

**BEFORE THE UNITED STATES
FEDERAL ENERGY REGULATORY COMMISSION**

Spire STL Pipeline

)

CP17-40-009

**SPIRE IMPACTED LANDOWNERS' REQUEST FOR REHEARING OF COMMISSION
ORDER ISSUING TEMPORARY CERTIFICATE AND APPLICATION OF ORDER
871-B PRESUMPTIVE STAY**

CONCISE STATEMENT OF ERROR

On September 14, 2021, the Federal Energy Regulatory Commission (Commission), *sua sponte*, issued Spire STL Pipeline LLC (Spire) a temporary certificate to continue operations for 90 days while the Commission evaluates Spire's temporary certificate application. The temporary certificate does not confer eminent domain authority, but even if it did, an exercise of eminent domain is presumptively stayed under the Commission's policy announced in Order 871-B, 175 FERC ¶61,0098 (May 4, 2021). Nevertheless, despite lacking eminent domain authority, Spire continues to unlawfully press forward with condemnation actions in three different federal courts under the certificate for the project which was vacated by the United States Court of Appeals for the D.C. Circuit in *Environmental Defense Fund v. FERC*, Docket 20-1016 (June 22, 2021) while making no effort to negotiate for acquisition of legal title to the property necessary to operate the project. Accordingly, the impacted landowners, intervenors in this proceeding,¹ file this timely request for rehearing of the temporary certificate order² pursuant

¹ See Appendix A (listing landowner intervenors seeking rehearing).

² *Spire STL*, Order Issuing Temporary Certificate, 176 FERC ¶ 61,160 (September 14, 2021).

to Section 717r(a) of the Natural Gas Act, 15 U.S.C. §717r(a) and Rule 713 of the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.713.

STATEMENT OF ISSUES ON REHEARING

Issue No. 1: Does the temporary certificate issued *sua sponte* by the Commission convey to Spire the power of eminent domain under Section 717f(h) of the Natural Gas Act?

No. Section 717f(h) of the Natural Gas Act provides that any holder of a “certificate of public necessity and convenience” may bring an eminent domain action in federal court to acquire property necessary to construct and operate a natural gas pipeline. A “temporary certificate” is not a “certificate of public necessity and convenience” because it is issued under Section 7(c)(1)(B) of the Natural Gas Act and not under Section 7(e) which is entitled “Granting of certificate of public necessity and convenience.” Absent a clear expression of condemnation authority for temporary certificate holders, the Commission may not assume that such authority exists. *See Tenn. Gas Pipeline v. 104 Acre Prov. Cty.*, 749 F. Supp. 427, 432 (D.R.I. 1990), *citing Delaware, Lackawanna W. R.R. v. Morristown*, 276 U.S. 182, 192, 48 S.Ct. 276, 278, 72 L.Ed. 523 (1928) (“the taking of private property for public use is deemed to be against the common right and authority so to do must be clearly expressed”). Accordingly, the Commission erred by declining to include in the temporary certificate a prohibition on use of eminent domain, as the landowners urged.

Issue No. 2: Even if the temporary certificate confers eminent domain authority, may Spire proceed with a condemnation action while rehearing requests of the certificate are pending? No. In Order 871-B, the Commission adopted a policy of presumptively staying, “a certificate order during the 30-day rehearing period and pending Commission resolution of any

timely requests for rehearing filed by landowners up until 90 days following the date that a request for rehearing may be deemed to have been denied under NGA section 19(a).” Order 871-B at P. 46. The Commission must comply with Order 871-B and bar Spire from pressing forward with the eminent domain proceedings in the federal courts while the temporary certificate is in effect.³

FACTUAL BACKGROUND

A. The Initial Project Certificate and Condemnation

On August 3, 2018, the Commission, by a 3-2 margin granted Spire a certificate of necessity and convenience to construct and operate a 65-mile pipeline. *Spire STL Pipeline, Order Granting Certificate*, 164 FERC ¶61,085 (2018). As part of its certificate application, Spire committed to, “limit the use of eminent domain to the greatest extent possible by negotiating mutually acceptable permanent and temporary workspace easement agreements with any impacted landowners.” Certificate Order, P. 118. Yet despite its promises, Spire never engaged in *bona fide* negotiations with the Landowners. In fact, the Certificate Order at P. 119 and then-Commissioner Glick’s dissent both noted that Spire had not yet finalized agreements for most of the property required for the project. But on August 15, 2018, certificate in hand, Spire raced to three different federal district courts to file condemnation complaints against all of the landowners (who collectively own 62 parcels of property) pursuant to Section 717f(h) of the Natural Gas Act.⁴

³ As will be discussed, Spire can no longer rely on the initial certificate as a source of authority for eminent domain which was vacated by the D.C. Circuit in *Environmental Defense Fund v. FERC* and took effect on October 8, 2021 with the court’s issuance of the mandate.

