

# AGRICULTURAL IMPACT STATEMENT



DATCP File Photo

**DATCP  
#4623**

**Emerald Substation  
Towns of Baldwin and Emerald,  
St. Croix County**



**WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION**  
*PUBLISHED FEBRUARY 18, 2025*

# **AGRICULTURAL IMPACT STATEMENT**

DATCP #4623

Emerald Substation Project

St. Croix County

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

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# MISSION STATEMENT

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Dear Reader,

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

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

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

Thank you

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# SUMMARY OF AGRICULTURAL IMPACT STATEMENT

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared this Agricultural Impact Statement (AIS) #4623 for the proposed acquisition of land by Northern States Power Company of Wisconsin, doing business as Xcel Energy, herein referred to as Xcel Energy, in the Towns of Baldwin and Emerald, St. Croix County, WI. Xcel Energy proposes to establish a new 161/ 115 kV electric substation, associated facilities and to rebuild 1-mile of existing double circuit 161/ 155 kV transmission line to single circuit 115 kV line on the impacted agricultural land (the Project”) (Figure 1). Xcel Energy will retire the Pine Lake North substation.

In 2025, Xcel Energy projects to purchase 36.10 acres of agricultural land for the substation site. The rebuild of the double circuit 161/ 155 kV transmission line to single circuit 115 kV line will occur within existing ROW- modifications to existing easements are not anticipated. According to the AIN, 3.38 acres of agricultural lands within existing ROW may be impacted by the transmission line rebuild. Xcel Energy is a public utility vested with the right of eminent domain but has documented that the proposed Project is on property currently optioned by Xcel and intends to acquire the property for the substation site through a voluntary sale (fee-simple purchase). Xcel Energy’s proposed acquisition includes Tax Parcel ID 002100650000, located in the NE of section 4, T29N, R16W in the Town of Baldwin, St. Croix County. Construction of proposed electric substation will require 52.62 acres of leveled property. The proposed project footprint is anticipated to be converted from agricultural use, but it is not yet known if the remnant agricultural land will continue to be rented for agricultural use (Sara Ploetz, Merjent, personal communications, December 2024).

In accordance with [Wis. Stat. §32.035](#), Xcel Energy has provided the Department with the necessary information and materials to conduct an AIS. The Department contacted the agricultural landowners and operators whose feedback is documented in Section IV. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department has reviewed and analyzed Xcel Energy’s materials and comments from the affected agricultural property owner to assess the agricultural impacts of Xcel Energy’s land acquisitions. Through the AIS analysis, the Department offers a set of recommendations and conclusions to Xcel Energy and the agricultural landowner to help mitigate impacts on agricultural lands and agricultural operations at the site of the proposed substation and the new transmission line right-of-way (ROW).

The set of recommendations are located within the AIS Recommendation Section beginning on page 3. The AIS analysis begins on page 5 with information on the project located in Section II. Information and conclusions on the agricultural setting of St. Croix County and impacted areas can be found in Section III. The agricultural impacts of the project on the land, landowner and operator can be found in Section IV. Appendices for AIS #4623 contain information on the appraisal and compensation process (Appendix B), a copy of Wisconsin’s agricultural impact statement statute

(Appendix C), various additional sources of related information for agricultural landowners and operators (Appendix D) and Xcel Energy Best Management Practices- Substation Construction Specifications (Appendix E).

If Xcel Energy deviates from the planned voluntary acquisition, proposed use or scale of the acquired land, Xcel Energy shall re-notify the Department. The Department shall review the re-notification for new potential impacts to agricultural lands and may determine to generate an addendum to this AIS.

### AIS 4623 - Emerald Substation Project

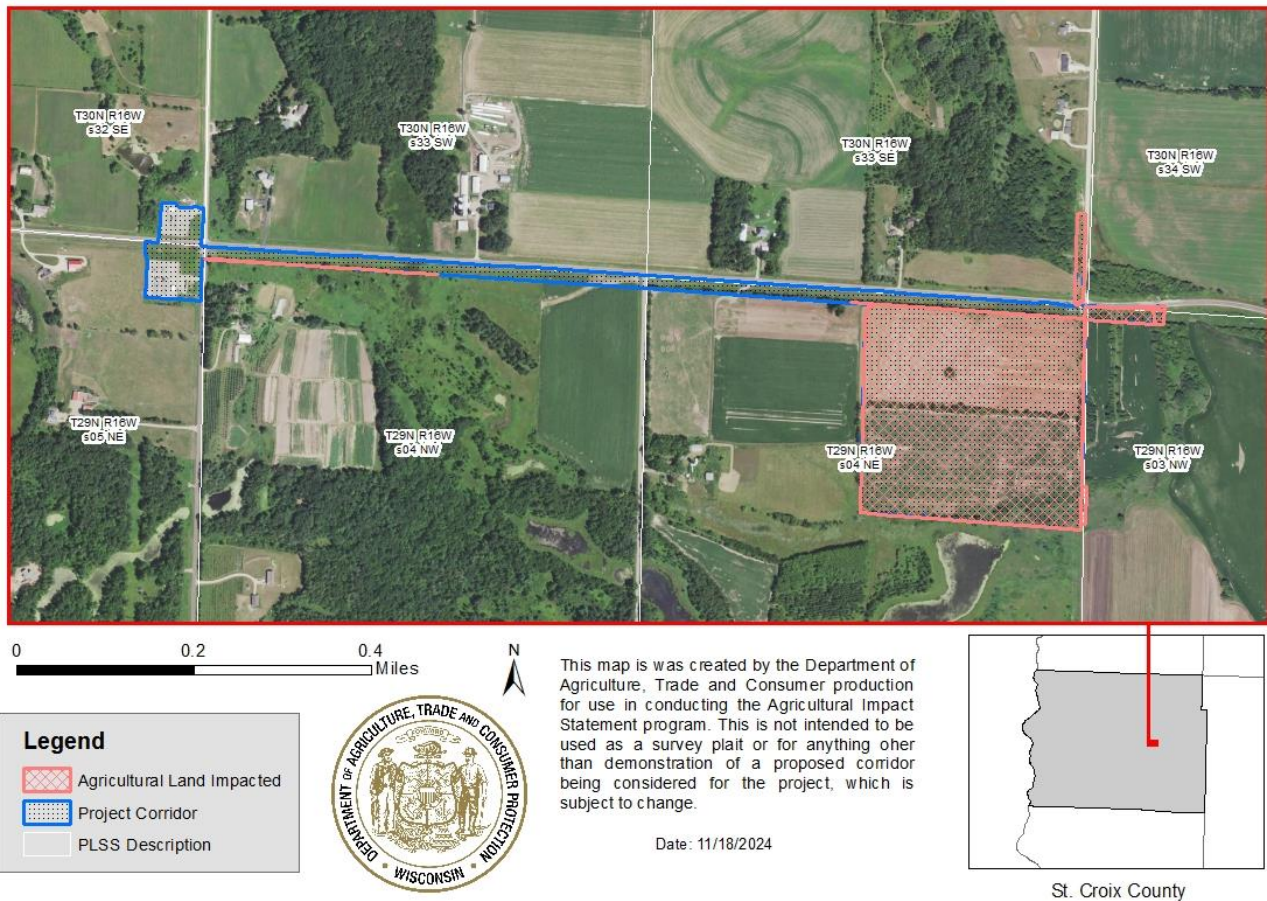


Figure 1: Location of the proposed acquisition, in the Towns of Emerald (Sections 32 and 33, Township 30 North, Range 16 West) and Town of Baldwin (Sections 3, 4 and 5, Township 29 North, Range 16 West), DATCP.

# AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

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The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has reviewed and analyzed the materials provided by Northern States Power Company, a Wisconsin corporation doing business as Xcel Energy, herein referred to as Xcel Energy, and comments from the affected agricultural property owner regarding the proposed Emerald Electrical Substation and one mile of double circuit transmission line land acquisition. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to Xcel Energy and agricultural landowner to help mitigate impacts on agricultural lands and agricultural operations. Xcel Energy and their consultant, Merjent, was offered the opportunity to review and comment on this analysis. See Appendix F for a copy of Xcel Energy's comments regarding the Department's recommendations.

