WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

AGRICULTURAL IMPACT STATEMENT ADDENDUM

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DATCP #4362

Lakeshore Lateral Natural Gas Pipeline Project Addendum
PSC # 6630-CG-138
Walworth, Kenosha, and Racine Counties

I. INTRODUCTION

On July 1, 2019, the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Department) published an Agricultural Impact Statement (AIS) entitled, "Lakeshore Lateral Natural Gas Pipeline" AIS #4262 (DATCP, 2019) in accordance with Wis. Stat. §32.035 (DATCP, 2019). The AIS was prepared in response to a project proposal from We Energies to construct approximately 46 miles of new 24-inch diameter pipeline in Walworth, Kenosha and Racine Counties. The Public Service Commission (PSC) of Wisconsin has authority over this project and designated it as case number 6630-CG-138. Following the publication of AIS #4262, the PSC granted We Energies a Certificate of Authority and authorized We Energizes to proceed with the proposed project along Route A-R2 and with route segments identified with the suffix "-A" (Coker, 2020).

Since receiving approval from the PSC to construct route A-R2, referred to as "Route A" in AIS #4262 (DATCP, 2019), We Energies has modified the original pipeline route in response to landowner requests to mitigate impacts to certain areas of agricultural land. The three significant route modifications proposed by We Energies, denoted as SIG-01, SIG-02 and SIG-03, are shown in Appendix A: Maps (Figures 1 - 4). Route revisions SIG-01 and SIG-02 are located in Walworth County in the Town of Spring Prairie and the Town of Lyons, respectively. Route Revision SIG-03 is located within the Town of Burlington in Racine County.

Lakeshore Lateral Natural Gas Pipeline route modifications SIG-01, SIG-02 and SIG-03 will not affect new landowners and will only shift the impact of the pipeline route among

existing landowners denoted in AIS #4262. The landowners affected by route modifications SIG-01, SIG-02 and SIG-03 and the acreage of agricultural lands that was not accounted for within AIS #4262 is listed in Table 2. The project right-of-way (ROW) requirements for the route modifications through agricultural areas are unchanged from the original AIS; that being 50 foot wide permanent easements and up to 50 feet of width for temporary easements.

Prior to the release of this addendum, We Energies informed the Department that they have enacted voluntary agreements with the landowners impacted by SIG-01, SIG-02 and SIG-03 without actualizing We Energies project authority to exercise eminent domain to acquire the impacted agricultural parcels. As the voluntary contract preceded any jurisdictional offer by We Energies, the 30-day waiting period for contract negotiations under Wis. Stat. §32.035(4)(d) is not applicable.

Pipeline construction for the modified routes on agricultural lands will be consistent with the construction methods described within AIS #4262 (DATCP, 2019), including open trench through agricultural lands. The open trench method calls for the excavation of a trench approximately 7 feet deep and 8 feet wide at the base. Within agricultural lands, the minimum distance between the soil surface and the top of the pipeline would be four feet to avoid possible interference with farming equipment. However, for areas near the public ROW where the pipeline may encounter existing or future utility infrastructure, there may only be three feet of soil cover. Large equipment required to excavate soil and place the pipeline within the trench will operate within the trench and along the temporary ROW.

II. AGRICULTURAL IMPACTS

Prime Farmland and Soils

The soils impacted by the revised ROW of Lakeshore Lateral Natural Gas Pipeline route modifications SIG-01, SIG-02 and SIG-03, totaling approximately 29.26 acres, were cataloged by soil map unit and soil texture (Table 1) using the Department's 2016 prime farmland soils GIS layer. The Department further analyzed these soils for impacts to soils designated as prime farmland, prime farmland if drained or farmland of statewide importance (Table 1). Prime farmland is designated by the USDA according to section 622.3 of the National Soil Survey Handbook (USDA, 2017) and is based on the ability of the land and soil to produce crops. Definitions of prime farmland, prime farmland if drained, farmlands of statewide importance and not prime farmland are provided under Table 1.

The vast majority (83%) of agricultural lands impacted by SIG-01, SIG-02 and SIG-03 hold some level of USDA or WI special farmland designation. Based on Table 1, 45% of the impacted area is designated as prime farmland, another 37% is designated as prime farmland if drained (cumulatively 82% potentially prime farmland) with the remaining 1% designated by the state as farmland of statewide importance. With the exception of the 0.2 acres of undifferentiated soils, the soils impacted by SIG-01, SIG-02 and SIG-03 are either loam or silt loam textured soils. Loam and silt loam textured soils are medium-textured soils with good soil structure, possess an ideal ability to hold onto water without becoming excessively wet and are usually best suited for crop production (UW-Extension, 2005). This soils analysis shows that modifications SIG-01, SIG-02 and SIG-03 to the Lakeshore Lateral Natural Gas Pipeline will affect both high quality agricultural soils and prime farmland.

Table 1: Agricultural soils impacted by route modifications SIG-1, SIG-2 and SIG-03 not accounted for within AIS #4262.

