

AGRICULTURAL IMPACT STATEMENT



DATCP File Photo

**DATCP
#4611**

**Kieler Substation
Town of Paris, Grant County**



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

PUBLISHED NOVEMBER 15, 2024

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DATCP #4611
Kieler Substation

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

Randy Romanski

Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)

Tim Anderson

Director

Bureau of Land and Water Resources (DATCP)

Contributing Authors

Katy Smith

Land and Resource Management Section Manager
Bureau of Land and Water Resources (DATCP)

Kirsten Biefeld

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

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MISSION STATEMENT

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

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared this Agricultural Impact Statement (AIS) #4611 for the proposed acquisition of land by Wisconsin Power and Light Company, a corporation also known as Alliant Energy, herein referred to as WP&L, in the Town of Paris, Grant County, WI. WP&L proposes to establish a new electric distribution substation on the impacted agricultural land to replace an aging facility near the Village of Kieler (Figure 1).

In 2024, WP&L offered to purchase 12.93 acres of agricultural land from the Hinderman Revocable Trust. WP&L is a public utility vested with the right of eminent domain but has documented to the seller an intent to acquire the property through a voluntary sale (fee-simple purchase). WP&L's proposed acquisition includes part of tax parcel ID 046-00987-0000, located in the SE-SE of Section 34, T2N, R2W, Town of Paris, Grant County WI. Construction of proposed electric distribution substation will require 5.46 acres of leveled property enclosed in a security fence. The remaining 7.47 acres of the subject property may be leased for agricultural uses (DATCP, 2024a).

In accordance with [Wis. Stat. §32.035](#), WP&L 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 the WP&L's materials and comments from the affected agricultural property owner to assess the agricultural impacts of WP&L's land acquisitions. Through the AIS analysis, the Department offers a set of recommendations and conclusions to the WP&L and the agricultural landowner to help mitigate impacts on agricultural lands and agricultural operations at the selected parcel.

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 Grant 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 #4611 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 WP&L's Best Management Practices- Substation Construction Specifications (Appendix E).

If WP&L deviates from the planned voluntary acquisition, proposed use or scale of the acquired land, WP&L 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.

