

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

February 27, 2018

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1 McLEAN COUNTY ZONING BOARD OF APPEALS
 2 MEETING
 3
 4 Wednesday, February 27, 2018
 5 6:00 p.m.
 6 at
 7 McLean County Government Center
 8 115 East Washington Street
 9 Bloomington, Illinois
 10 Case Number SU-18-02
 11
 12 BOARD MEMBERS PRESENT:
 13 Brian Bangert
 14 Chris Carlton - 1st Alternate
 15 Rick Dean
 16 James Finnigan - Chairman
 17 Michael Kuritz
 18 Mary Beth Taylor - 2nd Alternate
 19 Julia Turner
 20
 21 ALSO PRESENT:
 22 Philip Dick, Director of Building and Zoning
 23 Samantha Walley, Assistant State's Attorney
 24 Luke Hohulin, Assistant County Engineer

June Haeme: CSR #084-003038
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1 (Commencing as 6:00 p.m.)
 2 **CHAIRMAN FINNIGAN:** We're going to bring
 3 the McLean County Zoning Board to order. Will the
 4 secretary call the roll?
 5 (Roll call taken with Board Members Brian
 6 Bangert, Michael Kuritz, Rick Dean, Julia Turner,
 7 Jim Finnigan, Chris Carlton and Mary Beth Taylor
 8 present.)
 9 **CHAIRMAN FINNIGAN:** We have seven members,
 10 we have a quorum, so the staff has been affirmed.
 11 This is reconvening of Case SU-18-02, and I'm going
 12 to let Phil talk here for just a minute.
 13 **MR. DICK:** We had earlier communications
 14 from Mr. Keith Shank of the Illinois Department of
 15 Natural Resources and we had realized that the
 16 zoning board members had some questions, that they
 17 would like to have clarification on some of his
 18 communications, so Mr. Shank was good enough to show
 19 up here tonight and he will present, but before he
 20 does that, I think the attorney for the applicant
 21 wanted to present some information and then we'll go
 22 right to him. And he'll be mainly discussing his
 23 report, and if you need copies of that, I have
 24 additional copies.

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1 **MS. TURNER:** I do.
 2 **CHAIRMAN FINNIGAN:** Why don't we pass them
 3 out.
 4 **MS. ANTONIOLLI:** Thank you. Before we get
 5 started with the testimony of Mr. Shank, on behalf
 6 of EDP Renewables -- should I restate my name for
 7 tonight? Amy Antonioli from Schiff Hardin, counsel
 8 for EDP Renewables. Thank you. Before we get
 9 started, I'd like to move into the record EDPR's
 10 proposed responses to IDNR's recommendation letter,
 11 and we are I believe at Applicant's Exhibit No. 14.
 12 **MR. DICK:** Yes.
 13 **MS. ANTONIOLLI:** Okay. At this time I'd
 14 also like to move into the record a floodplain map.
 15 This was requested in earlier testimony and we
 16 prepared one and brought it with us here tonight.
 17 And that would be, I would move that into the record
 18 as Applicant's Exhibit No. 15.
 19 **MR. DICK:** Are these [indicating] the two
 20 exhibits that you were speaking of?
 21 **MS. ANTONIOLLI:** Correct, yes.
 22 **MR. LUETKEHANS:** I guess the question is
 23 is anyone -- I think there's too many on. I guess
 24 the question is is anybody going to give a

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1 foundation for this EDPR Exhibit 15?
 2 **MS. ANTONIOLLI:** So EDP/Applicant's
 3 Exhibit 15, this was a request by one of the board
 4 members during earlier testimony of Allison Poe I
 5 believe while she was testifying and we promised to
 6 provide a copy.
 7 **MR. LUTKEHANS:** Again, I would just like
 8 a foundation for this from somebody who can actually
 9 testify as an engineer or something to this effect.
 10 Just putting a document in like this that we've,
 11 first of all, never seen before and, second of all,
 12 that has -- you know, it's not a public document,
 13 there's no foundation, there's no one to testify
 14 that this is true and accurate or how it relates to
 15 the wind turbines.
 16 **CHAIRMAN FINNIGAN:** Is Ms. Poe here
 17 tonight?
 18 **MS. ANTONIOLLI:** She is, yes.
 19 **CHAIRMAN FINNIGAN:** Why don't we wait
 20 until she can come up and lay the foundation for
 21 that.
 22 **MS. ANTONIOLLI:** We will.
 23 **CHAIRMAN FINNIGAN:** Just a few minutes
 24 here and we'll get that taken care of one way or

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1 another.
 2 **MS. ANTONIOLLI:** Okay, very good, thank
 3 you.
 4 **CHAIRMAN FINNIGAN:** Would you like to be
 5 sworn in.
 6 **MR. SHANK:** Sure.
 7 (Mr. Keith Shank was duly sworn.)
 8 **CHAIRMAN FINNIGAN:** Would you state your
 9 name and address for the record?
 10 **MR. SHANK:** My name is Keith Shank,
 11 S-H-A-N-K, and I live at 2324 Westview Drive in
 12 Springfield, Illinois.
 13 **CHAIRMAN FINNIGAN:** Okay. And just for
 14 the record, we're only talking about the application
 15 we're dealing with tonight not what we've already
 16 approved, so any questions tonight for Mr. Shank, or
 17 he's explaining, are going to be on this
 18 application. That's board members also.
 19 **MR. SHANK:** Ladies and gentlemen of the
 20 zoning board, I'm pleased to appear before you
 21 tonight. As I've stated, my name is Keith Shank.
 22 I'm employed as the chief of the Impact Assessment
 23 Section of the Office of Realty and Environmental
 24 Planning in the Department of Natural Resources. In

