

APPENDICES

DATCP #4694

Woodview Lane Distribution Interconnection Project

Ozaukee County

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

PUBLISHED SEPTEMBER 25, 2026

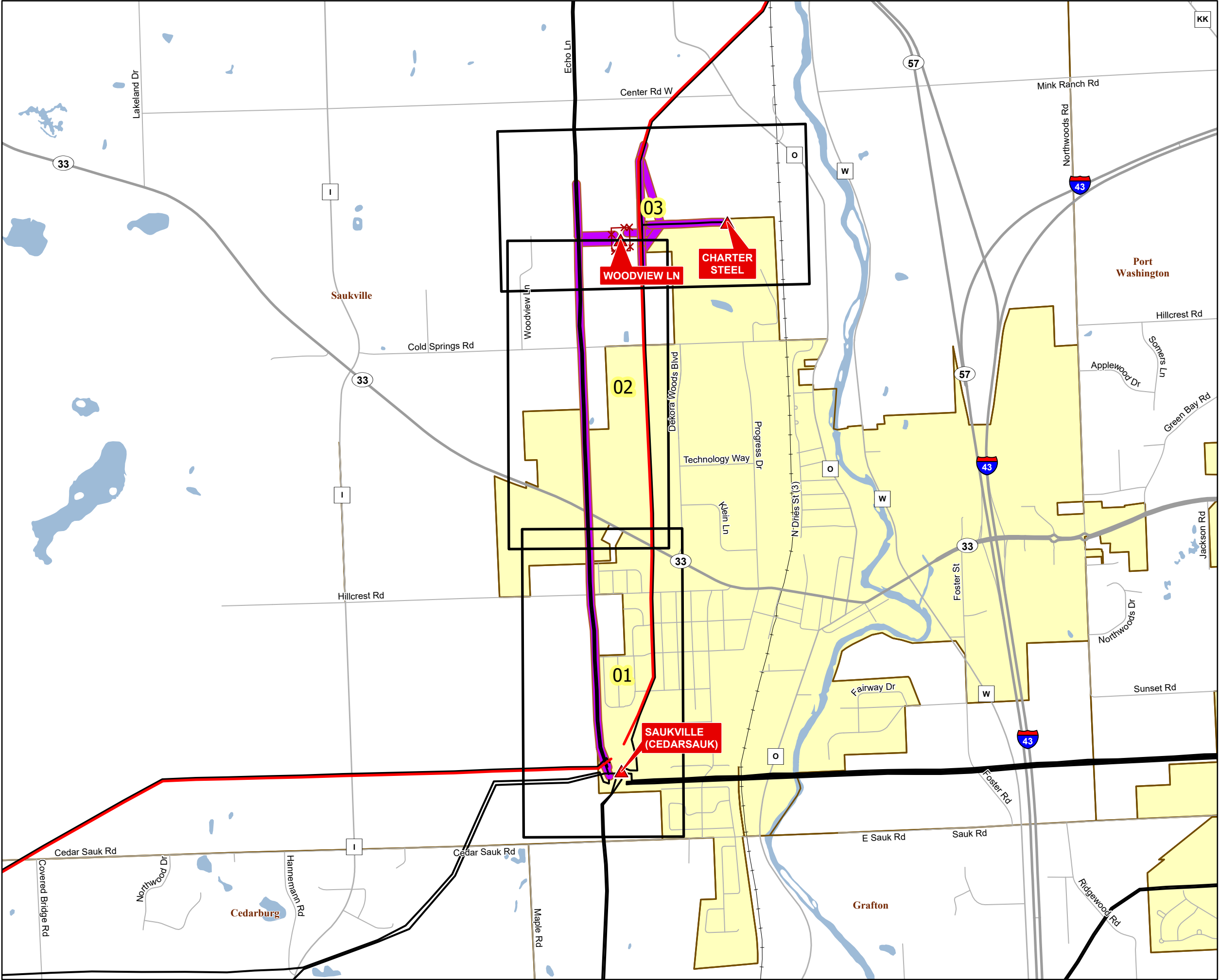
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APPENDIX A: ADDITIONAL FIGURES & TABLES

Figure 1: Complete project overview map being reviewed by the PSC (ATC, 2026).

Refer to Attachments Beginning on the Next Page



APPENDIX A FIGURE 2
PROJECT SUMMARY

Woodview Lane
Distribution Interconnection Project

Map Area
Shown in
Red

PROJECT RELATED DATA

Route

PROJECT SUBSTATIONS

Proposed Woodview Lane Substation

PAGE EXTENT WITH NUMBER

EXISTING TRANSMISSION LINES

Substation

138-kV

345-kV

Interstate, US or State Highway

Railroad

Approximate Gas Pipeline (none in area)