Route	Soils		Prime Farmland* (acre)	Prime Farmland if Drained[ɥ] (acre)	Farmland of Statewide Importance[ŧ] (acre)	Not Prime Farmland [ϕ] (acre)
	Texture	*Acres*				
SIG-01	Silt Loam	12.46	5.80	6.64	0.02	0.00
SIG-02	Loam	7.01	2.40	0.51	0.16	3.93
	Silt Loam	5.35	2.00	3.35	0.00	0.00
	Undifferentiated	0.20	0.00	0.00	0.00	0.20
SIG-03	Loam	2.61	1.37	0.13	0.21	0.90
	Silt Loam	1.63	1.52	0.10	0.00	0.00
	Totals	29.26	13.08	10.75	0.39	5.03

*__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.

ɥ**Prime farmland if drained**, indicates that if farmland is drained it would meet prime farmland criteria.

ŧ**Farmlands 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.

ϕ **Not Prime farmland**, indicates farmland is neither prime farmland nor of designated importance.

Three-lift Soil Handling

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

stockpiling of the 1) topsoil, 2) subsoil and 3) substratum in three separate piles. After the pipeline has been placed within the trench, the excavated soils would be backfilled in the reverse order from which they were removed (i.e. last soil removed is the first soil backfilled).

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

Many of the soils impacted by the permanent easements of the original Lakeshore Lateral Natural Gas Pipeline route, as documented within AIS #4262 (DATCP, 2019), were candidates for the three-lift soil handling procedure. As significant route modifications SIG-01, SIG-02 and SIG-03 have altered the previously published route of the pipeline, the Department analyzed the approximate 14.57 acres of agricultural soils not accounted for within the original AIS that will be impacted by the permanent easements of the route modifications.

In order to conduct an analysis of three-lift soil handling candidates, the Department collected and compiled relevant soil characteristics (slope, drainage, soil horizon textures, soil horizon thickness etc.) and descriptions from the USDA Natural Resources Conservation Services (NRCS) Web Soil Survey for the impacted 14.57 acres. Using the Three-Lift Soil Candidacy Key shown in Appendix B, the Department reviewed the soil characteristics for each unique NRCS soil map unit impacted by the revised permanent easements. From this review, the Department identified several soil map units and potential specific areas that could benefit from three-lift soil handling procedures. The soil map units the Department has determined would benefit from the three-lift soil handling method are shown in Table 2, depicted by route modification, soil map unit and current landowner.

Of the 14.57 acres of agricultural soils that will be impacted by the permanent easements for route modifications SIG-01, SIG-02 and SIG-03, 6.72 acres or 46% are candidates for the three-lift soil handling procedure. Specific segments of the permanent easements for

route modification SIG-01 and SIG-02 constitute the majority of these candidate soils for three-lift handling and should be prioritized for the three-lift soil handling procedure.

Table 2: The agricultural soils along route modifications SIG-1, SIG-2 and SIG-03, not accounted for within AIS #4262, that are candidates for the three-lift soil handling method.

Route	Soil Map Unit Symbol*	Soil Map Unit Name	Landowner(s)	Impacted Land (Acres)
SIG-01	GwA	Griswold silt loam	James Cowan	0.61
	MpB	McHenry silt loam	James Cowan	0.74
	Ph	Pella silt loam	James Cowan	0.68
	PsB	Plano silt loam	James Cowan	0.54
	GwA	Griswold silt loam	Rodney D Wuttke	0.06
	Ph	Pella silt loam	Rodney D Wuttke	0.62
	PsB	Plano silt loam	Rodney D Wuttke	1.28
			Total	4.53
SIG-02	Cw	Colwood silt loam	Delsie J Everett	0.15
	FsB	Fox silt loam	Delsie J Everett	0.27
	MgA	Martinton silt loam	Delsie J Everett	0.27
	MpB	McHenry silt loam	Delsie J Everett	0.26
	MxC2	Miami loam	Delsie J Everett	0.02
	CeC2	Casco loam	Richard P Ingram Trust	0.34
	Dt	Drummer silt loam	Richard P Ingram Trust	0.12
	EgA	Elburn silt loam	Richard P Ingram Trust	0.19
	FsB	Fox silt loam	Richard P Ingram Trust	0.28
			Total	1.90
SIG-03	FoB	Fox loam	Lynn A Winkler	0.29
			Total	0.29
			Grand Total	6.72

*The third letter within the soil map unit symbol (i.e the A, within symbol GwA) represents the percent slope of the soil as follows: A = 0 - 3%, B = 2 - 6%, C = 6 - 12%, D = 12 - 20%, E = 20 - 30%

Therefore, in addition to the soil candidates shown in Table 2, the Department advises the three-lift soil handling procedure for the following cropland and pasture areas impacted by the route modifications below:

- The entire length of parcel ID: O SP3100001 for modification SIG-01 (Appendix A: Figures 2)

- The north-south running section of parcel ID: O SP3200005 for modification SIG-01 (Appendix A: Figures 2)
- The east-west running section of parcel ID: N LY 200001 for modification SIG-02 (Appendix A: Figures 3)
- The northwest corner section of parcel ID: N LY 200003B for modification SIG-02 (Appendix A: Figures 3)

The Department defers the final determination of three-lift soil handling procedures to the Agricultural Inspector, so to allow for the verification that the soil characteristics and conditions described in appendix B are met.