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1 that role, it's my responsibility and that of my
 2 staff to implement provisions of the Illinois
 3 Endangered Species Protection Act and the Illinois
 4 Natural Areas Preservation Act pertaining to the
 5 consultation process. I'd like to explain that
 6 process a little bit. There always seems to be a
 7 lot of questions about it.
 8 Both of these statutes require that
 9 whenever a unit of local government or a state
 10 agency is considering an action that they must
 11 authorize, fund or perform that may alter
 12 environmental conditions, they're required to
 13 consult the Department of Natural Resources as to
 14 whether that action is likely to adversely affect
 15 the essential habitat of state listed endangered
 16 species or to adversely modify a site listed on the
 17 Illinois Natural Areas Inventory. The animals and
 18 plants that are on the state list under the Illinois
 19 Endangered Species Protection Act are -- some of
 20 them are the same, but most of them are different
 21 than those that are listed by the federal
 22 government. Most people I meet are not aware that
 23 the federal government's endangered species act and
 24 the state's act are not really related although they

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1 have somewhat the same title. Just for an example,
 2 there's only 31 species on the federal list that
 3 occur in the state of Illinois, but the Illinois
 4 list contains 156 animals and 324 plants. So
 5 there's quite a bit more things to talk about under
 6 the state act than there are under the federal act.
 7 The Illinois Natural Areas Inventory
 8 requires a little explanation. The Natural Areas
 9 Preservation Act established the Illinois Nature
 10 Preserves Commission, and they run the state nature
 11 preserves system and they also define what a natural
 12 area is or is not. Most people when they hear that
 13 term assume that if it's land that hasn't been
 14 managed by people for a long time, that must be a
 15 natural area, but it has a more specific definition.
 16 The department maintains what it calls an
 17 inventory of natural areas, the Illinois Natural
 18 Areas Inventory, and these are sites that are
 19 designated by the department based on a number of
 20 ecological or physical characteristics that are
 21 unusual to some level. Some are of extraordinary
 22 value for wildlife. Some are natural communities
 23 that are good examples of what existed here before
 24 we showed up. Some are sites that are essential

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1 habitat for threatened and endangered species.
 2 There's about 1500 of those sites statewide and some
 3 of those are located here in McLean County.
 4 A natural area in and of itself doesn't
 5 have any legal protection, but it does trigger the
 6 consultation process. So I'm obliged and my staff
 7 is obliged to give people advice as to how we feel
 8 those sites might be adversely affected by any
 9 proposal that's pending before them. That's a
 10 little bit in contrast to a nature preserve or land
 11 and water reserve. Those sites are dedicated or
 12 registered and convey a conservation easement to the
 13 State of Illinois which the State of Illinois holds
 14 in trust.
 15 So a site like the Weston Cemetery Prairie
 16 is both on the INAI as a natural area and it is also
 17 a dedicated nature preserve. So those do have legal
 18 protection. It's a Class A misdemeanor to adversely
 19 modify such a site in any way whatsoever without the
 20 permission of the Nature Preserves Commission. So
 21 there's a big distinction between a nature preserve
 22 and a site that's merely on the inventory. I say
 23 merely because merely is a much lesser level of
 24 protection, but it's still an important natural area

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1 that we like to protect or see protected.
 2 The Illinois Endangered Species Act makes
 3 it a Class A misdemeanor to take a state listed
 4 animal or a state listed plant without the
 5 permission of the landowner. The wildlife that's on
 6 the list is the property of the State of Illinois,
 7 so you need our permission before you can harm it.
 8 Plants belong to the landowner and so you need the
 9 landowner's permission before you can harm that
 10 plant. So that's also an important distinction.
 11 Now, the consultation process is the only
 12 part of statute that's not a crime if you don't do
 13 it. However, that provision of the statute is
 14 endorsable through a writ of mandamus lawsuit, so
 15 any person who may be adversely affected by the
 16 pending action if consultation does not occur may go
 17 to court and file a lawsuit against whichever unit
 18 of government failed to go through the consultation
 19 process. So it is a process that is important to
 20 execute in most actions that come before the zoning
 21 board.
 22 In this particular case, we're talking
 23 about a wind energy facility. I have been reviewing
 24 wind energy facilities in Illinois since 2007, so

