Public Service Commission of Wisconsin
Direct Testimony of Kyle Feltes
Division of Digital Access, Consumer and Environmental Affairs

American Transmission Company LLC
Docket 137-CE-212

April 11, 2025

Q. Please state your name, business address, and occupation.

A. My name is Kyle J. Feltes. My business address is Public Service Commission of Wisconsin (Commission), Hill Farms State Office Building – 6th Floor, 4822 Madison Yards Way, P.O. Box 7854, Madison, Wisconsin, 53705. I am an Environmental Analysis and Review Specialist in the Division of Digital Access, Consumer and Environmental Affairs.

Q. Please describe your educational and professional background and experience.

A. I hold a Bachelor of Science degree in Environmental Engineering from the University of Wisconsin-Platteville. I have been employed as an Environmental Analyst at the Commission since May of 2021. I have since conducted or been involved in the environmental review of several dockets proposing construction of electric transmission lines, solar electric generation facilities, water supply infrastructure, and other utility projects throughout the state. I have authored and contributed to the preparation of multiple environmental assessments (EA) for the Commission under the Wisconsin Environmental Policy Act (WEPA), Wis. Stat. § 1.11.

Q. What are your responsibilities in this case?

A. As part of my work in this docket, under Wis. Admin. Code ch. PSC 4, I am the Environmental Review Coordinator that led the preparation of the Environmental

Assessment (EA) with the contribution of other Commission and Wisconsin Department of Natural Resources (DNR) staff.

Q. What is the purpose of your testimony?

A. The main purpose of my testimony is to sponsor the EA as a delayed exhibit, Ex.-PSC-EA. PSC staff will electronically file the EA on the Commission's Electronic Regulatory Filing (ERF) system, making it available to the public through the Commission's website. Additionally, my testimony will describe the EA review process, the project's main environmental impacts that were identified in the EA, and Commission staff's recommendations for standard and project-specific order conditions that the Commission could consider applying to this docket.

Q. What sources of information did you use in your review and analysis?

A. I reviewed the information from the application including the provided text, tables, reports, maps, aerial photos, and ArcGIS database layers. I also reviewed the applicant's responses to Commission staff data requests. Additionally, I used various websites to review information related to the project and any potential impacts. I also read the public comments received during the EA scoping period and followed up as necessary with data requests to the applicant. Scoping comments for this docket were primarily received from individual landowners near the project facilities, as well as the Southeastern Wisconsin Regional Planning Commission.

Q. Describe how the EA was prepared.

A. Commission staff had the lead role in the organization and preparation of the EA. Wisconsin Department of Natural Resources (DNR) staff authored sections of the EA relating to impacts to wetlands and waterways, endangered species, and other DNR

responsibilities. Several additional Commission staff also provided expertise and professional judgement where appropriate in the preparation of the EA.

Q. Please summarize some of the environmental impacts described in the EA.

A. The results of the staff environmental review for this project are described in the EA and based on the joint analysis conducted by Commission and DNR staff. The main environmental effects associated with construction of the proposed project include temporary effects during construction, vegetation clearing along the proposed routes, impacts to land use, and aesthetic impacts imposed by new project facilities.

Construction Impacts

The project would cause temporary increases in traffic, noise, and air pollution that would be perpetuated by construction equipment and deliveries in the areas surrounding the chosen route and proposed substation facilities. The nature and location of specific construction activities would vary depending on the phase of construction, therefore noise generated and traffic caused by employee and material transport would also vary.

Land Cover Impacts

Project impacts include the required clearing of vegetation within the proposed right-of-way (ROW), the width of which varies by project segment. Vegetation within project ROW would require intermittent management through the operational life of the facilities for safety reasons. Post-construction vegetation management activities, frequency, and types of vegetation to be cleared within the transmission line ROW were described by the applicant in Ex.-PSC-DRR: Response PSCW-KF-3.8.