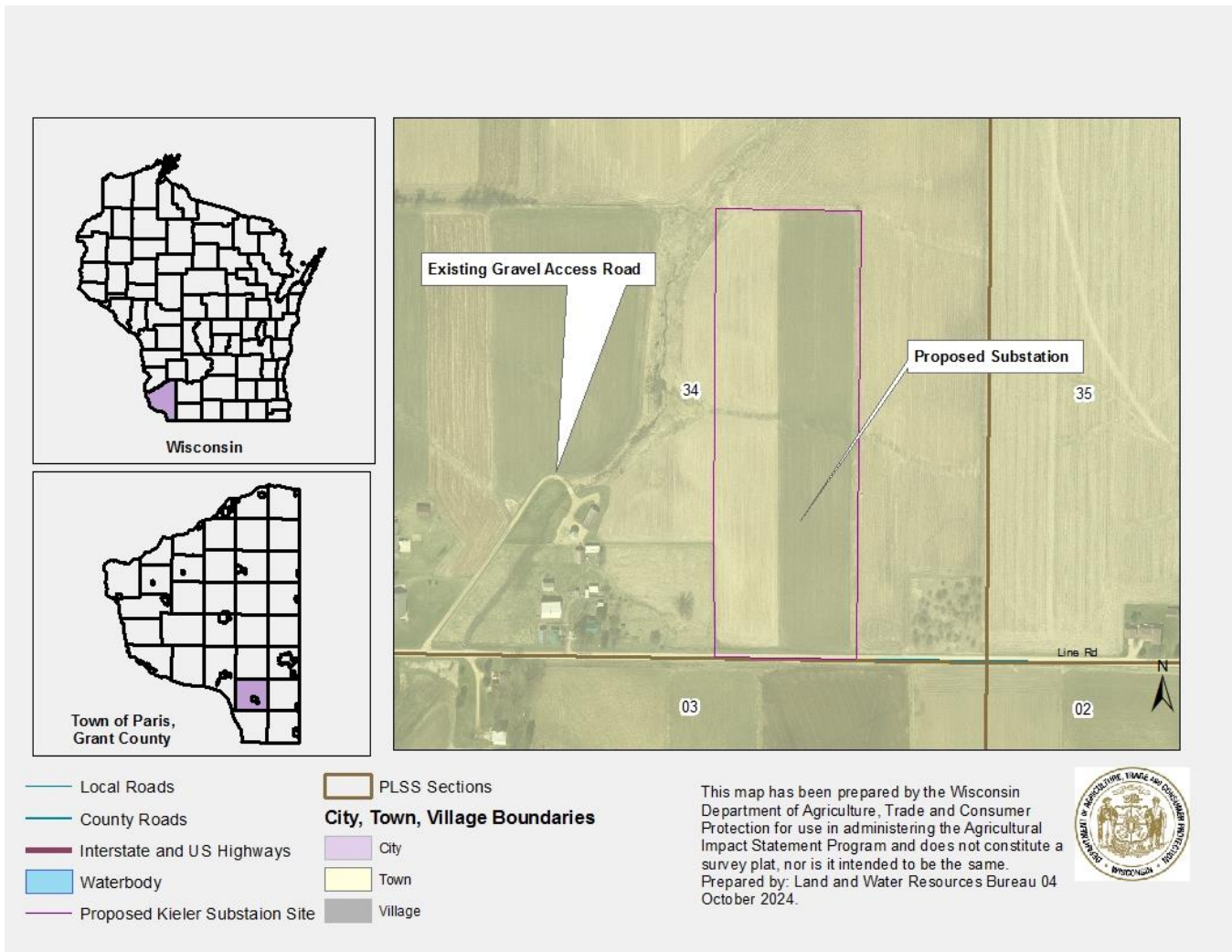


Figure 1: Location of the proposed acquisition, in the Town of Paris (SE ¼ SE ¼ of Section 34, T2N, R2W), DATCP.

AGRICULTURAL IMPACT STATEMENT RECOMMENDATIONS

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has reviewed and analyzed the materials provided by the Wisconsin Power and Light Company, a corporation also known as Alliant Energy, herein referred to as WP&L, and comments from the affected agricultural property owner regarding the proposed Kieler Electrical Distribution Substation land acquisition. In accordance with [Wis. Stat. §32.035\(4\)\(b\)](#), the Department provides the following recommendations to WP&L and agricultural landowner to help mitigate impacts on agricultural lands and agricultural operations. WP&L was offered the opportunity to review and comment on this analysis.

Recommendations to WP&L

- As part of any future agricultural rental agreements, WP&L 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, WP&L should consult the Grant County Land and Water Conservation Department for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area.
- WP&L is advised to consult the Grant County Land Conservation, Sanitation and Zoning Department on the existence of installed SWRM conservation practices within the Project area.
- As Tax Parcel ID 046-00987-0000 is currently operated by a renter, WP&L should disclose the availability of any remnant fields for future agricultural use.
- As access to the northern portion of Tax Parcel ID 046-00987-0000 acquired for the project may be dependent on the gravel drive and other lands owned by the seller, WP&L should consider offering a rental agreement to the same agricultural operator for any lands leased for agricultural use in future. Such a rental agreement may help contribute to preserving the biosecurity and integrity of existing organic (or other) certifications on the land where the access drive currently exists.
- WP&L should implement management practices for Organic Farms & Other Areas with Certifications and Stray Voltage Testing as discussed in Section V.

Recommendations to Seller, Tenant Operators and Proximal Livestock Owners

- If the Landowner is aware of any SWRM cost-shared practices on their farm within the proposed Project area, they should consult with the Grant County Land Conservation, Sanitation and Zoning 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 Tax Parcel ID 046-00987-0000 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 WP&L about the existence and location of drainage systems or planned drainage systems that could be affected by the Project.
- Confined animal feeding operations or any operation with livestock facilities within ½-mile of the proposed substation should request Phase II Stray Voltage Testing pre- and post-substation energization testing from their utility provider, WP&L, or the PSC.

AGRICULTURAL IMPACT STATEMENT

I. INTRODUCTION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) has prepared Agricultural Impact Statement (AIS) #4611 in accordance with [Wis. Stat. §32.035](#) for the proposed purchase of agricultural land by WP&L in Grant County, WI (Figure 1). WP&L reported the proposed substation project in the Town of Paris, would include electric transformers, breakers, buss system, control enclosure and security fencing will replace an aging substation in the nearby Village of Kieler and will support current and projected electrical service needs of the surrounding area (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. WP&L reported that this project is not subject to PSC review authority (DATCP, 2024b).