## Recommendations to Xcel Energy

- The Department recommends Xcel Energy follow all the additional recommended mitigation efforts described in Section 5.5.1 through Section 5.5.7 to mitigate Project impacts to or regarding: topsoil mixing, soil compaction, drainage, de-watering, erosion, fencing, and weed control.
- As part of any potential future agricultural rental agreements, Xcel Energy should consider requiring conservation practices such as but not limited to conservation tillage, cover cropping, or no-till and require the tenant operator to meet agricultural performance standards under [ATCP 50.04](#) to maintain the health of the soils and preserve the investment.
- If the remnant fields are no longer economically viable to farm and are not required for expansion of the substation facility, Xcel Energy should consult the Land and Water Conservation Division within the St. Croix County Community Development Department for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area.
- Xcel Energy is advised to consult the St. Croix County Land & Water Conservation Department on the existence of installed SWRM conservation practices within the Project area.
- As Tax Parcel ID 002100650000 is currently operated by a renter, Xcel Energy should disclose the availability of any remnant fields for future agricultural use.
- The Department recommends that Xcel Energy reach out to landowners proposed to be impacted individually to explain Project details as early as practical.



## Recommendations to Seller and Tenant Operators

- Landowners should review the recommended mitigation efforts described in Section 5.5.1 through Section 5.5.7 to mitigate Project impacts to or regarding: topsoil mixing, soil compaction, drainage, de-watering, erosion, fencing, and weed control.
- If the Landowner is aware of any SWRM cost-shared practices on their farm within the proposed Project area, they should consult with the St. Croix County Land & Water Conservation Department to determine 1) the compatibility of the proposed substation with the existing conservation practice and 2) if any effects will occur due to alteration of a practice during construction activities.
- As Tax Parcel ID 002100650000 is currently operated by a renter, the seller should disclose information related to the sale that will impact their agricultural operation.
- Agricultural landowners and renters should inform Xcel Energy about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.

# AGRICULTURAL IMPACT STATEMENT

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## I. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4623 in accordance with [Wis. Stat. §32.035](#) for the proposed purchase of agricultural land by Xcel Energy in St. Croix County, WI (Figure 1). Xcel Energy reported the proposed substation project in the Towns of Baldwin and Emerald, would include a 6.1 acre substation pad, a 5.6 acre storage yard, three stormwater ponds, two permanent access roads and a rebuild of approximately 1 mile of double circuit 161 kV/ 115 kV transmission line to a single circuit 115 kV transmission line. The project will replace the aging transformer at the Pine Lake North Substation and address expansion limitations at the Pine Lake North Substation facility. In addition, the transmission line rebuild will address a three terminal line situation, improving the reliability of the system (DATCP, 2024a).

The Public Service Commission of Wisconsin (PSC) is responsible for regulating the construction of electric public utilities and extensions of electric service in Wisconsin, which may include the construction of or modification to an existing substation. If a substation project does not meet a cost threshold it is not subject to the review of the PSC and is instead subject to applicable local permitting authorities. Xcel Energy reported that an application for a Certificate of Authority to construct the Emerald Substation and associated transmission line project is anticipated to be submitted to the PSC during the spring of 2025 (DATCP, 2024a).

Xcel Energy is a Wisconsin corporation furnishing electric light or power to the public and may be vested with the authority to condemn under [Wis. Stat. § 32.02](#). Vested with the power of condemnation, utility projects that impact agricultural lands are also subject to Wisconsin's AIS statute Wis. Stat. §32.035. The Department issued a statement in accordance with [Wis. Stat. §32.035](#) on October 23, 2024 requiring an AIS for the proposed project (Biefeld, 2024).

According to [Wis. Stat. §32.035](#), the AIS is designed to be an informational and advisory document that describes and analyzes the potential effects of a proposed project on agricultural operations and agricultural resources, but it cannot stop a project. The Department is required to prepare an AIS when the actual or potential exercise of eminent domain powers involves an acquisition of any interest in more than five acres of land from any agricultural operation. The term "agricultural operation" includes all owned and rented parcels of land, buildings, equipment, livestock, and personnel used by an individual, partnership, or corporation under single management to produce agricultural commodities.

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

not involved in determining whether or not eminent domain powers will be used or the amount of compensation to be paid for the acquisition of any property.

As the voluntary contract for the fee-simple acquisition by Xcel Energy precedes, or, may preclude a jurisdictional offer, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable. If Xcel Energy deviates from the selected project site as represented in the agricultural impact notification (AIN), the Department shall be re-notified in accordance with Wis. Stat. §32.035(3).

Should Xcel Energy ever actualize its powers of condemnation for this acquisition, information on the appraisal and compensation process under eminent domain is provided within Appendix B. The full text of [Wis. Stat. §32.035](#) is included in Appendix C. Additional references to statutes that govern eminent domain and condemnation processes and other sources of information are also included in Appendices C and D.

## II. PROJECT DESCRIPTION

### The Project

Xcel Energy is planning to site a new electric substation and rebuild 1 mile of existing double circuit 161/115 kV transmission line to a single circuit transmission line on land currently under agricultural production. In accordance with [Wis. Stat. §32.035\(3\)](#), Xcel Energy has provided an AIN to the Department that serves as the main reference document for the project and the project need. The proposed project would be located in the Towns of Emerald (Sections 32 and 33, Township 30 North, Range 16 West) and Baldwin (Sections 3, 4 and 5, Township 29 North, Range 16 West), St. Croix County, WI (Figure 1) and will replace the Pine Lake North Substation and address expansion limitations at the Pine Lake North Substation facility. In addition, the transmission line rebuild will address a three terminal line situation, improving the reliability of the system.

To construct the proposed project, Xcel Energy will acquire 36.1 acres of agricultural land (Tax Parcel ID 002100650000) shown in

# AIS 4623 - Emerald Substation Project

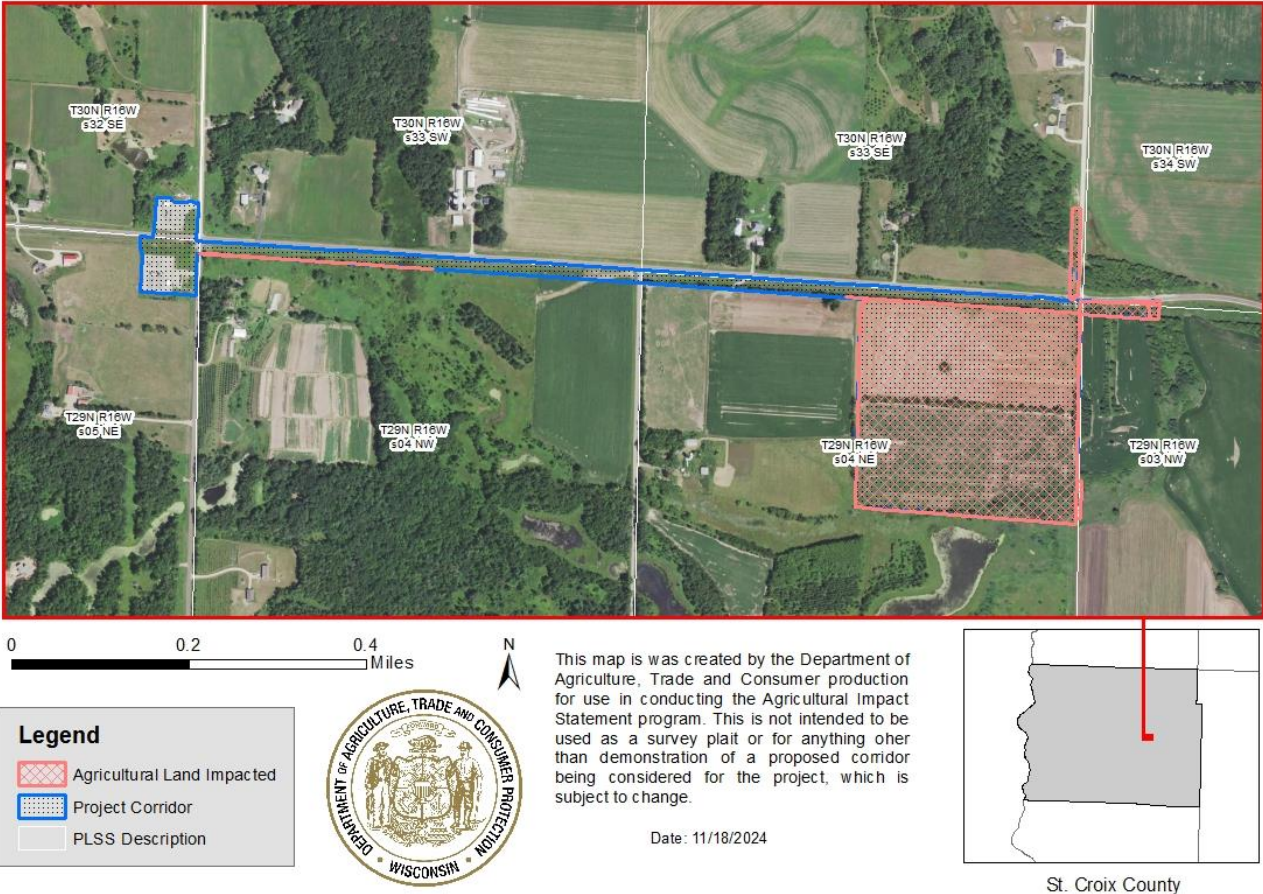


Figure 1, by a fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property). In addition, the transmission line rebuild will occur within existing right-of-way (ROW). As proposed, the substation project will comprise approximately 52.62 acres (13.19 acres for the transmission line project, 39.43 acres for the substation site) of which 39.48 acres are currently in agricultural use. Xcel Energy is planning to submit an application for a certificate of authority to the PSC in Quarter two of 2025, initiate land acquisitions in February 2025, start construction of the facility commencing in Quarter one of 2027 to conclude in Quarter four of 2028.