The proposed project would result in forested lands clearing that would vary slightly depending on the chosen routes. The Mill Road substation, its associated driveway, and the Tamarack and Butler substation expansions would result in 15.78 acres of forested land clearing. Common Route segments would result in 63.00 acres of clearing of forested lands, with an additional 2.13 acre due to Common Route off-ROW access roads. The Primary Route segments would result in 5.22 acres of forested land clearing, with an additional 0.96-acre of clearing due to Primary Route off-ROW access routes. The Alternate Route segments would result in 7.87 acres of forested land clearing, and no additional clearing associated with Alternate Route off-ROW access roads. Temporary bypass circuits would result in 3.68 acres of forested land clearing.

The applicant states within the application that any cutting or pruning of oak trees would comply with the requirements of Wis. Admin. Code ch. PSC 113. However, Wis. Admin. Code ch. PSC 113 only contains requirements for oak cutting and pruning, and it contains different time requirements for cutting than the current recommendations from DNR. The applicant stated in response to the first data request that cutting and pruning of oak trees would be avoided between April 1 and July 15 in accordance with DNR oak wilt management guidelines. (Ex.-PSC-DRR: Response PSCW-KF-1.38.) This tree-clearing period would be sufficient to avoid oak wilt. However, as discussed in Direct-DNR-Rowe, a longer tree clearing period may be necessary to avoid impacts to birds and bats. The Commission could require that the applicants follow a tree clearing avoidance period of April 1 through August 15 to further reduce the risk of inadvertent impacts to various bird and bat species, as well as to encompass DNR guidance for the reduction in the spread of Oak Wilt.

As discussed further in Direct-DATCP-Biefeld, impacts to agricultural lands during construction may include crop loss, soil compaction, and damage to drain tiles. The applicant stated it would work with landowners to address drain tile concerns throughout the planning and project implementation phases. The applicant would also coordinate with each agricultural landowner regarding farm operation, locations of farm animals and crops, current farm biological security practices, landowner concerns, and coordination of construction access routes. Permanent impacts to agricultural lands would occur from transmission structures placed within active agricultural land as well as removal of agricultural land with the construction of the Mill Road substation and its driveway. Ten transmission structures are proposed within agricultural land along the Common Route, and no structures are proposed within agricultural land along the Primary or Alternate Route. Due to the Mill Road substation parcel and associated West Driveway parcel no longer being farmed, the two parcels would remove a total of 23.83 acres of agricultural land from production. The total agricultural land use along the Common Route is 28.54 acres (six percent of the proposed project ROW), with no agricultural land use along the Primary or Alternate Routes.

An Agricultural Impact Statement (AIS) was completed by the Department of Agriculture, Trade, and Consumer Protection (DATCP) for the project. The AIS includes detailed descriptions of the types of impacts expected for specific agricultural lands as well as recommendations for the applicant and the Commission and agricultural landowners and operators to consider to reduce impacts to agricultural lands. A final version of the AIS was posted to ERF on March 28, 2025 (Ex.-PSC-AIS).

Most grassland impacts of the project would be temporary and would occur during the construction process, however any grasslands existing within the Mill Road substation footprint or the Tamarack or Butler substation expansion areas would be permanently removed. The proposed substation sites would contain approximately 1.80 acres of grasslands within their proposed footprints. The Common Route would impact 157.33 acres of grassland, with an additional 12.86 due to off-ROW access roads. The Primary Route would impact 13.28 acres of grassland, with an additional 0.19 acres due to off-ROW access roads. The Alternate Route would impact 19.20 acres of grassland, with an additional 0.04-acre due to off-ROW access roads. Impacts to grasslands are proposed to be mitigated through use of timber matting that would disperse equipment weight to reduce compaction and also to reduce soil erosion and rutting. Based on preliminary construction plans, 57.27 acres of grassland impacts are anticipated to be mitigated through use of construction matting along the Common Route, with an additional 4.35 acres along the Primary Route and 7.33 acres along the Alternate Route. The applicant stated that construction best management practices for invasive species mitigation would be followed to help prevent damage to grasslands.

As discussed further in Direct-DNR-Radermacher, the proposed project would result in impacts to wetlands and waterways that would vary depending on the chosen routes. Additionally, a modification to Common Route Segment E would result in a change in impacts to wetlands compared to the proposed project, which is discussed further later in my testimony.