While this project is not subject to PSC authority, WP&L is a Wisconsin corporation furnishing electric light or power to the public 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 September 18, 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 WP&L precedes, or in this case, may preclude a jurisdictional offer, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable. If WP&L plans to acquire additional new parcels of agricultural land, beyond the impacted parcels described within this AIS, the Department shall be re-notified in accordance with Wis. Stat. §32.035(3).

Should WP&L 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

Wisconsin Power and Light (WP&L) is planning to site a new electric substation on land currently under agricultural production. In accordance with [Wis. Stat. §32.035\(3\)](#), WP&L has provided an agricultural impact notification (AIN) to the Department that serves as the main reference document for the project and the project need. The proposed substation would be located in the SE-SE of Section 34, T2N, R2W, Town of Paris, Grant County WI and would replace an aging facility about a half mile to the north of the Village of Kieler (Figure 1).

To construct the proposed substation, WP&L will acquire a single 12.93 acre parcel of agricultural land (part of Tax Parcel ID 046-00987-0000) shown in Figure 1, by a fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property). As proposed, the substation will be approximately 5.46 acres and include an electric transformers, breakers, buss system, control enclosure and security fencing. According to WP&L, the unused remnant lands of the 12.93 acre parcel not required to site the new substation may be leased for continued agricultural use (DATCP, 2024a). WP&L is planning to start construction of the facility commencing in spring of 2025 to conclude in spring of 2026.

Project Need

According to the AIN, WP&L proposes to site the new electric distribution substation on this agricultural land to support the existing and future energy needs of the surrounding area. The proposed substation, with a design life of 60 years, will replace an aging facility in the Village of Kieler.

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

Grant County's current FP plan was certified by the Department in 2023 and is set to expire in 2033. Grant County's farmland preservation plan criteria are based on a land evaluation and site assessment model that considers the priorities of the County Comprehensive plan agricultural, natural resource and land use policies as well as locally adopted future land use maps. Areas planned for farmland preservation are suitable for agricultural activity, had a current or future agricultural land use at the time of planning and may include undeveloped natural resource or open space (Grant County, 2023). The certified farmland preservation plan area includes the Tax Parcel ID 046-00987-0000 where WP&L is proposing to site the new substation.

Farmland Preservation Zoning

The Town of Paris has certified FP zoning through Grant County's general zoning ordinance. The certified farmland preservation zoning district for the Grant County is the Farmland Preservation Zoning district (DATCP, 2011). This locally crafted zoning district restricts 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\(1\)\(f\)](#). On August 20, 2024, a request to rezone Tax Parcel ID 046-00987-0000 from the County's Farmland Preservation Zoning District to the Agriculture A-1 district was approved (DATCP, 2024; Jessica Bahr, Personal Communication, October 2024).

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 Grant County contains one designated AEA (DATCP, 2024c): Castle Rock AEA in the Town of Castle Rock in northeast Grant County. As the proposed WP&L acquisition for the new substation is located in the Town of Paris in the southeast quadrant of the County, the Castle Rock AEA is not affected by the proposed acquisition and substation project.

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 Town of Paris, Grant 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 Town of Paris, Grant 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 WP&L acquisition for the new substation 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 Grant County Land Conservation, Sanitation and Zoning 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.

WP&L is advised to consult the Grant County Land Conservation, Sanitation and Zoning 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 WP&L 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 Wisconsin Power and Light Company (WP&L) for this AIS to analyze the potential agricultural impacts of WP&L's acquisition to site a new substation. 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

WP&L's new substation project will require the fee simple acquisition of 12.93 acres of agricultural lands from a single landowner. The Department was able to contact the agricultural landowner to discuss feedback about potential agricultural impacts. The information helps inform the Department's analysis of agricultural impacts to specific agricultural landowners and agricultural lands in general.

Wisconsin Power and Light (WP&L)

Within the AIN submitted to the Department, WP&L stated they considered multiple sites to relocate and replace the existing substation, however other landowners were not willing to enter into a voluntary agreement to sell the land. The selected parcel, part of Tax Parcel ID 046-00987-0000, is located in the SE ¼ SE ¼, Section 34, T2N, R2W, in the Town of Paris. The AIN submitted by WP&L reports that 5.46 acres of the parcel will be leveled and enclosed with a security fence for the substation facility. The remaining 7.47 acres are planned to not be disturbed and may be leased for agricultural use. WP&L reported that the impacted parcel is owned by Hinderman Revocable Trust and is currently leased to Tranel Family Farms LLC and is organically cropped (DATCP, 2024a). WP&L reported that the northern portion of the Tax Parcel ID 046-00987-0000 may be accessed from an existing gravel driveway to the west of the property on land owned by Hinderman Revocable Trust (DATCP, 2024; Jessica Bahr, Personal Communication, October 2024). WP&L 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.