⁴ See Docket, *Spire STL Pipeline LLC v. 3.31 Acres of Land*, No. 4:2018-CV1327 (E.D. Mo.) (listing consolidated condemnation actions against roughly 150 acres of land); *Spire STL*

Unlike many other condemnation statutes, the Natural Gas Act does not grant certificate holders “quick take” powers -- *i.e.*, the ability to take property prior to adjudication and payment of just compensation. However, federal courts have allowed pipeline companies holding a valid FERC certificate to gain immediate possession of property through a preliminary injunction. *See East Tennessee Natural Gas Co. v. Sage*, 361 F.3d 808 (4th Cir. 2004)(allowing pipelines to seek injunctive relief for immediate possession in condemnation action upon demonstration of irreparable harm). Here, all three federal courts granted Spire immediate possession, finding that Spire held a valid certificate and could not place its project in service to the detriment of customers if injunctive relief was denied.⁵

Although a preliminary injunction is a quick fix that enables a pipeline to quickly proceed with a project, it is not without risk. Significantly, a preliminary injunction is granted at the pleasure of a federal court and confers only equitable rights to use the property. Legal title does not transfer until just compensation is determined and paid. *Sage*, 361 F.3d at 825 (explaining that landowners’ ability to retain legal title protects them if the project is abandoned or compensation is inadequate). Nevertheless, even while condemnation actions are pending, a pipeline may always negotiate with the landowners to acquire property rights and avoid a costly, protracted proceeding. Spire did not do so. Thus, as of the date of this rehearing request, Spire has not acquired legal title to any of the 62 parcels that are the subject of the condemnation proceedings clogging the dockets in three different federal courts.

Pipeline v. Turman, Verified Complaint for Condemnation of Pipeline Easements, No. 3:18-CV-1502 (S.D. Ill. Aug. 15, 2018) (listing consolidated condemnation actions against roughly 80 acres); *Spire Pipeline v. Betty Ann Jefferson*, Case No. 18-CV-03204 (C.D. Ill. 2018).

⁵ All three federal district courts issued Injunction Orders in December 2018. *See* Dockets, *supra* at n. 4.

B. The D.C. Circuit Vacates the Certificate and Issues a Mandate

While Spire's condemnation actions were pending in federal district court, the D.C. Circuit vacated the underlying certificate, finding that the Commission failed to show that the project would serve a public need and to balance adverse project impacts against benefits. *Environmental Defense Fund v. FERC*. Following the D.C. Circuit's decision, the Landowners moved to vacate the federal courts' orders granting immediate possession based on changed circumstances,⁶ *i.e.*, that the certificates that had originally justified the injunction were no longer valid. The courts either deferred or denied the motion to vacate (with leave to revisit) because the D.C. Circuit had not yet issued the mandate, and therefore the certificate remained valid. However, on October 8, 2021, the mandate issued, the certificates are now vacated. As such, the now nullified certificates are no longer a source of authority for the pending eminent domain actions in the federal courts, and the Landowners moved to dismiss the condemnation actions.⁷

Yet even with an invalidated certificate, Spire still refuses to retreat from pressing forward with its eminent domain actions. In the Central District of Illinois, Spire filed a motion to amend its condemnation complaint to assert the temporary certificate as the basis for its action - even though as argued here, any condemnation under the temporary certificate is presumptively stayed under Order 871-B. And in the Eastern District of Missouri, Spire's counsel threatened that it would seek attorneys fees if the landowners did not withdraw their recent motion to vacate the condemnation action based on the mandate taking effect.

⁶ See Landowner Letter, Motion to Vacate (July 19, 2021), FERC e-Library, Accession No. 202107-19 (lodging motions to vacate filed at the federal courts).

⁷ See Landowner Letter (October 8, 2021)(lodging Motions to Vacate Injunction filed in federal courts).