## Project Need

According to the AIN, the project will replace the aging transformer at the Pine Lake North Substation and address expansion limitations at the Pine Lake North Substation facility. In addition, the transmission line rebuild will address a three terminal line situation, improving the reliability of the system (DATCP, 2024a).

### **III. AGRICULTURAL SETTING**

#### **Farmland Preservation**

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

#### ***Farmland Preservation Planning***

St. Croix County's current FP plan was certified by the Department in 2024 and is set to expire in 2034. St. Croix County's farmland preservation plan criteria are based on a land evaluation and site assessment model that considers county soils and their agricultural characteristics in addition to development pressures based on locally adopted plans, policies, social, economic and geographical attributes as well as future land use maps (St. Croix County, 2024). The certified farmland preservation plan area includes the Tax Parcel ID 002100650000 where Xcel Energy is proposing to site the new substation facility, but excludes almost the entire corridor for the transmission line rebuild.

#### ***Farmland Preservation Zoning***

The Town of Baldwin has certified FP zoning through St. Croix County's general zoning ordinance. The certified farmland preservation zoning districts for St. Croix County are the AG-1 and AG-2 zoning districts (DATCP, 2024b). These locally crafted zoning districts restrict covered lands to agricultural uses and uses compatible with agricultural use and is certified to be consistent with the state's Farmland Preservation Law, Chapter 91. Under [Wis. Stat. §91.46\(4\)](#), farmland preservation zoning districts may authorize electric transmission uses with a conditional use permit for uses that do not comply with s. [Wis. Stat. §91.44\(1\)\(f\)](#). The Town of Emerald does not have a certified farmland preservation zoning ordinance.

#### **Agricultural Enterprise Areas (AEAs)**

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

A review of the Department's AEA program shows that St. Croix County contains four designated AEAs (DATCP, 2024c): Rush River Legacy AEA (Town of Rush River), Town of Troy AEA (Town of Troy), Apple Lake AEA (Towns of Alden, Farmington, Somerset and Star Prairie) and the Stanton Farmland Heritage Preservation AEA (Towns of Cylon, Stanton and Star Prairie). As proposed, the Xcel Energy acquisition for the project will not impact any farmland in designated AEAs in St. Croix County.

Prior to 2009, owners of eligible farmland could sign 10 to 25-year farmland preservation agreements outside of AEA boundaries. There are no effective pre-2009 farmland preservation agreements located in the Towns of Baldwin or Emerald, St. Croix County.

### **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. Landowners who benefit from drainage pay assessments to cover the cost to construct, maintain, and repairing the district's drains. According to the Department, approximately 190 active districts exist within 27 of Wisconsin's 72 counties (DATCP, 2021). A review of the Department's Drainage Program database indicates that no drainage districts are located within the Towns of Baldwin or Emerald, St. Croix County nor are any drainage districts anticipated to be indirectly impacted by the proposed project.

### **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.

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

The CREP program pays eligible agricultural landowners enrolled within the program to install filter strips along waterways or to return continually flooded fields to wetlands while leaving the remainder of the adjacent land in agricultural production. To be eligible for CREP payments, a recipient must have agricultural lands in crop production that are within 150 ft of a stream or water body or 1,000 ft from a grassland project area (DATCP, 2019). A review of the Department's CREP records indicated that the proposed Xcel Energy acquisition for the project would not directly impact any current CREP fields or easements.

#### ***Conservation Reserve Program (CRP)***

The CRP program is a land conservation program administered by the Farm Service Agency of the USDA. In exchange for a yearly rental payment, eligible agricultural landowners enrolled in the program agree to remove highly erodible land from agricultural production and plant resource-

conserving plant species such as grasses or trees that will improve environmental health and quality (USDA, 2022). Eligible agricultural landowners must possess lands with the potential for long-term improvements to water quality, prevent soil erosion or establish beneficial wildlife habitats according to the USDA Environmental Benefits Index (USDA, 2022). CRP enrollment information is privileged to the USDA and CRP program participants. The Department is therefore unable to determine if any of the impacted agricultural parcels are enrolled within the CRP program.

### ***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. If the Landowner is aware of any SWRM cost-shared practices on their farm within the proposed Project area, they should consult with the Land and Water Conservation Division within the St. Croix County Community Development Department to determine 1) the compatibility of the proposed substation with the existing conservation practice and 2) if any effects will occur due to alteration of a practice during construction activities.

Xcel Energy is advised to consult the Land and Water Conservation Division within the St. Croix County Community Development 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 the landowner is required to repay any cost-share funds because a construction impact resulted in a violation of the SWRM contract, the landowners should contact the Xcel Energy 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.

## **IV. 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 support alternatives that may reduce impacts to agricultural lands. The Department has used information provided by Xcel Energy for this AIS to analyze the potential agricultural impacts of the Project. The analysis of agricultural impacts and conclusions

drawn from the analysis form the basis of the Department’s recommendations within the Agricultural Impact Statement Recommendation Section above.

### **Farmland Acquisitions and Landowner Concerns**

Xcel Energy’s new substation project will impact approximately 39.48 acres of agricultural lands and impact 7 landowners, with 37.62 acres impacting one landowner for the construction of the new Emerald Substation. The Department reached out to the impacted agricultural landowners to discuss feedback about potential agricultural impacts and received two responses.

#### ***Xcel Energy’s Proposed Acquisitions***

Within the AIN submitted to the Department, Xcel Energy stated they considered a “rebuild” alternative that would reconstruct the existing transmission line with the current arrangement but replacing painted poles with galvanized or weathering poles, replacing the mounted switch with a new, similar one, and rebuilding the double circuit wood line with steel poles. However, Xcel Energy found this rebuild alternative does not address the electrical layout and reliability concerns. Xcel Energy also considered building a second 161kV circuit into the Pine Lake North substation and removing the existing 161kV switch, however there was not enough space at the substation to expand the yard to accommodate another 161kV circuit.

The Project is located in Township 29 North, Range 16 West, Section 4 and 5 of the Town of Baldwin and Township 30 North, Range 16 West, Section 32 of the Town of Emerald. The proposed Emerald Substation site is located on approximately 52.6 acres of land zoned AG-1 Agricultural District in St. Croix County, on parcel ID 109002100650000. This land is predominately agricultural with wetlands and wooded areas. The Project area where the proposed substation would be build consists of 36.10 acres of agricultural land that would be converted to industrial use. At the time of the analysis, Xcel Energy has not yet determined if the rest of the parcel will be converted or leased back for agricultural use (Sara Ploetz, Merjent, personal communications, December 2024). The transmission line aspect of the Project is a rebuild of an existing transmission line within existing ROW, and Xcel Energy does not anticipate land use changes to occur, but does overlap 3.38 acres of agricultural land.



The AIN submitted by Xcel Energy reports that the parcel is proposed to be fitted with a 6.1 substation pad, an approximately 5.6 acre storage yard area, three stormwater ponds, and two new permanent access roads coming south off County Road DD into the Emerald Substation site. The Pine Lake North Substation will be retired, with existing equipment and footings removed from the gravel pad, but the gravel yard will remain as a permanent storage yard.

Xcel Energy follows a set of best management practices for electrical substation construction and site preparation, including erosion control, grading, and topsoil management, amongst others, incorporated herein as Appendix E.

***Landowner Concerns***

The Department attempted to contact the impacted landowners for comment and received two response from Robert and Faye Otis, and Brent and Rachel Ackley. See Table 1 below for a list of the impacted agricultural landowners.