Open Water

COUNTY BOUNDARY

City/Village

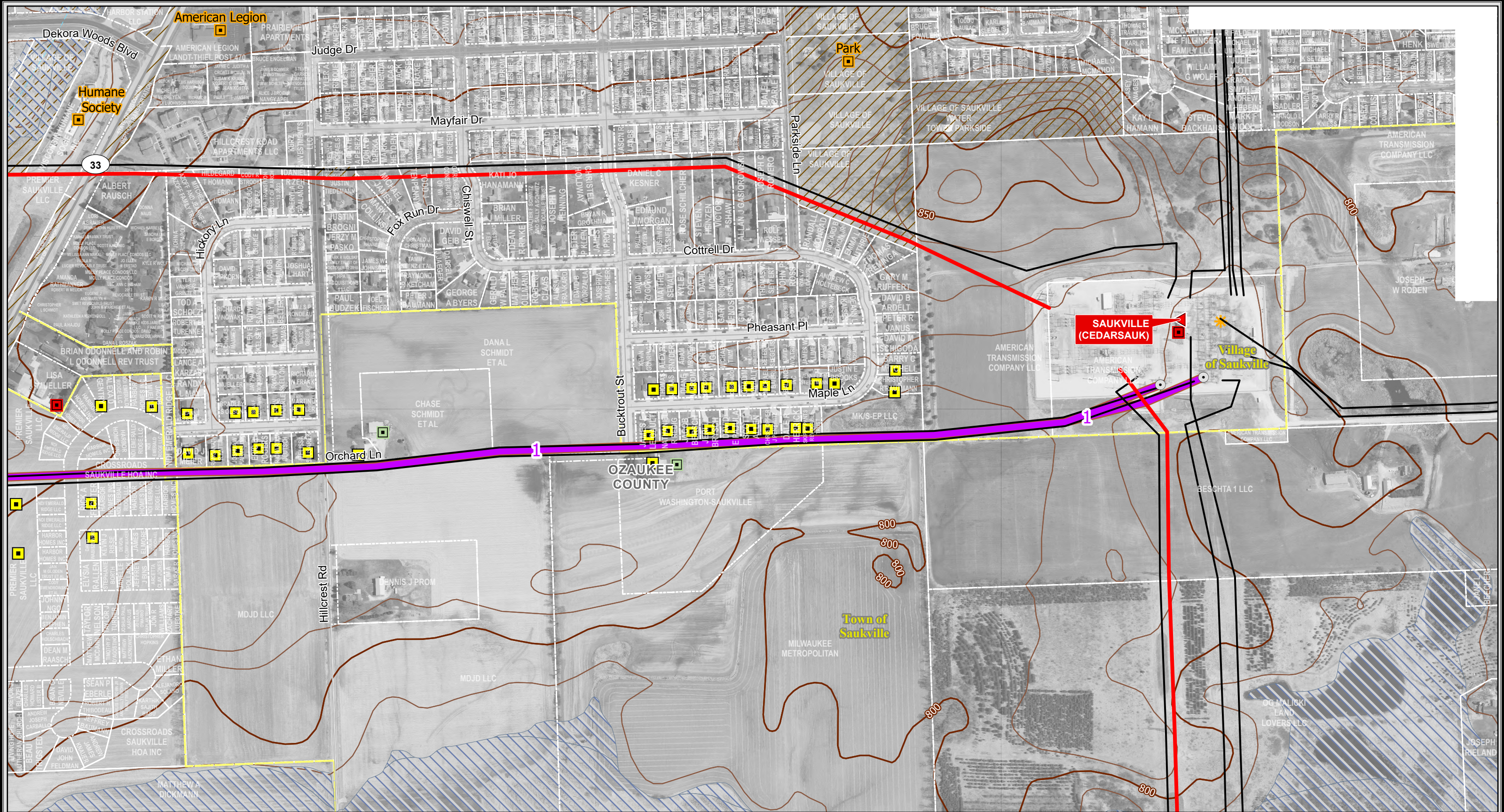
Town

0.5 0 0.5
Miles

The information presented in this map document is advisory and is intended for reference purposes only.
Applicant owned and operated facility locations are approximate.

Base Map Data Sources: ATC, WDNR, PSCW, WDOT, US Census.

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APPENDIX A FIGURE 2 - PROJECT SUMMARY		



EXISTING TRANSMISSION LINES

▲ Substation

— 138-kV

— 345-kV

Substation Footprint

Detention Basin

Fenceline

Gravel Pad

Permanent Access Road

PROJECT RELATED DATA

PROJECT SUBSTATIONS

Route

Route Segment ID

Route Segment Node

PLACES OF INTEREST

Sensitive Site (labeled)

Residential Building

Commercial or Industrial Building

Other or Agricultural Building

Communication Tower

Railroad

Approximate Gas Pipeline (none in area)

