://doi.org/10.1016/j.jenvman.2021.114263>.
- U.S. Department of Agriculture (USDA). 2024. Title 430 - National Soil Survey Handbook: Part 622 – Interpretive Groups. Retrieved from <https://www.nrcs.usda.gov/resources/guides-and-instructions/national-soil-survey-handbook> (accessed 13 April 2026).
- U.S. Department of Agriculture (USDA). 2026. Farm Service Agency: Conservation Reserve Program. Retrieved from <https://www.fsa.usda.gov/tools/informational/fact-sheets/fsa-crp-factsheet-26v3> (accessed 13 April 2026).
- United States Geological Survey Protected Areas Database of the United States (USGS PAD-US). USGS PAD-US Application. <https://maps.usgs.gov/padusdataexplorer/> (accessed 13 April 2026).
- University of Wisconsin-Extension (UW-Extension). 2005. A3588: Management of Wisconsin Soils. Madison, WI. Retrieved from <https://soilsextension.webhosting.cals.wisc.edu/wp-content/uploads/sites/68/2014/02/A3588.pdf> (accessed 13 April 2026).

- Walworth County. 2019. Multi-Jurisdictional Comprehensive Plan Update for Walworth County: 2035. Retrieved from [2035 Multi-Jurisdictional Comprehensive Plan & Update | Walworth County, WI](#) (accessed 31 March 2026).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2023. *Walworth County Farmland Preservation Plan*. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2019a. CREP: Conservation Reserve Enhancement Program. Retrieved from <https://datcp.wi.gov/Documents/CREPBrochure.pdf> (accessed 13 April 2026).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2019b. Drainage Districts in Wisconsin. Retrieved from <https://datcp.wi.gov/Documents2/DrainageProgramFactsheet.pdf> (accessed 13 April 2026).
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2026a. Agricultural Impact Notice for Pipeline Projects DARM-BLWR-003 rev 5/22: Foundry Ridge Lateral Project. Department of Agriculture, Trade and Protection. Madison, WI, USA.
- Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). 2026b. Designated Agricultural Enterprise Areas (AEAs). [https://datcp.wi.gov/Pages/Programs\\_Services/DesignatedAEAs.aspx](https://datcp.wi.gov/Pages/Programs_Services/DesignatedAEAs.aspx) (accessed 13 April 2026).
- Wisconsin Department of Natural Resources (WisDNR). 2017. Wisconsin's Managed Forest Law: A Program Summary PUB\_FR-295. Rev April 2022. <https://dnr.wisconsin.gov/topic/forestlandowners/mfl> (accessed 13 April 2026).
- Wolkowski, R., and B. Lowery. 2008. A3367: Soil Compaction: Causes, concerns, and cures. University of Wisconsin-Extension. Retrieved from <https://cdn.shopify.com/s/files/1/0145/8808/4272/files/A3367.pdf> (accessed 13 April 2026).

# DISTRIBUTION LIST

---

## **Federal and State Elected Officials**

### Governor

Governor Tony Evers

### State Senators

Honorable Patrick Testin (Chair - Committee on Agriculture & Revenue)

Honorable Steve Nass (District 11)

### State Assembly

Honorable Travis Tranel (Chair - Committee on Agriculture)

Honorable Tyler August (District 31)

## **Federal, State and Local Units of Government**

### Wisconsin Department of Agricultural, Trade and Consumer Protection (DATCP)

DATCP Public Information Officer – Dan Richter

DATCP Legislative Liaison – Patrick Walsh

DATCP Director, Bureau of Land and Water – Chris Clayton

### University of Wisconsin-Extension

Walworth County Area Extension Director – Christine Wen

### Walworth County

County Conservationist - Mandy Bonneville

Senior Planner - Katelyn Hastings

County Clerk - Susi Pike

County Administrator - Mark Luberda

County Zoning Administrator - Nick Sigmund

### Town of Darien

Chairperson – Kevin Schutt

Clerk/Treasurer – Marilyn Larson

## **News Media, Public Libraries and Repositories**

### Public Libraries

Darien Public Library

### Newspapers

Southern Lakes Newspapers

Agri-View Newspaper

Country Today Newspaper

### Wisconsin Document Depository Program

### The Library of Congress

## **Interest Groups, Entities and Individuals**

Wisconsin Electric Power Company

Charlie Nowakowski

Agricultural Landowners

Robert Hansen

Corey Kincaid

Gerald Vance

Steven Walter

Michael Smiley



---

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

**DIVISION OF  
AGRICULTURAL RESOURCE MANAGEMENT**

**Agricultural Impact Program**

**P.O. Box 8911**

**Madison, WI 53708-8911**

**608-224-4650**

[agimpact.wi.gov](http://agimpact.wi.gov)

# APPENDICES

---

DATCP #4707

Foundry Ridge Lateral Project

Walworth County

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

*PUBLISHED MAY 13, 2026*

## APPENDIX A: ADDITIONAL FIGURES

---

Figure 1: Foundry Ridge Lateral Project route in Walworth County WI, pg 1-12 (DATCP, 2026a).

*Refer to the next page for attachment*

U:\22770821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-04-22 By: mkohis

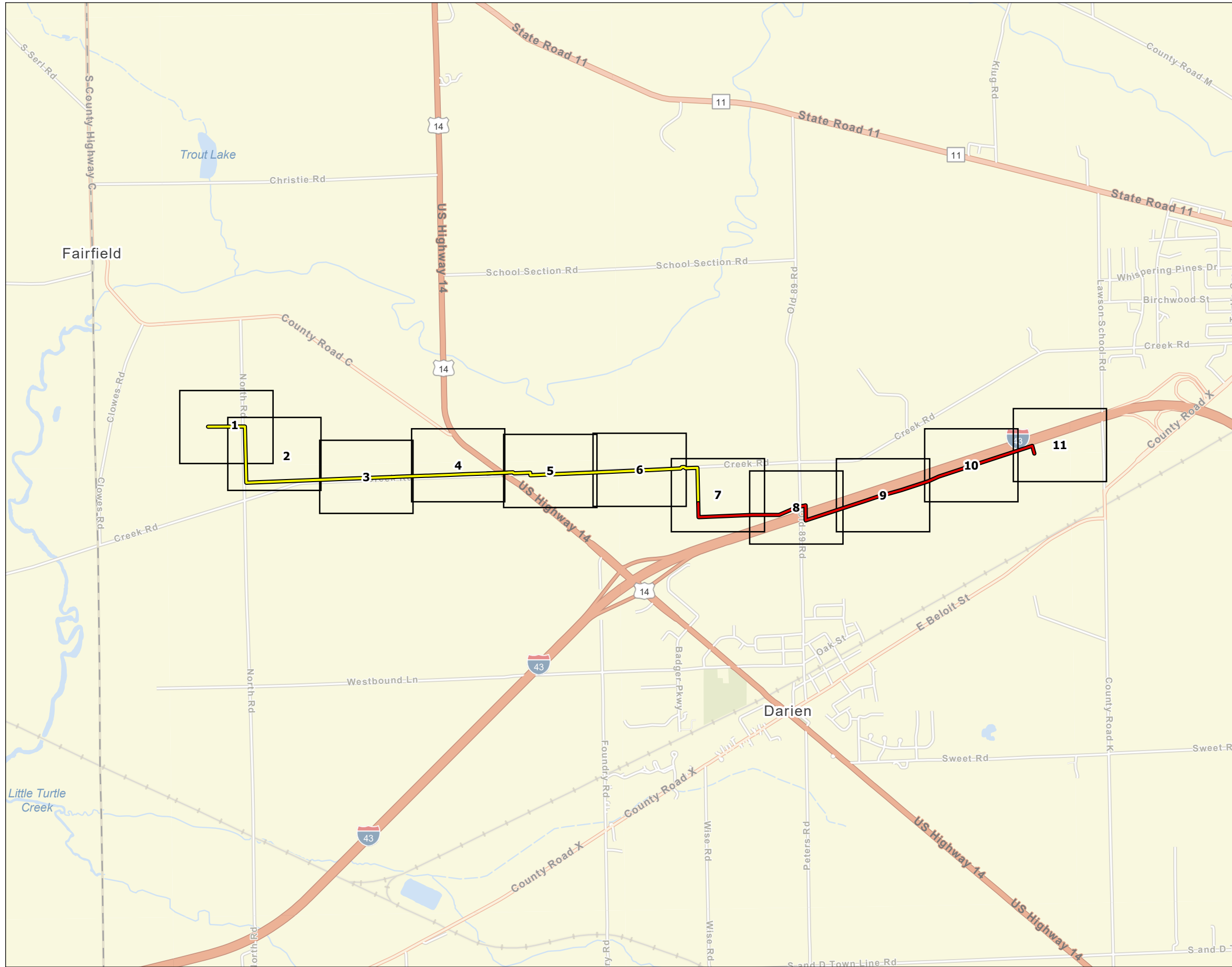


Figure No.

1

Title

### Project Location

Client/Project  
**WEC Energy Group**  
**Foundry Ridge Pipeline**  
**Agricultural Impact Notice**

227708218

Project Location  
 T2N, R15E, S19-23  
 T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-04-22  
 TR by AJC on 2026-01-07  
 IR by CS on 2026-01-07



0 0.25 0.5 Miles  
 (At original document size of 11x17)  
 1:31,680

#### Legend

- Route A
- Route B
- Figure 2 Page Extent



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WEC Energy Group
  3. Background: Esri World Street Map



U:\22770821203\_data\gis\_cad\gis\arc\proj\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mtkohls



Figure No.

2

Title

### Project Summary

Client/Project  
 WEC Energy Group  
 Foundry Ridge Pipeline  
 Agricultural Impact Notice

227708218

Project Location  
 T2N, R15E, S19-23  
 T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
 TR by JDP on 2026-05-07  
 IR by CS on 2026-02-03



0 100 200 Feet  
 (At original document size of 11x17)  
 1:2,400

#### Legend

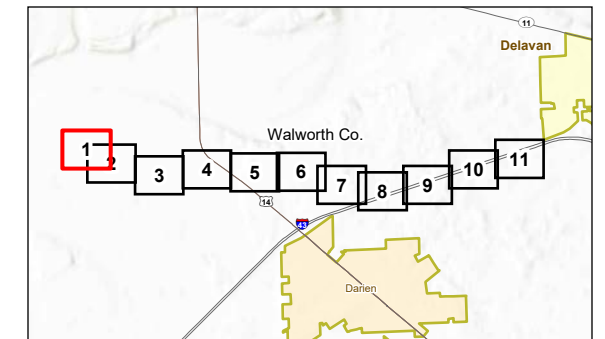
- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin

WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770227\0821203\_data\gis\_cad\gisArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mtkohls



Figure No.

2

Title

### Project Summary

Client/Project  
WEC Energy Group  
Foundry Ridge Pipeline  
Agricultural Impact Notice

227708218

Project Location  
T2N, R15E, S19-23  
T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
TR by JDP on 2026-05-07  
IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

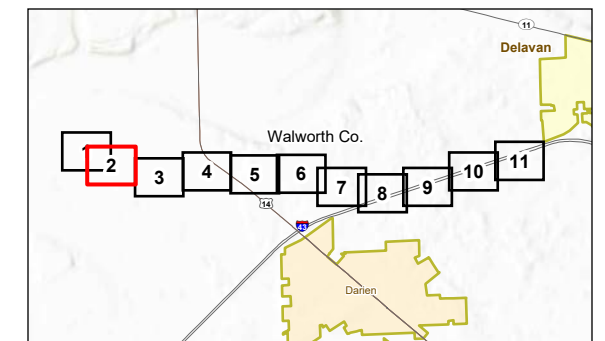
#### Legend

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770227\0821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohtis

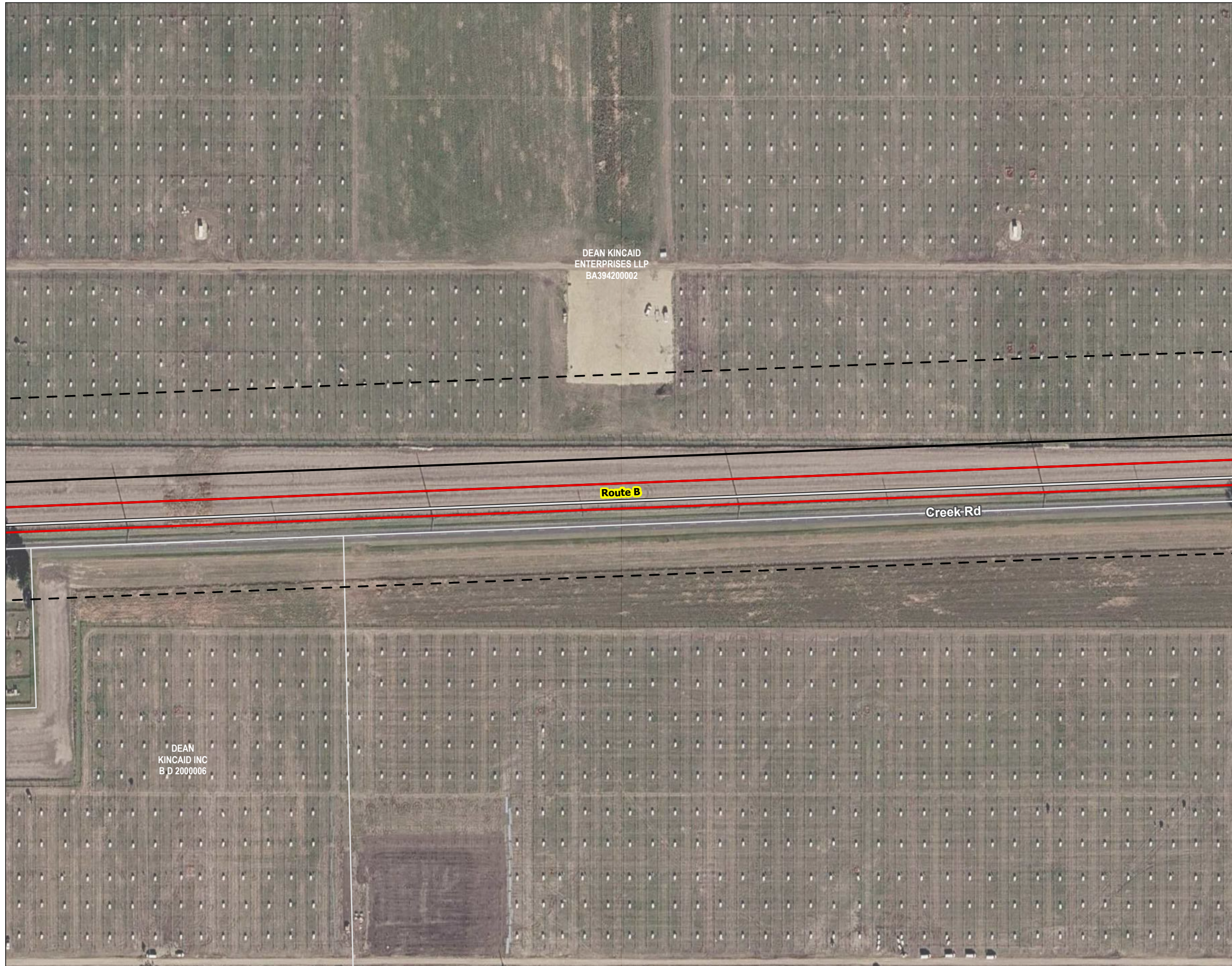


Figure No.

2

Title

### Project Summary

Client/Project: WEC Energy Group Foundry Ridge Pipeline Agricultural Impact Notice 227708218

Project Location: T2N, R15E, S19-23 T. of Darien, Walworth Co., WI Prepared by MNK on 2026-05-07 TR by JDP on 2026-05-07 IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

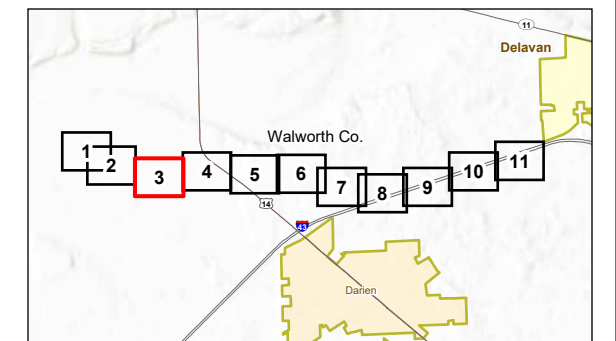
#### Legend

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770227\0821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohtis



Figure No.  
**2**

Title  
**Project Summary**

Client/Project  
WEC Energy Group  
Foundry Ridge Pipeline  
Agricultural Impact Notice

227708218

Project Location  
T2N, R15E, S19-23  
T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
TR by JDP on 2026-05-07  
IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

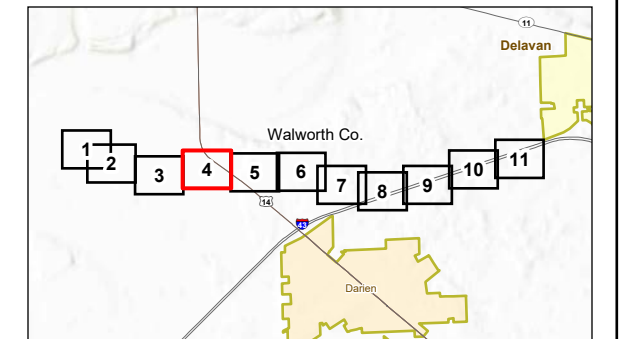
Legend

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770821203\_data\gis\_cad\gis\arcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohtis



Figure No.

**2**

Title

**Project Summary**

**Client/Project**  
 WEC Energy Group  
 Foundry Ridge Pipeline  
 Agricultural Impact Notice

227708218

**Project Location**  
 T2N, R15E, S19-23  
 T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
 TR by JDP on 2026-05-07  
 IR by CS on 2026-02-03



0 100 200 Feet  
 (At original document size of 11x17)  
 1:2,400

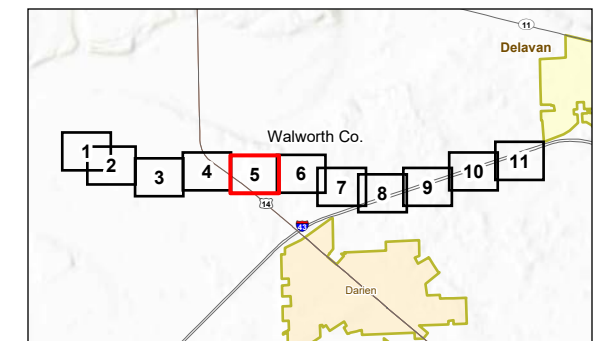
**Legend**

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
 WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770821203\_data\gis\_cad\gis\arcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohts

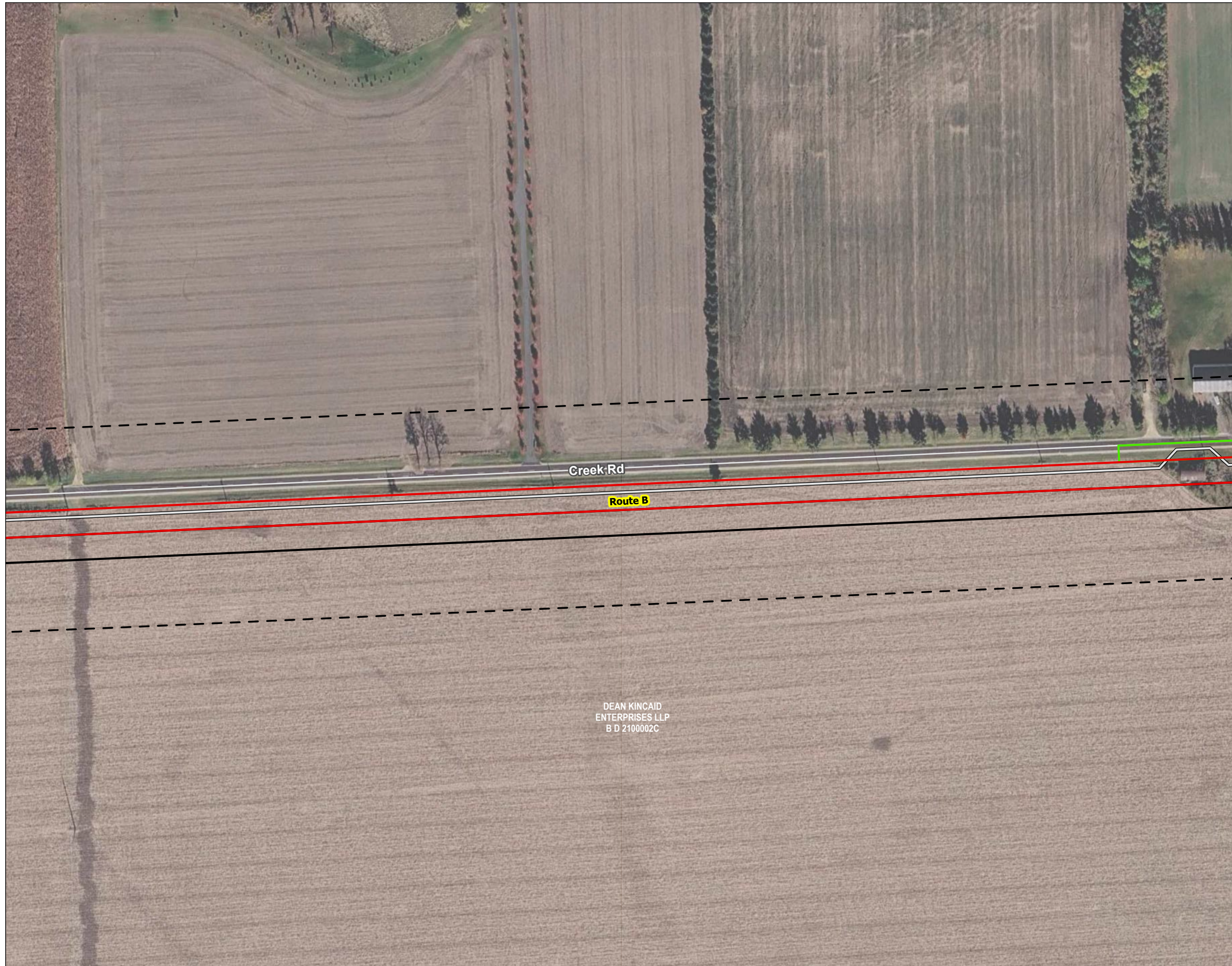


Figure No.

2

Title

### Project Summary

Client/Project  
WEC Energy Group  
Foundry Ridge Pipeline  
Agricultural Impact Notice

227708218

Project Location  
T2N, R15E, S19-23  
T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
TR by JDP on 2026-05-07  
IR by CS on 2026-02-03



0 100 200  
Feet  
(At original document size of 11x17)  
1:2,400

#### Legend

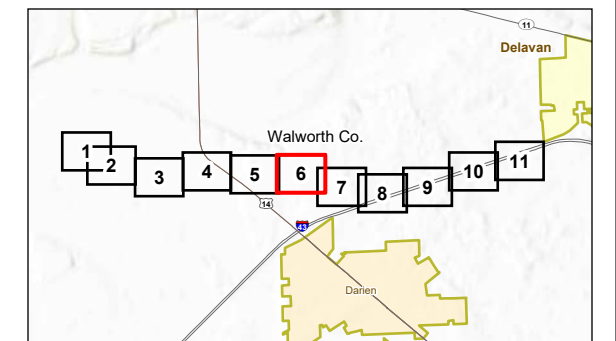
- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin

WM = Wet Meadow

\*No features within data frame



#### Notes

1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
3. Background: Airbus 2024



U:\22770227\0821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mtkohls



Figure No.

