

Exhibit No.: _____
Issues: Agricultural Impact
Witness: Tad L. Wesley
Sponsoring Party: Grain Belt Express
Clean Line LLC
Type of Exhibit: Surrebuttal Testimony
Case No.: EA-2014-0207
Date Testimony Prepared: 10/14/14

MISSOURI PUBLIC SERVICE COMMISSION

CASE NO. EA-2014-0207

SURREBUTTAL TESTIMONY OF

TAD L. WESLEY

AGRONOMIST

KEY AGRICULTURAL SERVICES, INC.

ON BEHALF OF

GRAIN BELT EXPRESS CLEAN LINE LLC

October 14, 2014

TABLE OF CONTENTS

I.	WITNESS INTRODUCTION AND PURPOSE OF TESTIMONY	1
II.	RESPONSE TO REBUTTAL TESTIMONY OF CHARLES KRUSE	2
III.	RESPONSE TO REBUTTAL TESTIMONY OF ROSEANNE MEYER AND FLOYD MCELWAIN	6

1 **I. INTRODUCTION AND PURPOSE OF TESTIMONY**

2 **Q. Please state your name, present position and business address.**

3 A. My name is Tad L. Wesley. I am an Agronomist and Project Manager with Key
4 Agricultural Services, Inc. My office is located at 114 Shady Lane, Macomb, Illinois
5 61455.

6 **Q. Please summarize your formal education as an agronomist.**

7 A. I have a Master of Sciences in Soil Fertility from Kansas State University, Manhattan,
8 Kansas (1996). Prior to that, I obtained a Bachelor of Sciences in Agricultural Science
9 (Agronomy) at Western Illinois University, Macomb, Illinois, in 1994.

10 **Q. Do you hold any professional registrations and certifications as an Agronomist?**

11 A. Yes. Among many registrations and certifications, I am a Certified Professional
12 Agronomist and a Certified Crop Advisor. I am also certified as an Agricultural
13 Monitor/Inspector by the Independent Organic Inspectors Association.

14 **Q. Do you participate in any professional committees as an Agronomist?**

15 A. Yes. I am a former Chairman of the Certifying Board of the American Society of
16 Agronomy. I am also active with the National Alliance of Independent Crop Consultants,
17 the Illinois Fertilizer and Chemical Association, the Illinois Soil Testing Association, and
18 the American Society of Mining and Reclamation.

19 **Q. Have you previously provided expert witness testimony as an Agronomist?**

20 A. Yes. In 2005, I provided testimony on behalf of the Hutchinson Utilities Commission in
21 the case of *Hutchinson Utilities Commission v. Land Owners* in the Minnesota counties
22 of Brown, Martin, McLeod, Nicollet, Sibley, and Watonwan counties. In 2008, I served
23 as an agricultural expert for a proposed longwall mining operation near Hillsboro,
24 Illinois, as a part of the Department of Natural Resources Permit Public Hearing process

1 for the Deer Run Mine proposed by Hillsboro Energy, LLC.

2 **Q. What is the subject matter of your surrebuttal testimony?**

3 A. The purpose of my surrebuttal testimony on behalf of Grain Belt Express Clean Line
4 LLC (“Grain Belt Express” or “Company”) is to respond to certain issues presented in the
5 rebuttal testimony of Missouri Landowners Alliance (“MLA”) witnesses Floyd
6 McElwain and John Cauthorn; Show Me Concerned Landowners (“Show Me”) witness
7 Charles Kruse; and witness Roseanne Meyer, regarding the anticipated agricultural
8 impact of the construction and operation of the Grain Belt Express transmission project
9 (“Project”).

10 **II. RESPONSE TO REBUTTAL TESTIMONY OF CHARLES KRUSE**

11 **Q. Mr. Kruse cites a Wisconsin Public Service Commission study titled**
12 **“Environmental Impacts of Transmission Lines,” and claims the study finds many**
13 **impacts (Kruse, p. 3) and that “all of the impacts are valid” (Kruse, p. 5). What is**
14 **your response?**

15 A. Mr. Kruse does not put the study in appropriate context. Mr. Kruse implies that the
16 Wisconsin PSC report concludes that the list of environmental impacts cannot be
17 mitigated. However, the report actually makes clear that numerous mitigation strategies
18 are available for the impacts listed. For example, it states: “[t]he first part provides a
19 general summary of the types of analysis and the means to measure and identify
20 environmental impacts. The second part is an alphabetic list of potential impacts *and the*
21 *available methods to minimize or mitigate the impacts* [emphasis added].” (Kruse
22 Schedule CEK-3, p. 1). But Mr. Kruse does not acknowledge any of the mitigation
23 strategies provided in “Table 1, Examples of Mitigation Strategies” [p. 3] and otherwise
24 detailed throughout the report. Indeed, the report states that the use of construction

1 matting, construction during frozen-ground conditions, and soil decompaction measures
2 can minimize and mitigate agricultural impacts. Grain Belt Express' planned use of these
3 techniques is addressed in the Company's Agriculture Impact Mitigation Policy
4 ("AIMP") (Schedule MOL-13) and in the surrebuttal testimony of Company witness
5 Mark Lawlor.

6 **Q. Mr. Kruse claims that Grain Belt Express will show "disregard for wet soil**
7 **conditions that would make soil compaction much worse." (Kruse, p. 6). What is**
8 **your response?**

9 A. Mr. Kruse does not provide any evidence of this alleged disregard. To the contrary, the
10 AIMP details the comprehensive and conscientious strategies that Grain Belt Express
11 established to avoid and minimize soil compaction and to restore soils to their former
12 health if any compaction occurs. The AIMP also indicates that Grain Belt Express will
13 communicate with landowners to develop appropriate access plans prior to construction,
14 and to limit compaction occurrences (see for example the "Communications" and
15 "Facilities" sections of the AIMP).