10' Contour Line

100 Year Floodplain

Perennial Stream

Intermittent Stream

Open Water

Tax Parcel

County Boundary

City/Village/Town Boundary

Public Properties

0 200 400 Feet

APPENDIX A FIGURE 2

PROJECT SUMMARY

Woodview Lane

Distribution Interconnection Project

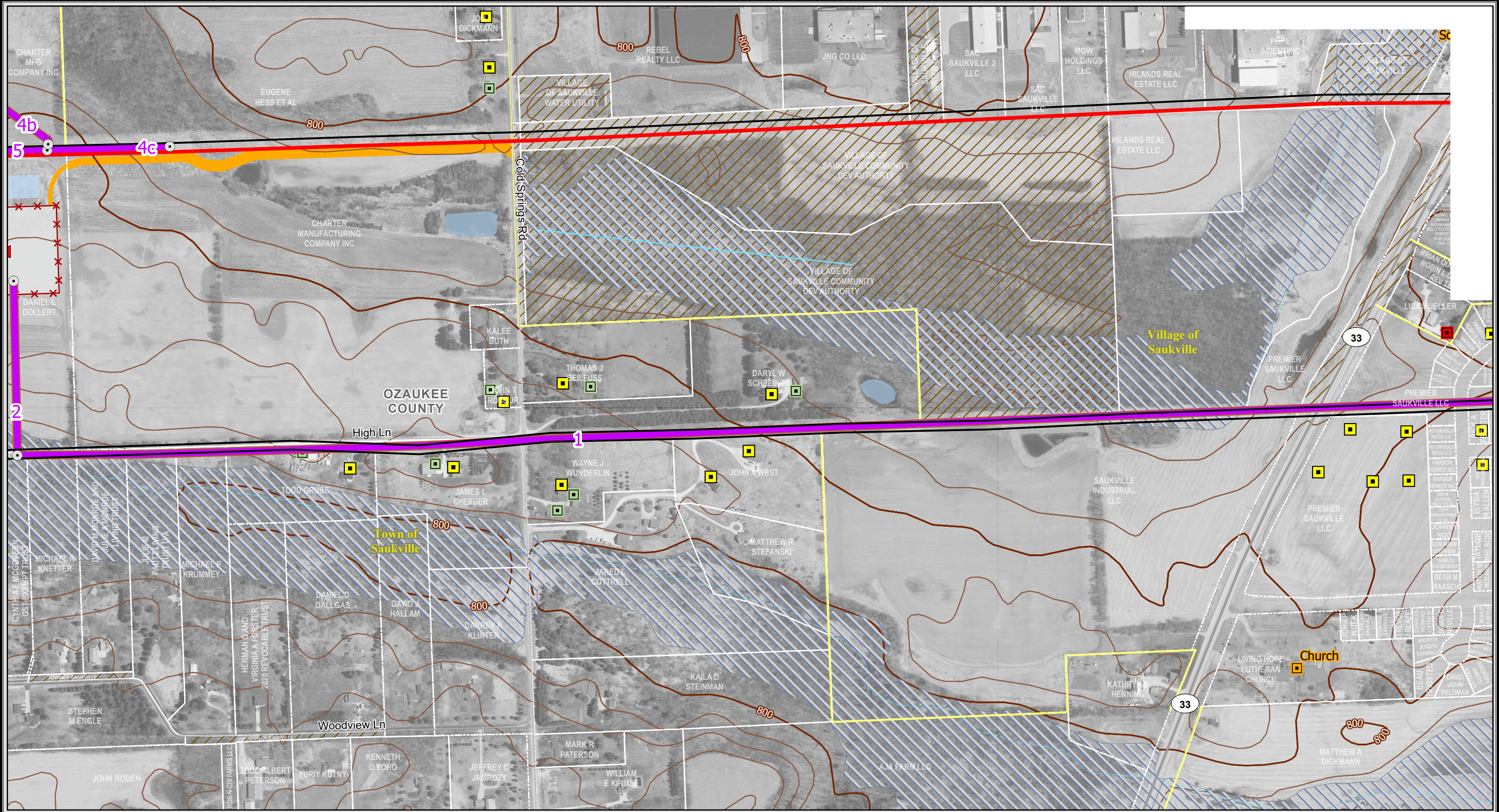
FEBRUARY 2026

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APPENDIX A FIGURE 2 - PROJECT SUMMARY

The information presented in this map document is advisory and is intended for reference purposes only. Applicant owned and operated facility locations are approximate. Data Sources: ATC, XCEL, WDNR, WOOT, PSCW, County LIOs, NRCS, Imagery WROC 2020.



EXISTING TRANSMISSION LINES

- Substation
- 138-kV
- 345-kV

ATC

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PROJECT RELATED DATA

Substation Footprint

- Detention Basin
- Fenceline
- Gravel Pad
- Permanent Access Road

PROJECT SUBSTATIONS

Route

- Route Segment ID
- Route Segment Node

PLACES OF INTEREST

- Sensitive Site (labeled)
- Residential Building
- Commercial or Industrial Building
- Other or Agricultural Building
- Communication Tower

Railroad

Approximate Gas Pipeline (none in area)

