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July 20, 2021

Secretary Kimberly Bose
Federal Energy Regulatory Commission
888 First Street NE
Washington D.C. 20426
cc: Rich McGuire, Office of Energy Projects

Re: Spire Pipeline, Docket No. CP17-40
Landowner Response to Spire July 21, 2021 Report re: Schaeffer

Dear Secretary Bose,

My firm represents the Schaeffer Trust which owns Tract SC-312.00 along the Spire Pipeline in Saint Charles, Missouri. I am writing to respond to Spire's inaccurate and non-responsive report on the status of remediation on the property.

For the past years, my clients, through Central Land Consulting have reported topsoil loss, misaligned grade restoration, drainage problems, compaction, ponding and subsidence over the pipeline. Each time, Spire has failed to address the problem and instead either blamed the landowner for not farming the easement, or telling FERC that with the easement farmed, the problems have been fixed. That is not the case, as indicated by recent filings to the Commission including one dated May 27, 2021 by CLC showing flooding, unrestored grade, subsidence and reduced productivity in the easement.

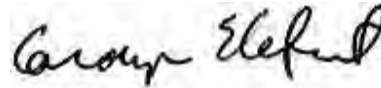
More troubling, however, is Spire's most recent report dated July 21, 2021. Once again, the report parrots the issues and this time asserts that they are being dealt with in the court case - when nothing could be further from the truth.

For starters, in the court case, Spire argued that FERC would require it to address restoration issues and asked the court not to hear those matters. When the court agreed to consider damages, Spire moved to exclude soil scientist Berning's most recent report (attached) which documents that compaction and drainage problems are still pervasive. The judge granted the motion, finding that the compaction reports were

disclosed too close to trial (they could not be done earlier due to wet conditions). The judge also refused to allow evidence of loss of approximately \$100,000 in topsoil because Spire erroneously claimed that it did not have a chance to question a witness about it over a year prior.

Although a company can engage in litigation shenanigans in court, it cannot hide this evidence from FERC. Whether or not the court found damage is irrelevant; what matters is that the property has not been restored as FERC required, and FERC must require Spire to work with the landowner to do so in the limited time that it has before this certificate expires.

Respectfully submitted,

A handwritten signature in black ink that reads "Carolyn Elefant". The signature is written in a cursive, flowing style.

Carolyn Elefant
Law Offices of Carolyn Elefant, PLLC

BERNING - DRAFT NOTES:

This report is to summarize my investigations at the referenced site on May 21, 2021 The purpose was to evaluate the condition of the soil following the burying of the pipeline.

Objective of the investigation

To assess the condition of the soil at the above-referenced tract after the construction, installation and burial of the Spire Pipeline and to evaluate whether the project has complied with applicable environmental conditions specified in the FERC Project Certificate, including the Environmental Assessment and FERC Upland Erosion Control Plan (Attachment X and X to this Report) and to identify measures necessary to remediate the property in accordance with FERC guidelines.

REPORT

I had not visited the site since the first soil investigations were done in December of 2019. At that time the soils were saturated to the surface and too wet to collect samples for bulk density analysis and too wet to get reliable penetrometer readings. The ideal moisture content of the soil to conduct these activities is when the soil is at field capacity or about -0.33 bars of hydraulic head. I believe that the soil was close to that pressure on the day of the field visit.

I used an Agritronix Soil Compaction tester to measure the compaction along the easement of the pipeline on the Schaeffer tract. I bored 200 to 300 holes with the penetrometer. I got as close as my GPS could get me to the sites of the pits we described in Dec. 2019. I also tested dozens of other sites between along the pipeline to get a larger sample. Following are the results: Readings indicate the pounds per square inch to penetrate the soil layer.

Site1- 220-250 to 28 inches
Site 2- 220 to 12", 450 or more to 28"
Site 3- 220 to 12", 450 or more to 28"
Site 4- 225-275 to 12", 275 to 28 inches
Site 5- 220 to 28 "
Site 6- 220 to 10", 350 to 28"
Site 7- 220 to 12", 350-400 to 28"
Site 8- 220 to 16", 300 to 28"
Site 9- 200 to 28"
Site 10- 250 to 13", 450 or more to 28"
Site 11- 200-250 to 12", 450 or more to 28"
Site 12- 200 to 250 to 28"
Site 13- 200 to 250 to 28
Site 14- 200 to 12", 450 or more to 24", 200 to 28"
Site 15- 450 or more to 28"
Site 16- 200-220 to 28"
Site 17- 200-220 to 28
Site 18- 200-250 to 12", 450 or more to 28"
Site 19- 200 to 13", 450 or more to 20", 220 to 28"
Site 20- 200-220 to 28,
Site 21- 200-225 to 28"
Site 22- 450 or more to 28"
Site 23- 220 to 12", 450 or more to 28"
Site 24- 220-250 to 12", 450 or more to 28"
Site 25- 220-250 to 28"
Site 26- 220 to 12", more than 450 to 28"
Site 27- 220 to 12", more than 450 to 28"
Site 28- 220 to 12", more than 450 to 28"

Research shows that almost no roots penetrate into soil with penetrometer resistance readings of 300 psi or higher. As the penetrometer readings listed above show, there still are areas over the pipeline and in the adjacent work areas with

compaction readings of 300 or greater. In soils that were not impacted by the activities involved with burying the pipeline, penetrometer readings were between 200 and 250 psi to a depth of 28 inches except for site 28.

I also have pictures taken on the day of the investigation of wet spots along the area of impact where the soils over the pipeline and adjacent to it are lower than the soils that were not impacted.

CONCLUSIONS

Based on my research and the soil investigations, it is my professional opinion that:

Restoration of this site has not met the conditions relating to soil compaction mitigation and restoration of drainage patterns. Significant compaction is still evident in the soil over the pipeline and on adjacent areas used for work space.

Document Content(s)

SpireMcGuire07302021.PDF.....1
berningnotespenotrometer.PDF.....3