Affected Property

The reconfiguration of the Lakeshore Lateral Natural Gas Pipeline route to accommodate modifications SIG-01, SIG-02 and SIG-03 will affect the seven landowners shown in Table 3 and one agricultural tenant operator. DATCP attempted to contact landowners and agricultural tenant operators whom had a net increase of one or more acres of newly affected agricultural land (Table 3) to assess the impacts the route modifications will have to their agricultural operations. Of the landowners and tenants contacted, Rodney D Wuttke and the agricultural tenant operating on land owned by Delsie J Everett responded and were willing to provide comments. A representative for Delsie J Everett was reached and did not wish to provide comments.

Table 3: Agricultural landowners and agricultural lands (acres) affected by route modifications SIG-1, SIG-2, and SIG-03. The original route acreages shown are the sum of both temporary and permanent easements specifically for the area of the route no longer utilized.

Route	Agricultural Landowner	Original Route Impact (acres)	Newly Affected Agricultural Lands		Net Acerage Change (acres)
			Permanent ROW (acres)	*Temporary ROW (acres)*	
SIG-01	Donald & Susan Fredrich Trust	0.07	0.00	0.00	-0.07
	James Cowan	9.08	4.47	4.36	-0.26
	Rodney D Wuttke	3.38	3.62	3.08	3.33
SIG-02	Delsie J Everett	4.25	3.55	2.99	2.28
	Richard P Ingram Trust	7.53	4.21	2.23	-1.08
SIG-03	Michael L Zang	0.45	0.00	0.76	0.32
	Thomas O Winkler	7.87	3.05	3.08	-1.74

Rodney D Wuttke owns 217 acres of agricultural cropland and grows corn, soybeans, and hay. Route modification SIG-01 will impact a total of 6.7 acres of agricultural lands owned

by Mr. Wuttke, which is a net increase of 3.33 acres or 97% as compared to the original route. All of the agricultural soils impacted by route modification SIG-01 on the Wuttke property are either prime farmland, prime farmland if drained or have been designated as farmland of statewide importance. Mr. Wuttke reported that he had requested revisions to the Lakeshore Lateral Pipeline that modification SIG-01 does satisfy. Mr. Wuttke mentioned several motivations for requesting the route revision including:

- Shorten the portion of the pipeline route that crosses the access easement used by Mr. Wuttke to access his southern cropland fields
- Avoid pipeline construction impacts to property owned by Robert Bleser
- Minimize or prevent damage to and/or the removal of trees from the Wuttke or Bleser property

Mr. Wuttke does not expect to change how he manages or operates his fields after the pipeline is installed. However he did report the following concerns regarding route modification SIG-01:

- Modification SIG-01 will cross the main point of access used to access the southern Wuttke cropland fields. Depending on the type and timing of construction activities, Mr. Wuttke believed he may temporarily lose access to his southern fields at critical times.
- Mr. Wuttke prefers that We Energies use directional boring, as opposed to open trench construction, when crossing the access area of his property to lessen the amount of time he is prevented from using the access crossing.
- The impacted agricultural tilled soils are known to Mr. Wuttke to have a rocky lower soil horizon. Mr. Wuttke is concerned that the rocky lower layer may be mixed with the productive surface and middle soil horizons during pipeline trenching. As a result, he does expect that his soils will not be as productive as they were prior to the pipeline installation.

Delsie Everett owns almost 112 acres of land which is rented to a tenant agricultural producer, John Nagel. Mr. Nagel grows corn, hay, and wheat on the land rented from Mrs. Everett. Route modification SIG-02 will impact a total of 6.54 acres of agricultural lands owned by Mrs. Everett, which is a net increase of 2.28 acres or 52% as compared to the original route. Of these impacted agricultural lands, approximately 4.8 acres are tillable acres operated by Mr. Nagel. Furthermore, the vast majority (4 acres or 83%) of the impacted tillable acres operated by Mr. Nagel are comprised of soils that are either prime

farmland, prime farmland if drained or have been designated as farmland of statewide importance. Mr. Nagel does not expect to change how he manages or operates his fields after the pipeline is installed. However, Mr. Nagel expressed concerns that route modification SIG-02 has moved the pipeline into the tillable portion of the land he operates and that he may lose access to the northern 1/3 of those fields at critical times during construction of the pipeline. Mr. Nagel is also concerned about the impacts and potential crop damages to his current crop of winter wheat when pipe line trenching on the Everett property begins in the spring of 2021.