10' Contour Line

100 Year Floodplain

Perennial Stream

Intermittent Stream

Open Water

Tax Parcel

County Boundary

City/Village/Town Boundary

Public Properties

0 200 400 Feet

APPENDIX A FIGURE 2 PROJECT SUMMARY

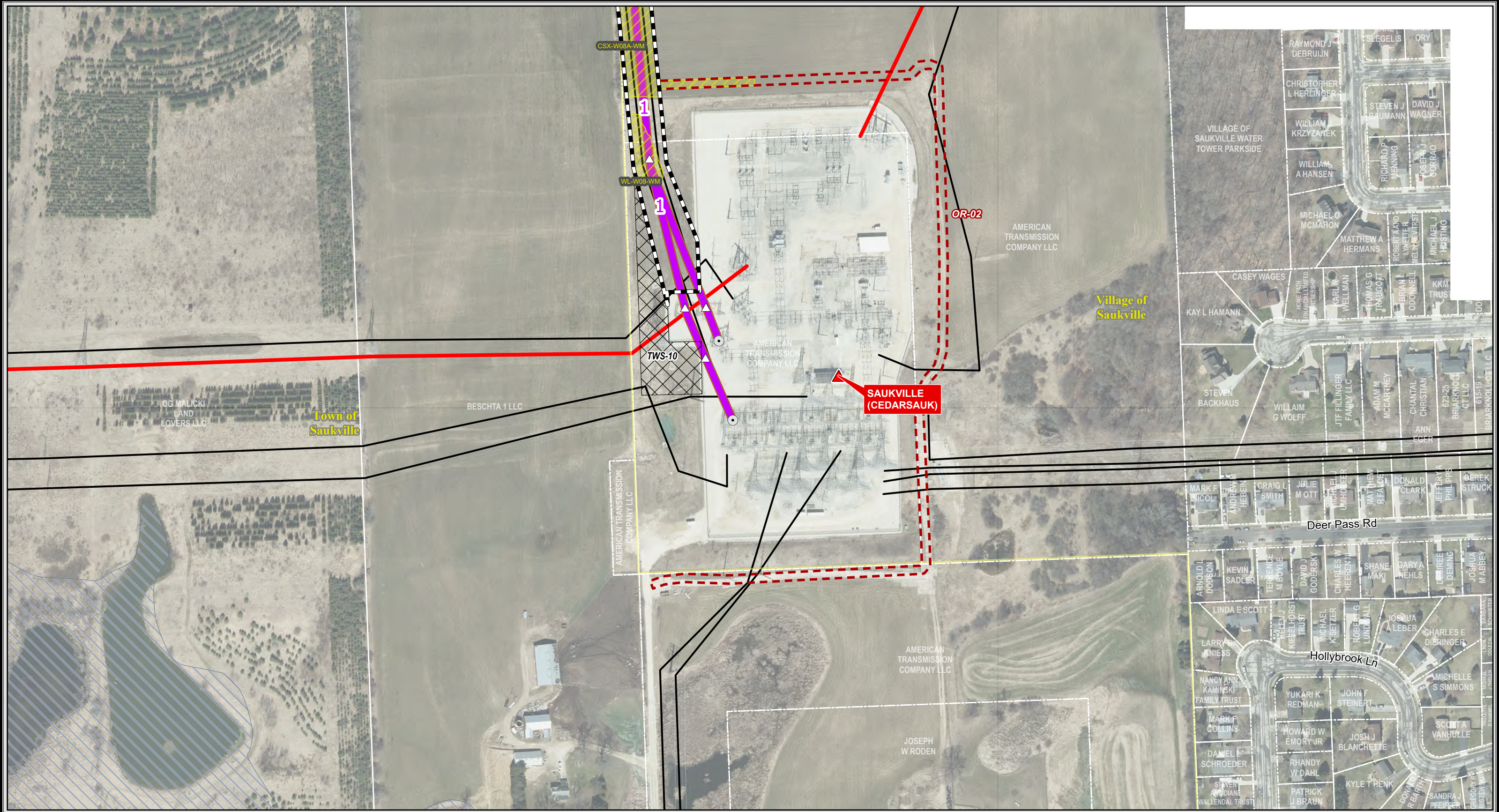
Woodview Lane Distribution Interconnection Project

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APPENDIX A FIGURE 2 - PROJECT SUMMARY

Figure 2: Proposed workspaces and laydown yard associated with the Project (ATC, 2026).

Refer to Attachments Beginning on the Next Page



EXISTING TRANSMISSION LINES

▲ Substation

— 138-kV

— 345-kV

Substation Footprint

■ Detention Basin

✂ Fenceline

■ Gravel Pad

■ Permanent Access Road

▲ Proposed Culvert

PROJECT RELATED DATA

▲ PROJECT SUBSTATIONS

Route

Route Segment ID

Route Segment Node

— Delineated Waterway

AreaA → Waterway ID

■ Field Delineated Wetland

■ Desktop Determined Wetland

Wetland ID AreaB AreaA

■ 100 Year Floodplain

— Off-ROW Access OR-#

— Temporary Construction Workspace TWS-# → Workspace ID

— Laydown Yard

✂ Temporary Clear Span Bridge

— Railroad

— Approximate Gas Pipeline (none in area)