Hinderman Revocable Trust

The Department contacted the Daryl Hinderman, on behalf of Hinderman Revocable Trust by phone, for feedback on potential impacts to their farm operation. WP&L is projected to acquire 12.93 acres from Hinderman Revocable Trust by a fee-simple acquisition (i.e. to purchase full ownership and exclusive rights to the property) (DATCP, 2024a). Hinderman reported that the impacted parcel has been certified organic cropland for the past 22 years. In addition, land to the west of the proposed substation site is certified organic. Hinderman reported that the project is not anticipated to significantly impact their farm operation and did not report existing concerns regarding field access (Daryl Hinderman, Personal Communication, September 2024).

As Tax Parcel ID 046-00987-0000 is currently operated by a renter, the seller should disclose information related to the sale that will impact their agricultural operation. WP&L should disclose the availability of any remnant fields for future agricultural use.

Tranel Family Farms LLC

The Department contacted Tranel Family Farms, LLC who rents the impacted field, by phone, for feedback on potential impacts to their farm operation. Tranel Family Farms, LLC operates about 1500 acres cropland, 500 acres of pastureland, and milks an estimated 650 head of dairy cattle. Their operation is certified organic. Tranel Family Farms, LLC reported that the impacted field is high quality land, and that the field may have an outlet to an existing concentrated flow channel immediately to the northwest on lands owned and rented by others. The impacted field was planted for corn this growing season, and has already been chopped for silage. If available, Tranel Family Farms, LLC reported they would like to have the opportunity to rent and operate remnant lands that are not disturbed for substation development.

WP&L should disclose the availability of any remnant fields for future agricultural use to the current renter. The availability of sufficient acreage to a rental operator in a geographic area ensures efficient operations, for example, ensuring it is financially sensible to navigate farm equipment to the area from the parent farm operation. Given that the field has historically had access off of Line Road, WP&L should clarify how the field may be accessed to any future agricultural renters. See also discussion surrounding field access in *Severance, Access and Wasteland*.

Wisconsin Power and Light should apply best management practices for operations in and around organic fields. See *Section V: Agricultural Impacts* for a discussion on organic farms & other areas with certifications.

Agricultural landowners and renters should inform WP&L about the existence and location of drainage systems or planned drainage systems that could be affected by the Project. If drainage is impaired, water can settle in fields and cause substantial damage, such as killing crops and other vegetation. Construction-caused soil compaction or damaged drain tiles can lead to ponded water where none existed prior to construction. Where construction activities have created new wet areas, WP&L should work to determine the best means to return the agricultural land to pre-construction function.

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 acquisition of part of Tax Parcel ID 046-00987-0000.

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. WP&L submitted preliminary grading plans for the substation site that illustrate the extent of disturbance is planned to be limited to the southerly portion of Tax Parcel ID 046-00987-0000 (Appendix A, Figure 1) resulting in a remnant agricultural field.

Access

Acquisitions of farmland may remove existing points of access and entrances utilized by agricultural operations to access their remaining farmland. WP&L reported that the northern portion of Tax Parcel ID 046-00987-0000 that is not planned to be disturbed will be accessible from a gravel drive to the west of the impacted parcel (See Figure 1). The landowner reported no concerns surrounding access to the remainder of their farm operation when the Department reached out for feedback (Daryl Hinderman, Personal Communication, September 2024). Access to the northern portion of Tax Parcel ID 046-00987-0000 acquired for the project may require crossing an existing concentrated flow channel which runs north and easterly of the existing gravel access drive on other land owned by Hinderman Revocable Trust if rented for future agricultural use. The landowner and any agricultural operators that must cross this channel should give future consideration to erosion control and management within the channel. As part of any future agricultural rental agreements, WP&L 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 prevent erosion. As access to the northern portion of Tax Parcel ID 046-00987-0000 acquired for the project may be dependent on the gravel drive and other lands owned by the seller, WP&L should consider offering a rental agreement to the same operator for any lands leased for agricultural use in future. Such a rental agreement may help contribute to preserving the biosecurity and integrity of existing organic (or other) certifications on the land where the access drive currently exists.