Table 1: List of Agricultural Landowners the Department Attempted to Contact

| Landowner Name            | Acres Impacted |
|---------------------------|----------------|
| BRENT D ACKLEY            | 0.82           |
| CHAD L & ERIKA L KRUEGER  | 0.07           |
| DEAN J & SHELLEY A WINK   | 0.27           |
| JOSEPH A HOLLE            | 0.00020        |
| PAUL E & MARYLU SCHWINTEK | 0.64           |
| ROBERT C & FAYE A OTIS    | 37.62          |
| SIA THAO                  | 0.06           |

***Robert and Faye Otis***

Robert and Faye Otis own around 157 acres of land, including over 20 acres of pasture and over 10 acres of managed woodlands as well as around 38 acres of cropland that they rent to a farm operator. Xcel Energy is projected to acquire 36.1 acres from Robert and Faye Otis by a fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property) for the use of the substation. An additional 1.52 acres is proposed to become a permanent easement for transmission line ROW (DATCP, 2024a).

The Department contacted Otis by mail for feedback on potential impacts to their farm operation. Otis reported that the current land renter has rented the land for 28 years and Otis shared that the renter has stated that he doesn't think the substation construction would negatively affect his farm operation. Otis additionally shared that the land not being used for the substation footprint might continue to be rented by Xcel Energy to the current land renter. Xcel Energy has confirmed that a large aspect of the parcel, around 30 acres, will be used for the substation, but has not yet determined if the remaining acreage will continue to be used for agricultural use or not yet (Sara

Ploetz, Merjent, personal communication, December 2024). Beyond the potential for existing fences to be moved, Otis did not describe other concerns of the project impacting the land.

As Tax Parcel ID 109002100650000 is currently operated by a renter, the seller should disclose information related to the sale that will impact their agricultural operation. Xcel Energy should disclose the availability of any remnant fields for future agricultural use to the current renter.

#### *Brent and Rachel Ackley*

The Department contacted Ackley by mail for feedback on potential impacts to their farm operation. They shared that their farm operation consists of 11 acres of cropland and 3 acres of homes/farm buildings, with cropland being the main land use located within the proposed project area.

Within the questionnaire that the Department mailed, Ackley noted that they could not share specific concerns about how the Project would impact their farm operation as the project initiator had not shared the proposals with the public yet (to their knowledge) and they do not know what is planned for the Project.

The Department recommends that Xcel Energy reach out to landowners proposed to be impacted individually to explain Project details as early as practical, including on lands which Xcel Energy has existing ROW.

### **Severance, Access and Wasteland**

The acquisitions of agricultural property can result in agricultural parcel severance, removal of existing field access points and potentially the creation of wastelands and uneconomic remnant parcels. The circumstances (i.e. loss of access, severance, wasteland etc.) surrounding the impacts to each impacted remnant agricultural parcel are unique, thus some agricultural parcels may remain economically viable, while others may not. The following analysis will document the potential for severance, loss of access and potential creation of wastelands and uneconomic remnant parcels for the agricultural parcel impacted by the project.

#### *Severance*

Severing an agricultural parcel to accommodate a project effectively splits the existing parcel into two or more smaller parcels. Severing an agricultural parcel may remove existing access points, create agricultural wastelands or uneconomic remnant parcels, and at times divide the operation of a farm. The proposed project is not anticipated to sever or bisect any agricultural parcels.

#### *Access*

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

livestock or other agricultural products cannot be tended too. Lost access may also directly result in lost income if a field cannot be planted or harvested, or if an agricultural operation as a whole is hindered. Access limitations will be specific to temporary and permanent easements utilized for laydown yards, staging areas, off-ROW access roads and the transmission line ROW. Construction mitigation efforts for each farm will vary according to land use activities of the farm operator, type of farm operation, soil conditions, and extent of construction activities on the parcel or farm operation, and feasibility to avoid areas of concern. Landowners and farm operators with concerns related to access on their farm operation should discuss them with the Project Initiators during easement negotiations and in subsequent communications. The proposed project is not anticipated to permanently change existing access to agricultural parcels.

### *Wasteland*

Acquisitions that sever farmland frequently create small remnant fields that may be difficult to access or are irregularly shaped. Small remnant fields that are irregularly shaped can make it difficult for agricultural equipment to navigate and reduce the amount of tillable acres, thus creating undeveloped land ([Wis. Stat. § 70.32\(2\)\(a\)\(5\)](#)) or what is commonly referred to as wasteland. This in turn reduces agricultural productivity and decreases the economic viability of the land. Furthermore, as remnant fields decrease in size the proportion of wasteland (a result of narrow fields and sharp corners) increases, which further influences the fields overall productivity and economic viability. At the time of this analysis, the Project is not expected to create significant wastelands.

### **Prime Farmland and Soils**

The proposed acquisition and construction of the project will impact approximately 39.477 acres of agricultural lands and agricultural soils. The soils impacted by the proposed project were cataloged by soil map unit and soil texture using the Department's prime farmland soils GIS layer. These soils were analyzed for impacts to soils designated as prime farmland, prime farmland if drained or farmland of statewide importance (Table 1). Table 1 reflects adjusted total GIS acres for the selected parcel rather than assessed acres or total acreage reported in Xcel Energy's AIN. Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2021) 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 importance are provided under Table 2.

Approximately 82.5% of the agricultural land impacted by the proposed acquisition holds some level of State priority designation. Specifically, 76.9% of the soils are designated as prime farmland 5.6 % are designated as prime farmland if drained (Table 2). Across the impacted agricultural parcel, the primary soil textures is silt loam of various soil series. All of the impacted soils are silt loam soils, which 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). A review of the topography for parcel ID 109002100650000 to be acquired for the substation facility suggests there may be a 39 foot difference between the elevation between the west and east boundaries of the parcel. New substations require a stable and level ground surface (PSC, 2013). As is the case, the parcel may need to be regraded before the new substation facility is sited.

This soils analysis shows that Xcel Energy’s proposed acquisition has the potential to remove high quality soils from production.

Table 2: Soils impacted by the proposed Xcel Energy acquisition for new electric substation. Adjusted total acres reflect measured GIS acres for the parcel rather than assessed acres or total acreage reported in Xcel Energy’s AIN.

| Soil Texture   | Prime Farmland* (acre) | Prime Farmland if Drained <sup>o</sup> (acre) | Farmland of Statewide Importance <sup>‡</sup> (acre) | Not Prime Farmland <sup>φ</sup> (acre) | Total (acre) |
|--|------------------------|---|--|--|--------------|
| <b>Alternate Route</b>   |                        |   |  |  |              |
| Loam   | 0.0                    | 0.0   | 0.0  | 5.9                                    | 5.9          |
| Silt Loam  | 30.4                   | 2.2   | 0.0  | 1.0                                    | 33.6         |
| <i>Total</i>   |                        |   |  |  | 39.5         |
| <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><sup>o</sup><b>Prime farmland if drained</b>, indicates that if farmland is drained it would meet prime farmland criteria.</p> <p><sup>‡</sup><b>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><sup>φ</sup><b>Not Prime farmland</b>, indicates farmland is neither prime farmland nor of designated importance.</p> |                        |   |  |  |              |

## Drainage and Soil Health

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

The substation’s site plan will dictate where grading and/or filling may be required to establish a stable and level surface for the new substation as well as any practices that may be required to capture or mitigate runoff from gravel pads, concrete foundations and access roads. The practice of grading may require the removal of topsoil, which will affect organic matter, nutrient and water

holding capacity of the land. Grading of soils to prepare a construction site may increase soil compaction which can lower the holding capacity for water, resulting in runoff and or other drainage issues if unmanaged (USDA-NRCS, 2000).

Xcel Energy is subject to permitting requirements to ensure that construction proceeds in a manner to minimize drainage issues and soil erosion. Proximal farmland owners should also consider consulting the St. Croix County Community Development Department for applicable site erosion control and storm water management practices, such as planting cover crops, in anticipation of potential increased storm water runoff or soil erosion originating from the Project site.

## V. AGRICULTURAL IMPACTS

Xcel Energy has provided a copy of its best management practices (BMPs) for the Emerald Substation construction specifications incorporated herein as Appendix E (Sara Ploetz, Merjent, personal communication, December 2024). The Department reviewed these BMPs and provides additional recommends in the following subsections for Xcel Energy and impacted landowners that aim to minimize impacts to agricultural land where transmission line construction is proposed to occur, to any remnant farmland, as well as impacts to agricultural operations surrounding the substation.

### *5.1.1. Topsoil Mixing*

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

Within their BMPs (Appendix E), Xcel Energy states that they will restore agricultural lands to an extent practicable and will use mitigation techniques such as topsoil replacement as appropriate.