— Preliminary ROW

▲ Preliminary Pole Locations*

□ Temporary Pole Locations*

— WDNR Perennial Stream

— WDNR Intermittent Stream

— Open Water

■ Tax Parcel

— County Boundary

— City/Village/Town Boundary

0 100 200 Feet

ATC

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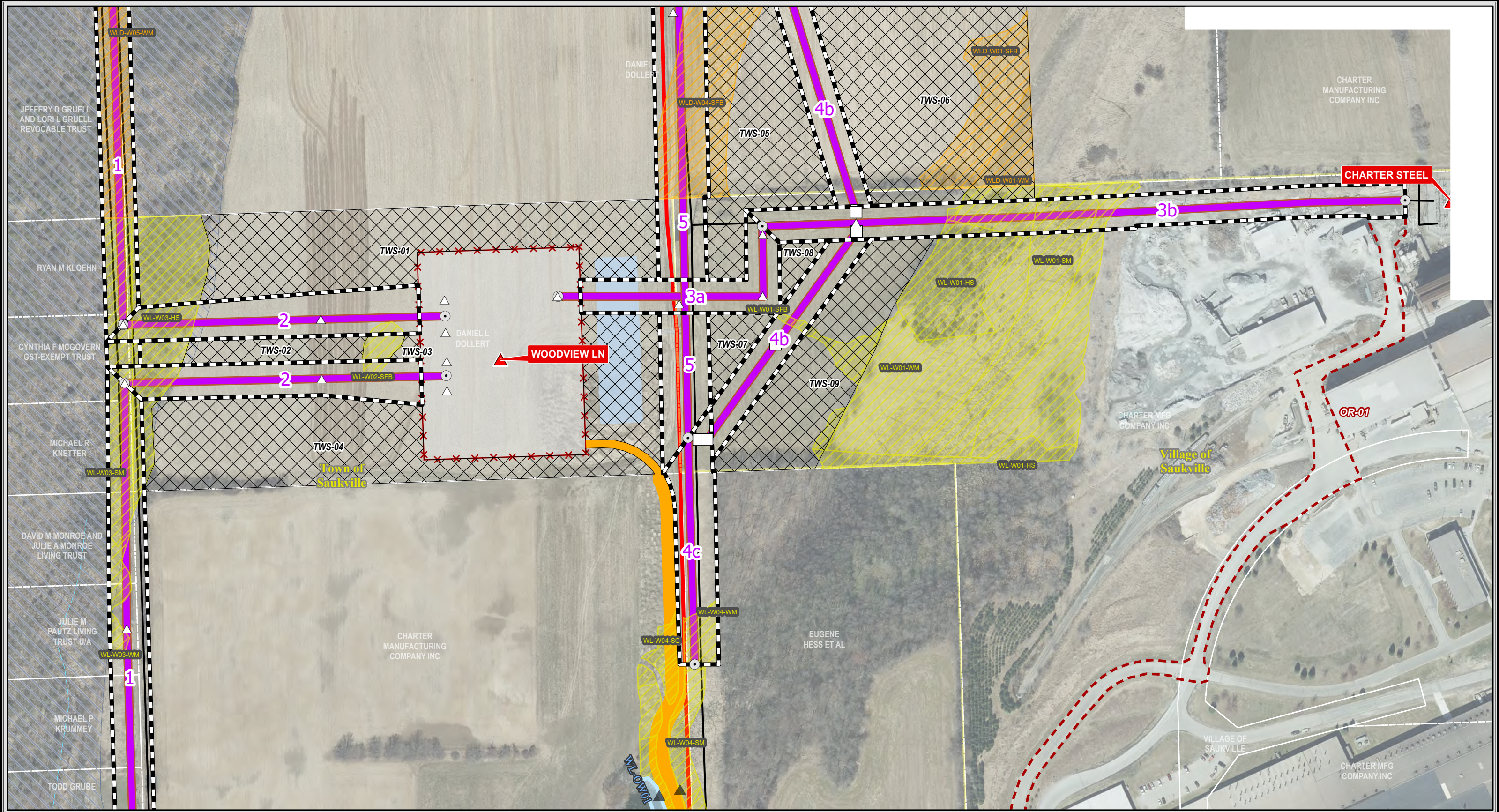
APPENDIX A FIGURE 3 ENVIRONMENTAL FEATURES AND ACCESS PLAN

Woodview Lane Distribution Interconnection Project

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APPENDIX A FIGURE 3 - ENVIRONMENTAL FEATURES AND ACCESS PLAN

* Preliminary Structures and ROW are APPROXIMATE and are subject to change. Final structure placement will not be determined until detailed engineering is complete for the ordered route. Access matting is planned for the entire length of ROW



EXISTING TRANSMISSION LINES

▲ Substation

— 138-kV

— 345-kV

Substation Footprint

Detention Basin

Fenceline

Gravel Pad

Permanent Access Road

Proposed Culvert

PROJECT RELATED DATA

PROJECT SUBSTATIONS

Route

Route Segment ID

Route Segment Node

Delineated Waterway

AreaA → Waterway ID

Field Delineated Wetland

Desktop Determined Wetland

Wetland ID AreaB AreaA

100 Year Floodplain

Off-ROW Access OR-#

Temporary Construction Workspace

TWS-## → Workspace ID

Laydown Yard

Temporary Clear Span Bridge

Railroad

Approximate Gas Pipeline (none in area)