Wildlife Impacts

As stated in Direct-DNR-Rowe, the applicant completed a certified endangered resources (ER) review with DNR to identify any protected species within the proposed project area. The ER review identified one state threatened and one special concern bird, one special concern crustacean, suitable habitat for a special concern fish species, seven state special concern, three threatened, and two endangered plant species, a special concern and federally-listed bumble bee, and two special concern herptile species which could be impacted by the project if mitigation actions are not implemented. The DNR provided actions that the applicant would be recommended to take to further ensure rare and non-game species impacts are minimized.

As discussed in Direct-DNR-Rowe, the recommended tree clearing avoidance period of April 1 through August 15 would be beneficial for wildlife such as bird and bat species that may utilize the project area.

Aesthetic and Visual Impacts

The proposed transmission lines and substation facilities would cause visual impacts to surrounding residential properties, commercial properties, and any other developed land near the project area. Although the project partly occurs within developed urban and suburban areas, the project would contribute to changing the nature of the landscape to a more industrial setting where new structures and facilities are constructed. Due to the proposed transmission line routes occurring within densely developed areas, they are in close proximity to many residences. The Common Route segment centerlines would be within 300 feet of 171 home and 301 apartment units. The Primary Route segment centerlines would be within 300 feet of four homes and no

apartment units. The Alternate Route segment centerlines would be within 300 feet of 81 homes and 60 apartment units. The nearest residences would be between 26 and 50 feet from proposed routes; one of which would be near a Common Route segment, and seven of which would be near Alternate Route segments.

Q. Did you evaluate the applicant's replacement of the off-ROW access road AR-9117-02 with AR-9117-04, per Ex.-PSC-DRR: PSCW-KF-3.6?

A. Yes, the replacement of AR-9117-02 with AR-9117-04 is discussed in the EA and all associated changes in impacts have been incorporated into the analysis. The applicant's removal of the off-ROW access road referred to as AR-9117-02 would address concerns raised by landowners in a public comment submitted during the EA scoping period. However, AR-9117-04 would result in clearing of forested wetland. If this alternate off-ROW access route is determined by the applicant to not be necessary prior to or during construction, it should be avoided for use to decrease impacts within forested wetland areas.

Q. Have you considered any modifications to Segment E as proposed in the application?

A. Yes, the proposed Common Route Segment E would involve the construction of a new transmission line with a proposed 100-foot Right-of-Way (ROW) that would be evenly split by a property line dividing northern and southern properties. As proposed, Segment E would result in clearing approximately 5.20 acres of forested land. The landowner of one of the properties on the south side of Segment E submitted a public comment during the EA scoping period expressing the wish for the affecting portion of Segment E to be moved 50-to-75 feet to the north, to avoid the required clearing on the northern edge of

the Fleisner Living Trust forested property located at W204N10032 Lannon Road, Colgate, Wisconsin.

Q. Would this adjustment be feasible?

Yes, the applicant confirmed that moving the easternmost structure on the Johnson property and each other structure to its west until reaching the Mill Road Substation parcel would be feasible. (Ex.-PSC-DRR: Response PSCW-KF-2.5.) The shift north would place the edge of the transmission ROW at the property line and remove most of the tree clearing proposed, though easements may still be required from the southern properties to remove hazard trees.

Q. How would this potential change in Common Segment E change the project's environmental impacts?

A. The change in impacts that would be caused by this potential shift to Segment E, as provided by the applicant, would result in an overall decrease in upland forest and forested wetland clearing by 2.72 acres, and an increase in non-forested wetland impacts by 2.99 acres. In total the shift to Segment E would result in an increase in land impacted by 0.27 acres.

Although the northern properties were already proposed to be affected by the ROW of Segment E at the location where the shift would occur, it should be noted that the shift northward would require a 100-foot ROW on the properties to the north compared to the proposed 50-foot ROW. Similarly, the adjusted transmission line structures would be placed approximately 50 feet further into the properties to the north, resulting in one additional structure placed on the property to the north. The easternmost structure that would be moved into the northern property is currently proposed to be

located on the Johnson property as part of Segment E, and would remain on the Johnson property if the discussed shift northward is not implemented.