16 The AIMP sets out specific remedial steps in the event that compaction does
17 occur: "Soil restoration activities may include topsoil segregation, de-compaction, liming,
18 tillage, or fertilization of impacted soils located both on and off Right-of-Way, or as
19 otherwise agreed to with the landowner." (Schedule MOL-13, p. 2). Furthermore, Mr.
20 Lawlor in his surrebuttal testimony outlines steps that Grain Belt Express will take to
21 address wet soil compaction issues, including, steps identified in the Wisconsin PSC
22 report (page 11), such as efforts to limit the areas of construction access/vehicular traffic,
23 the use of construction matting, frozen ground construction, and decompaction activities.

1 Put simply, Mr. Kruse's claim that Grain Belt Express will disregard wet soil conditions
2 is contradicted by the comprehensive policies established to address this very concern.

3 **Q. Mr. Kruse concludes his testimony regarding soil compaction with a quote from the**
4 **Wisconsin PSC report stating at page 8 that "Agricultural soils that have been**
5 **improperly protected or mitigated may suffer decreased yields for several years**
6 **after the construction of the transmission line is complete." What is your response?**

7 A. It is not unreasonable to expect that yields may be reduced modestly (perhaps a few
8 percentage points in the impacted areas) for a period of several years depending on the
9 measures taken by a company, weather and soil conditions, farmer practices, and other
10 issues. Mr. Lawlor testifies in Section IV of his surrebuttal testimony that the company
11 will make extensive efforts to communicate with landowners and develop construction
12 access plans that seek to minimize the areas potentially compacted, while also making
13 use of construction matting when needed and utilizing decompaction methods following
14 construction. In my expert opinion, these measures will significantly reduce the amount
15 of compaction and effectively remediate any soils that are compacted. Any remaining
16 compacted soil would be confined to a small portion of the easement area which Mr.
17 Lawlor calculated at approximately 15% of the easement area. As a result, these
18 measures will minimize any risk of a decreased yield due to soil compaction.

19 **Q. Excerpts from the Wisconsin PSC report provided by Mr. Kruse (Kruse, p. 7) also**
20 **state that erosion can result from the construction of a transmission line. Does**
21 **Grain Belt Express have a plan to address soil erosion?**

22 A. Yes. As Mr. Lawlor notes in his Section IV of his surrebuttal testimony, Grain Belt
23 Express will implement a Storm Water Pollution Prevention Plan (SWPPP), consistent

1 with federal and state regulations. The SWPPP will describe practices, measures, and
2 monitoring programs to control sedimentation, erosion, and runoff from disturbed areas.
3 Appropriate erosion control methods are typically determined on a site-specific basis, but
4 may include practices that Grain Belt Express intends to implement such as deploying
5 erosion control devices and minimizing disturbance to areas prone to erosion. These
6 measures are common and acceptable industry practices, and are consistent with the
7 Wisconsin PSC report's "Table 1: Examples of Mitigation Strategies" for erosion control,
8 namely "Installing and maintaining proper erosion controls during construction to
9 minimize run-off of top soil and disturbances to natural areas" (Kruse CEK-3, p. 3).

10 **Q. Mr. Kruse states that there is potential for transmission lines to interfere with the**
11 **operation of GPS systems (Kruse, pages 10-12). What is your response?**

12 A. I know of no instance where a GPS guidance system did not function properly due to the
13 presence of transmission lines. GPS guidance systems employ multiple (normally four or
14 more) satellites to communicate with a moving piece of farm equipment. If there is
15 momentary interference with one satellite signal, other satellites will be used for the
16 signal.

17 **Q. Mr. Kruse also states that it would be a "nightmare" to utilize modern, large farm**
18 **equipment around structures such as the ones Grain Belt Express is proposing, and**
19 **asserts that the use of precision farming would be much harder in the presence of**
20 **such structures (Kruse, p. 13-14). What is your response?**

21 A. The use of GPS systems to steer farm equipment will greatly reduce the inconvenience
22 associated with navigating around support structures. The current precision farming
23 technologies allow for more efficient farming practices around obstacles that may occur

1 in a field by implementing auto-row shut-offs on planters and section control on sprayers,
2 fertilizer spreaders, and toolbars, all of which help to minimize any farming overlap
3 issues, therefore decreasing or avoiding any inefficiencies or impacts to crop yields.

4 **III. RESPONSE TO REBUTTAL TESTIMONY OF ROSEANNE MEYER AND**
5 **FLOYD MCELWAIN**

6 **Q. Mrs. Meyer (at p. 5 of her rebuttal testimony) and Mr. McElwain provided**
7 **testimony stating that some areas of the right of way will not be available for aerial**
8 **application as a result of the construction of the Project. Furthermore, Mr. Kruse**
9 **states that some areas of the field would not be treated, allowing for severe insect**
10 **infestations (Kruse, p. 9). What is your response?**

11 A. Agricultural products are often applied aerially because of the speed of application, crop
12 height, field conditions, or some combination of these reasons. In my experience,
13 however, this does not mean that aerial application is the only method available. In most
14 cases, landowners can develop an application plan using ground-based application
15 equipment to cover any areas no longer suitable for aerial application. As noted by Mr.
16 McElwain, aerial applicators can continue to treat the overwhelming majority of the
17 acreage of fields in which a transmission line is present (McElwain, p. 3). This leaves
18 only a small area of the field requiring land-based application, which can be
19 accomplished in a timely manner and planned for in advance. To the extent any crop
20 damages do occur, Mr. Lawlor addresses the landowner compensation policy of Grain
21 Belt Express in relation to agricultural impacts in Section IV of his surrebuttal testimony.

22 **Q. Does this conclude your testimony?**

23 A. Yes.