Preliminary ROW

▲ Preliminary Pole Locations*

□ Temporary Pole Locations*

WDNR Perennial Stream

WDNR Intermittent Stream

Open Water

Tax Parcel

County Boundary

City/Village/Town Boundary

0 100 200 Feet

ATC

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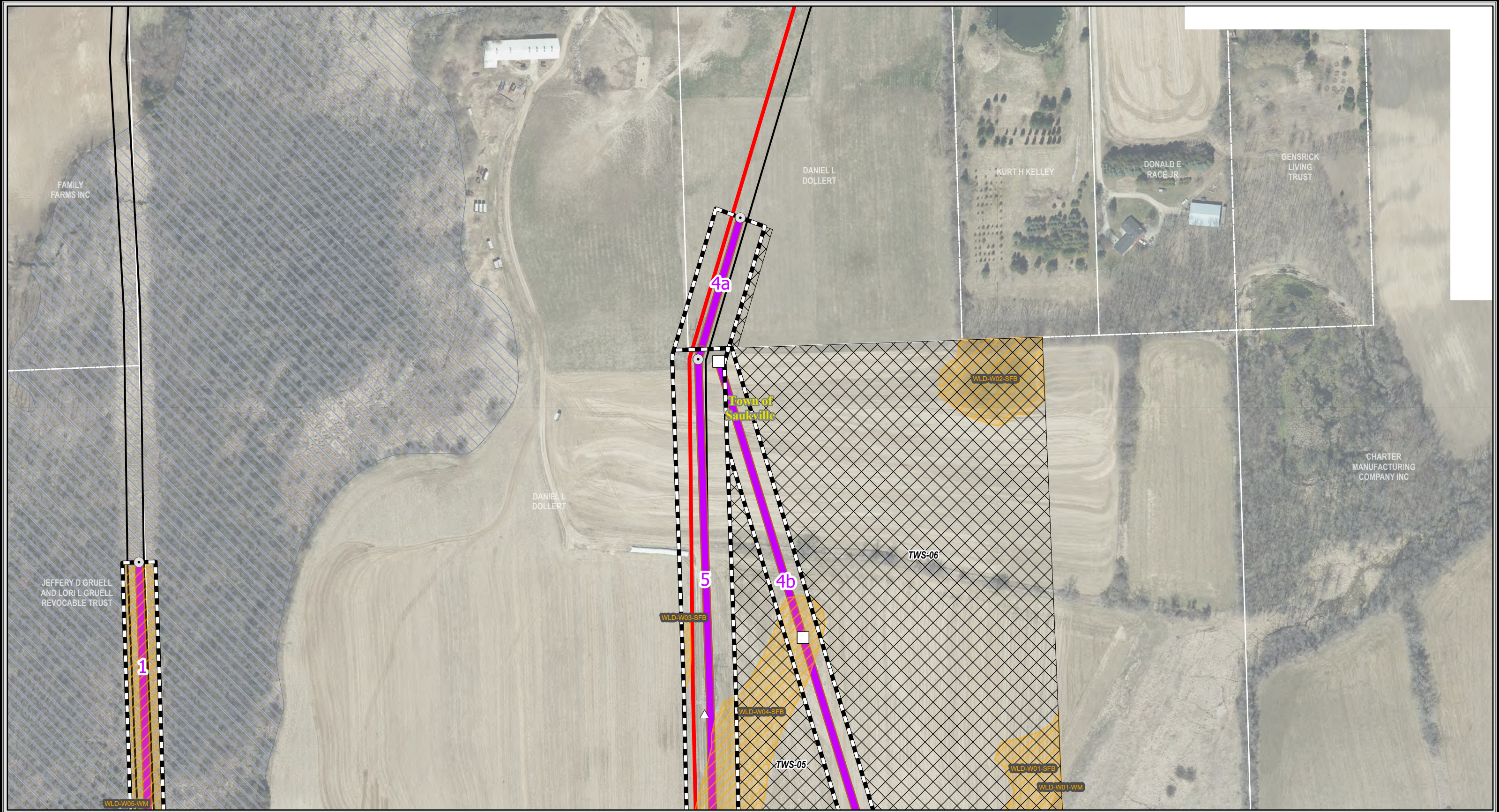
APPENDIX A FIGURE 3 ENVIRONMENTAL FEATURES AND ACCESS PLAN

Woodview Lane Distribution Interconnection Project

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APPENDIX A FIGURE 3 - ENVIRONMENTAL FEATURES AND ACCESS PLAN

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EXISTING TRANSMISSION LINES

▲ Substation

— 138-kV

— 345-kV

ATC

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Substation Footprint

■ Detention Basin

✕ Fenceline

■ Gravel Pad

■ Permanent Access Road

▲ Proposed Culvert

PROJECT RELATED DATA

▲ Route Segment ID

● Route Segment Node

— Delineated Waterway

Area A → Waterway ID

■ Field Delineated Wetland

■ Desktop Determined Wetland

Wetland ID Area B Area A

■ 100 Year Floodplain

— Off-ROW Access

OR#

— Temporary Construction Workspace

TWS-## → Workspace ID

— Laydown Yard

✕ Temporary Clear Span Bridge

— Railroad

— Approximate Gas Pipeline (none in area)