2

Title

### Project Summary

Client/Project  
**WEC Energy Group**  
**Foundry Ridge Pipeline**  
**Agricultural Impact Notice**

227708218

Project Location  
 T2N, R15E, S19-23  
 T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
 TR by JDP on 2026-05-07  
 IR by CS on 2026-02-03



0 100 200 Feet  
 (At original document size of 11x17)  
 1:2,400

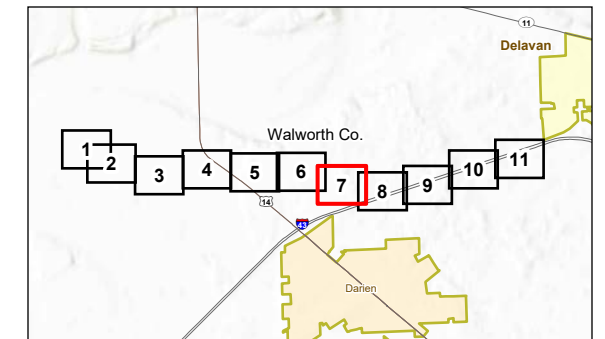
#### Legend

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography Above Ground
- DNR 24k Hydrography Intermittent Stream\*
- DNR 24k Hydrography Perennial Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
 WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770227\0821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohtis

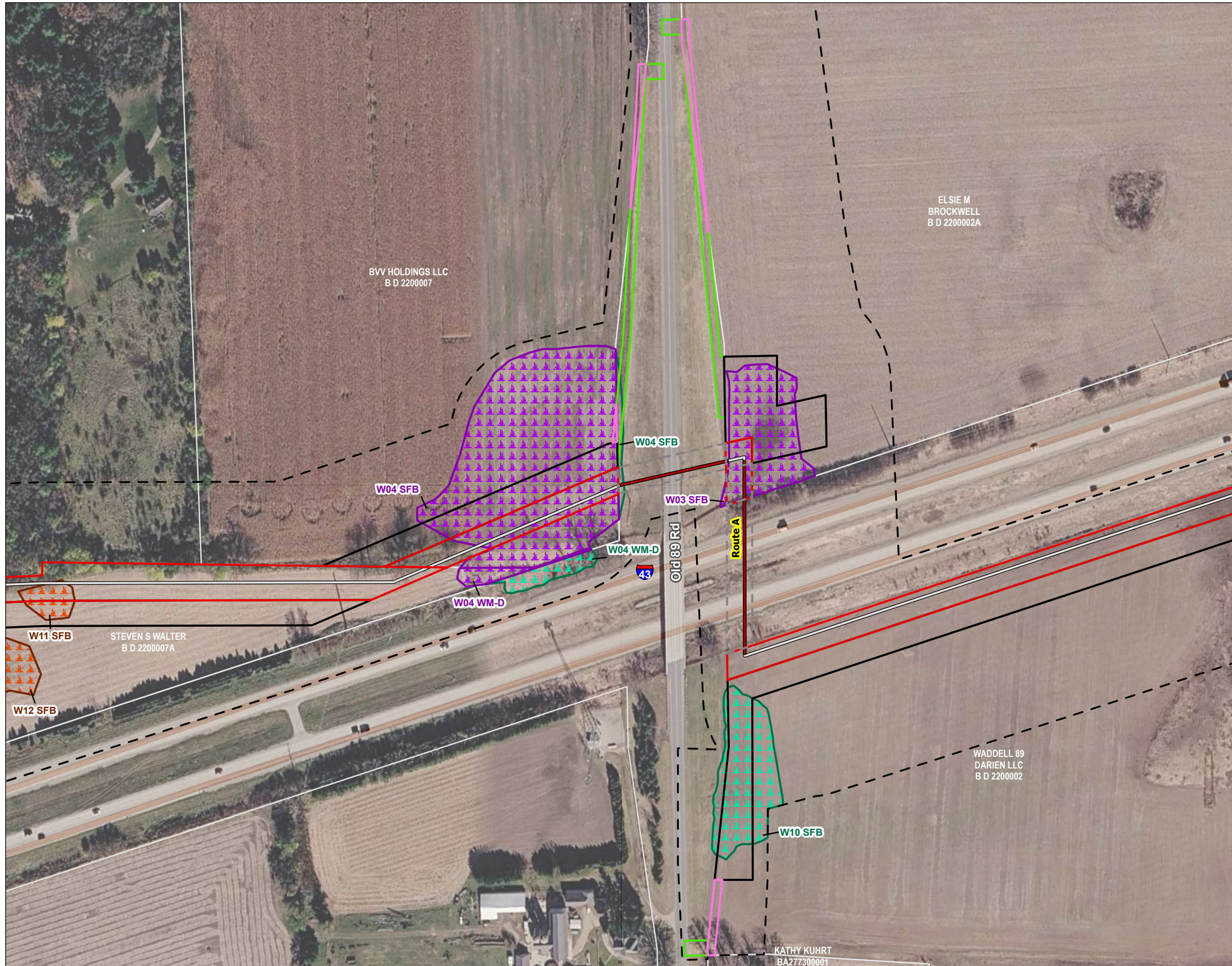


Figure No.

**2**

Title

**Project Summary**

**Client/Project**  
WEC Energy Group  
Foundry Ridge Pipeline  
Agricultural Impact Notice

227708218

**Project Location**  
T2N, R15E, S19-23  
T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
TR by JDP on 2026-05-07  
IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

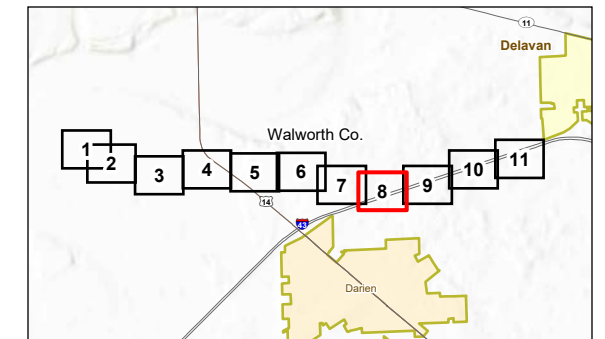
**Legend**

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770821203\_data\gis\_cad\gis\arc\proj\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohts



Figure No.

**2**

Title

**Project Summary**

**Client/Project**  
WEC Energy Group  
Foundry Ridge Pipeline  
Agricultural Impact Notice

227708218

**Project Location**  
T2N, R15E, S19-23  
T. of Darien, Walworth Co., WI

Prepared by MNK on 2026-05-07  
TR by JDP on 2026-05-07  
IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

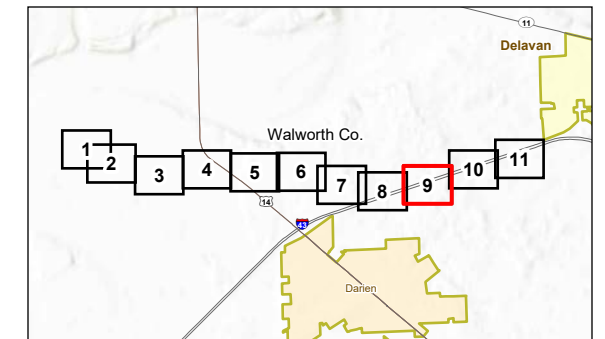
**Legend**

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770821203\_data\gis\_cad\gisArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohts

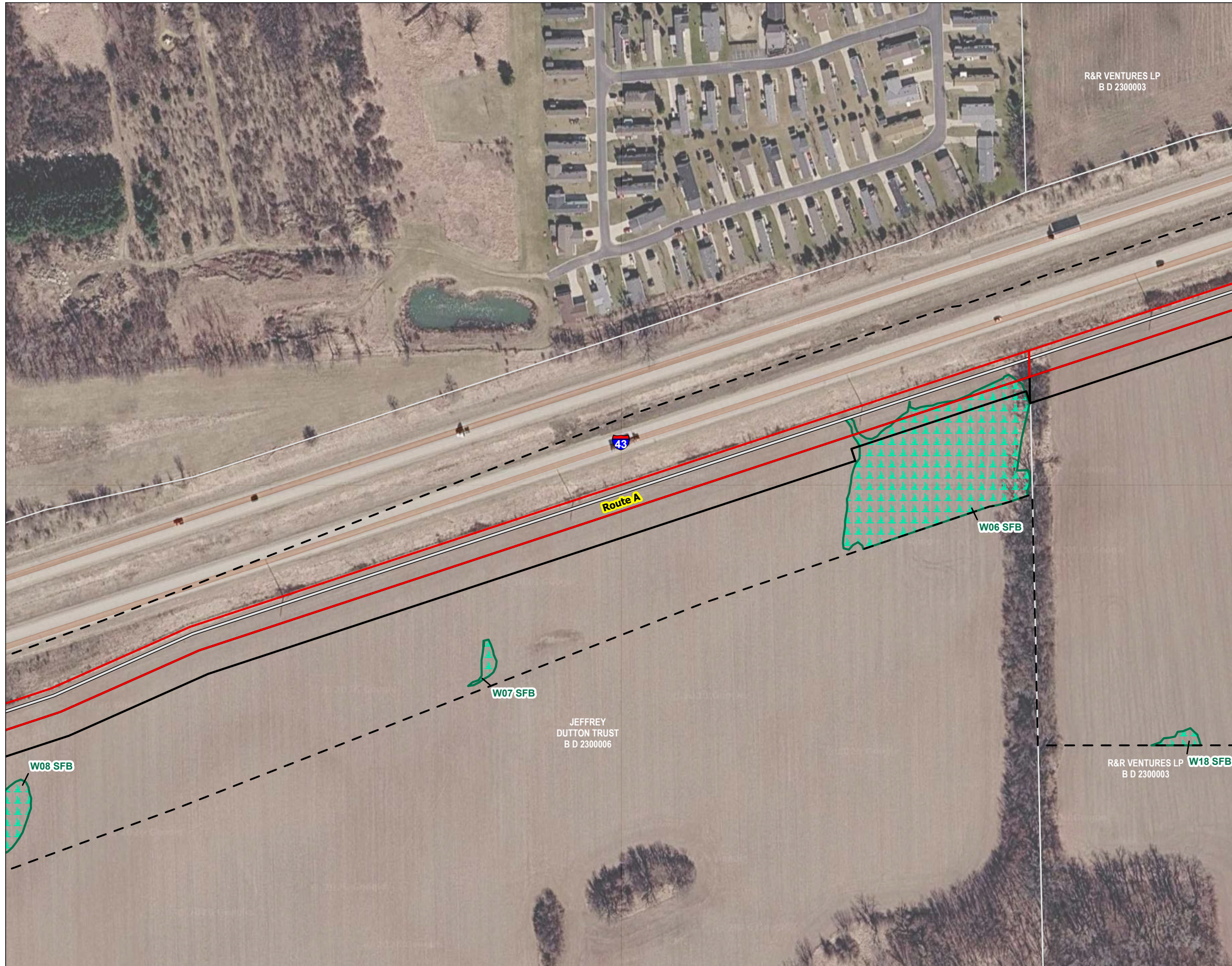


Figure No.

2

Title

### Project Summary

Client/Project: WEC Energy Group Foundry Ridge Pipeline Agricultural Impact Notice 227708218

Project Location: T2N, R15E, S19-23 T. of Darien, Walworth Co., WI  
 Prepared by MNK on 2026-05-07 TR by JDP on 2026-05-07 IR by CS on 2026-02-03



0 100 200 Feet  
 (At original document size of 11x17)  
 1:2,400

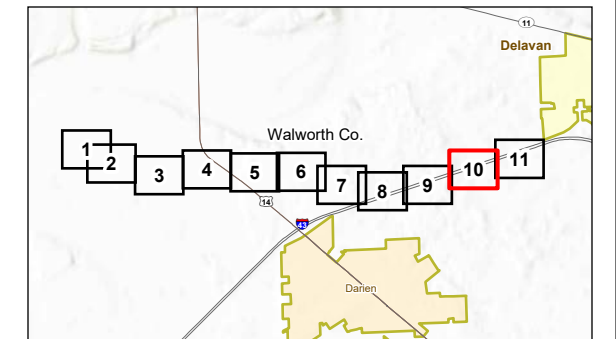
#### Legend

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
 WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



U:\22770821203\_data\gis\_cad\gis\ArcPro\227708218\_Foundry\_Ridge\_Pipeline.aprx Revised: 2026-05-07 By: mkohts

