

FROM: THE BELLE PRAIRIE DRAINAGE DISTRICT COMMISSIONERS- Jeff Abbey, Justin Goembel, and David Ifft

TO: THOSE IN LIVINGSTON COUNTY GOVERNMENT THAT CONSIDER ZONING AND DEVELOPMENT IN OUR COUNTY (including any committees and subcommittees)

TOPIC: WIND ENERGY PROJECT AND FARM DRAINAGE

The ongoing productivity of cropland in Livingston County relies on a vast network of subsurface drainage systems that are most often referred to as tile. Many of the home sites in Livingston County also rely on these tile for drainage of storm water. This vast network of tile drains includes older clay drainage tile, newer plastic drainage tile, both are of various dimensions, both are covered at a variety of depths, are a multitude of ages, and include some large clay tile mains that about a century old. Most of this tile is owned by private property owners. Many miles of the largest most expensive of these tile systems are owned and maintained by local units of government called Drainage Districts. Drainage Districts are units of local government with limited court approved taxing authority. These Districts were formed for the express purpose of installing and maintaining many of the larger tile mains or open drainage ditches in Livingston County.

We as Commissioners for the Belle Prairie Drainage District are appointed to preserve, maintain, and enhance tile mains installed long ago to drain about 6000 acres in southern Livingston County along with small adjacent portions of McLean and Ford counties. The annual production of over \$4,000,000 worth of crops as well as the drainage of many home sites relies on keeping these tile mains in good working order. In the not too distant future many of these aging tile will have to be replaced and supplemented with the installation of new tile. The current depth and size of our older tile will in many cases not be adequate for the new supplemental or replacement Drainage District tile. Like most underground systems including pipeline and cables, all subsurface drainage tile plans need adequate cover. Unlike buried pipelines and cable a tile system always needs slope to work. A buried wind project cable that is at the wrong depth at the wrong location can damage existing tile drainage systems and would increase the costs of dealing with long term drainage problems that have to be addressed to maintain productivity of farmland and desirability of home sites in Livingston County.

Due to the above, we as Drainage Commissioners have many drainage related concerns that need to be addressed as those within Livingston County government try to develop requirements for wind projects that are in the overall best interests of our county.

Our concerns if ignored would increase operating costs for drainage districts, have the potential to impair drainage of cropland or homesites, and have the potential to reduce crop yields in the areas with wind projects.

Our concerns can be summed up with the following questions-

- 1) What will be done to eliminate the risks of damage to our tile as construction equipment, cables, and roadways cross our aging tile? Due to the circumference of tile mains, the need for

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slope, and the need for cover- Drainage District tile mains are often much deeper than the smaller tile owned by the private landowner.

- 2) How deep will cable be installed in the areas under and adjacent to our tile? We have to consider this due to both the costs of needed ongoing maintenance of current tile as well as to protect the course (or pathway), cover, and slope necessary for the installation of future tile. There will be examples where a wind project cable will have to be over 8 feet deep to be below existing or much needed future drainage district tile.
- 3) What are the required plans to guarantee options for timely repair of tile damage in the vicinity of the project during the construction process as well as during the years of wind project operation? Without adequate guarantees for timely repair of failing tile mains in the vicinity of wind projects, crop losses or property losses can add up very quickly. The timing and intensity of rainfall is unpredictable. It is the job of Drainage Commissioners to keep tile mains working 24 hours a day and 7 days a week throughout the year.
- 4) Will the wind project be liable for the costs of tile repair and crop damages due to damaged tile mains?
- 5) Where wind project roadways cross our tile, what are the plans to guarantee that these roadways don't impair surface drainage?

Due to our concerns,

- 1) We suggest that the county requires that any wind project plans that are within 300 feet of existing drainage district tile that include wind tower placement, crossing drainage district tile with heavy equipment, any plans for cable installation, and any plans for roadway installation have to be approved by drainage district commissioners before this construction, installation, or modification can be done. This maximum 300 feet protection zone above will most often not be necessary. The proposed 300 feet is to provide a protection for necessary depth and slope in the places where the pathway of future district tile mains should or have to be routed. In no way should this proposed buffer be seen as a way to deny rights for construction within this buffer or to cross district tile with reasonable construction, installation, and maintenance plans. It should be viewed as a way to protect the wind project cable from the risks of future damages as well as to protect existing or potential future drainage district main tile routes.
- 2) We request that Livingston County government helps to make it clear that the costs of any damage to drainage district tile that is due to construction, maintenance, and operation of the wind project as well as any crop losses due to failures to make a timely repair are the financial responsibility of the wind project. Tile damage and failure happens. We simply need to be guaranteed options for the timely repair of damaged tile to prevent crops losses due to slow repair of this damaged tile. We also need this repair done without additional repair costs for the district when the necessary repair is due to cable depth/ location, the cable installation process, or crushed tile due to heavy equipment traffic. It is our suggestion that the wind project has to have a Drainage District approved, reliable, experienced, local contractor or contractors that can be called immediately to schedule timely repair of any damaged tile that is in the area of wind

projects. Upon repair, if this contractor suggests that the necessary repair is in any way due to wind project activities, the wind project pays the repair bill.

As part of the Belle Prairie Drainage District Commissioners' goal to suggest reasonable and appropriate remedies to Livingston County government that would address our concerns stated above, we have solicited the opinions of Commissioners and attorneys for both the Avoca and the Indian Grove Drainage Districts.

Commissioners from all 3 Drainage Districts above showed interest in meeting with those in Livingston County government that have questions or need clarification that will make wind projects and drainage districts compatible.