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 wastelands

but will create a 7.47 acre remnant field. If, in the future, remnant fields are no longer economically viable to farm and are not required for expansion of the substation facility, WP&L should consult the Grant County Conservation, Sanitation and Zoning Department for opportunities to enroll undeveloped lands in conservation programming to positively affect drainage or pollinators in the area.

Prime Farmland and Soils

The proposed acquisition and construction of a new substation facility will impact approximately 12.93 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 WP&L'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 1.

Approximately 100% of the agricultural land impacted by the proposed acquisition holds some level of State priority designation. Specifically, 66% of the soils are designated as prime farmland the State of Wisconsin has designated the other 34%, approximately 4.4 acres of the impacted agricultural parcel, as farmland of statewide importance (Table 1). 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 Tax Parcel ID 046-00987-0000 to be acquired for the project suggests there may be a 20 foot difference between the elevation between the easterly and westerly boundaries of the parcel. New substations require a stable and level ground surface (PSC, 2013). As is the case, the parcel will need to be regraded before the new substation facility is sited.

This soils analysis shows that WP&L's proposed acquisition has the potential to remove both high quality soils from production.

Table 1: Soils impacted by the proposed WP&L acquisition for new electric substation. Adjusted total acres reflect measured GIS acres for the parcel rather than assessed acres or total acreage reported in WP&L’s AIN.

Soil Texture	Prime Farmland* (acre)	Prime Farmland if Drained ^o (acre)	Farmland of Statewide Importance ^f (acre)	Not Prime Farmland ^{phi} (acre)	Total (acre)
Alternate Route					
Silt Loam	8.5	0.0	4.4	0.0	12.9
				<i>Total</i>	12.9
<p>*Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and may be utilized for cropland, pastureland, rangeland, forest land, or other lands excluding urban built-up land or water. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management.</p> <p>^oPrime farmland if drained, indicates that if farmland is drained it would meet prime farmland criteria.</p> <p>^fFarmlands of statewide importance are set by state agency(s). Generally, these farmlands are nearly prime farmland and economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce yields high as prime farmlands under proper conditions.</p> <p>^{phi}Not Prime farmland, 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).

WP&L 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 Grant County Conservation, Sanitation and Zoning 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 and proximal development.

V. AGRICULTURAL IMPACTS

WP&L has provided a copy of its best management practices - substation construction specifications incorporated herein as Appendix E. In addition, WP&L reported the project is subject to erosion control and stormwater management and maintenance requirements in accordance with DNR and Grant County rules and regulations (DATCP, 2024a). In addition to these management practices and permitting requirements, the Department recommends that WP&L apply mitigation practices to minimize impacts to remnant agricultural fields and surrounding agricultural operations.

Organic Farms & Other Areas with Certifications

Construction and ongoing maintenance activities for the Project may jeopardize a farm's organic certification or other certifications such as *pesticide-free* (certified areas) if a prohibited chemical is used on their certified land, drifts from a neighboring field or enters their land on construction machinery, or other means. WP&L and their contractors must use caution and care where the Project site borders an area with certification. Wis. Admin. Code § ATCP 29.50(2) states that no pesticides (includes herbicides) may be used in a manner that results in pesticide overspray or significant pesticide drift. In addition, any oil or fuel spill on these farms could prevent or remove a farm's certification.

To mitigate impacts to areas with certifications or pending certifications, the Department recommends the following:

- 1) WP&L should not apply pesticides to organic farms or other certified farms that preclude the use of these chemicals without the expressed written consent of the landowner.
- 2) WP&L shall not apply a pesticide in a manner that results in overspray or significant drift.
- 3) WP&L should clean construction equipment and materials prior to entering an area of certification.
- 4) WP&L should post signs at entry points to an area of certification denoting its existence and reminding personnel of appropriate mitigation steps to take.
- 5) Agricultural landowners with an area of certification should contact WP&L and report the range and type of substances that are and are not permitted according to their certifications.
- 6) WP&L should contact the landowners and operators with certifications to discuss the appropriate methods required to minimize the risk of accidental exposure.
- 7) WP&L should generate and distribute a list of organic farms or other certified farms and the prohibited chemicals to their construction staff and contractors.