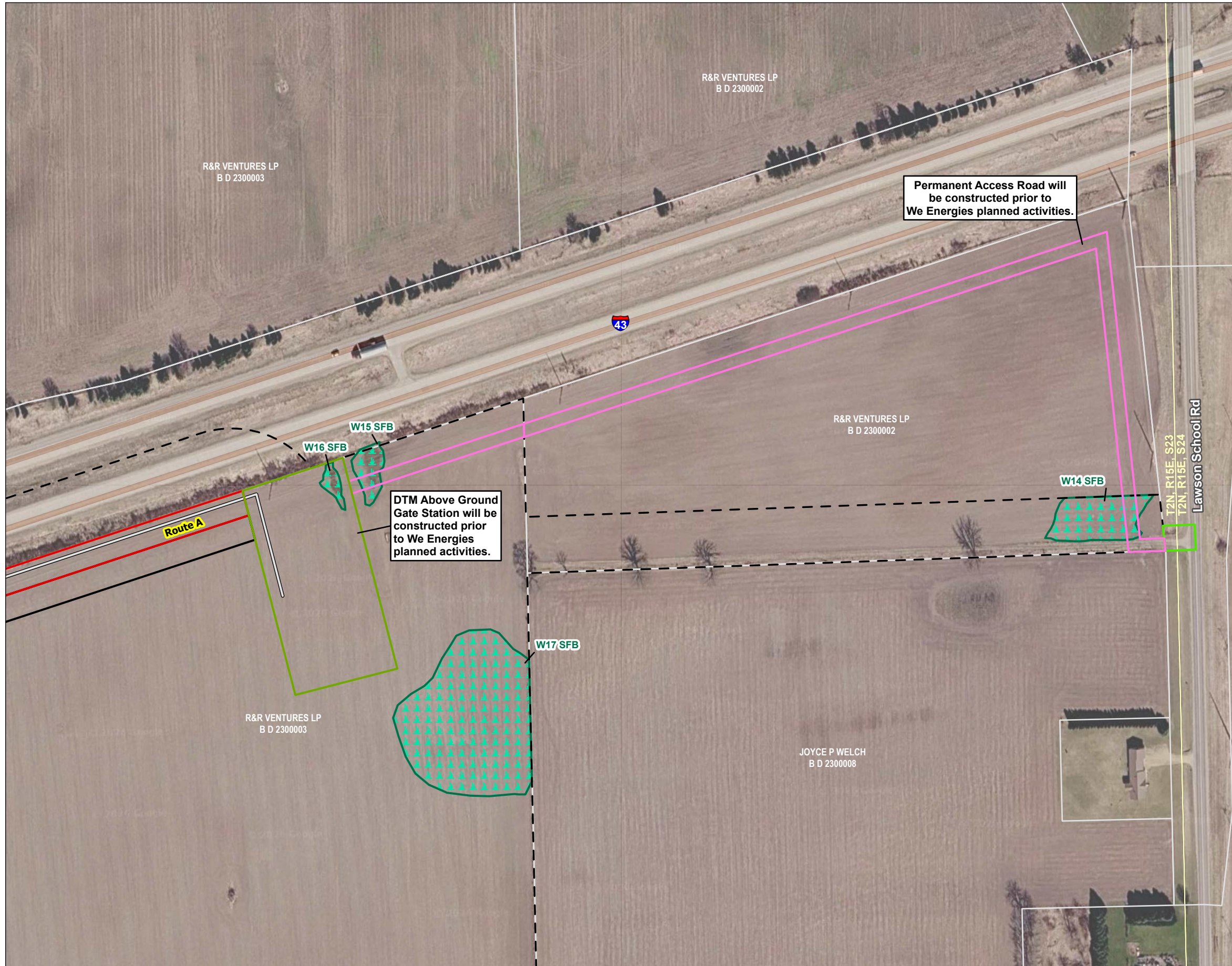


Figure No.

2

Title

**Project Summary**

Client/Project: WEC Energy Group Foundry Ridge Pipeline Agricultural Impact Notice 227708218

Project Location: T2N, R15E, S19-23 T. of Darien, Walworth Co., WI Prepared by MNK on 2026-05-07 TR by JDP on 2026-05-07 IR by CS on 2026-02-03



0 100 200 Feet  
(At original document size of 11x17)  
1:2,400

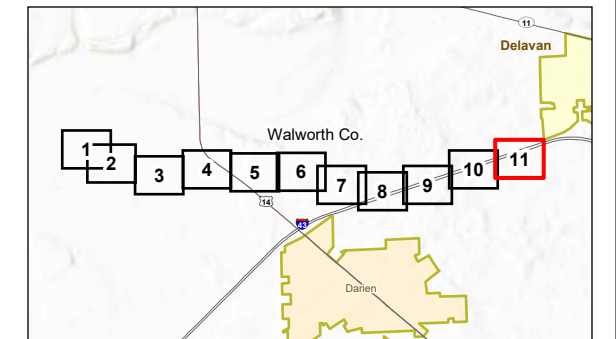
**Legend**

- Route Centerline - Trench Portion
- Route Centerline - Bore Portion
- Permanent Easement
- Temporary Easement
- Above Ground
- Access
- Workspace
- No Impact Easement
- Survey Corridor
- Project Parcel
- Field Delineated Wetland
- Field Verified Wetland
- Desktop Determined Wetland
- DNR 24k Hydrography
- Perennial Stream\*
- Intermittent Stream\*
- Waterbody

D= Degraded

SFB = Seasonally Flooded Basin  
WM = Wet Meadow

\*No features within data frame



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
  2. Data Sources: Stantec, Esri, USCB, USGS, WDNR, WEC Energy Group
  3. Background: Airbus 2024



# APPENDIX B: FOUNDRY RIDGE LATERAL PROJECT AGRICULTURAL MITIGATION PLAN

---

The Company's Foundry Ridge Lateral Project Agricultural Mitigation Plan (DATCP, 2026a).

*Refer to the next page for attachment*

## **FOUNDRY RIDGE LATERAL PROJECT - AGRICULTURAL MITIGATION PLAN**

### **INTRODUCTION**

Wisconsin Electric Power Company, d/b/a We Energies, (“the Company”) proposes to install approximately 2.2 to 5.1 miles of 16-inch steel 650 pounds per square inch gauge (“psig”) maximum allowable operating pressure (“MAOP”) transmission main. The project will also include a new gate station with a pig launcher and a meter set with pig receiver. The project is located in the Town of Darien in Walworth County. This project has been designated as the “Foundry Ridge Lateral Project”, or “the Project”.

The Company has a longstanding commitment to working with landowners who may be affected by construction of various utility projects throughout the State of Wisconsin. The Company has a vested interest in working with landowners within the Project to ensure their satisfaction with utility project construction and post-construction restoration.

The Company continues to be committed to restoring construction areas to pre-construction conditions with all our construction projects. We believe this Agricultural Mitigation Plan (AMP) will help to assure this outcome within agricultural areas in the proposed gas main replacement corridor. The Company has prepared this AMP specifically to prevent or mitigate potential adverse impacts of the project on agricultural productivity, using construction and restoration procedures from other Company projects and modifying them as necessary.

### **PURPOSE**

The purpose of this AMP is to:

- provide a description of effective agricultural construction mitigation and restoration methods to be used on the Project;
- establish personalized communication with agricultural landowners to ensure their unique concerns are addressed;
- provide agricultural landowners and tenants with a hotline for convenient contact access to the Company Representative; and
- describe the job duties of the Company Agricultural Inspector (AI).

### **SCOPE OF AGRICULTURAL MITIGATION**

This AMP applies to those activities occurring on agricultural lands (tilled land row crops). “Agricultural land” as used here is understood to include rotated pastureland (except permanent pasture), all presently cultivated land including cropland, haylands, truck gardens, specialty crops, and land in government agricultural set-aside programs.

“Permanent pasture” as used here includes land devoted exclusively to pasture use, and not suited to tillage or crop rotation, as determined by the lack of any sustained crop history. “Construction area(s)” as used here includes all permanent or temporary workspace areas to be used by the Company for the purpose of constructing and operating the project, as well as lands on which aboveground facilities or other appurtenances related to the project will be located.

### **AGRICULTURAL INSPECTOR ROLE AND QUALIFICATIONS**

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 Agricultural Inspector (AI).

The person designated as the AI will be a qualified individual who will monitor the implementation of the AMP. The AI will have familiarity with agricultural operations and general construction, as well as knowledge of agronomy and soil conservation.

The AI will be thoroughly familiar with the following:

- Agricultural Mitigation Plan; and
- gas lateral construction sequences and processes.

They also will:

- be familiar with techniques of soil conservation;
- be familiar with agricultural operations;
- possess good oral and written communication skills; and
- be able to work closely with the agricultural landowners, tenants and applicable agencies.

Contractors will be required to structure their construction activities to be consistent with the AMP.

### **AGRICULTURAL MITIGATION: PLANNING AND PRE CONSTRUCTION PHASE**

The Company will communicate as needed with affected landowners and tenants of agricultural land to keep them informed of overall progress, explain mitigation actions, and to learn of any additional problems noted by landowners. No later than 30 days prior to the start of construction, the Company will provide landowners with a telephone number and address that can be used to contact the Company (also known as the Hotline Number). The phone number will include provisions for taking calls on evenings and weekends by use of an answering machine or voicemail system. The Company will respond promptly to calls or correspondence from landowners or tenants along the utility easement and/or right-of-way. Where the Company needs to consult or obtain concurrence from both the landowner and tenant of a property, they will make a good faith effort to do so. In the event, there is a disagreement between landowner and tenant with regards to a decision, the Company's obligation will be satisfied by securing an agreement with the landowner.

Prior to the start of construction, the Company will provide the Wisconsin Department of Agriculture, Trade, and Consumer Protection (WDATCP) with any information about the project corridor or the location of project facilities that is substantially different from the information submitted as part of the Agricultural Impact Notice (AIN), including:

- Different agricultural land uses (cropland, pasture, specialty crops);
- Previously unknown locations of fields with irrigation or drainage systems that could be impacted by the project;
- New impacts to agricultural buildings or field access; and
- Different or new temporary access roads and laydown/storage areas.

This information will be provided to WDATCP in a timely manner with the understanding that additional changes to project facilities and/or impacts may become necessary during construction due to site-specific conditions.

The Company will work with landowners to ascertain existing agricultural operations that may require special attention, such as conservation practices, location of above and below ground structures or obstructions, such as drain tile, irrigation systems, fencing, livestock, certified organic lands, proposed new drainage systems or other farm technology.

During the pre-construction phase, the Company will:

- Contact each landowner to obtain property specific information (such as drain tiles, conservation practices, etc.) to ensure these structures/operation practices are noted on construction documents;
- Review agricultural related project documents such as descriptions or maps of leased lands, permits, draft construction alignment sheets, and relevant plans prior to construction;
- Review information supplied by affected farm operators, conservation districts, agricultural extension agents, and others;
- Educate construction crews through an environmental training session, to ensure they are familiar with AMP, agricultural concerns and issues that may occur; and
- Negotiate with the farmland owner/operators to avoid the spreading manure over all areas within the proposed construction area prior to construction.

If any construction activities occur on a Certified Organic Farm, the Company will work with the landowner or tenant, the landowner and/or tenant's certifying agent to identify site-specific construction practices that will minimize the potential for decertification as a result of construction activities. Possible practices may include: surveying/staking methods prior to construction (specifically non paint methods), equipment cleaning, use of drop cloths during welding and coating activities; removal and storage of additional topsoil; planting a deep-rooted cover crop in lieu of mechanical decompaction; applications of composted manure; or similar measures. The Company recognizes that Organic System Plans are proprietary in nature and will respect the need for confidentiality.

If any construction activities occur within a drainage district, the Company will work with the appropriate county drainage board to ascertain existing drainage district operations that may require special attention. Examples of these include above and below ground district drains, district ditches, drain tiles or other facilities, and locations of district corridors.

During the pre-construction phase, the Company will:

- Contact each county drainage board to obtain district specific information (such as district ditches, district tiles, and district corridors) to ensure these structures and district operation locations are noted on construction documents;
- Review DATCP-approved drainage district specifications prior to construction;
- Educate construction crews through an environmental training session to ensure they are familiar with AMP, agricultural concerns and issues that may occur;
- Avoid any alterations to district drains; and

- Negotiate with county drainage boards to avoid drainage district maintenance activities within the proposed construction area prior to construction.

If any planned construction activities would modify any district drain or install or modify any structure in a district drain, the Company will work the appropriate county drainage board to obtain DATCP's written approval as required under Subchapter V, ATCP 48, for alterations within drainage districts.

#### **AGRICULTURAL MITIGATION: CONSTRUCTION AND RESTORATION PHASE**

During construction and restoration, the AI's role is to monitor the implementation of the Company AMP to avoid negative impacts to agricultural lands by advising the appropriate Company representative, either the EM or the CM, in the event incorrect construction methods are being used. The AI will generally be present on-site during construction, and will have access to all work areas in agricultural lands. The AI will travel between various construction activities in agricultural lands and spot check construction operations. If the AI discovers actions that do not appear to meet the AMP requirements, he may stop-work at that location if necessary and will immediately contact the EM or the CM who will determine if site-specific restoration action is necessary. They will also ensure that the erring contractors are trained in the appropriate construction methods.

In the event adverse weather conditions cause soil conditions to become unfavorable for construction or restoration activities at a given site, the AI will consult with the EM or the CM to temporarily halt activity at that location and will confer with them as to when activities should be resumed at the site.

In the event that construction activities cause an unintended modification (i.e. damage) to a drainage district drain, the AI will consult with the county drainage board to temporarily halt activity at that location and will confer with them to obtain DATCP's written approval as required under Subchapter V, ATCP 48, for alterations within drainage districts.

#### **AGRICULTURAL MITIGATION: CROP COMPENSATION**

The Company will compensate the landowner for crop loss; compensation will be based on crop prices and yields for the County at the time of construction. Crop loss will occur during the construction of the project, which, depending on the timing of construction activities, may include one or two growing seasons. Payments will be made to landowners as soon as possible after construction is completed.

If the landowner rents or leases out the land to a tenant farmer (renter), the landowner may designate that the renter be compensated directly.