C. The Landowners' Motion to Intervene and Protest

Meanwhile, on July 30, 2021, Spire filed an application for a temporary certificate with the Commission to ensure continuity of service in the aftermath of the D.C. Circuit decision vacating the certificate. On August 5, 2021, the landowners currently in condemnation filed an unopposed motion to intervene and protest of Spire's temporary certificate application. The landowners argued that a temporary certificate was unnecessary because other gas supply was available. But if the Commission decided to award a temporary certificate, the landowners urged that the Commission must (a) clearly state that the temporary certificate does not confer eminent domain powers and (2) condition the temporary certificate on Spire's negotiated acquisition of legal title to the easements needed to keep the pipeline in service and Spire's restoration of the properties to FERC and Illinois AIMA standards and the Landowners' satisfaction either through doing the work itself or paying the Landowners to self-perform.

The Commission has not yet ruled on Spire's temporary certificate application. However, on September 14, 2021, the Commission, *sua sponte*, awarded Spire a 90-day temporary certificate to ensure continuity of service for a limited period while the Commission considers appropriate next steps. The Commission's temporary certificate order was conditioned on Spire's commitment to continued restoration of the properties. But the temporary certificate order does not prohibit use of eminent domain, nor does it state that Spire is presumptively stayed from exercising eminent domain to acquire properties at least until 90 days following the date that a request for rehearing may be deemed to have been denied under the Natural Gas Act. Because Spire has continued to pursue eminent domain in federal courts when it has no authority

to do so under the temporary certificate, and even if it did, that authority would be stayed, the Commission must grant rehearing.

I. A TEMPORARY CERTIFICATE DOES NOT CONFER EMINENT DOMAIN POWER UNDER THE NATURAL GAS ACT.

With *vacatur* of the initial certificate now effective with the issuance of the mandate, Spire's sole source of authority to continue to operate the project lies in the temporary certificate granted by the Commission. A temporary certificate does not confer eminent domain authority which is reserved for "holders of a certificate of public convenience and necessity."

Specifically, Section 717f(h) of the Natural Gas Act provides in relevant part that:

When any **holder of a certificate of public convenience and necessity** cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for, the necessary right-of-way to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas...it may acquire the same by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts.

A temporary certificate is not a "certificate of public convenience and necessity." A temporary certificate is granted under Section 7(c)(1)(B) of the Natural Gas Act. By contrast, a certificate of public convenience and necessity is awarded under Section 7(e) of the Natural Gas Act which is entitled "Granting of a Certificate of Public Necessity and Convenience."

In addition, a temporary certificate is issued "without notice or hearing," while the grant of a certificate of public necessity and convenience requires more robust analysis - precisely because the latter conveys eminent domain powers. The D.C. Circuit emphasized this point in *Env'tl. Defense Fund. v. FERC*, explaining that:

The Commission may issue Certificates only if, among other things, it finds that the proposed construction or extension "is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied." 15 U.S.C. § 717f(e). In deciding whether to issue Certificates under this

standard, the Commission must "evaluate *all* factors bearing on the public interest." *Atl. Refin. Co. v. Pub. Serv. Comm'n of N.Y.*, 360 U.S. 378, 391 (1959) (emphasis added). **And there is good reason for the thoroughness and caution mandated by this approach: A Certificate -holder may exercise eminent domain against any holdouts in acquiring property rights necessary to complete the pipeline.** 15 U.S.C. § 717f(h).

Env'tl. Defense Fund v. Fed. Energy Regulatory Comm'n, No. 20-1016, at *6 (D.C. Cir. June 22, 2021) (emphasis added). In short, the relaxed review for the grant of a temporary certificate falls far short of the level that the D.C. Circuit has determined is necessary as a prerequisite to a grant of eminent domain.

Finally, the Natural Gas Act does not expressly grant eminent domain power to holders of temporary certificates. "The taking of private property for public use is deemed to be against the common right and authority so to do must be clearly expressed." *Delaware, Lackawanna W. R.R. v. Morristown*, 276 U.S. 182, 192, 48 S.Ct. 276, 278, 72 L.Ed. 523 (1928). Because eminent domain powers are in derogation of property rights, any authorization of condemnation powers must be narrowly construed. *Tenn. Gas Pipeline v. 104 Acre Prov. Cty.*, 749 F. Supp. 427, 432 (D.R.I. 1990).

Accordingly, a grant of a temporary certificate does not entitle Spire to exercise the power of eminent domain under Section 717f(h) to acquire property needed to operate its project. Therefore, the Commission erred in failing to condition the temporary certificate on a prohibition of use of eminent domain and instead, should have ordered Spire to negotiate with the landowners to acquire necessary property rights - which Spire committed to do at the outset.

