

1 **Q. Please describe your responsibilities at ATC.**

2 A. As Manager of ATC's Environmental Department, I am responsible for setting up
3 the department for this new company, planning and hiring environmental
4 department staff, communicating and working with stakeholders and regulators, and
5 leading the company's environmental philosophy and direction.
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7 **Q. Have you previously testified before any regulatory body?**

8 A. Yes. I have testified before the Public Service Commission of Wisconsin ("PSCW"
9 or "Commission") and the Federal Energy Regulatory Commission.

10 **Q. What is the purpose of your testimony in this Docket?**

11 A. The purpose of my testimony is to describe how the issue of biosecurity for
12 agricultural operations ("Agricultural Biosecurity") will be addressed for the
13 Arrowhead to Weston transmission line and associated facilities ("Project").
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15 **Q. What is the Agricultural Biosecurity issue?**

16 A. Agricultural Biosecurity is an emerging issue for projects which involve
17 construction in agricultural areas. With respect to construction of electric
18 transmission lines, we define it as the potential during construction to a) spread
19 infectious animal diseases (such as Johne's Disease) from one agricultural
20 operation to another; b) spread agricultural plant pests and diseases (such as the
21 soybean cyst nematode) from one agricultural operation to another; and c) spread
22 agricultural chemicals and plant material from a chemical-using agricultural
23 operation to a certified organic farm. Spreading can occur as a result of contact
24 with infected livestock or manure, or infected or chemically impacted soil or plant
25 material.
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1 **Q. Is this the same issue that is sometimes referred to as Farm Disease Mitigation**
2 **or Farm Disease Prevention?**

3 A. Yes it is. In our cost estimate, the line item is labeled Farm Disease Prevention. In
4 other materials it has sometimes been called Farm Disease Mitigation. For
5 purposes of this testimony, I will refer to the general issue as Agricultural
6 Biosecurity. We propose to identify and develop agricultural biosecurity measures.
7 Those measures will be incorporated into an Agricultural Protection Plan which will
8 establish the general template of available measures. From that we will develop
9 Specific Protection Plans which will identify the measures to be implemented on
10 either a specific agricultural property or a specific construction spread. I describe
11 this in more detail in this testimony.
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13 **Q. How are you going about this?**

14 A. We are reviewing various information sources and working with stakeholders to
15 understand the spreading mechanisms in order to develop and implement
16 construction practices and protocols. Our goal is to identify the techniques that
17 provide the most cost-effective protection and have the least impact on our ability to
18 construct the transmission line. To accomplish this goal, we are engaged in an
19 ongoing process, which includes the following:
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- 21 a) We are gaining key experience as we conduct land surveys by implementing
22 the biosecurity measures identified by the Marathon Circuit Court in its
23 decision authorizing access for survey work. (See Exh. (RLH-1) Wisconsin
24 Public Service Corporation v. Floyd J. and Lloyd J. Bauman, Marathon
25 County Circuit Court, Case No. 02-CV-295).
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1 b) We are reviewing the literature to educate ourselves about the issues and
2 identify actions taken in other projects:

3 (1) In the We Energies Central Upper Peninsula (CUP) project, wetland areas
4 were protected from the spread of invasive plant species by washing
5 construction equipment prior to entering a wetland.
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7 (2) We reviewed the biosecurity plan followed in the recent construction of
8 the Guardian interstate natural gas pipeline. Guardian's plan addresses
9 these issues through topsoil removal from potentially impacted areas and
10 provides a waiting period of two weeks following manure spreading prior
11 to work in an agricultural field. Even though the construction
12 methodology and goals are different for a pipeline installation than an
13 overhead electric transmission line (digging a trench and laying pipe
14 versus setting poles and pulling conductor), this plan provides one point of
15 reference for dealing with these issues in Wisconsin. ATC received this
16 plan from the Department of Agriculture, Trade and Consumer Protection
17 (DATCP) after our cost estimate was submitted to the Commission. We
18 continue to believe that our cost estimate encompasses the type of
19 techniques used by Guardian.
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22 (3) The State of Florida requires contractors working in areas of orange
23 canker to wash and disinfect equipment to avoid spreading this disease to
24 non-diseased citrus trees. Florida Power and Light (FPL) advised us that
25 they wash and disinfect vehicles and people when working in southwest
26 Florida to protect citrus fruit trees from the spread of orange canker. The
27 FPL experience confirms these techniques to protect a crop from the
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1 spread of disease, however the FPL experience does not provide insight
2 regarding the use of these techniques during freezing conditions.