#### **BEST CONSTRUCTION MANAGEMENT PRACTICES**

The Company requires those working on the project to research, plan, implement, monitor, and assure the proposed results are obtained. The Company relies on these methods to identify agricultural concerns and implement measures to maintain agricultural productivity throughout construction and restoration. Appropriate use of these measures are assured by key field personnel such as the AI and the Company EM, CM, and Construction Inspector (CI). Additionally, the Company seeks to only use contractors with a consistent favorable history of installing and maintaining measures according to the best management practices (BMPs). Thus, permit conditions, landowner satisfaction, and natural resources are preserved. The Company will incorporate the applicable provisions of this AMP and accompanying BMPs into all bid documents and contracts with each contractor retained on this Project by the Company for construction, restoration, mitigation or post-restoration monitoring. Each contractor retained by the Company for the

Project must also incorporate the applicable provisions of the AMP into their contracts with each subcontractor.

The Company utilizes construction techniques within agricultural areas that will insure future agricultural productivity. The following construction methods are to be utilized in agricultural areas:

**a. Topsoil Segregation**

During construction of the gas main, topsoil will be removed from the construction area and stockpiled separately from any other excavated soils. This will preserve the topsoil resource by eliminating the potential for topsoil/subsoil mixing. Topsoil is defined to include the upper most portion of the soil commonly referred to as the plow layer, the A horizon, or its equivalent in uncultivated soils. It is the surface layer of the soil that has the darkest color or the highest content of organic matter. 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 excavated areas; however, topsoil will not be removed from under the topsoil storage piles. The Company has the option to remove amounts of topsoil in excess of 12 inches at its discretion.

The gas main will be installed via open cut trench, “plow” method and directional boring. The plow method of installation consists of using a vibratory plow which slices the soil open, allows installation of the pipe into the trench, and then replaces the soil into its original location. The horizontal directional bore method consists of pipe installation using an auger to drill an underground tunnel, into which the pipe is drawing. The plow and bore method do not disturb the soil horizons. Open cut trenching will require separation of top and subsoils during excavation. For all excavations, top and subsoils will be replaced in their original soil horizons when backfilling. Landowners will be asked to refrain from manure spreading prior to topsoil removal. Erosion control measures will be used as necessary.

**b. Temporary Access Road**

The Company will attempt to utilize existing farm roads for access to and from the right-of-way where possible. In places where temporary access roads are constructed over agricultural land, topsoil will be stripped and temporarily stockpiled. If the temporary roads in agricultural lands require gravel stabilization, geotextile construction fabric will be placed below imported rock material for additional stability and to provide a distinct barrier between imported rock material and the subsoil surface.

Temporary roads will be designed to accommodate existing surface drainage patterns and to minimize soil erosion. During the restoration phase, both temporary and pre-existing access roads will be removed and the areas will be restored as close as reasonably possible to its pre-construction conditions. In the event the landowner wants the road left intact, a written mutual agreement between the Landowner and the Company will be established.

**c. Clearing of Brush and Trees from the Easement**

The Company will work with each landowner for the cutting of merchantable timber necessary for construction of the gas distribution system. Timber may be cut and left along the edge of the utility right-of-way for the landowner’s use or disposed of in various methods. Methods of disposal of trees, brush, and stumps may include off-site burning, burial, chipping, or removal. Vegetation from cherry and walnut trees can be toxic to livestock. All debris from these trees will

be removed from areas that are actively pastured such that it will not be allowed to come into contact with livestock and may not be stockpiled on site.

#### **d. Fencing**

Prior to construction, the Company will work with landowners to determine if fences may be in the way of access for construction equipment. If necessary, existing fences may be removed and temporary fencing will be installed. Wire tension on temporary fences must be adequate to prevent sagging. Bracing of fences to trees or vegetation is prohibited. Fence materials, such as paint, must not be used as it is toxic to livestock.

Where livestock graze adjacent lands to construction areas, arrangements will be made with the landowner prior to construction to determine if temporary fences are necessary. The Company's contractors will be responsible to close any gates as used throughout the workday.

Existing fence crossings removed due to construction activities will be repaired. Following construction, any temporary gates and fences installed for use by construction crews must be removed, unless the landowner approves otherwise. Permanent fences will be restored as closely as reasonably possible to their pre-construction condition.

#### **e. Irrigation Systems**

If project construction intersects an operational irrigation system on agricultural land, the Company and the landowner will establish a mutually acceptable amount of time that the affected irrigation systems may be taken out of service during construction. Water flow in irrigation systems on agricultural land is not to be disrupted by construction without first notifying affected landowners. Any damage to an irrigation system caused by construction will be repaired as soon as reasonably possible.

#### **f. Erosion Control and Dewatering**

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 (<http://dnr.wi.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.

#### **g. Drain Tile**

The Company will work with each landowner and appropriate county drainage boards through the pre-construction process to determine location of known drain tiles. If a drain tile is damaged or severed in the course of construction, the tile will be repaired. A temporary repair with solid tubing to allow drainage while construction activities are completed may be used, or a permanent repair immediately installed.

Prior to backfilling soils at that location, the drain tile will be permanently repaired. Repairs may include support of the tile to maintain proper drainage gradient, replacement of tile and placement of subsoils free of large rocks and clumps around the tile to cushion it, and/or placement of filter cloths. Each repair will be documented to show proper actions have been taken to ensure future drainage and GPS coordinates of the repair location recorded.

#### **h. Weed Control**

Where the AI sees evidence that weed growth on stockpiled topsoil could present a problem to adjacent cultivated fields the AI will consult with the Company Representative to have the weeds removed or killed prior to topsoil replacement. If the Company chooses to spray the topsoil pile with herbicide, the landowner will be consulted in regard to the choice of herbicide to be used, taking into account their preference for cover crop and plans for the next year's crop. If any herbicide spraying is completed, it will be done by a state licensed applicator.

#### **i. Repair of Existing Agricultural Erosion Control 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.

#### **j. Repair of Existing Drainage District Features (drains, ditches, tiles and other facilities)**

Existing drainage district features, such as above and below ground drains, ditches, tiles and other facilities in district corridors, damaged due to construction activities will be restored to pre-construction conditions. The Company will address questions relating to district drain, ditch or tile repair/restoration with the appropriate county drainage board to reach a mutually agreeable resolution. Photographs and elevation surveys may be taken as needed and where applicable, prior to construction activities at the site to ensure final restoration is satisfactory.

#### **k. Soil Restoration**

The purpose of soil restoration is to ensure that soil strata are replaced in the proper order, decompacted, and that rock content of the upper 24 inches of soil is not increased. The Company will discuss rock and excess soil disposal with the landowner to determine acceptable disposal location(s) on the property. Heavy equipment will not be allowed to cross those agricultural areas that have been decompacted and restored.

##### De-compacting the Subsoil:

De-compaction of the subsoil will only be done when the subsoil condition is friable/tillable in the top 18 inches of the subsoil profile, using the Atterbeg Field Test as guidance (Attachment A). The AI may recommend to the Company specific locations for the decompaction of the subsoil in locations where soils appear to be either predominantly wet or in low lying areas where water ponding has occurred due to the "trench effect" as a result of topsoil removal. In these cases, the Company may consult with the landowner to determine the appropriate decompaction needs.

Equipment that can be used for soil decompaction may include a v-ripper, chisel plow, paraplow, or equivalent. Typical spacing of the shanks varies with equipment but is typically in the 8 to 24 inch range. The normal depth of tillage is 18 inches. The type of equipment used and the depth of

rip may be adjusted as appropriate for different soil types or for a deeply and severely compacted area.

Subsoil compaction will normally be alleviated with three passes of the decompaction 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. Passes must be made in multiple directions. This can be achieved in the narrow areas by having the implement weave back and forth across the area being ripped.

#### Topsoil Replacement:

The topsoil will be replaced to its original depth across the spoil storage, trench, work, and traffic areas. The layer of replaced topsoil should be uniform across the right-of-way width, including any crowning. Topsoil should be replaced with wide tracked machinery or equivalent light loaded equipment to avoid compaction of the topsoil and subsoil layers. Rubber tired motor graders may be used to spread and level topsoil to address unevenness in the field. In areas where minimal tillage, no-till, or level land farming practices are employed, a tracked machine will be required to establish final grades.

#### De-compacting Through the Topsoil:

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.

#### Final Rock Removal:

Replacing the topsoil (or de-compacting through the topsoil) may free some rocks and bring them to the surface. The size, density and distribution of rock remaining on the construction work area should be the same as adjacent areas not disturbed by construction.

#### Final Cleanup:

All previously restored construction area should not be traversed by unnecessary equipment traffic. All construction related debris, including litter generated by the construction crews, will be removed from the landowner's property and disposed of appropriately. Final clean-up begins immediately after all the other above-mentioned sequence of restoration activities operations are completed, and not before. Final clean-up includes installation of permanent erosion control measures if necessary and disposal of construction debris and will be completed as soon as practicably possible (weather permitting), or as soon as possible thereafter. If final clean-up is delayed, temporary erosion controls will be installed as necessary.

## **ATTACHMENT A**

Purpose: To determine when soil is suitable for tillage operations.

Process: The Agricultural Inspector will determine the soil's consistency using the following:

1. Pull a sample soil plug at the maximum depth to be tilled, or from within the topsoil pile.
2. Roll a portion of the sample between the palms of the hands to form a wire with a diameter of one-eighth inch.
3. The soil consistency is:
  - a. Tillable if the soil wire breaks into segments not exceeding  $\frac{3}{8}$  of an inch in length.
  - b. Plastic (not tillable) if the segments are longer than  $\frac{3}{8}$  of an inch before breaking.
4. This procedure is to be used prior to decompacting the subsoil; on the topsoil pile prior to stripping and stockpiling; on the topsoil prior to replacement; and prior to decompacting through the topsoil.
5. One determination of soil consistency is adequate until the next rain event.

# **Best Management Practices for Construction within Agricultural Lands**

## **BMP 01 - Right-of-Way Width**

**Purpose:** To define the locations and limits of rights-of-way and additional temporary workspaces, in order to minimize the impacts to agricultural lands.

**Organization:** Wisconsin Electric Power Company onsite construction inspection personnel will monitor and enforce the measures described, in concert with the Agricultural Inspector (AI), for pipeline construction operations within agricultural lands.

### **Installation Planning**

1. Wisconsin Electric Power Company will determine the required right-of-way widths over the length of lands traversed by the pipeline, including extra workspaces.
2. Wisconsin Electric Power Company will show the specific limits of rights-of-way on alignment sheet drawings which will be provided to the construction contractor, environmental consultants and inspection personnel.
3. Wisconsin Electric Power Company will provide the construction contractor, environmental consultants and inspection personnel with the right-of-way configuration drawings and other figures referred to by the BMPs developed for the project.
4. Wisconsin Electric Power Company will obtain the appropriate environmental and right-of-way clearances prior to entry on any land affected by construction of the pipeline, or notify all parties of areas of special concern or areas for which clearance is withheld.

### **Construction**

1. The limits of the right-of-way and all additional temporary workspaces will be staked prior to work commencing at that location.
2. For Construction Easements in Agriculture Lands a right-of-way width of 100 foot is required and topsoil stripping will be the complete right-of-way width excluding the topsoil stockpile area. This consists of a 50 foot temporary construction easement and a 50 foot permanent easement. The running centerline of the pipeline will generally be 15' from one side of the 50 foot permanent easement.
3. For Construction Easements in non-cultivated Wooded Lands or Wetlands a right-of-way width of 75 feet is required. This consists of a 25 foot temporary construction easement and a 50 foot permanent easement. Where feasible, existing corridors are being utilized to reduce the impact of tree clearing. In areas where the gas main will be installed by horizontal directional drilling a 50 foot permanent easement will be required but the 25 foot temporary easement will not be necessary.
4. Additional temporary workspace will be required for stream crossings, road bore crossing areas, uplands on either side of wetlands, and equipment turnaround areas. Wisconsin Electric Power Company will determine the amount of additional right-of-way needed for construction and restoration on agricultural land as per these BMPs.
5. Should a situation arise where the approved workspace is not adequate to implement the agricultural BMPs, work will be stopped at the respective location until Wisconsin Electric Power Company determines an appropriate course of action. For example, triple lift soil segregation may require an additional 25 feet in the temporary construction easement as necessary to allow separation of the three stockpile areas.

# **Best Management Practices for Construction within Agricultural Lands**

## **BMP 02 - Topsoil Segregation**

**Purpose:** To preserve the topsoil resources by eliminating the potential for topsoil/subsoil mixing in agricultural lands.

### **Installation Planning**

1. During right-of-way negotiations for easements on agricultural lands, Wisconsin Electric Power Company will identify full topsoil removal as the only alternative.
2. The topsoil is defined to include the upper most portion of the soil commonly referred to as the plow layer, the A horizon, or its equivalent in uncultivated soils. It is the surface layer of the soil that has the darkest color or the highest content of organic matter.