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

- Do not spread mixed soils or segregated subsoils over cropland, pastures or other agricultural fields.
- Prevent and monitor for erosion to keep topsoil segregated and within the ROW.
- Avoid working in areas with recently saturated soils.
- If rutting occurs, allow sufficient time for the soil to dry before repairing the ruts.

- If topsoil mixing occurs, remove the intermixed soil and replace with new topsoil.

### *5.1.2. Soil Compaction*

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

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

Within their BMPs (Appendix E), Xcel Energy states that they were restore agricultural lands to an extent practicable and will use mitigation techniques such as deep tilling as appropriate.

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

- Low-ground pressure and/or wide tracked equipment to reduce axel weight applied to soils.
- The use of construction matting in wet areas, areas prone to rutting, or wetlands to spread out ground pressure.
- When possible, conduct construction work during winter months when the ground is frozen.
- Avoid working in areas with recently saturated soils.
- If rutting occurs, allow sufficient time for the soil to dry before repairing the ruts.

After construction is complete, the ROW will be compacted to some degree. The Department recommends measuring for soil compaction post-construction within the Project ROW and outside of the Project ROW with a penetrometer throughout the soil horizon and comparing the measurements. If soil measurements within the Project ROW are comparatively higher, this is an indication that compaction has occurred. In areas where soil compaction occurred, the Department recommends Xcel Energy take steps to decompact the soils by conducting a sufficient amount of deep tillage (V-ripper, chisel plow, para plow or other depth appropriate tillage implement) within the ROW to help restore the soil structure to pre-construction productivity. Following decompaction, the soil should be measured again for signs of compaction to ensure proper

decompaction has occurred throughout the topsoil and subsoil profile. The Department also recommends Xcel Energy monitor soil moisture conditions post-construction throughout the Project ROW for signs of standing water. Areas with standing water may also have experienced soil compaction and should be measure for compaction.

### ***5.1.3. Drainage***

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

Within their BMPs (Appendix E), Xcel Energy states that they were restore agricultural lands to an extent practicable and prior to the start of any land disturbing activity, temporary sediment and erosion control best management practices (BMPs) will be installed along the boundaries of the construction workspace and sensitive resources.

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

- Agricultural landowners should inform Xcel Energy about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.
- Agricultural landowners should document field moisture conditions and the historic presence/absence of ponded water prior to the start of construction for post-construction comparisons.
- Xcel Energy should consider using the techniques outlined in Section 5.1.2 "Soil Compaction" when crossing a known drain tile.
- Where construction activities have created new wet areas Xcel Energy should work with the landowner to determine the best means to return the agricultural land to pre-construction function.

### ***5.1.4. De-watering***

During excavation/auguring of the structure foundation for a transmission line pole, dewatering may be necessary. Improper dewatering can result in soil erosion, sedimentation and deposition of gravel, sand, or silt onto adjacent agricultural lands, and the inundation of crops. The discharge of these construction waters must be in compliance with current drainage laws, local ordinances, WisDNR permit conditions, and the provisions of the Clean Water Act. Xcel Energy is required by

[Wis. Stat. § 182.017\(7\)\(c\)](#) to compensate the landowner for any damage to agricultural fields caused by construction de-watering activities.

Within their BMPs (Appendix E), Xcel Energy states that they were restore agricultural lands to an extent practicable and prior to the start of any land disturbing activity, temporary sediment and erosion control best management practices (BMPs) will be installed along the boundaries of the construction workspace and sensitive resources.

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

- Xcel Energy 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.
- 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.
- Xcel Energy should consider using pre-filter bags or other filter devices, prior to discharge, in order to capture sediments, gravel and rocks.
- Cropland, pasture lands and other agricultural areas selected for discharge should not be inundated for more than 24 hours, as longer durations could result in crop damage.
- Xcel Energy should not directly discharge or allow construction waters from non-organic farms to enter an organic farming operation.

#### ***5.1.5. Erosion and Conservation Practices***

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



Within their BMPs (Appendix E), Xcel Energy states that they were restore agricultural lands to an extent practicable and prior to the start of any land disturbing activity, temporary sediment and erosion control BMPs will be installed along the boundaries of the construction workspace and sensitive resources.

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

- Once construction is complete, pending soil decompaction, impacted agricultural lands within the ROW should be returned to cropland or seeded with the appropriate seed mix.
- Xcel Energy should inspect all temporary erosion controls structures on a daily basis throughout construction and restoration phases and undertake erosion control structure maintenance as required to prevent soil erosion within the ROW.
- Xcel Energy should avoid impacting any existing permanent erosion control structure (e.g. diversion terraces, grassed or lined waterways, outlet ditches, water and sediment control basins, vegetated filter strips, etc.) that's intended to prevent soil erosion from an upland agricultural area.
- Should Xcel Energy disrupt an existing permanent erosion control structure, a temporary structure should be installed until the permanent erosion control is restored.

#### ***5.1.6. Fencing***

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

- Prior to construction, Xcel Energy should consult with agricultural landowners with grazing operations in and adjacent to the Project ROW and modify construction activities and timing to mitigate impacts to livestock.
- Xcel Energy and agricultural landowners should agree on the appropriate measures to prevent livestock from entering the Project ROW.
- Xcel Energy should develop a plan for livestock to access pastures adjacent to the Project ROW or otherwise compensate the landowner for the costs related to restricted grazing.

#### ***5.1.7. Weed Control***

The Project may introduce noxious weeds or other invasive plants species into the Project ROW that compete with agricultural crops. Noxious weeds may also spread from parcel to parcel by construction equipment and project activities. Once weeds establish, they can interfere with

agricultural harvesting equipment, attract unwanted insects, and require physical removal or chemical applications to remove.

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

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

- Agricultural landowners should state whether they do or do not give Xcel Energy their express written consent for herbicide to be applied within the ROW they own.
- Xcel Energy should clean construction equipment and materials prior to entering an area of certification.
- Xcel Energy should clean all roadways (private, county, state etc.) of construction debris, dirt and rocks.
- Xcel Energy should use tracking pads at frequently used access points.
- Agricultural landowners and beekeepers should consider using the free online [DriftWatch™](#) and [BeeCheck™](#) registries, operated by [FieldWatch™](#) to communicate areas containing specialty crops or beehives with pesticide applicators, in order to minimize the risk of accidental exposure. For more information on DriftWatch, please visit the [WDATCP DriftWatch website](#) at the provided link or at <https://wi.driftwatch.org/>.
- Xcel Energy and its contractors that are applying herbicide or pesticides should utilize the Departments Driftwatch™ [online mapping tool](#) to locate agricultural lands and operations that are susceptible to herbicide or pesticides. If the online mapping tool locates an agricultural operation on or near areas that will receive herbicide or pesticide applications, Xcel Energy should contact the operation to discuss the appropriate methods required to minimize the risk of accidental exposure.

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

Merjent

Sara Ploetz

Naomi Christenson

Xcel Energy

Cameron Bump

Landowners

Brent and Rachel Ackley

Robert and Faye Otis



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

**DIVISION OF  
AGRICULTURAL RESOURCE MANAGEMENT**

**Agricultural Impact Program  
P.O. Box 8911  
Madison, WI 53708-8911  
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# APPENDICES