II. EVEN IF THE TEMPORARY CERTIFICATE PERMITS USE OF EMINENT DOMAIN, ANY EXERCISE OF EMINENT DOMAIN IS STAYED UNDER ORDER 871-B.

Even if the Commission erroneously finds that a grant of a temporary certificate confers eminent domain authority, it must still prohibit Spire from proceeding with eminent domain actions in the federal courts under the temporary certificate. This is because Order 871-B imposes a presumptive stay on use of eminent domain during the 30-day rehearing period and pending Commission resolution of any timely requests for rehearing filed by landowners up until 90 days following the date that a request for rehearing may be deemed to have been denied

In Order 871-B, the Commission explained that a stay is a matter of fairness and necessary to avoid irreparable harm to landowners:

Given the grave consequences that eminent domain has for landowners, we believe that it is fundamentally unfair for a pipeline developer to use a section 7 certificate to begin the exercise of eminent domain before the Commission has completed its review of the underlying certificate order, through consideration of the merits of any timely filed requests for rehearing, either by issuance of an order on rehearing or a notice indicating that the Commission will not take further action...There is no question that eminent domain is among the most significant actions that a government may take with regard to an individual's private property. And the harm to an individual from having their land condemned is one that may never be fully remedied, even in the event they receive their constitutionally-required compensation.

Order 871-B at P. 47.

The Commission also explained that a stay does not penalize companies because they have a way out, noting that, "a pipeline developer may avoid a stay entirely by obtaining all necessary property interests prior to issuance of the certificate."

Because stays under Order 871-B are self-executing, the landowners were not required in their protest to seek a stay of the temporary certificate. However, now that the mandate has issued and the D.C. Circuit ruling vacating the initial certificate has been vacated, Spire has, or

may attempt to invoke the temporary certificate as the source of authority for continuing the eminent domain action. The Commission must make clear that any further eminent domain proceedings are stayed under Order 871-B. Moreover, to the extent that Spire presses forward with eminent domain actions now pending in federal courts, the Commission must find Spire in violation of the stay and take appropriate steps to bring Spire into compliance.

CONCLUSION

For the foregoing reasons, the landowners ask the Commission to GRANT rehearing and (1) state that the temporary certificate does not confer eminent domain power or in the alternative, (2) stay any exercise of eminent domain under the temporary certificate order consistent with the Commission's policy in Order 871-B, and order Spire to comply.

Dated: October 14, 2021

Respectfully submitted,

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Appendix A

Landowner Intervenors Seeking Rehearing

Landowner Name	Tract Number	Outstanding Restoration Issues
Betty and Keith Jefferson	IL-SC-003.000	<p>Grade is off by an average of 11.88" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Loss of topsoil. Topsoil / Subsoil Mixing. Average depth to 300 PSI, On-ROW: 3.4" Average depth to 300 PSI, Off-ROW: 11.63" ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Betty and Keith Jefferson	IL-SC-008.000	<p>Grade is off by at least 6" inside the ROW. Loss of topsoil. Topsoil / Subsoil Mixing. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is expected to be widespread inside the ROW but has been too wet to test for compaction. ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Kenneth Davis	IL-SC-018.000	<p>Grade is off by an average of 10.64" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 2.33" Average depth to 300 PSI, Off-ROW: 8.25" Several areas of erosion, up to 28" deep. Southern slope near center of property, adjacent to pipeline are unstable and slipping. These need to be stabilized immediately. Slope very near pipeline workspace is unstable and slipping towards pipeline.</p>
William and Alice Ballard	IL-SC-019.000	<p>Grade is off by an average of 12.46" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 2.5" Average depth to 300 PSI, Off-ROW: 10" ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Large areas of erosion. Up to 20" deep. Rocks and debris buried in ground.</p>
Anne and Matthew Clayton	IL-GC-022.000	<p>Grade is off by an average of 9" inside the ROW. General compaction of soils compared to off-ROW areas. Creek bank slip. Noxious weeds are spreading throughout CRP tract. Property is under existing NRCS CRP easement and landowner is risk of being kicked out of program and would have to reimburse NRCS for funds paid.</p>
Hart Farms, LLC	IL-GC-041.001	<p>Grade is off by an average of 14.65" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 3.67" Average depth to 300 PSI, Off-ROW: 11.67" ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Contours have not been restored and water is unable to discharge into road ditch.</p>