— Preliminary ROW

▲ Preliminary Pole Locations*

□ Temporary Pole Locations*

— WDNR Perennial Stream

— WDNR Intermittent Stream

— Open Water

— Tax Parcel

— County Boundary

— City/Village/Town Boundary

0 100 200 Feet

* Preliminary Structures and ROW are APPROXIMATE and are subject to change. Final structure placement will not be determined until detailed engineering is complete for the ordered route. Access matting is planned for the entire length of ROW

APPENDIX A FIGURE 3 ENVIRONMENTAL FEATURES AND ACCESS PLAN

Woodview Lane Distribution Interconnection Project

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APPENDIX A FIGURE 3 - ENVIRONMENTAL FEATURES AND ACCESS PLAN



EXISTING TRANSMISSION LINES

▲ Substation

— 138-kV

— 345-kV

ATC

The information provided in this map document is advisory and is intended for reference purposes only. Applicant owned and operated facility locations are approximate. Data Sources: ATC, XCEL, WDNR, WDOT, PSCW, County LIOs, NRCS, Imagery WROC 2020.

PROJECT RELATED DATA

Substation Footprint

- Detention Basin
- Fenceline
- Gravel Pad
- Permanent Access Road
- Proposed Culvert

PROJECT SUBSTATIONS

Route Segment ID

Route Segment Node

Legend

- Delineated Waterway AreaA → Waterway ID
- Field Delineated Wetland
- Desktop Determined Wetland Wetland ID AreaB AreaA
- 100 Year Floodplain
- Off-ROW Access OR#
- Temporary Construction Workspace TWS## → Workspace ID
- Laydown Yard
- Temporary Clear Span Bridge
- Railroad
- Approximate Gas Pipeline (none in area)
- Preliminary ROW
- Preliminary Pole Locations*
- Temporary Pole Locations*
- WDNR Perennial Stream
- WDNR Intermittent Stream
- Open Water
- Tax Parcel
- County Boundary
- City/Village/Town Boundary

0 100 200 Feet

North Arrow

APPENDIX A FIGURE 3 ENVIRONMENTAL FEATURES AND ACCESS PLAN

Woodview Lane Distribution Interconnection Project

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APPENDIX A FIGURE 3 - ENVIRONMENTAL FEATURES AND ACCESS PLAN

* Preliminary Structures and ROW are APPROXIMATE and are subject to change. Final structure placement will not be determined until detailed engineering is complete for the ordered route. Access matting is planned for the entire length of ROW

APPENDIX B: APPRAISAL AND COMPENSATION PROCESS

The acquisition of land by entities including but not limited to departments, municipalities, boards, commissions, public officers, and business with eminent domain authority in Wisconsin, is stipulated under [Wis. Stat. §32.06](#). If the entity (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:

- 1) The appraisal must be submitted to the condemnor or its designated real estate contractor within 60 days after the landowner receives the initial appraisal
- 2) The appraisal fee must be reasonable
- 3) The appraisal must be a full, narrative appraisal
- 4) 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

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

Wisconsin State Statutes

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

Department of Agricultural, Trade and Consumer Protection Website Links

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

Department of Administration (DOOA) Website Links

- 1) [DOA \(doa.wi.gov\)](#)
- 2) [Relocation Assistance](#) (Publications on landowner rights under Wisconsin's eminent domain law)
- 3) [Wisconsin Relocation Rights Residential](#)
- 4) [Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations](#)
- 5) [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

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

U.S. Department of Agriculture (USDA)

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

Wisconsin Department of Safety and Professional Services (DSPS)

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

State Bar of Wisconsin

- 1) State Bar of Wisconsin (www.wisbar.org)
 - a. For general legal information and assistance in finding a lawyer

APPENDIX E: PROJECT INITIATOR FEEDBACK FORM

Refer to Attachments Beginning on the Next Page

Agricultural Impact Statement (AIS) Program: ATC Response to AIS Recommendations

Respondent's Name	<u>David Hastings</u>	Project Name	<u>Woodview Lane DIC Project</u>
Date of Respondent's Response	<u>07-10-26; updated 9-11-2026</u>	Project Initiator	<u>ATC</u>
Date of DATCP Response	<u>7/21/2026; updated 9/14/2026</u>	AIS #	<u>4694</u>

AIS Recommendation to ATC	ATC Response / Comments / Objections	AIS Program Response / Action
1) The Department recommends ATC follow all the additional recommended mitigation efforts described in Section 5.5.1 through Section 5.1.9 to mitigate Project impacts to or regarding: de-icing and traction control, topsoil mixing, soil compaction, drainage, de-watering, erosion, fencing, weed control.		
1A.Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.1 De-icing and Traction Control	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
1B.Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.2 Topsoil mixing	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
1C.Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.3 Soil Compaction	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section	