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DATCP #4623

Emerald Substation

Towns of Baldwin & Emerald, St. Croix County

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

*PUBLISHED FEBRUARY 18, 2025*



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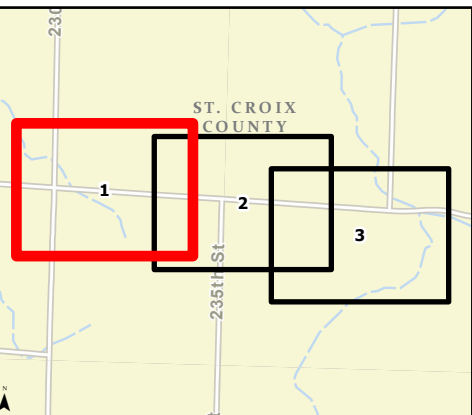
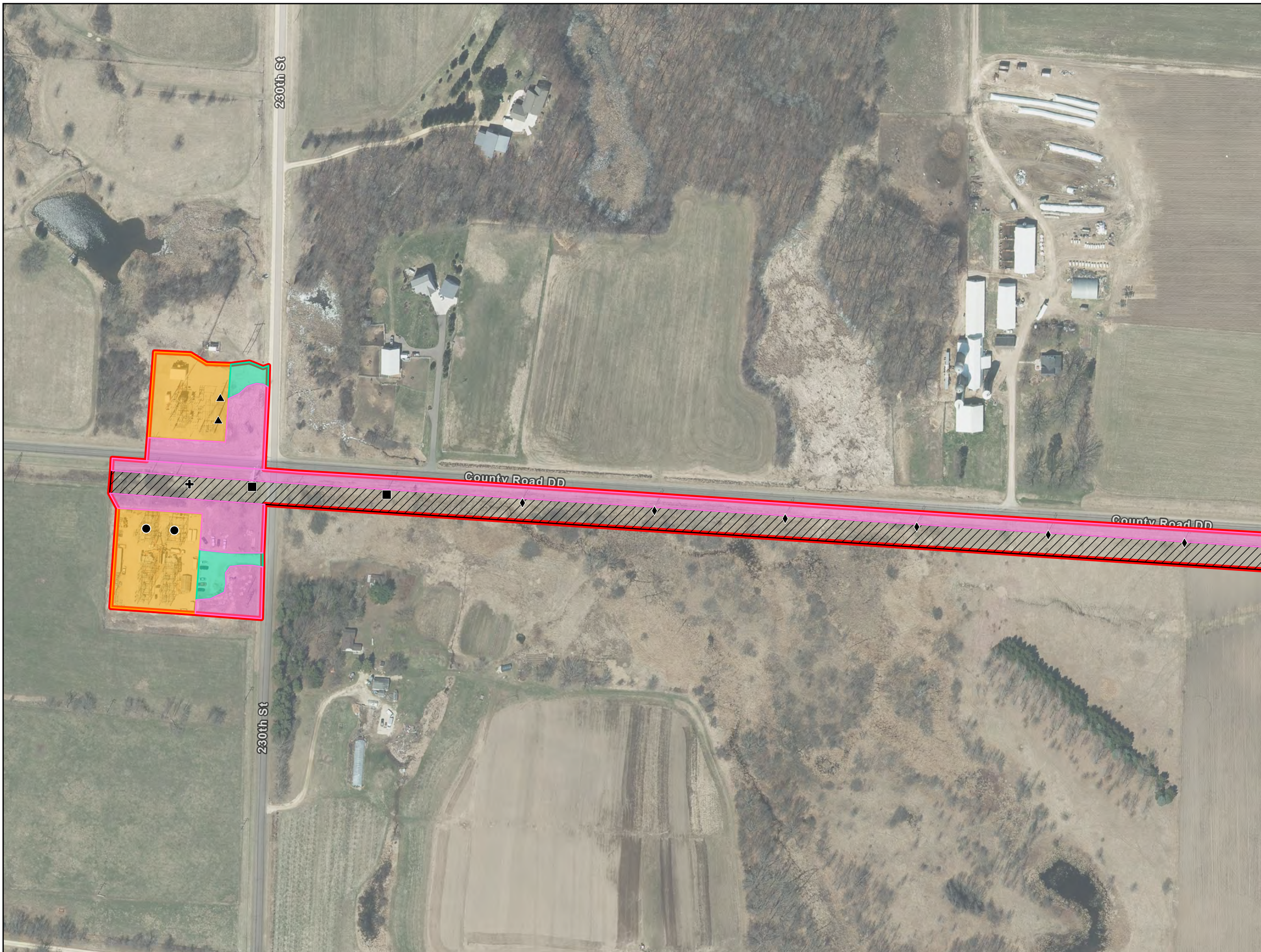
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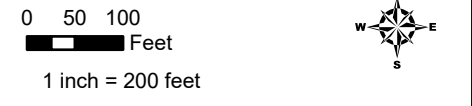
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Figure 1 A, B, and C: Xcel Energy, 2024. Project Workspaces Map: New Emerald Substation.

**See next page**



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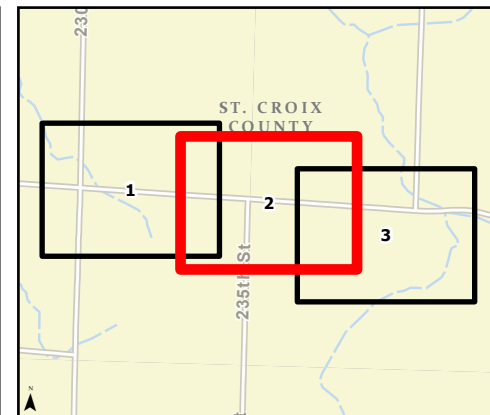
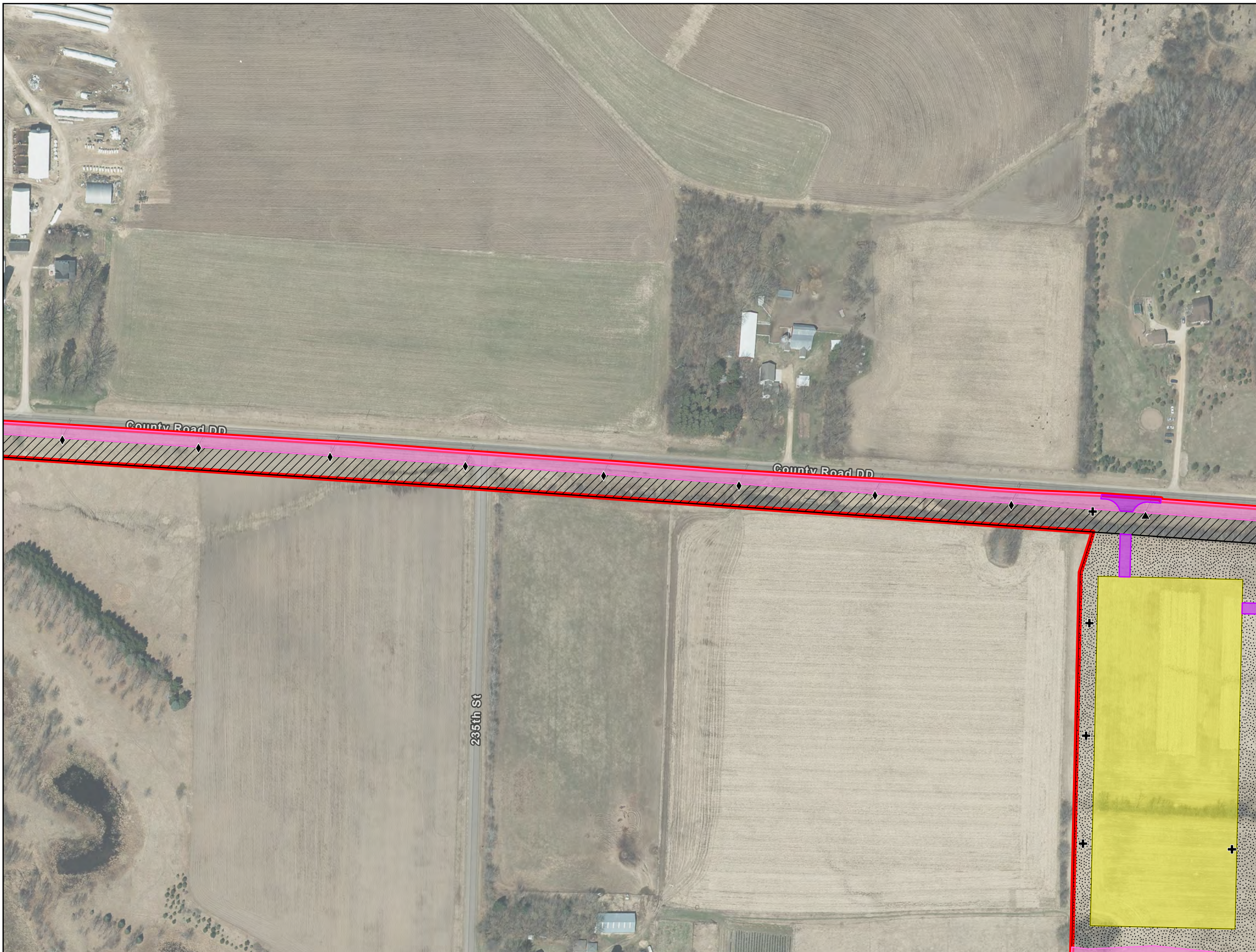


- Project Limits of Disturbance
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- + New Structure
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- Existing T-Line Easement
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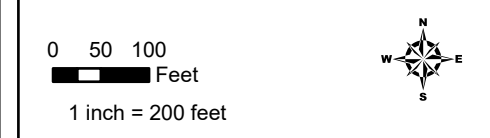
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**Figure 1:**  
**Project Workspaces Map**  
 Xcel Energy  
 New Emerald Substation  
 St. Croix County, Wisconsin