Landowner Name	Tract Number	Outstanding Restoration Issues
Jo Ann Mansfield	IL-GC-068.000	<p>Grade is off by an average of 10.5" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Rill and gully erosion present throughout easement. Large dead spots in easement.</p>
Bernard H Meyer Trust #9-11, Mary Lois Meyer trust #9-11	IL-GC-093.000	<p>Grade is off by an average of 13" inside the ROW. Subsoil is buried between topsoil layers inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 4.25" Average depth to 300 PSI, Off-ROW: 11.78" ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Construction debris found buried into the soils.</p>
Bernard H Meyer Trust #9-11, Mary Lois Meyer trust #9-11	IL-GC-094.000	<p>Grade is off by an average of 14.61" inside the ROW. Subsoil is buried between topsoil layers inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 3.17" Average depth to 300 PSI, Off-ROW: 12.14" ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Jacob D. Gettings, Mildred L. Gettings, Jacob "Jay" Gettings TTE Land Trust	IL-JC-149.000	<p>Grade is off by an average of 13.3" inside the ROW. Subsoil is buried between topsoil layers inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 3.25" Average depth to 300 PSI, Off-ROW: 10.83" ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Severe yield reduction inside and outside the ROW.</p>
Dannie Malone	IL-JC-179.000	<p>Grade is off by an average of 10.5" inside the ROW. Soil compaction is widespread inside the ROW. ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Slope on north end of property is eroding severely. Approx. 2 feet of silt has accumulated in silt fencing. Creek bank on southern property line is unstable and rip rap is falling downslope and into creek.</p>

Landowner Name	Tract Number	Outstanding Restoration Issues
Sinclair Family Farm, LLC	IL-JC-183.000	<p>Grade is off by an average of 12.96" inside the ROW. Subsoil is buried between topsoil layers inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 4" Average depth to 300 PSI, Off-ROW: 12.4" Inaccessible agricultural field on southern portion of properties. Rip rap rocks and construction debris buried into soils by road crossing. ROW is extremely wet and saturated with several areas of ponding throughout the ROW. In the fall of 2019 the farmer attempted to cross the easement but Sinclair's tractor became struck and subsequent attempts to remove the equipment resulted in damages and repair costs. Spire's easement has caused instability of soils and widespread erosion throughout the easement. Severe erosion was evident north of the landowners access road due to instability inside the easement. Erosion ditches have formed as deep as 28" throughout the easement and leading off-ROW. Area north of Sinclair access road continues to erode and ineffective erosion control is allowing sediment and silt to discharge into the wetland and onto private property in several locations. Much of the Spire easement is covered with areas of rill erosion. There are three drain tiles that will need replaced south of the farm road approximately 325 feet long with a 12" drain outlet. Four additional drain tile lines approximately 300 feet accords the easement will need replaced north of the farm road. Additional drainage is recommended south of the creek</p>
4850 Longhorn, LLC	IL-JC-200.000	<p>Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Deep and widespread erosion has formed throughout the easement as deep as 36 inches. High levels of construction debris has been observed on the surface of the ROW. Excessive levels of rocks have been observed on the surface of the ROW, buried in the soils, and uncovered by erosion. 3 creeks have severe erosion and instability causing slipping into waterbodies. Several washes have spread high volumes of sediment into the landowner's fields. Severe erosion flowing into grassy waterway.</p>
Greg and Connie Stout	IL-JC-223.000	<p>Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. ROW is extremely wet and saturated with several areas of ponding throughout the ROW. Currently, noxious weeds including Lambs Quarter and Maretail are present inside the easement area and are quickly spreading outside of the easement area. Mr. and Mrs. Stout will be held liable to control these invasive weeds per their CRP contract.</p>