3 (4) We also contacted the Electric Power Research Institute to see if they
4 could identify other utilities facing this issue, but they were not aware of
5 any.
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7 c) We are reviewing available research to improve our understanding of the
8 diseases, to identify specific measures and techniques and to define potential
9 ways to measures the effectiveness of the techniques. We have also had
10 discussions with other electric transmission owners in Wisconsin regarding
11 the issues and potential for joint research.

12 d) We are working with the DATCP to understand the diseases and the spreading
13 mechanisms and identify effective techniques for use during construction.
14 Since this is an emerging issue, we may need to try various approaches,
15 evaluate their success, and refine or modify them as construction progresses.
16 In addition, we may need to tailor the techniques to the terrain, the type of
17 agricultural operation, the location of the construction on the agricultural
18 operation, the season during which construction takes place, the type of
19 measures the producer already implements, and other site specific factors.
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21 e) We will invite other stakeholders to work with us to develop the Agricultural
22 Protection Plan. These stakeholders will include representatives of DATCP,
23 the affected counties, UW-Extension, agricultural producers, local interest
24 groups and others with an interest in the issue. In tandem with, but separate
25 from the CMP, Part B called for by the PSCW Order, we will work with the
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1 individual agricultural producers to develop site-specific or construction
2 spread-specific plans (collectively "Specific Protection Plans").

3 **Q. How will the Agricultural Biosecurity measures be identified and**
4 **implemented?**

5 A. We envision a two-step process for plan development, followed by implementation.
6 First, we anticipate developing an Agricultural Protection Plan which establishes
7 the general template. Then we will develop the Specific Protection Plans which
8 will be implemented in the field during construction.
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10 **Q. What do you anticipate the Agricultural Protection Plan will include?**

11 A. Based on our current knowledge of the issues, we believe the Agricultural
12 Protection Plan will consist of four basic parts: a) goals for agricultural protection,
13 b) a menu of construction techniques or procedures that can be used on agricultural
14 land, c) a menu of construction protocols to be considered based on variable field
15 conditions and time of year, and d) a checklist to determine appropriate protection
16 for each agricultural operation based on how that producer uses the land.
17 Protection goals. Past experience with construction plans has shown that defining
18 the protection goals is the most important. As construction methods are
19 implemented, the construction contractors often find less invasive and less
20 expensive methods of meeting these protection goals. The Agricultural Protection
21 Plan should be flexible enough to allow us to refine and implement other creative
22 construction techniques to meet the goals. Since there are many ways in which
23 disease, pests, or chemicals might be spread over which we have no influence or
24 control, we cannot guarantee that no spreading will occur during construction of the
25 Project. However, we strive to treat the land with the same respect and care that we
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1 believe a reasonable landowner would use. Our basic goal is to avoid spreading
2 soil, manure, chemicals or plant material from one agricultural operation to the
3 next. To that end we will identify and employ reasonable techniques that will
4 minimize the chances that any of the our activities will be the cause or source of
5 any spreading.
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7 a) Menu of construction techniques. These techniques or procedures may
8 include the following, among others:

- 9 • washing equipment prior to entering and leaving each agricultural
10 property
- 11 • installing construction mats at ingress and egress points along the right-of-
12 way
- 13 • scraping and segregating topsoil at pole locations prior to pouring
14 foundations and setting poles
- 15 • preventing access by livestock and unauthorized people and equipment to
16 construction areas
- 17 • other techniques learned in the field or identified by stakeholders

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19 b) Menu of construction techniques based on field conditions. The menu of
20 construction protocols will recognize the need to respond to actual field
21 conditions and the time of year in which the construction is taking place and
22 may include variables such as terrain, type of agricultural operation (livestock,
23 crop, organic farm), seasonal variations (frozen and non-frozen soil
24 conditions), location of the work area on the property, Agricultural
25 Biosecurity measures already in place on that property, and other site specific
26 conditions.
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1 c) Checklist. A checklist will be used to facilitate discussion of Agricultural
2 Biosecurity measures with each individual producer and to develop the Site
3 Protection Plans. The goal is to help identify measures and management
4 practices that are already being implemented by that producer so we can also
5 implement them during construction. If the producer is not currently
6 implementing any such measures or practices, the checklist will help us
7 identify the type of operation (livestock, crop, organic farm) in order to select
8 the most appropriate measures. We are working with DATCP to develop this
9 checklist.
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11 **Q. What process do you envision for development of the Specific Protection**
12 **Plans?**