The addition of SIG-01, SIG-02 and SIG-03 has the potential to shift the previously known impacts established within AIS #4262 (DATCP, 2019) to the agricultural operations of Rodney D Wuttke and John Nagel. As modified, the ROW's for SIG-01 and SIG-02 are located farther within the affected agricultural parcels owned by Rodney D Wuttke and Delsie Everett than were previously planned for in route A-R2, this creates the potential for additional agricultural impacts to their parcels. For example, under SIG-01 and SIG-02 heavy construction equipment such as excavators potentially weighing over 50 tons will now directly impact parcel ID: O SP3100001 seen in Appendix A: Figure 2 and move diagonally across parcel ID: N LY 200001 seen in Appendix A: Figure 3. 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); suggesting that the Rodney D Wuttke and Delsie Everett fields are at risk of soil and sub-soil compaction. In addition, research has shown that construction of pipelines, such as the Lakeshore Lateral Natural Gas Pipeline, can negatively impact soil properties, soil health and crop yields for up to a decade within the ROW depending on the type and severity of construction impacts (e.g equipment axle weight, use of excavation, intermixing of soil layer etc.) (Culley and DOW 1988; Shi *et al.*, 2014).

Route modifications SIG-01, SIG-02 and SIG-03 also have the potential to mitigate agricultural impacts to other landowners and operators by relocating the pipeline nearer to agricultural field boundaries. For example, Route A originally bisected large continuous agricultural fields owned by James Cowan and the Richard P Ingram Trust. The implementation of SIG-01 and SIG-02 will relocate the Lakeshore Lateral Pipeline on the James Cowan and the Richard P Ingram Trust properties to field boundaries or to areas of lands that are not tilled, thus lessening the potential impacts to these operations.

Generally, significant route modifications SIG-1, SIG-2 and SIG-03 will shift the burden of agricultural impacts onto a selection of existing landowners and operators, while mitigating impacts to other existing landowners. Overall, 13.08 acres of prime farmland soils and another 10.75 acres of prime farmland if drained will be impacted by these route revisions. These areas of productive farmland are spread across SIG-01, SIG-02 and SIG-03 and each area may experience several negative impacts for years after the Lakeshore Lateral Natural Gas Pipeline has been completed, including but not limited to:

- Soil compaction, potentially subsoil compaction, within the temporary ROW from construction equipment
- Intermixing of topsoil and subsoil layers within the permanent ROW from trench excavation and pipeline installation
- Decreased soil health and fertility throughout the entire ROW
- Decreased crop yield throughout the entire ROW

III. RECOMMENDATIONS

DATCP continues to support all of the recommendations made in the original AIS and re-emphasizes the following subset of recommendations pertaining to the addendum #4362 as well as new specific recommendations for route modifications SIG-01, SIG-02 and SIG-03:

New Recommendations Specific to route modifications SIG-01, SIG-02 and SIG-03:

- We Energies inform the project Agricultural Inspector of the potential need for the three-lift soil handling procedure for the following cropland and pasture areas specific to route modifications SIG-01 and SIG-02:
    - The entire length of parcel ID: O SP3100001 for SIG-01
    - The north-south running section of parcel ID: O SP3200005 for SIG-01
    - The east-west running section of parcel ID: N LY 200001 for SIG-02
    - The northwest corner section of parcel ID: N LY 200003B for SIG-02

Subset of AIS #4262 Recommendations

- We Energies retain a dedicated Agricultural Inspector for this project due to the extensive use of drain tiling on many of the potentially affected farms. Damage to drain tiling can cause significant harm to the future productivity of farmland.
    - The Agricultural Inspector should assist with pre-construction discussions between the utility and agricultural property owners, conduct inspections of construction activities through agricultural properties, and monitor the implementation of the project-specific Agricultural Mitigation Plan (AMP) and Best Management Practices (BMPs). The Agricultural Inspector should be familiar with agricultural practices and gas pipeline construction impacts and mitigation, as well as have knowledge in agronomy, soil conservation, and soil identification.
    - The Agricultural Inspector share periodic construction reports with Department staff.
- We Energies inform affected agricultural property owners who have potential three-lift candidate soils on their land and how three-lift soil handling could preserve the productivity of their fields.
- We Energies work with agricultural landowners to minimize impacts to farmland and farm operations, including drainage tiles, erosion controls, grassed waterways, fencing, drainage channels and farm access roads.
- We Energies implement appropriate training for all construction supervisors, inspectors, and crews to ensure that they understand and properly implement the AMP and BMPs so that the integrity of agricultural lands and operations are protected during project construction and restoration.
- We Energies make reasonable efforts to ensure that both owners and renters of agricultural land affected by the proposed project are kept up-to-date and informed of construction schedules and potential impacts.
- We Energies should work with landowners to restore agricultural properties impacted by construction activities to pre-construction function and address concerns resulting from construction.

- Prior to the start of construction, landowners should identify for We Energies where construction activities may interfere with farm operations and where farm facilities are located including, drain tiles, wells, watering systems, fencing, farm access roads, or grain bins.
- Landowners should work with We Energies to schedule agricultural operations during each phase of pipeline construction.
- Landowners should work with the agriculture inspector to ensure impacts to agricultural land are mitigated whenever possible. If any infrastructure such as drain tiles or fencing is damaged by construction activities, landowners should document and photograph the damage and any repair efforts conducted on behalf of We Energies to ensure the repair is adequate.
- After construction is completed, landowners and the utility should carefully monitor for the emergence of drainage problems. If problems are observed that can be attributed to pipeline construction, the landowner and We Energies should work together to develop a mutually agreeable solution.