Q. Is there a project-specific order condition the Commission could adopt to reduce permanent tree clearing impacts from Common Segment E?

A. Yes, the Commission could require that the applicant move the portion of Segment E as specified in the data request.

The order condition could state:

> The applicant shall modify Segment E by moving the applicable transmission structures to the north to avoid project ROW requiring the clearing of forested land on the Fleisner property located at W204N10032 Lannon Road.

Q. Could modifications to a portion of Common Segment L potentially mitigate impacts to a concerned landowner, if modifications are confirmed to be feasible?

A. Yes, one landowner who submitted a comment expressing concern regarding Common Route Segment L and its proposed ROW that would result in a large amount of the property being affected by tree clearing. Commission staff issued Ex.-PSC-DRR: PSCW-KF-4.2 to inquire about possible options the applicant could produce to reduce the direct impacts of the proposed line on this residence. Options such as moving a portion of Segment L to the south, along the south side of Silver Spring Road, or further south to run along Silver Spring Drive were explicitly included as suggestions regarding the opportunity to describe multiple mitigation solutions. Mitigation options which are found to be technically feasible provided as responses to this data request may be

recommended by Commission staff to be considered by the Commission as conditions for the project's approval.

Q. Are there any historic resources proposed to be impacted that would require additional measures taken by the applicant?

A. Yes, review of the Wisconsin Historic Preservation Database (WHPD) Architecture History Inventory (AHI) indicated one property within the visual Area of Potential Effect (APE) of the proposed project. This property, the Bert Phillips Ballroom/The Schwabenhof, identified as AHI 16801, is located near the Alternate Route Segment G and was determined to be potentially eligible for listing on the National Register of Historic Places. According to the Wisconsin State Historic Preservation Office (SHPO), if Segment G is authorized for construction, the applicant would need to provide an evaluation to determine whether AHI 16801 is eligible for the National Register and also work with SHPO to determine necessary actions to mitigate impacts. The applicant has stated that adverse visual impacts would be unavoidable if Segment G should become part of the ordered route, therefore the applicant would work with Commission and SHPO staff to evaluate mitigation measures.

Q. Is there a project-specific order condition the Commission could consider to mitigate impacts to the Bert Phillips Ballroom/The Schwabenof from Segment G?

A. Yes. If the Commission authorizes Segment G, the Commission could require that the applicant work with Commission and SHPO staff to mitigate visual impacts to the Bert Phillips Ballroom/The Schwabenhof.

The order condition could be stated:

The applicant shall work with Commission and SHPO staff to evaluate measures to mitigate adverse visual impacts to AHI 16801 (Bert Phillips Ballroom/The Schwabenhof).

Q. Are there standard order conditions that are typically applied to project dockets such as this one?

A. Yes. The Commission could apply the following standard order conditions to this docket:

i. The applicant shall conduct an updated Endangered Resources Review closer to the start date of construction (no more than one year prior to construction start).

ii. The applicant may propose minor adjustments to the approved route for the protection of environmental resources, to respond to landowner requests, or to implement technical design changes that arise during final stages of engineering, but any changes in alignment from the approved centerline may not affect resources not discussed in the EA, nor may they affect new landowners who have not been given proper notice and hearing opportunity. The applicant shall consult with Commission staff regarding whether the change rises to the level where Commission review and approval is appropriate. For each proposed adjustment for which Commission review is appropriate, the applicant shall submit for Commission staff review and approval, a letter describing: the nature of the requested change; the reason for the requested change; the incremental difference in any environmental impacts caused by the change; communications with all potentially affected

landowners regarding the change; and a map showing the approved route and the proposed modification, property boundaries, relevant natural features such as woodlands, wetlands, waterways, and other sensitive areas. Approval of the requests is delegated to the Administrator of the Division of Energy Regulation and Analysis with advice and consent from the Administrator of the Division of Digital Access, Consumer and Environmental Affairs.

Q. Does this conclude your direct testimony?

A. Yes, it does.

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