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14 A. We plan to invite various stakeholders to assist with development of the
15 Agricultural Protection Plan. These stakeholders include DATCP, Project team
16 members, construction contractors, UW-Extension agents, county representatives,
17 agricultural producers and local interest groups. If the environmental manager and
18 inspectors for the Project are under contract when the plan is being developed, they
19 will also be involved. We will continue our investigations into practices used by
20 other companies, such as gas pipeline companies, that have recently implemented
21 biosecurity measures, as well as our discussions with researchers to learn more
22 about the spreading mechanisms and their insights into appropriate measures. We
23 will also continue to update the Commission staff. With this information, we will
24 work with individual agricultural producers to develop the Specific Protection
25 Plans.
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27 We anticipate the process will include the following steps:
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- 1 • Interview producers and UW-Extension agricultural agents to understand
- 2 the issues from their point of view and gain input on measures.
- 3 • Interview producers using the checklist to learn of any specific biosecurity
- 4 measures currently being implemented and identify the measures most
- 5 appropriate to their agricultural operation during construction.
- 6 • Develop and agree on protection methods, methods of modifying the plan
- 7 during construction, and effectiveness measurements for this Project.
- 8 • Prepare the Specific Protection Plans.
- 9 • Develop cost estimates for the Specific Protection Plans.
- 10 • Submit the plans and estimated costs to the Commission.

13 **Q. Why have you decided to develop an Agricultural Protection Plan and Specific**
14 **Protection Plans for this Project?**

15 A. Our approach is to be proactive in dealing with producers and environmental and
16 agricultural protection issues. Identifying methods to provide biosecurity protection
17 for agricultural operations during construction is the right thing to do for several
18 reasons.

- 19 • Agriculture is a primary land use throughout Wisconsin. Forty-eight
- 20 percent (48%) of the southern 92 miles of the Arrowhead to Weston line
- 21 route is in agricultural use. This construction has the potential to impact
- 22 many agricultural operations.
- 23 • Agriculture is important to Wisconsin's economy and protecting it is
- 24 important to the quality and safety of our food supply.
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- 1 • It is important to respect the business needs of producers, and address the
- 2 impacts of construction on their businesses, just as we do the interests of
- 3 other businesses along a transmission line route.
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- 5 • What we develop and learn on this Project can be applied to other projects
- 6 with the potential to impact agricultural operations along transmission
- 7 rights-of-way.

8 **Q. Will you implement measures for agricultural areas even if individual**
9 **producers have no biosecurity measures of their own in place ?**

10 A. Yes. The DATCP has identified a potential hazard to agricultural resources in the
11 State of Wisconsin that, depending on spreading mechanisms, may be spread
12 through construction activities. If we can implement reasonable biosecurity
13 measures for agricultural resources, we should. Further, certification is a business
14 issue for organic farmers. We need to consider protection of these business
15 interests. We are in the electric transmission business and expect to be for a long
16 time. Our goal is to be a good neighbor and respect the needs and concerns of those
17 around us. For us that means understanding how our construction activities might
18 impact agricultural operations and taking steps to minimize that impact.

21 **Q. When do you anticipate the Agricultural Protection Plan and the Specific**
22 **Protection Plans will be fully developed and capable of implementation?**

23 A. We have not defined a specific schedule. However, these plans will be developed
24 with the stakeholders and submitted to the Commission staff for prior to
25 construction on agricultural land.

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1 **Q. How was the cost estimate for implementation of the Agricultural Biosecurity**
2 **measures developed?**

3 A. Mr. Ronald Nichols of ATC will provide testimony on this question.

4 **Q. How do you propose to work with the Commission on the costs of the**
5 **Agricultural Biosecurity measures?**

6 A. We are proposing to submit the Agricultural Protection Plan and Specific Protection
7 Plans to Commission staff for review. These Specific Protection Plans will be
8 supported by sufficient detail to propose cost estimates. We are proposing that the
9 Commission delegate to the staff the authority to approve the costs estimates for the
10 Specific Protection Plans. If staff see an issue that they believe the Commission
11 should review, we anticipate staff will request such review by the Commission.
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13 **Q. Does this conclude your written testimony?**

14 A. Yes.
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