IV. REFERENCES

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Interest Groups, Entities and Individuals

James Cowan

Rodney D Wuttke

Delsie J Everett

Richard P Ingram Trust

Michael L Zang

Thomas O Winkler

John Nagel

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VI. APPENDICES

DATCP #4362

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WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

VII. APPENDIX A: MAPS

Figure 1: Lakeshore Lateral Natural Gas Pipeline route with modifications SIG-1, SIG-2 and SIG-3 (Wolter, 2020).

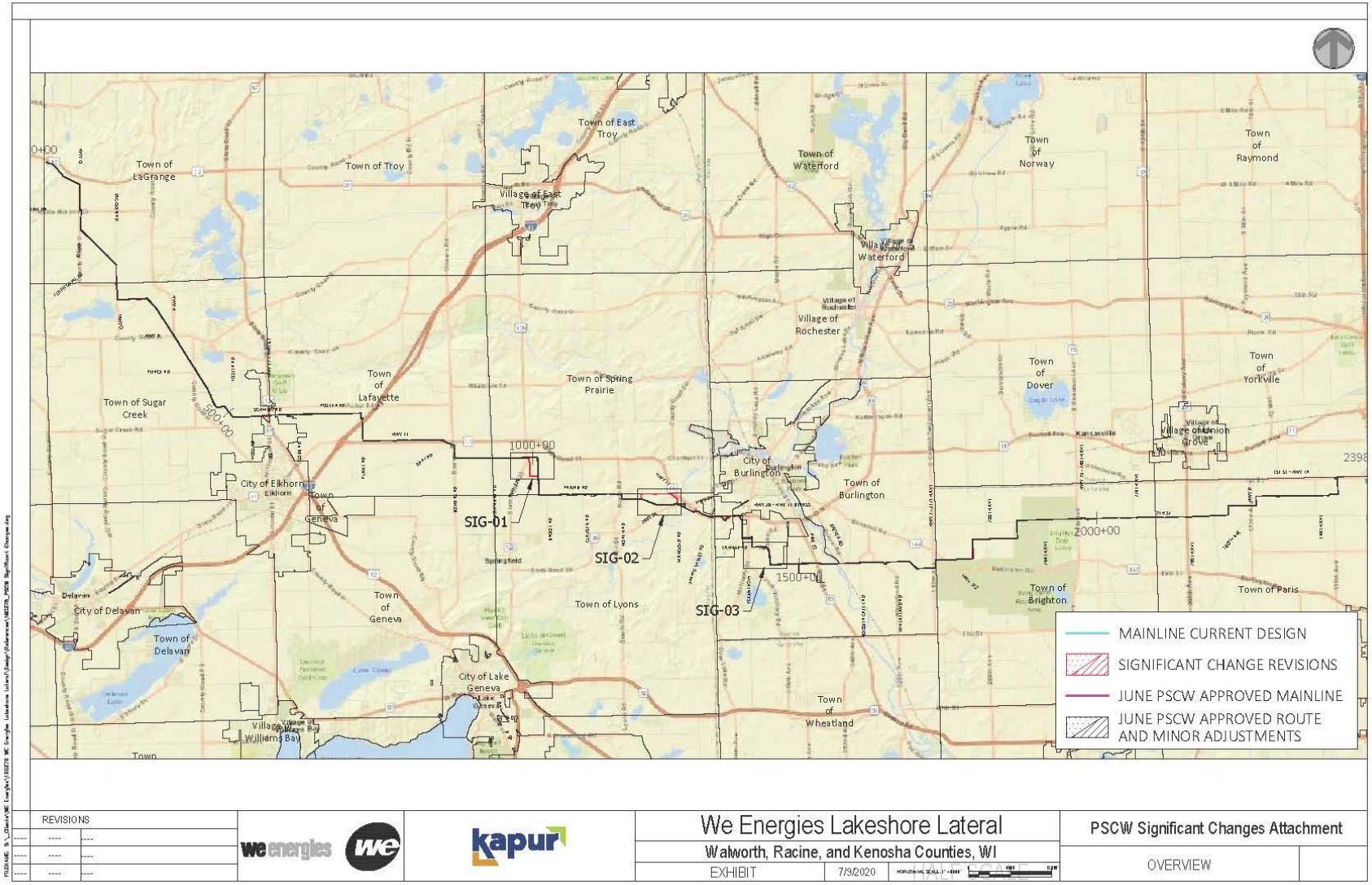


Figure 2: Lakeshore Lateral Natural Gas Pipeline route modification SIG-1 located the Town of Spring Prairie in Walworth County.