### **Construction**

#### Full Topsoil Removal

1. The Wisconsin Electric Power Company operator or construction contractor will oversee determination of the topsoil depth. This will be completed as construction progresses.
2. 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 Power Company has the option to remove amounts of topsoil in excess of 12" at its discretion.
3. All subsoil material removed from the pipeline trench will be stockpiled separate from the topsoil stockpile. The subsoil material will be stockpiled in the subsoil storage area.
4. Additionally, all topsoil to a depth of 12-inches will be stripped from newly constructed temporary access roads, temporary storage areas, and temporary construction areas associated with stations, mainline valves, and pig launchers located on agricultural land. It is intended that existing field access roads will not be stripped of any existing cover.
5. Topsoil will be removed prior to cut/fill grading operations.

#### Partial Topsoil Removal

1. There will be no Partial Topsoil Removal on agricultural lands.

# Best Management Practices for Construction within Agricultural Lands

## BMP 03 - Erosion Control

**Purpose:** To minimize the effects of erosion to lands affected by construction, and adjacent properties, and to prevent silts and sediments from being transported off the right-of-way or into natural resources.

### Installation Planning

1. Wisconsin Electric Power Company will conduct training of inspection personnel and contractors to ensure all parties have a thorough understanding of the erosion control requirements to be utilized on the project. The training will include a review of the requirements of Wisconsin Electric Power Company Foundry Ridge Lateral Project Construction Diagrams AMP, and BMPs. Such training will identify the authorities of the inspection personnel, the criteria for placement of the particular erosion structures, and the procedure to be followed in the event that a violation of these practices appears to have occurred.
2. Wisconsin Electric Power Company will advise the construction contractor of all known areas of special concern.
3. Wisconsin Electric Power Company will require its construction contractor to structure its work in a manner that is consistent with the requirements of the documents listed in Paragraph 1 above, and to maintain an adequate supply of approved erosion control materials necessary for providing an appropriate level of control.

### Construction

#### Temporary Erosion Control

1. Temporary erosion controls will be constructed after initial disturbance of the soil, and will be properly maintained throughout construction. The erosion control structures will be inspected as described below and reinstalled as necessary (such as after backfilling of the trench) until they are either replaced by permanent erosion controls or restoration is complete.
2. Temporary slope breakers will be constructed where necessary to reduce runoff velocity and divert water off of the construction right-of-way. Temporary slope breakers may be constructed of materials such as soil, silt fence, staked hay or straw bales, sand bags, or wattles.
3. Unless otherwise specified as a permit condition, temporary slope breakers will generally be installed using the following spacing:

<u>Slope %</u>	<u>Spacing (feet)</u>
5 - 15	300
>15 - 30	200
>30	100

4. The outfall of each temporary slope breaker will be directed off the construction right-of-way to a stable, well-vegetated area or energy-dissipating device at the end of the slope breaker and off the construction right-of-way. Discharge of water shall not be made in a way that can runoff from non-organic farm operations onto adjacent organic farm operations.
5. The integrity of slope breakers will be confirmed, during active construction on a daily basis and during inactive construction on a weekly basis. In areas with no construction or equipment

### **BMP 03 - Erosion Control - continued**

operation, integrity of slope breakers will be confirmed within 24 hours of each 0.5-inch of rainfall. Slope breakers found to be ineffective will be repaired within 24 hours of identification.

6. The placement of temporary slope breakers will be coordinated with the placement of trench/ditch plugs. Trench/ditch plugs will be installed at the boundaries of certified organic farming to ensure that the pipeline does not provide a surface or subsurface drainage path from the surrounding area to the certified organic farm during construction.
7. Slope breakers will be of adequate height and width to contain and divert a significant rain event. Additionally, slope breakers will be constructed with a two to eight percent outslope to a stable area. In the absence of a stable area, appropriate energy-dissipating devices will be used to direct the flow off of the construction right-of-way. The slope breaker will be compacted during its construction to prevent the water from eroding through the berm. The inlet end of the berm will be located to prevent water from traveling around the berm.
8. The outlet of the slope breaker will be stable enough to filter sediment from the water and retain the sediment within the existing vegetation.

#### Sediment Barriers

1. Sediment barriers will be installed to stop the flow of sediment. They may be constructed of materials such as silt fence, staked hay or straw bales, sand bags, wattles, or equivalent.
2. Temporary sediment barriers will be installed at the base of slopes adjacent to road crossings until disturbed vegetation has been reestablished and at appropriate locations to prevent siltation into water bodies or wetlands crossed by, or near, the construction work area.
3. Temporary sediment barriers will be maintained until permanent revegetation measures are successful or the upland areas adjacent to wetlands, water bodies, or roads are stabilized. Temporary sediment barriers will be removed from an area when that area is successfully restored

#### Mulch

1. In general, mulch will not be used as an erosion control measure in agricultural lands. In the event mulch is required by Wisconsin Electric Power Company in consultation with the landowner in agricultural lands, the mulch will be applied according to WEC Energy Group Environmental Procedure, ENVR-713 Mulching for Construction Sites.

#### Permanent Erosion Control Devices

1. To prevent subsurface flow of water through the pipe trench, trench breakers will be installed.
2. The following reference table can be used to locate trench breaker spacing on areas with slopes greater than 5%.

<u>Slope (%)</u>	<u>Spacing Recommendations (feet)</u>
5 – 15	300
>15 - 30	200
> 30	100

**BMP 03 - Erosion Control - continued**

3. When permanent trench breakers are installed in the trench prior to backfilling, they will consist of sandbags, earth-filled sacks or other approved material. Topsoil will not be used for trench breakers. Trench breakers are required to have a minimum bottom width of two sacks wide.
4. Trench breakers will be installed to a minimum elevation of one-foot above the top of the pipe. The top of the trench breaker must be two feet or more below the restored surface on agricultural land.

# **Best Management Practices for Construction within Agricultural Lands**

## **BMP 04 - Drain Tile**

**Purpose:** To ensure that any tile line damaged during construction is repaired to a condition that is functionally equivalent to its condition prior to construction and to avoid adverse impacts to planned or proposed drainage systems.

### **Installation Planning**

1. Identify fields containing drain tiles through contact with landowners, appropriate county drainage board, the local Land Conservation District, and the USDA-Natural Resources Conservation Service staff. All drain tiles will be photographed and GPS documented pre-construction and post-construction.
2. Flag all identified drain tiles within the right-of-way after clearing and grading, and prior to trenching.
3. Wisconsin Electric Power Company will document proposed drain tile plans that the landowner may plan to install within the three years following construction.
4. Wisconsin Electric Power Company will identify local drain tile installation contractors and consult with the landowner to determine whether the landowner would prefer repair/replacement services (if necessary) be provided by a local contractor.
5. Wisconsin Electric Power Company will document existing moisture content.

### **Construction**

1. The excavated pipeline trench shall provide a minimum of 12 inches clearance, where practicable, between the pipe and the drainage tile.

### General Conditions

1. Wisconsin Electric Power Company will use the construction contractor or their sub-contractor to replace, relocate or reconfigure existing tile lines as may be required.
2. Wisconsin Electric Power Company will take the necessary actions to ensure the functioning of the tile lines will be equivalent to its prior condition where tile lines adjacent to the pipeline's right-of-way are adversely affected by the construction of the pipeline. This may include the relocation, reconfiguration, and replacement of the existing tile lines within the construction corridor. The repaired drain tile will be verified that it was installed correctly and Wisconsin Electric Power Company will make an effort to understand the existing conditions within the limited pipeline ROW.
3. The quality of all clay and concrete drain tile and corrugated polyethylene tubing to be installed shall be appropriate for the work as determined by the AI and/or qualified drain tile repair

## **BMP 04 - Drain Tile - continued**

contractor. Material to be installed will meet American Society of Testing Materials (ASTM) standards.

4. Any drain tile removed from the pipeline trench will not be reused.
5. Wisconsin Electric Power Company will repair or correct tile or drainage problems caused by construction of the pipeline immediately, upon written notice from the landowner or appropriate county drainage board to Wisconsin Electric Power Company of such a problem, unless Wisconsin Electric Power Company can demonstrate that the problem identified by the landowner or appropriate county drainage board was not caused by actions performed during such construction or restoration. Wisconsin Electric Power Company may arrange a pay settlement to the landowner or county drainage board.

### Locating Damaged Drains

1. All drains found during trenching will be flagged.
2. Drains that are located within the right-of-way, but are not located within the trench, will be probed (examined) for damage.

### Temporary Repairs

1. All exposed tiles will be capped or screened with window screen or equivalent to protect against soil intrusion when the trench is dug, whether repaired immediately or later.
2. Any flowing tile line will be repaired as soon as practicable with solid tubing, until permanent repairs can be made.
3. Temporary repairs are needed if a flowing drain will be stopped for longer than 24 hours.

### Permanent Repairs

1. All permanent tile line damaged within the trench area will be repaired prior to backfilling at the respective location.
2. Where tile lines are severed by construction of the pipeline trench, angle iron, three-sided steel channel iron, I-beams, full round slotted pipe, perforated plastic pipe or half pipe will be used to support the repaired tile line. The support members must extend a minimum of 2-feet into previously undisturbed soil. If the tile repairs involve clay tile, the support member will extend to the first tile joint beyond the minimum 2-foot distance.
3. Each tile drain's slope (gradient) will be maintained by providing sufficient support to prevent the drain line from sagging. Sandbags, bags of concrete, Sakrete, or equivalent can be used as support under repaired tile lines. The grade of the tile line should remain unchanged.
4. If the tile is clay, ceramic or concrete, any connection with new material must be made with commercially available connectors, or wrapped with plastic or effectively sealed to prevent soil intrusion.

#### **BMP 04 - Drain Tile - continued**

5. To avoid the risk of damaging (crushing) the tile lines with large soil clumps or stones during backfilling loosened native subsoil free of large soil clumps and stones should be placed on top of, and to the sides of, the tile line. Where appropriate native subsoil is not available, imported subsoil free of clumps and stones, or pea gravel, can be used to cushion the tile line.
6. Filter-covered drain tiles will be used where the existing tile line is covered with a filter.

## **Best Management Practices for Construction within Agricultural Lands**

### **BMP 05 - Trench Dewatering**

**Purpose:** Pump water from an open trench or other excavated area while controlling the rate of discharge to avoid:

- Permanent or temporary erosion and scour;
- Damage to adjacent agricultural land, crops, or pastureland;
- Inundating crops for more than 24 hours, including rainfall;
- Depositing sand, silt, or sediment in or near a wetland or waterbody;
- Depositing gravel in fields, pastures, or watercourses; and
- Damaging cultural resources sites, locations of sensitive plant species and organic farming operations.

Typically, the trench will need to be dewatered for purposes of, but not limited to, tie-ins, measuring the trench for bends, lowering-in pipe, trench inspection, and back-filling the trench. Water discharge from hydrostatic testing following backfilling shall follow the same protocols described here when applicable.

#### **Installation Planning**

1. Water will be discharged in an upland area so any sediment, stones, and silt-laden water will not deposit material in a sensitive area adversely impacting the hydrology or plant communities. The contractor should have sufficient intake or outlet hose (250 - 350 feet) to reach the nearest appropriate upland area.
2. Wisconsin Electric Power Company and their construction contractors will identify during construction activities:
  - Low areas along the pipeline route that are likely to collect water during construction, and
  - Suitable areas for the discharge of water accumulated within the pipe trench or other excavated area
  - Identify accumulated water that needs to be discharged as construction progresses
3. Wisconsin Electric Power Company will require its construction contractors to obtain:
  - Wisconsin Electric Power Company approval of all off-right-of-way and on-right-of-way discharge locations and techniques, and all trench dewatering discharge locations and techniques
  - Wisconsin Electric Power Company may obtain voluntary permissions with landowners
4. Wisconsin Electric Power Company will require its construction contractors to structure the work to minimize the accumulation of water within the trench.
5. In the event it is not possible to avoid water-related damages as described above, Wisconsin Electric Power Company will:
  - Reasonably compensate the landowner for the damages, and
  - Restore the cropland and crops, pastureland, water courses, and any other damaged lands to their pre-construction condition.

## **BMP 05 - Trench Dewatering - continued Construction**

1. All dewatering activities will be conducted in compliance with current drainage laws, local ordinances relating to such activities, WDNR permit conditions, and the provisions of the Clean Water Act.
2. 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.

Additionally, sediment barriers or similar erosion control measures may be used as necessary to divert the flow of pumped water.