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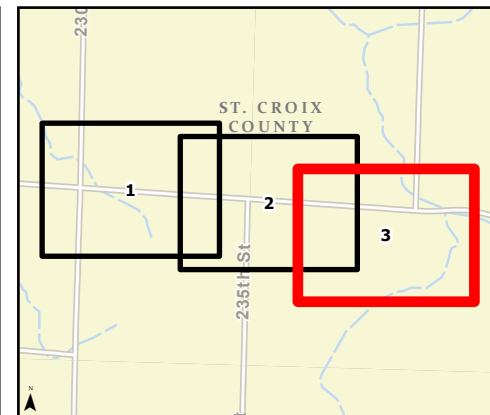
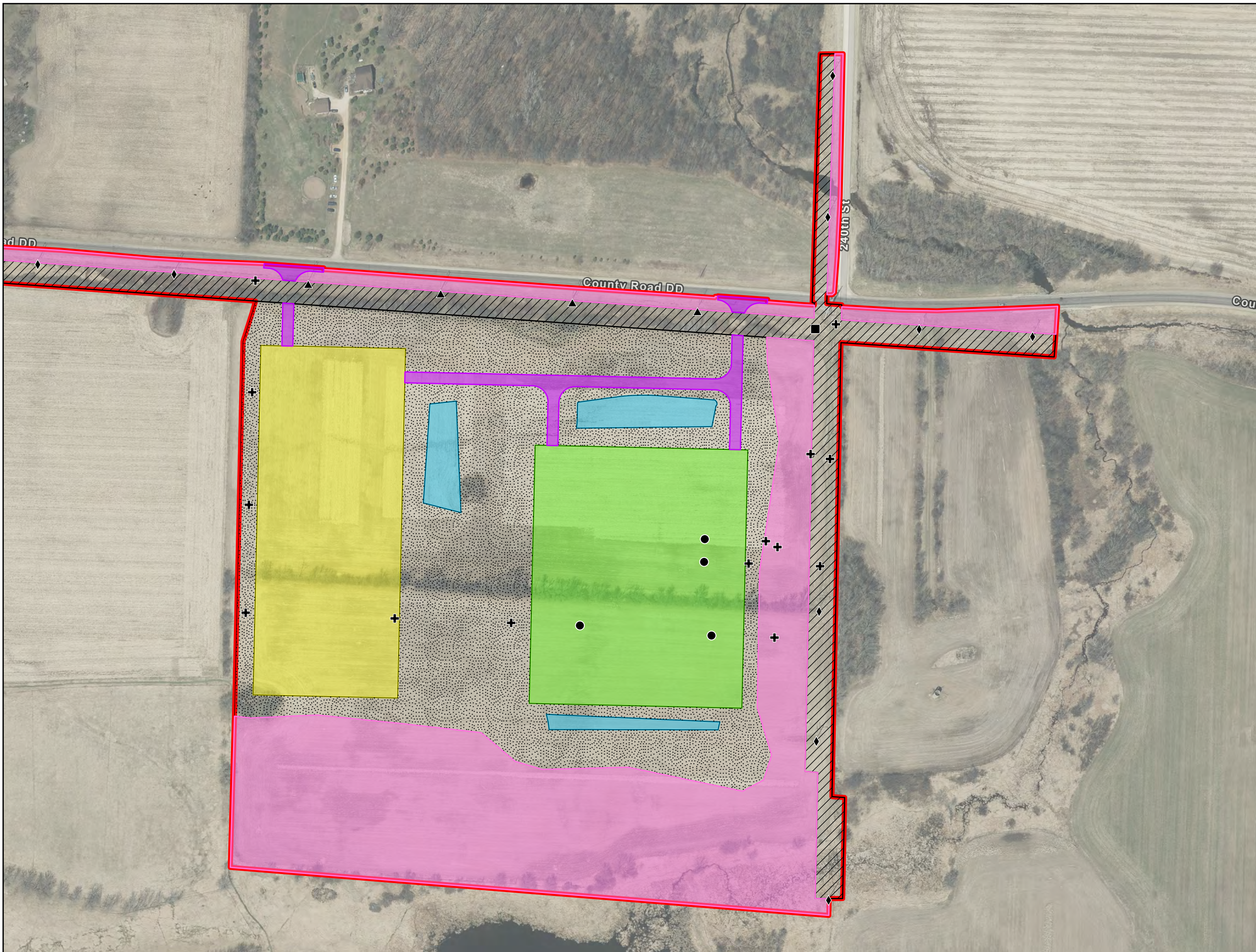


- Project Limits of Disturbance
- Project Structures**
- + New Structure
- ▲ Remove Structure
- ◆ Structure to Remain
- Project Impact Areas**
- Proposed Grading Extent
- Proposed Stormwater Pond
- Proposed Substation Driveway
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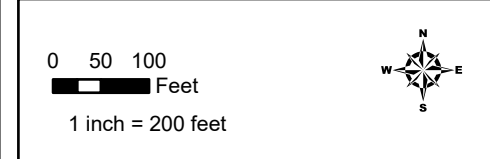
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**Figure 1:**  
**Project Workspaces Map**  
 Xcel Energy  
 New Emerald Substation  
 St. Croix County, Wisconsin

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- Project Limits of Disturbance
- Project Structures**
- + New Structure
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- Proposed Substation Pad
- Proposed Substation Storage Area
- Proposed Additional Workspace

\*No features within map extent

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**Project Workspaces Map**  
 Xcel Energy  
 New Emerald Substation  
 St. Croix County, Wisconsin

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## APPENDIX B: APPRAISAL AND COMPENSATION PROCESS

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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 (referred to as 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 C.

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 C: WISCONSIN'S AGRICULTURAL IMPACT STATEMENT STATUTE

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

[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.

## I. STATUTES GOVERNING EMINENT DOMAIN

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

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

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

**(6)** In the case of a partial taking of property other than an easement, the compensation to be paid by the condemnor shall be the greater of either the fair market value of the property taken as of the date of evaluation or the sum determined by deducting from the fair market value of the whole property immediately before the date of evaluation, the fair market value of the remainder immediately after the date of evaluation, assuming the completion of the public improvement and giving effect, without allowance of offset for general benefits, and without restriction because of enumeration but without duplication, to the following items of loss or damage to the property where shown to exist:

- (a)** Loss of land including improvements and fixtures actually taken.
- (b)** Deprivation or restriction of existing right of access to highway from abutting land, provided that nothing herein shall operate to restrict the power of the state or any of its

subdivisions or any municipality to deprive or restrict such access without compensation under any duly authorized exercise of the police power.

**(c)** Loss of air rights.

**(d)** Loss of a legal nonconforming use.

**(e)** Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on condemnee's land. In determining severance damages under this paragraph, the condemnor may consider damages which may arise during construction of the public improvement, including damages from noise, dirt, temporary interference with vehicular or pedestrian access to the property and limitations on use of the property. The condemnor may also consider costs of extra travel made necessary by the public improvement based on the increased distance after construction of the public improvement necessary to reach any point on the property from any other point on the property.

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

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

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

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

receive under this paragraph. The additional payment under this paragraph shall include the following amounts:

1. The amount, if any, which when added to the acquisition cost of the property, other than any dwelling on the property, equals the reasonable cost of a comparable replacement business or farm operation for the acquired property, as determined by the condemnor.
2. The amount, if any, which will compensate such owner displaced person for any increased interest and other debt service costs which such person is required to pay for financing the acquisitions of any replacement property, if the property acquired was encumbered by a bona fide mortgage or land contract which was a valid lien on the property for at least one year prior to the initiation of negotiations for its acquisition. The amount under this subdivision shall be determined according to rules promulgated by the department of administration.
3. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement property, but not including prepaid expenses.

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

1. The amount, not to exceed \$30,000, which is necessary to lease or rent a comparable replacement business or farm operation for a period of 4 years. The payment shall be computed by determining the average monthly rent paid for the property from which the person was displaced for the 12 months prior to the initiation of negotiations or, if displacement is not a direct result of acquisition, such other event as determined by the department of administration and the monthly rent of a comparable replacement business or farm operation and multiply the difference by 48; or
2. If the tenant displaced person elects to purchase a comparable replacement business or farm operation, the amount determined under subd. 1 plus expenses under par. (a) 3.

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

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

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

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

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

(b) Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.

(c) Assist displaced owners or renters in the location of comparable dwellings.

(d) Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.

(e) Assist in minimizing hardships to displaced persons in adjusting to relocation.