Agricultural Impact Statement (AIS) Program: ATC Response to AIS Recommendations

	☒ Other Comments: Comments are provided below.	
1D. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.4 Drainage	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
1E. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.5 De-watering	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
1F. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.6 Erosion and Conservation Practices	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
1F. Please provide any comment or commitment ATC voluntarily makes to DATCP's recommendations within Section 5.1.7 Weed Control	☐ ATC will voluntarily commit to all or some (if so, clarify) of recommendations within this section ☐ ATC does not commit to the recommendations within this section ☒ Other Comments: Comments are provided below.	
2) ATC is advised to consult the Ozaukee County Land & Water Management Department on the existence of installed SWRM conservation practices within the Project area.	☐ ATC will voluntarily commit to all or some (if so, clarify) of this recommendation ☐ ATC does not commit to the recommendations within this section	

Agricultural Impact Statement (AIS) Program: ATC Response to AIS Recommendations

	☒ Other Comments: Comments are provided below.	
3) ATC should provide appropriate compensation to all landowners with land enrolled in a conservation easement or farm program if the landowner must reimburse the administering agency for the land's removal or alteration.	☐ PROJECT INITIATOR will voluntarily commit to all or some (if so, clarify) of this recommendation ☐ PROJECT INITIATOR does not commit to the recommendations within this section ☒ Other Comments: ATC will follow all requirements in the PSCW order. In general, ATC intends to leave landowners in the same position financially before and after the project.	

Other Comments from Project Initiator

AIS Document (Section Number, Page Number, Paragraph Number)	ATC Response / Comments	AIS Program Response / Action
Applies to all	ATC is providing comments on the Department's proposed conditions below. The Commission will consider and weigh the Department's recommendations in the context of the overall contested case proceeding for this project and may adopt those recommendations as order points in its final decision. ATC is not committing to any of the Department's proposed recommendations at this time, but will adhere to order points the Commission adopts as part of the final decision it issues in this proceeding.	
Section 5.1.1, p. 17	ATC's general practice is to utilize a sand-salt mixture, with the salt content not exceeding 5	Added this insight into ATC's practices to the end of Section 5.1.1.

Agricultural Impact Statement (AIS) Program: ATC Response to AIS Recommendations

	percent, for application on mat roads and work pads. This mixture is not applied directly on the ground surface under normal operating practices. On properties with organic or other certifications, ATC's contractor coordinates with the landowner or agricultural specialist to select an acceptable product. Lime chips or other organic mineral alternatives may be used, subject to prior approval and consistency with past accepted practices. Additionally, any spills of excessive de-icing or traction material is removed under ATC's existing spill response program.	
Section 5.1.2, p. 18 Section 5.1.6. p. 21-22	Soil will be allowed to dry before being repaired, if practicable. Examples of when it would not be practicable include when safety is an issue or if there is a risk of erosion getting worse.	DATCP removed the recommendation describing "If rutting occurs, allow sufficient time for the soil to dry before repairing the ruts." And added this insight into ATC's practices to the end of Section 5.1.2 and 5.1.3.
Section 5.1.3, p. 18-19	The AIS discusses surveying for soil compaction post-construction, stating that "if soil measurements within the Project ROW are comparatively higher, this is an indication that compaction has occurred." The AIS should specify how ATC should conduct these measurements. On prior projects, DATCP has recommended using a penetrometer to measure soil compaction inside and outside the ROW in areas where soil compaction is suspected or when a landowner has filed an inquiry with ATC's land agents or specialists. ATC would not oppose a similar recommendation here.	Description of using a penetrometer to measure soil compaction inside and outside of Project ROW was listed as a recommendation to ATC at the time of ATC review. DATCP maintains this recommendation, but modified the wording from the following: "Measure 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." And adapted the language to the following: "When soil compaction is suspected or when a landowner has filed an inquiry with ATC, use a penetrometer to sample soil horizons within the Project ROW and outside of the Project ROW

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		and compare the samples to determine if soil compaction has occurred.
Section 5.1.5, p. 21	Points 1) through 4) are permitted practices through WDNR WPDES General Permit WI-S067831-6 which includes Dewatering. ATC's practices generally align with 5) to not directly discharge or allow construction waters from non-organic farms to enter an organic farming operation and will follow this recommendation if ordered by the Commission.	Added this insight into ATC's practices to the end of Section 5.1.5.
Section 5.1.6, p. 21-22	ATC is already required to follow WDNR WPDES General Permit WI-S067831-6 plus standard ATC Practices (also detailed in project specific Restoration Plan).	Added this insight into ATC's practices to the end of Section 5.1.6 and indicated where the restoration plan can be found on the PSC docket.
Section 5.1.7, p. 22	ATC cleans equipment and materials as a regular BMP.	Added this insight into ATC's practices to the end of Section 5.1.7.
Section 5.1.7, page 26. For structure removals, does ATC place existing soil back into the hole and the surface is restored with existing topsoil like discussed in the Elm Rd Project?	ATC intends to place existing soil back into the hole and restore the surface with existing topsoil as discussed in the Elm to Racine Project.	Added this insight into ATC's practices to the end of Section 5.1.7.



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

**DIVISION OF
AGRICULTURAL RESOURCE MANAGEMENT**

Agricultural Impact Program

P.O. Box 8911

Madison, WI 53708-8911

608-224-4650

<https://agimpact.wi.gov>