3. To minimize the extraction of silt or sediment from the trench the intake will be prevented from touching the bottom or side of the trench. A flotation device or a support will be attached to the intake of the suction line to prevent sucking up soil and other debris from the trench.
4. All structures will be located in a stabilized and vegetated area with a minimum buffer width of 100 feet between it and any adjacent water body or wetland area. Sediment barriers or similar erosion control measure will be installed if an adequate buffer is not available.
5. 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.
6. The dewatering activities will not deposit gravel, sediment (mud) or other debris in fields, pastures, or watercourses.
7. Dewatering sites will be selected, and structures and slope breakers will be installed, to ensure that water is not directed into known cultural resources sites or locations of sensitive plant communities.
8. Backfill activities will begin as soon as possible after pipe installation to prevent the trench from refilling with water in high water table conditions. Attempts to dewater as far from the back-filling activity as possible will be made.
9. Dewatering will be monitored and stopped, if necessary, to correct conditions and practices that do not comply with this best management practice.
10. 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.

# **Best Management Practices for Construction within Agricultural Lands**

## **BMP 06 - Soil Restoration**

**Purpose:** To restore the contour and to ensure the quality and agricultural productivity of the soil by:

- Avoiding the mixing of the topsoil with the subsoil, and
- Eliminating compaction from the subsoil and topsoil layers, and
- Assuring the rock content of the upper 12-inches of topsoil and subsoil is not increased after completion of the construction and restoration process.

### **Installation Planning**

1. Wisconsin Electric Power Company will identify, through consultation with the landowner, all rock disposal location(s) on the ROW or adjacent to the ROW. This location can be on the construction right-of-way of the landowner's property. Written permission from the landowner is required for disposal at another site on the farm.
2. Wisconsin Electric Power Company will consult the landowner about properly disposing of excess excavated material to maintain agricultural productivity.
3. Successful restoration of the soil requires that the proper equipment be used, in the proper sequence, under the correct soil moisture content conditions. Each step in the restoration process is completed before moving to the next step. De-compaction will occur as determined necessary by the Agricultural Inspector (AI) and in consultation with the contractor and landowner.
4. Heavy equipment will not be allowed to cross those agricultural areas that have been de-compacted. In the event any area of previously restored right-of-way that is traversed by equipment for any reason (e.g. to reach a hydrostatic test location) which results in further compaction, the area will be appropriately restored.

### **Construction**

#### Backfilling

1. After installation of the pipeline is complete, the trench materials will be backfilled in the order in which they were removed.

#### Crowning the Trench

1. Crowning the trench area will compensate for ground settling or subsidence. The crown shall be constructed with native topsoil material. Topsoil from adjacent ROW areas will be used (if needed) for crowning to avoid the potential for mixing of subsoil and topsoil in the event settling is overestimated. The AI will determine the height of the crown based on soil type and moisture content. Breaks will be left in the crown to accommodate existing surface drainage systems while the crown settles over the first year post construction.
2. Crowning the trench will be used when necessary and performed per Wisconsin Electric Power Company standards.
3. If in the first growing season post-construction the landowner determines that the crown area may have settled too much or too little and is causing a problem with agricultural activity, Wisconsin Electric Power Company will consult with the landowner to determine what corrective action may be needed to restore the crown area to its pre-construction topography and productivity.

## **BMP 06 - Soil Restoration - continued**

### De-compacting the Subsoil

1. 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.
2. De-compaction of the subsoil will only be done when the subsoil condition is friable/tillable in the top 18-inches of the subsoil profile as determined by the AI. The AI, using their best judgment, may need to allow the de-compaction of the subsoil in areas where soils appear to be either predominantly wet or in low lying areas where water ponding has occurred due to the “trench effect” as a result of topsoil removal. In these cases the AI will consult with, and receive approval from, the landowner or tenant.
3. Ripping equipment to be used will be selected based on successful use on previous pipeline projects such as the v-ripper, chisel plow, paraplow, or an equivalent. Wisconsin Electric Power Company may, at their discretion, choose to compensate the landowner to chisel plow his impacted land(s).
4. The normal depth of tillage is 18-inches. The AI will provide guidance on the appropriate depth of rip in special situations or soil types. For example, a depth of 6 to 8-inches may be appropriate on intensively drained mineral (lacustrine/alluvial) soils. A depth of 22-inches may be appropriate for a deeply and severely compacted area.
5. The optimal spacing of the shanks will depend on the ripping equipment, soil type and moisture content, but will typically be in the range of 8 to 24-inches. Shanks are at their optimum spacing when the implement shatters the soil area between the shanks. Shatter is evidenced by the soil lifting between the shanks as the implement passes. The AI can assist the contractor in selecting the appropriate shank spacing.
6. 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.
7. 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.
8. If de-compaction was not successful, the de-compaction effort will continue. The contractor is required to make as many passes as necessary to alleviate compaction. If the de-compaction effort is not successful after additional passes, a change in the de-compaction equipment used would be appropriate, and determined with guidance from the AI.

### Topsoil Replacement

1. The topsoil will be replaced to its original depth across the spoil storage, trench, work, and traffic area. The layer of replaced topsoil should be uniform across the right-of-way width, including the crown over the trench.
2. Topsoil should be replaced with small tracked machinery or equivalent light loaded equipment to avoid compaction of the topsoil and subsoil layers. Rubber tired motor graders may be used to spread and level topsoil to address unevenness in the field due to pipeline construction. In areas

## **BMP 06 - Soil Restoration - continued**

where minimal tillage, no-till, or level land farming practices are employed, a motor grader will be required to establish final ROW grades.

### De-compacting Through the Topsoil

1. De-compaction through the topsoil may be necessary if the subsoil and/or topsoil are compacted during topsoil replacement activities.

### Final Rock Removal

1. Replacing the topsoil (or de-compacting through the topsoil) may free some rocks and bring them to the surface.
2. The size, density and distribution of rock remaining on the construction work area should be the same as adjacent areas not disturbed by construction

### Final Cleanup

1. Any area of previously restored right-of-way should not be traversed by unnecessary equipment traffic. All construction-related debris, including litter generated by the construction crews, will be removed from the landowner's property and disposed of appropriately.
2. Final clean-up begins immediately after all the other above-mentioned sequence of restoration activities operations are completed, and not before. Final clean-up includes installation of permanent erosion control measures and disposal of construction debris and will be completed within 14 days after backfilling in the area, weather permitting, or as soon as possible thereafter. Final clean-up shall not be delayed until the end of the next seeding season. If final clean-up is not completed within the 14-day time period, temporary erosion controls will be installed.

# Best Management Practices for Construction within Agricultural Lands

## BMP 07 - Seeding and Seed Bed Preparation

### Purpose:

1. To place the seed into the soil at the correct time and proper depth to promote sufficient seed-soil contact on cropland or pasture requiring seeding.
2. To prepare the soil surface of an exposed area by natural or artificial means, such as tilling and fertilizing.
3. To minimize topsoil erosion on disturbed agricultural areas.

### Installation Planning

1. The entire right-of-way will be reseeded following final clean up. Wisconsin Electric Power Company will attempt to identify properties during the pre-construction phase where cropland seeding procedures or pasture seeding procedures will be used.
2. During recommended seeding periods, seedbed preparation should immediately follow soil restoration as soon as weather conditions and individual right-of-way requirements permit.
3. Seeding will be completed immediately after finishing seedbed preparation, weather permitting. Temporary erosion control measures will be used if this timeframe cannot be met.
4. For seeding outside of the recommended seeding periods, temporary erosion control methods will be used.
5. Wisconsin Electric Power Company will consult with the landowner to determine the preferred option for vegetation restoration on agricultural lands.

**Option 1** – Wisconsin Electric Power Company will enter into an agreement with the landowner to perform their own seeding following final clean up and seedbed preparation.

**Option 2** – Wisconsin Electric Power Company will complete the seeding following final cleanup and seedbed preparation. Under this option, the seed mix will be determined in consultation with the landowner.

### Construction

#### Seed Selection

1. An annual oat, wheat, or similar grain will be used for erosion control on crop land and a special pasture seeding mix will be used for all pastures.

#### Seedbed Preparation for Conventional, Broadcast and Hydroseeding

1. The ideal condition for conventional seeding is a smooth, firm, clod-free soil for optimum seed placement with drills or cultipacker seeders, if appropriate for that type of seed. The soil should be firm enough at planting for an adult footprint to sink no deeper than 3/8-inch. Avoid overworking the soil because rainfall following seeding may crust the surface, preventing seedling emergence.
2. If the area to be seeded has been recently loosened, and will provide an adequate seedbed, no additional tillage will be required.
3. If the area to be seeded has been compacted or crusted, the top layer of soil will be tilled.

## **BMP 07 – Seeding and Seed Bed Preparation – continued**

4. Spike-toothed harrows may also be used during seedbed preparation. The spikes of the harrow will dig lightly into the soil to break up soil masses. Harrows may also be used to cover broadcast seed.
5. The seedbed will be scarified to create sites for seed to lodge and germinate where broadcasting the seed or hydroseeding will be used.

### Seeding

1. Seeding of permanent cover will be done, whenever possible, during the recommended seeding date ranges for southeast Wisconsin.
2. If seeding cannot be accomplished before the recommended October 15 seeding deadline, it will be done in conformity with the Critical Area Planting conservation practice standard of the NRCS, or temporary erosion controls will be implemented and the seeding of permanent cover done at the beginning of the next seeding season.
3. Any soil disturbance occurring outside of the recommended October 15 seeding deadline date, or any bare soil left unstabilized by vegetation, will be treated as a winter construction condition and appropriate erosion controls will be installed to minimize erosion over winter and spring thaw.
4. After seedbed preparation, the seed mixes of all the permanent grasses or legume plantings will be applied at the rate determined from the Agricultural Inspector, landowner or recommended by the USDA-Natural Resources Conservation Service (NRCS).
5. In areas where a different seed mix is proposed, seeding will conform to the Critical Area Planting conservation practice standard of the NRCS, Conservation Reserve Program or any other similar federal program.
6. Grass waterways and terraces will be seeded to reestablish grass cover similar to preconstruction conditions. Erosion control measures, such as mulch or erosion control fabric, will be used in conjunction with seeding.
7. If a Certified Organic Farm will be impacted by construction, Wisconsin Electric Power Company will coordinate with the affected landowner to ensure that an appropriate seed mix and planting methods are used as required by the farm's Certification Plan.

## **Best Management Practices for Construction within Agricultural Lands BMP 08 - Crop Compensation**

**Purpose:** To ensure that agricultural landowners are fairly compensated for loss of crop production due to the pipeline project.

### **Planning**

1. Wisconsin Electric Power Company will compensate the landowner for crop loss once at the beginning or the end of the project. If the landowner rents or leases out the land to a renter, then the renter will be compensated in lieu of the landowner. There will be an attempt to communicate the agreement of compensation to both the renter as well as the landowner.
2. The value of the crop will be determined by the Payment Worksheet in the Easement Agreement Package. Crop compensation will be based on current market values and will be adjusted upward in year of construction if crop prices increase, but will not change if crop prices decline.
3. The 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.
4. The landowner/renter would signify agreement by signing a damage release form.

# **Best Management Practices for Construction within Agricultural Lands**

## **BMP 09 - Three-Lift Soil Handling**

**Purpose:** To maintain the root zone over the trench area to the extent practicable through management of the topsoil, and subsoil layers in areas where the subsoil qualifies for this three-lift protocol.

**Organization:** The contractor will be responsible for implementing the three-lift soil-handling method. The Agricultural Inspectors (AI) will be available to assist in making “field calls” such as identifying boundaries between soil layers and to monitor compliance with this BMP.

### **Installation Planning**

1. In areas where the AI determines the need to apply the triple-lift soil handling practice during trenching operations, an attempt will be made in preconstruction planning to ensure that adequate construction right-of-way space is made available. Wisconsin Electric Power Company will compile a list of potentially affected farmland owners whose land is eligible for triple lift soil handling during excavation of the trench. This will be obtained from NRSC Soil Maps and/or original soil maps for each county. This list of qualifying "candidate" soils and parcels will be provided to the Wisconsin Department of Agriculture, Trade, & Consumer Protection (WDATCP) and to the Agricultural Inspectors (AIs).
2. The criteria for soils qualifying as "candidates" for the three-lift soil handling procedure are determined by WDATCP on lands that involve cultivated croplands, rotated pastureland, or government set-aside program land. Locations of tree-lift soil handling will be confirmed by the AI.
3. Where applicable, Wisconsin Electric Power Company will inform landowners possessing lands containing soils within the construction right-of-way (ROW) that meet the three-lift soil handling criteria and offer landowners the option of implementing the three-lift soil trenching procedure on their property during construction.
4. Wisconsin Electric Power Company will include in the construction bid documents explanation of the three-lift soil handling procedure along with the potential locations. Wisconsin Electric Power Company will also review the process and the potential locations with the bidders during the pre-bid job showing to ensure the potential contractor is well acquainted with the expectations. Wisconsin Electric Power Company will also review this process and the potential locations with the selected construction contractor during the construction “kick-off” meeting. The three-lift soil handling process will also be included in Wisconsin Electric Power Company’s environmental training sessions required for all field personnel prior to working on the construction right-of-way.