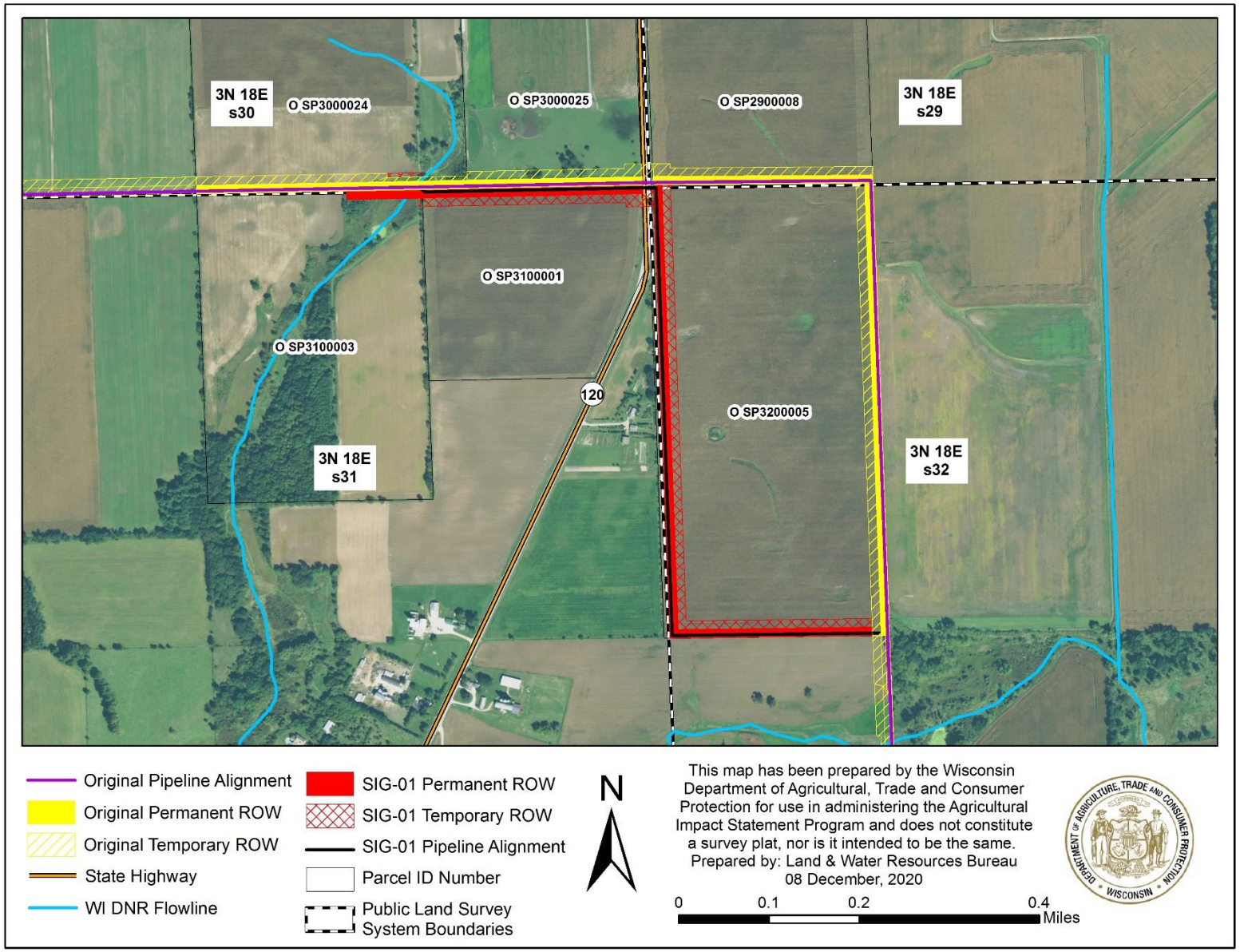


Figure 3: Lakeshore Lateral Natural Gas Pipeline route modification SIG-2 located Town of Lyons in Walworth County.