Landowner Name	Tract Number	Outstanding Restoration Issues
Sheila Segraves	IL-JC-220.000	<p>Grade is off by an average of 10.5" inside the ROW. Trenchline soil subsidence up to 17" deep. Driveway is settling severely. Slopes and contours have not been restored correctly on the north side of the property. These issues are creating runoff issues and erosion issues. Pond on south side has been inundated with silt throughout construction and may need to be dredged. Large staging area is sunken and vegetation is visually impaired. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Dennis & Virginia Schaeffer	MO-SC-312.000	<p>Grade is off by an average of 12.83" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 3.67" Average depth to 300 PSI, Off-ROW: 11.71" ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Cletus Kampmann Jr.	MO-SC-319.000	<p>Grade is off by an average of 12.03" inside the ROW. Drain tiles are crushed and/or clogged inside the ROW and are causing drainage issues outside the ROW. Soil compaction is widespread inside the ROW. Average depth to 300 PSI, On-ROW: 4.33" Average depth to 300 PSI, Off-ROW: 11.5" ROW is extremely wet and saturated with several areas of ponding throughout the ROW.</p>
Eugene and Joyce Weidner	880L-011.00	<p>Topsoil and soil horizons have not been restored. Soil compaction is present inside the ROW compared to outside the ROW. Areas inside and around the easement are excessively saturated and have trouble draining. Residential property. Weidner home is very close to the pipeline.</p>
Corgaf LLC: Cori Patricia Christiansen, Barry Michael Corona, Kathleen Ann Corona-Bittick, and Karin Gaut	880L-014.00	<p>Contours not restored to pre-construction condition. Erosion present. Property is zoned commercial.</p>
Alan & Barbara Schlemmer	880L-023.00	<p>Contours not restored to pre-construction condition. Excessive rocks found on the surface. Matting and construction debris found throughout the surface. Easement is slipping north into woods.</p>
Margaret G. Bell	880L-024.01	<p>Contours not restored to pre-construction condition. Excessive rocks found on the surface. Matting and construction debris found throughout the surface. Easement is slipping north into woods. Water well has been impacted and is now severely discolored since HDD activities took place.</p>

Additional Landowner Intervenor - Marc Steckel and Phil Brown (See also Attachment B)

Sherry and Richard Hunt	880L-008.00	Uneven grade and contouring
Social Betterment Properties	880L-044.00	Uneven grade and contouring
Social Betterment Properties	880L-047.00	Uneven grade and contouring
Lynn and Janet Meyer	IL-JC-189.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement. Estimated Cost to Restore: \$730,000
Delbert Fraley Trust	IL-JC-191.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement. Estimated Cost to Restore: \$93,000
RWF Partnership	IL-JC-192.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement. Estimated Cost to Restore: \$212,000
Cathy Schrodt Perkinson	IL-JC-194.001	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement. Estimated Cost to Restore: \$65,000
RWF Partnership, Barbara Rogers, and	IL-JC-194.002	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement: \$277,000
Jacob and Kaeta Cronin	IL-JC-222.000	Significant soil runoff into adjacent pond. Estimated Cost to Restore: \$26,000
Dorwood F. Borgschulte,	MO-SC-304.002	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Dorwood F. Borgschulte,	MO-SC-306.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement

Alan and Sharon Poeggemueller	MO-SC-307.000	Uneven grade and contouring, easement is 'concave' ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil. Estimated Cost to Restore: \$357,000
Little Farm LLC	MO-SC-309.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Beckemeier Trust	MO-SC-310.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Simon Farms, LLC	MO-SC-313.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Bradley Schmidt	MO-SC-314.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil. Estimated Cost to Restore: \$115,000
F & Z Knobbe Farm, LLC	MO-SC-316.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Francis J. Machens Trust, et al	MO-SC-317.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Neil Rothermich	MO-SC-318.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil. Estimated Cost to Restore: \$140,000

David and Nancy Machens	MO-SC-320.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Francis J. Machens Trust	MO-SC-321.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Meyer Agricultural Enterprises, Inc.	MO-SC-323.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Saale Farms, Inc.	MO-SC-324.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Aloysius Machens Trust	MO-SC-327.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Saale Farms, Inc.	MO-SC-328.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Kathleen Thomas	MO-SC-329.001	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil
Kevin and Shelley Machens	MO-SC-330.000	Uneven grade and contouring, easement is 'concave' ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil. Estimated Cost to Restore: \$221,000

C & J Steinhoff Properties, LLC	MO-SC-334.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Family, L.P.	MO-SC-339.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Family, L.P.	MO-SC-345.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Family, L.P.	MO-SC-346.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Sarah Stalschmidt	MO-SC-347.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Vincent and Carol Saale	MO-SC-347.001	Uneven grade and contouring, easement is 'concave' ruts, depressions, lost topsoil, poor drainage through easement, mixing of sub and topsoil. Estimated Cost to Restore: \$298,000
Casper Brass and M&E Farms	MO-SC-349.001	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Farms, Inc.	MO-SC-352.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Farms, Inc.	MO-SC-353.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Saale Family, L.P.	MO-SC-355.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement

Saale Family, L.P.	MO-SC-356.000	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement
Judy Worlitz	MO-SL-372.002	Uneven grade and contouring, ruts, depressions, lost topsoil, poor drainage through easement