### **Construction**

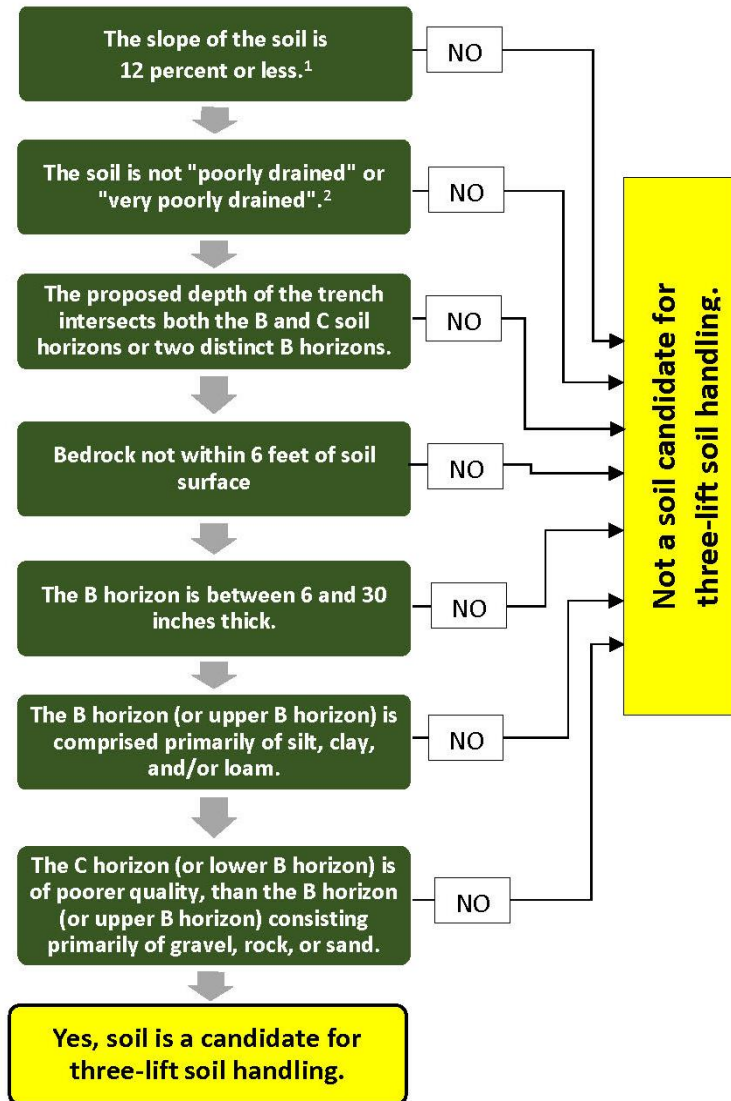
1. Wisconsin Electric Power Company may perform additional soil sampling to confirm the depth and extent of soil layers.
2. All topsoil up to a depth of at least 12 inches of will be stripped and stockpiled along the edge of the working side of the construction ROW.

## **BMP 09 - Three-Lift Soil Handling - continued**

3. After topsoil has been removed (first lift) and trenching begins, a backhoe will remove the upper portion of the subsoil (second lift) and place this layer as far from the trench as the reach of the equipment permits on side of the construction ROW.
4. Where the subsoil material changes the backhoe operator will place this underlying material (third lift) between the trench and the second-lift pile on the side of the right-of-way. Since the depth at which the underlying material is encountered will vary from location to location, the boundary between the upper subsoil and the underlying material will be determined visually by the construction and inspection team, with the advice of the AI when necessary.
5. Wisconsin Electric Power Company will attempt to maintain separation between the two piles. Depending on the available workspace and the volume of soil involved, maintaining complete separation between these two piles may not be possible.
6. During backfilling, the operator will make every effort to place the lower subsoil pile material (third layer) of the spoil material in the trench first, and will only then replace the upper subsoil layer (second layer) of the spoil material in the trench.
7. Wisconsin Electric Power Company will perform field adjustments as necessary in conjunction with the contractor and AI to ensure lower subsoil or parent material does not become mixed with the upper subsoil by the proper placement of the spoil piles to the extent practicable.

# APPENDIX C: THREE-LIFT SOIL CANDIDATE KEY

This key is applicable to soil profiles with distinct B and C horizons or alternatively to soil profiles with distinct upper and lower B horizons.



1. Soils with a slope greater than 12 percent are Class IV soils, likely to be eroded with shallow topsoil, and marginally suited for crop production. As such, they are unlikely to meet the criteria for soils that would benefit from three-lift soil handling.

2. Poorly drained soils tend to be too wet to use three-lift soil handling successfully. They are also likely to be deep soils.

## APPENDIX D: APPRAISAL AND COMPENSATION PROCESS

---

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

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

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

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

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

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

## APPENDIX E: 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 Project is required to provide the Department with the necessary details of the project so that the potential impacts and effects of the project on farm operations can be analyzed. DATCP has 60 days to make recommendations and prepare the AIS. DATCP shall publish the AIS upon receipt of the fee required to prepare the AIS. The Department provides the AIS to affected farmland owners, various state and local officials, local media and libraries, and any other individual or group who requests a copy. Thirty days after the date of publication, the project initiator may begin negotiating with the landowner(s) for the property.

### 1. 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.

## 2. 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.

### **3. 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.

## **4. 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.

## APPENDIX F: ADDITIONAL INFORMATION SOURCES

---

### Wisconsin State Statutes

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

### Department of Agriculture, Trade and Consumer Protection Website Links

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

### Department of Administration (DOA) Website Links

- [DOA \(doa.wi.gov\)](#)
- [Relocation Assistance](#) (Publications on landowner rights under Wisconsin's eminent domain law)
- [Wisconsin Relocation Rights Residential](#)
- [Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations](#)
- [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

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

### U.S. Department of Agriculture (USDA)

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

Wisconsin Department of Safety and Professional Services (DPS)

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

State Bar of Wisconsin

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

## APPENDIX G: PROJECT INITIATOR FEEDBACK FORM

---

*Refer to the next page for attachment*

Agricultural Impact Statement (AIS) Program: We Energies Response to AIS Recommendations

Respondent's Name Charlie Nowakowski Project Name Foundry Ridge Lateral Project  
 Date of Respondent's Response 05/08/2026 Project Initiator We Energies  
 Date of DATCP Response 5/11/2026 AIS # 4707

AIS Recommendation to We Energies	We Energies Response / Comments / Objections	AIS Program Response / Action
<p>1) The Department recommends WE ENERGIES follow all the additional recommended mitigation efforts described in Section 5.1 through Section 5.4 to mitigate project impacts to or regarding: clean up and restoration, soil health, drainage, agricultural infrastructure, and erosion and conservation practices.</p>		
<p>1A. Please provide any comment or commitment WE ENERGIES voluntarily makes to DATCP's recommendations within Section 5.1 Soil Health (5.1.2 Topsoil Segregation, 5.1.3 Soil Compaction, 5.1.4 Increased Soil Rock Content, and 5.1.5 De-Icing &amp; Traction Control).</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of recommendations within this section  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input checked="" type="checkbox"/> Other Comments: In section 5.1.2 and Section 5.1.3, there is a recommendation to "avoid working in areas with recently saturated soils", We Energies cannot commit to this condition as it could have a serious impact to the construction timeline and result in increased project costs. We Energies still does commit to minimize rutting during wet conditions by using wide tracked and/or low-ground pressure equipment and timber matting as well as repairing any ruts that do occur.</p>	<p>The following was added after the recommendations:</p> <p>"In the Project Initiator Feedback Form (Appendix G), The Company indicated it cannot commit to avoiding working in saturated soils due to the potential for impacts to construction timeline and increased project costs. However, The Company states it commits to minimizing rutting during wet conditions by using wide-tracked and /or low-ground pressure equipment and timber matting, as well as repairing any ruts that do occur."</p>

Agricultural Impact Statement (AIS) Program: We Energies Response to AIS Recommendations

<p>1B. Please provide any comment or commitment WE ENERGIES voluntarily makes to DATCP's recommendations within Section 5.2 Drainage (5.2.1 Drain Tile Repair and 5.2.2 De-Watering).</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of recommendations within this section  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments: <a href="#">Click or tap here to enter text.</a></p>	
<p>1C. Please provide any comment or commitment WE ENERGIES voluntarily makes to DATCP's recommendations within Section 5.3 Yield &amp; Crop Loss (5.3.1 Yield Compensation, and 5.3.2 Feed Supply).</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of recommendations within this section  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input checked="" type="checkbox"/> Other Comments: Section 5.3.2, We Energies compensates landowners for crop damage that is a direct result of Project activities. Any secondary losses that may result from crop losses (such as loss in animal feed) are not generally considered for compensation. Therefore, the Company believes the request to consider this BMP is not necessary and should be removed from the AIS.</p>	<p>DATCP removed the following wording from 5.3.2:          "To address impacts resulting in the loss of animal feed, leading to the purchase of replacement feed, the Company should consider adding the following BMP to the Project AMP:           Compensate any impacted dairy operations for increased operational costs associated with the purchase of forage resulting from the reduction of forage from within the ROW."           The following replaced the deleted section:           "We Energies shared within the project initiator feedback form (Appendix G), that it compensates landowners for crop damage that is a direct result of Project activities, and secondary losses that may result from crop losses (such as a loss in animal feed) are generally not considered for compensation as part of</p>

Agricultural Impact Statement (AIS) Program: We Energies Response to AIS Recommendations

		<p>normative business practices. The Department recommends agricultural landowners and operators document all potential impacts to their farm operation and share them with We Energies when negotiating for compensation.”</p>
<p>1D. Please provide any comment or commitment WE ENERGIES voluntarily makes to DATCP’s recommendations within Section 5.4 Erosion and Conservation Practices (5.4.1 Construction Noise &amp; Dust, 5.4.2 Construction Debris, 5.4.3 Weed Control, and 5.4.4 Restoration.)</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of recommendations within this section  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input checked="" type="checkbox"/> Other Comments:Section 5.4.4 Restoration, third paragraph/bullet point, this recommendation implies that there will be re-establishment of vegetation on Ag land but it is We Energies experience that most land owners do not want their ag land vegetated. We Energies will work with landowners to restore their property as close as possible to pre-construction conditions.</p>	<p>DATCP removed mention of revegetation from Section 5.4.4 – the recommendation now states the following:          “The Company should monitor the ROW for soil erosion and maintain erosion control practices to mitigate soil erosion. Only after restoration activities are complete should temporary erosion control devices be removed.’</p>
<p>2) WE ENERGIES 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.</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	

Agricultural Impact Statement (AIS) Program: We Energies Response to AIS Recommendations

<p>3) WE ENERGIES should inform the affected agricultural property owners who have soils that are candidates for the three-lift soil handling method. Concurrently, the Company should inform these property owners how three-lift soil handling could preserve the productivity of their fields and distribute a copy of <a href="#">ARM-LWR-294</a> or a similar publication.</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	
<p>4) WE ENERGIES 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.</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	
<p>5) If there is adequate growing season for a crop to mature and be harvested after WE ENERGIES has an interest in the impacted lands but before construction along the Project corridor begins, WE ENERGIES should allow the current agricultural operators to harvest a crop for that season to the extent possible, or the Company shall compensate the agricultural operators for crop damages.</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	
<p>6) WE ENERGIES 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).</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	

Agricultural Impact Statement (AIS) Program: We Energies Response to AIS Recommendations

<p>7) WE ENERGIES should consult the Department as soon as a route is selected, affording as much time as possible prior to construction to determine if there are any new CREP or FP agreements within the chosen project corridor.</p>	<p><input checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	
<p>8) WE ENERGIES 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 checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	
<p>9) WE ENERGIES 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 checked="" type="checkbox"/> WE ENERGIES will voluntarily commit to all or some (if so, clarify) of this recommendation  <input type="checkbox"/> WE ENERGIES does not commit to the recommendations within this section  <input type="checkbox"/> Other Comments:Click or tap here to enter text.</p>	



---

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

**DIVISION OF  
AGRICULTURAL RESOURCE MANAGEMENT**

Agricultural Impact Program

P.O. Box 8911

Madison, WI 53708-8911

608-224-4650

[agimpact.wi.gov](http://agimpact.wi.gov)