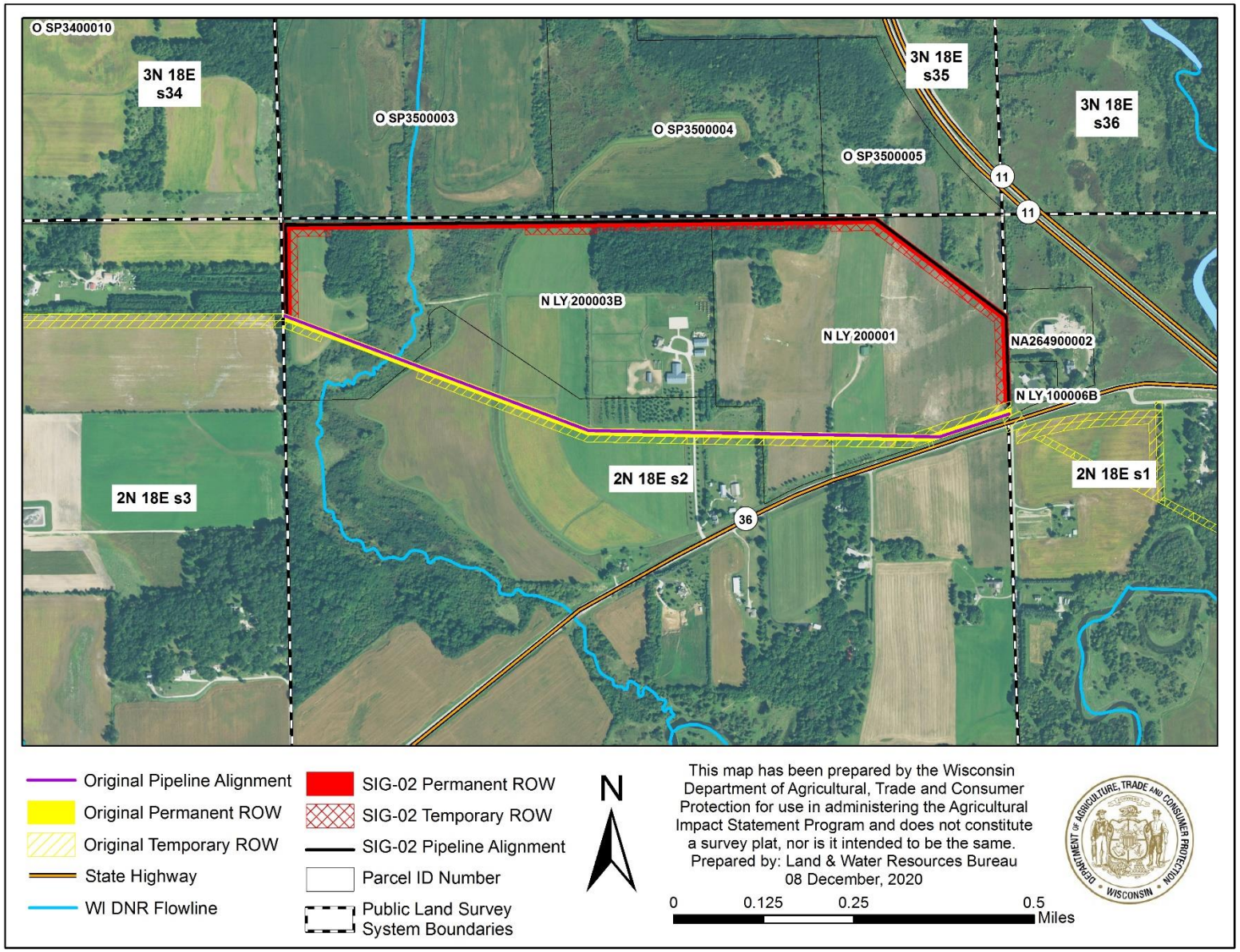
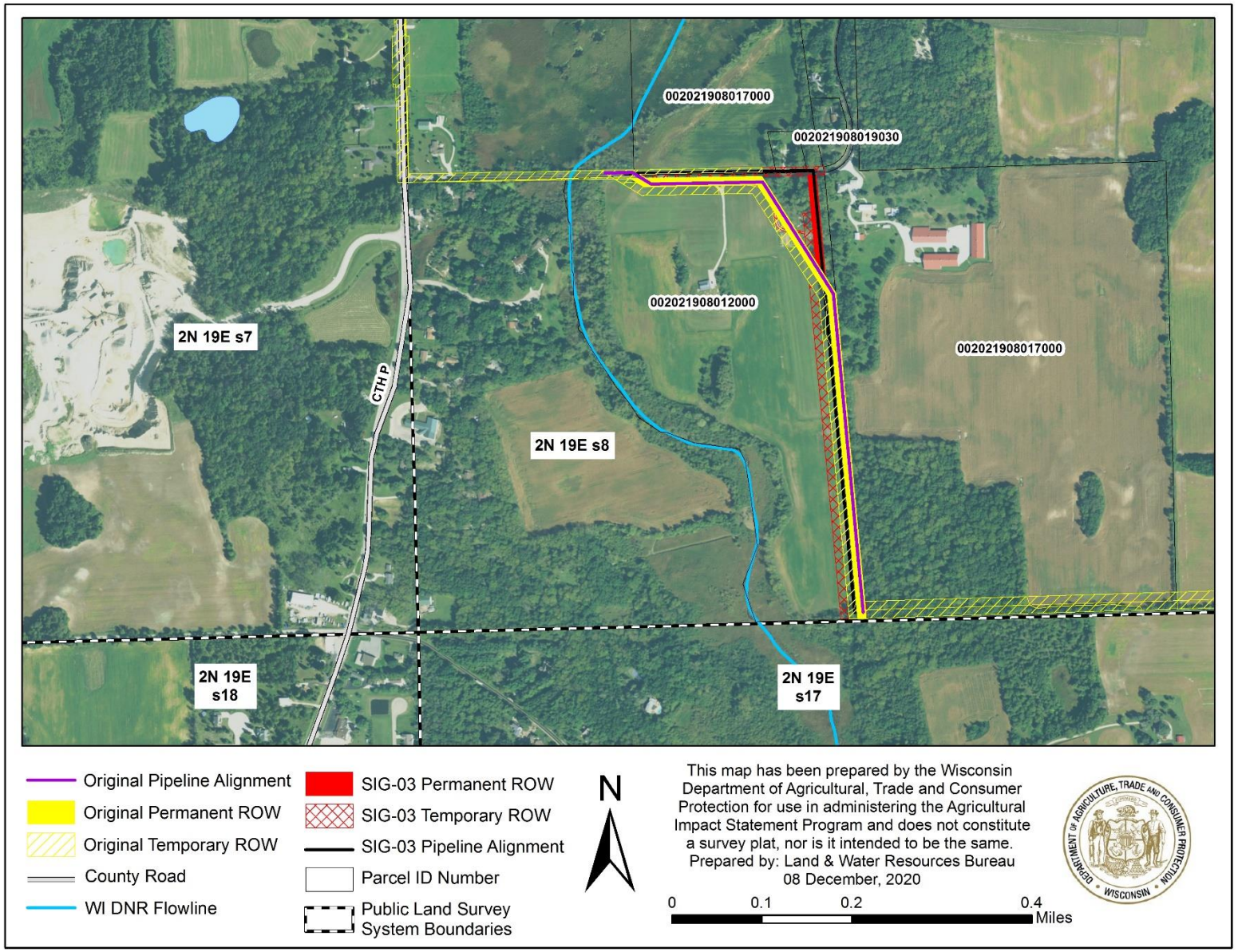
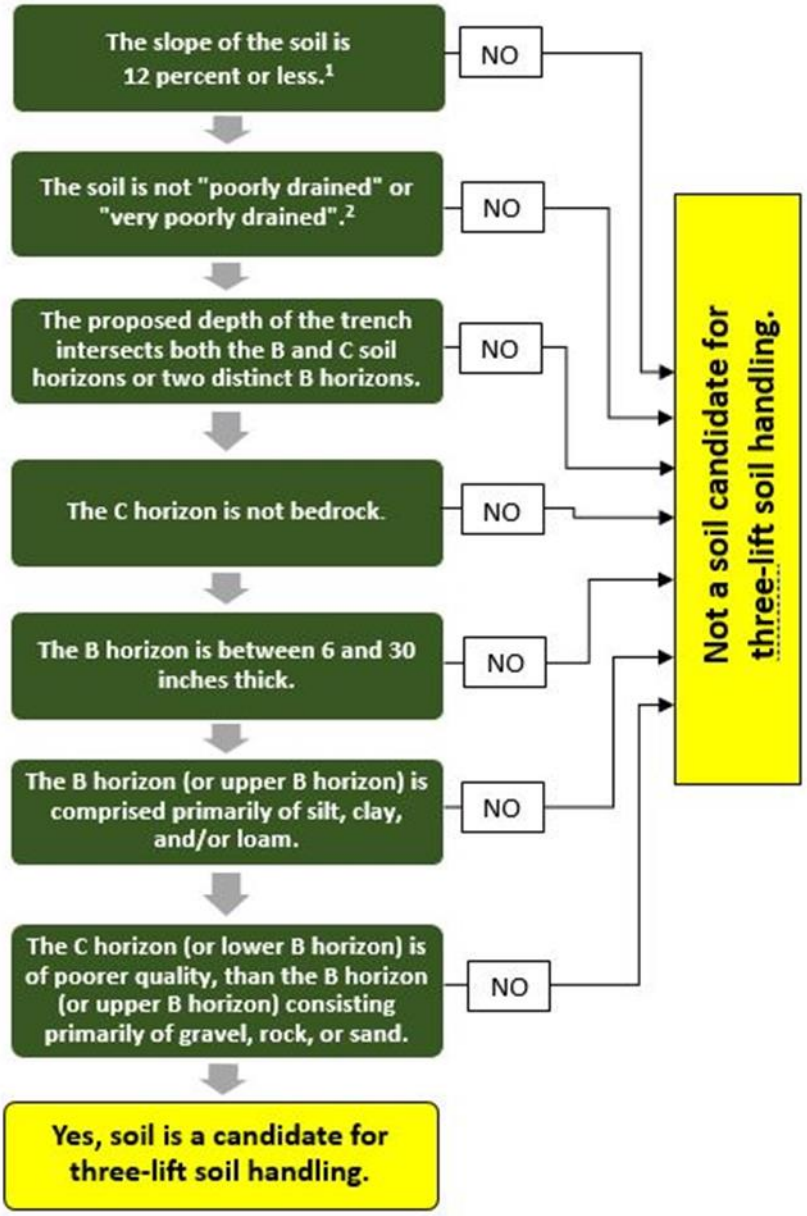


Figure 4: Lakeshore Lateral Natural Gas Pipeline route modification SIG-3 located within the Town of Burlington in Racine County.



VIII. APPENDIX B: THREE-LIFT SOIL CANDIDATE KEY

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



1. Soils with a slope greater than 12 percent are Class IV soils, likely to be eroded with shallow topsoil, and marginally suited for crop production. As such, they are unlikely to meet the criteria for soils that would benefit from three-lift soil handling.
2. Poorly drained soils tend to be too wet to use three-lift soil handling successfully. They are also likely to be deep soils.

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