(f) Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the implementation of the relocation program.

(g) Determine the approximate number of persons, farms or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.

(h) Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards established by the department of administration for decent, safe and sanitary dwellings. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

(i) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable dwelling.

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

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

## II. 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 curbing, 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.

### **III. 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 D: ADDITIONAL INFORMATION SOURCES

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### 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 Agricultural, 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 (DOOA) 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 E: XCEL ENERGY BEST MANAGEMENT PRACTICES FOR THE EMERALD SUBSTATION PROJECT

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### **General Construction Practices for Vegetation Clearing and ROW Preparation**

Construction crews will begin preparing the right-of-way by clearing vegetation to ensure that construction crews will have safe access to the construction site that is free of debris. Clearing may be accomplished with mechanical equipment such as mechanized mowers, sky trips, process harvesters, feller bunchers, or brush cutters. In areas where clearing with large equipment is not viable, clearing will be done with hand tools such as chain saws or other hand tools. Merchantable timber (typically cut to 10 feet in length) will be managed in accordance with landowner agreements and applicable permits and licenses. All materials a landowner has requested to keep are stacked outside the ROW. All materials a landowner does not wish to keep are stacked inside the ROW for further processing and disposition. Any materials a landowner does not wish to keep will be removed from their property. These materials will likely be disposed of at a landfill or another appropriate location, to be determined by the clearing contractor.

Vegetation within temporary workspace areas will be cut at or slightly above the ground surface. Any stumps outside of managed residential grass areas will typically be cut or ground such that no more than two inches remain above grade. Xcel Energy does not typically grub stumps or roots to minimize soil impacts and erosion potential; however, stump removal may be necessary in some locations to facilitate the movement of construction vehicles, or when requested by the landowner.

Xcel Energy will create an approximately 30 feet wide travel lane within the ROW typically using composite, laminated or timber construction mats to allow for the safe passage of construction vehicles and equipment. In wetland areas, construction mats will be installed along the travel lane within the construction workspace to minimize ground disturbance. Construction mats may also be used in other conditions, such as unstable soils, as needed. Mat travel lanes are typically a single layer; however, there may be cases in saturated areas where more than one layer of mats must be placed to provide a stable working surface.

Prior to the start of any land disturbing activity, temporary sediment and erosion control best management practices (BMPs) will be installed along the boundaries of the construction workspace and sensitive resources.

### **Mitigation or Minimization of Construction Impacts in and around Agricultural Lands**

Potential construction-related impacts on agriculture will generally be short term in nature, and would primarily consist of crop losses, soil mixing, and/or soil compaction along equipment access routes and around structure installation sites. Xcel Energy would mitigate these short-term impacts by providing compensation to producers, and by restoring agricultural lands to an

extent practicable. Where appropriate, mitigation techniques such as topsoil replacement and deep tilling will be utilized.

### **NEV and Induced Voltage Issues**

Induced voltage or “stray voltage” is a condition that can potentially occur on a property or on the electric service entrances to structures from distribution lines connected to these structures - not transmission lines as proposed here. The term generally describes a voltage between two objects where no voltage difference should exist. More precisely, stray voltage is a voltage that exists between the neutral wire of either the service entrance or of premise wiring and grounded objects in buildings such as barns and milking parlors. The source of stray voltage is a voltage that is developed on the grounded neutral wiring network of a building and/or the electric power distribution system.

Transmission lines do not, by themselves, create stray voltage because they do not connect directly to businesses or residences. Transmission lines, however, can induce voltage on a distribution circuit that is parallel and immediately under the transmission line. If the proposed transmission lines are parallel or cross distribution lines, appropriate mitigation measures can be taken to address any induced voltages. For additional information regarding stray voltage, please see the PSC page on Stray Voltage Guide that is available online at <https://psc.wi.gov/Pages/Programs/StrayVoltageHomePage.aspx>, or contact your electrical utility provider.

### **Farming Operations, Vehicle use, and Metal Buildings near Power Lines**

The power lines will be designed to meet or exceed minimum clearance requirements with respect to electric fencing as specified by the NESC. Nonetheless, insulated electric fences used in livestock operations can be instantly charged with an induced voltage from transmission lines. The induced charge may continuously drain to ground when the charger unit is connected to the fence. When the charger is disconnected either for maintenance or when the fence is being built, shocks may result. The local electrical utility can provide site specific information about how to prevent possible shocks when the charger is disconnected.

Farm equipment, passenger vehicles, and trucks may be safely used under and near power lines. The power lines will be designed to meet or exceed minimum clearance requirements with respect to roads, driveways, cultivated fields and grazing lands as specified by the NESC. Recommended clearances within the NESC are designed to accommodate a relative vehicle height of 14 feet.

Vehicles, or any conductive body, under high voltage transmission lines will be immediately charged with an electric charge. Without a continuous grounding path, this charge can provide a nuisance shock. Such nuisance shocks are a rare event because generally vehicles are effectively grounded through tires. Modern tires provide an electrical path to ground because carbon black, a good conductor of electricity, is added when they are produced. Metal parts of farming equipment are frequently in contact with the ground when plowing or engaging in various other activities. Therefore, the induced charge on vehicles will normally be continually flowing to ground unless they have unusually old tires or are parked on dry rock, plastic, or other surfaces that insulate them from the ground.

Buildings are permitted near transmission lines but are generally discouraged within the ROW itself because a structure under a line may interfere with safe operation of the transmission facilities. For example, a fire in a building on the right-of-way could damage a transmission line. As a result, NESC guidelines establish horizontal and vertical clearances for transmission facilities. Metal buildings may have unique issues. For example, conductive buildings near power lines of 200 kV or greater must be properly grounded. Any person with questions about a new or existing metal structure can contact Xcel Energy for further information about proper grounding requirements.

Xcel Energy will design and construct the proposed facilities to minimize the potential for induction issues. Additionally, Xcel Energy will work with the owners of the potentially impacted facilities to address their concerns.

**APPENDIX F: XCEL ENERGY'S RESPONSE TO  
RECOMMENDATIONS**

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**See next page**

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

|                               |                     |                   |  |
|-------------------------------|---------------------|-------------------|--|
| Respondent's Name             | <u>Cameron Bump</u> | Project Name      | <u>Emerald Substation and 115 kV<br/>Transmission Line Project</u> |
| Date of Respondent's Response | <u>02/12/2025</u>   | Project Initiator | <u>Xcel Energy/Northern States Power - WI</u>                      |
| Date of DATCP Response        | <u>02/17/2025</u>   | AIS #             | <u>4623</u>  |

| AIS Recommendation to Project Initiator  | Project Initiator Response / Comments / Objections   | AIS Program Response / Action    |
|--|--|----------------------------------|
| 1. The Department recommends Xcel Energy follow all the additional recommended mitigation efforts described in Section 5.5.1 through Section 5.5.7 to mitigate Project impacts to or regarding: topsoil mixing, soil compaction, drainage, de-watering, erosion, fencing, and weed control.  | Xcel Energy will apply recommended measures as applicable and possible.  | Click or tap here to enter text. |
| 2. As part of any potential future agricultural rental agreements, Xcel Energy should consider requiring conservation practices such as but not limited to conservation tillage, cover cropping, or no-till and require the tenant operator to meet agricultural performance standards under ATCP 50.04 to maintain the health of the soils and preserve the investment.                               | Xcel Energy will continue to work with future agricultural renters so long as the property is not needed for utility infrastructure development. | Click or tap here to enter text. |
| 3. If the remnant fields are no longer economically viable to farm and are not required for expansion of the substation facility, Xcel Energy should consult the Land and Water Conservation Division within the St. Croix County Community Development Department for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area. | Noted  | Click or tap here to enter text. |
| 4. Xcel Energy is advised to consult the St. Croix County Land & Water Conservation Department on the existence of installed SWRM conservation practices within the Project area.  | Noted  | Click or tap here to enter text. |
| 5. As Tax Parcel ID 002100650000 is currently operated by a renter, Xcel Energy should disclose the availability of any remnant fields for future agricultural use.  | Xcel Energy will continue to work with future agricultural renters so long as the property is not needed for utility infrastructure development. | Click or tap here to enter text. |

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

|  |                             |                                  |
|--|-----------------------------|----------------------------------|
| 6. The Department recommends that Xcel Energy reach out to landowners proposed to be impacted individually to explain Project details as early as practical. | Public outreach is planned. | Click or tap here to enter text. |
|--|-----------------------------|----------------------------------|



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

**DIVISION OF  
AGRICULTURAL RESOURCE MANAGEMENT**

**Agricultural Impact Program  
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