- 8) Prior to construction, WP&L and the farms with areas of certification should agree to the appropriate methods to avoid unintentional contacts or applications of prohibited chemicals from entering their farms.
- 9) WP&L may wish to underlay heavily used areas of the ROW with geotextile fabric in order to limit the potential for prohibited substances from contaminating areas with certification.

Stray Voltage

Electric distribution systems are grounded to the earth to ensure safety and reliability. At the site of the grounding, electrical current enters the earth where voltage can be detected. This is generally known as Neutral to Earth Voltage (NEV). When a person, animal or object is near an NEV, the voltage may pass to them resulting in electrical contact (i.e. shock); this is generally known as stray voltage. Stray voltage often goes unnoticed by humans, but stray voltage from NEV may affect animals on farms. Animals may encounter stray voltage any time the animal makes contact with an electrified point such as a fencing, feeder, the earth or stalls. Animals affected by stray voltage may show changes in behavior or milk production.

The PSC administers Wisconsin's Stray Voltage program under [Wis. Stat. § 196.857](#) in cooperation with the Department. The PSC established the Phase II Stray Voltage Testing Protocol to fulfill its duty to create a standard stray voltage NEV testing protocol as required by Wis. Stat. § 196.857(b). Under the Phase II testing protocol, a utility is mandated to take corrective action to resolve any electrical contact at or above 0.5 volts (Reines and Cook, 1999). The Stray Voltage program is able to review voltage testing data generated by the utility and the conclusions the utility has reached. For more information on the PSC Stray Voltage program, impacts to agricultural operations and mitigation steps, visit <https://psc.wi.gov/Pages/Programs/StrayVoltageHomePage.aspx>.

Should additional concerns for the health of a dairy herd arise from stray voltage testing, the Department's [Herd-Based Diagnostic Program](#) may be able to assist. The program provides a licensed veterinarian, free of charge, to help producers investigate concerns with milk production, milk quality, herd health, and more. Interested dairy producers can reach out to the Department to express interest in receiving a herd consultation whether stray voltage has been completed or not. For more information on the Herd-Based Diagnostic Program visit <https://datcp.wi.gov/Pages/Herd-basedDiagnostics.aspx>.

WP&L Agricultural Specialists have identified livestock operations within ½ mile of the Project site. WP&L has reported full Phase II Stray Voltage Investigations will be conducted prior to construction and after the substation is energized. If any investigations exceed the threshold established by the PSC, mitigation practices will be completed at WP&L's expense (DATCP, 2024a). The WP&L stray voltage protocol is consistent with Department recommendations.

The Department recommends the following to mitigate the impact of stray voltage within the project ROW:

- 1) Confined animal feeding operations or any operation with livestock facilities within ½-mile of the proposed substation should request Phase II Stray Voltage Testing pre- and post-substation energization testing from their utility provider, WP&L, or the PSC.
- 2) WP&L should inform each landowner with livestock facilities within ½-mile of the Project of their ability to request Phase II Stray Voltage Testing from their local utility, WP&L or the PSC. WP&L should be responsible for costs associated with Phase II Stray Voltage Testing within ½-mile of the Project corridor.
- 3) As required by PSC guidance set forth under [Wis. Stat. § 196.857](#), WP&L shall take action to resolve electrical contacts at livestock feeding operations detected at or above 0.5 volts that are a result of the Project.

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Federal and State Elected Officials

Governor Tony Evers

State Senators

Honorable Joan Ballweg (Committee on Agriculture & Tourism)

Honorable Howard Marklein (Senate District 17)

State Assembly

Honorable Travis Tranel (Committee on Agriculture; Assembly District 49)

Federal, State and Local Units of Government

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

DATCP Public Information Officer – Dan Richter

DATCP Legislative Liaison – Patrick Walsh

DATCP Administrator, Agricultural Resource Management Division – Brian Kuhn

DATCP Director, Bureau of Land and Water – Tim Anderson

Grant County Conservation, Sanitation and Zoning

Grant County Conservation, Sanitation and Zoning Administrator – Keith Lane

Town of Paris

Town Chair, David McClain

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News Media, Public Libraries and Repositories

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Country Today Newspaper

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Interest Groups, Entities and Individuals

Hinderman Revocable Trust

Tranel Family Farms, LLC

Alliant Energy

Senior Real Estate Representative, Jessica Bahr



**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>