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1 whenever you see a wind turbine anywhere in the
 2 state, it's one I've looked at before and one that
 3 I've considered in terms of its potential adverse
 4 effects.
 5 I would like to emphasize that the law
 6 doesn't ask me to tell you what the benefits of a
 7 project are. It specifically tasks me to tell you
 8 what the adverse effects are. So many people who
 9 read my communications say, boy, you're sure being
 10 hard on people and, you know, you're really being
 11 critical, but technically that's my job. I assume
 12 it's somebody else's job to tell you what's
 13 wonderful about whatever somebody is proposing, but
 14 that's not my task. So if my communication seems a
 15 little slanted on the negative side, that's the main
 16 reason why.
 17 I'd like to get into my letter of February
 18 5th to Mr. Dick specifically regarding this
 19 particular project. If you have a copy before you,
 20 I'll take these in order. In terms of the natural
 21 areas, Weston Cemetery Prairie Nature Preserve INAI
 22 site is located just north of U.S. 24 near the
 23 village of Weston. It's close enough that somebody
 24 standing in the nature preserve will certainly be

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1 able to see the wind turbines that are associated
 2 with this project. Illinois doesn't have a law that
 3 protects viewsheds. Some states do, but Illinois
 4 does not. So while the Natural Areas Preservation
 5 Act talks about a person's ability in a nature
 6 preserve to visualize the presettlement conditions
 7 of Illinois, that is a value that's often
 8 compromised already at the time something becomes
 9 dedicated. So at Weston Cemetery Prairie we have a
 10 federal highway, we have a railroad, we have other
 11 structures that are visible, et cetera, et cetera.
 12 So being able to see something is not of particular
 13 concern to the department.
 14 And the recommendation here that there be
 15 a one mile setback from the nature preserve, that's
 16 a standard recommendation that we make in every case
 17 of a nature preserve in the vicinity of a proposed
 18 wind project, and the reason for that is because we
 19 feel that even though it's possible that there may
 20 be some slight physical modification of the
 21 conditions in the nature preserve, we don't believe
 22 that those modifications will be significant in
 23 terms of their effect on either the wildlife in the
 24 preserve or the plants in the preserve.

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1 For an INAI site, we typically recommend a
 2 half a mile. Now, there's nothing magic about a
 3 half a mile except it's half of a mile, and again a
 4 INAI site has no legal protection per se. Again,
 5 that's a standard recommendation we make for INAI
 6 sites regardless of what they are or where they are
 7 or what they contain, and again, it's because we
 8 feel that although at half a mile there may be some
 9 effects, we hope that they won't be significant
 10 effects at half a mile. We want that extra
 11 assurance for a nature preserve because it's a crime
 12 to adversely modify a nature preserve. So that's
 13 why we ask for a mile for a nature preserve but only
 14 a half a mile for an INAI site.

15 Most people who want to talk about wind
 16 energy and wildlife want to talk about birds. Birds
 17 have certainly been a popular subject in the popular
 18 press about wind farms, and with the internet,
 19 things never go away even though they may be 20 or
 20 30 years out of date. So from where I sit, it's
 21 obligatory for most developers of wind facilities to
 22 show to whomever they're speaking that they're not
 23 going to build an equivalent of the Altamont Pass
 24 wind turbines in California which are the most

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1 notorious bird killers in the world. Unfortunately
 2 that's due to where they're located and what kind of
 3 turbine they are. The type of turbine makes a
 4 difference, and the 5,000 or so turbines initially
 5 built at Altamont Pass were fairly small, they had
 6 rapid rotation and they were built on trellis type
 7 towers that provided purchases for birds of prey and
 8 was also located in a mountain pass that funnels
 9 large migrations of birds right through there. So
 10 to this day, although many of those turbines have
 11 been replaced with turbines with more modern
 12 technology, it still kills quite a few birds
 13 including quite a few golden eagles and still causes
 14 quite a bit of consternation to people who are
 15 really into birds.

16 We have not experienced anything like that
 17 in the State of Illinois. Our geography is not such
 18 that large migrations of birds are funneled through
 19 specific sites. We have what we call broad front
 20 migration. Basically the entire State of Illinois
 21 is in the Mississippi flyway which extends from
 22 Nebraska to Ohio. So early on I was asked by my
 23 director why we didn't make more recommendations
 24 about migratory birds and wind turbines, and my

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1 response to him was there is no way to predict when
 2 or if any cubic foot of air is going to hold a bird
 3 at any particular time, and it has proven difficult
 4 or impossible for us to predict what types of birds
 5 will be killed at a wind facility or how many.
 6 We have at least 27 operating facilities
 7 in Illinois at this point in time. I have seen
 8 studies for most of them, and generally the
 9 mortality is small compared to what people have read
 10 on the internet and in California. A really deadly
 11 turbine might kill six birds in a year, and you have
 12 no way of knowing what kind of bird they're going to
 13 be, and that's kind of a saving grace because there
 14 are hundreds of species of birds that fly through
 15 Illinois and the losses are divided amongst all of
 16 those different species.

17 In the time that we've been tallying
 18 losses, we have had only five birds on the state
 19 endangered list that have been killed or injured by
 20 a wind turbine. Four of those have been a
 21 black-billed cuckoo. I don't know what it is about
 22 cuckoos, we seldom discuss cuckoos in consultation,
 23 I did mention them in my letter this time, and
 24 that's because our experience has been we can't

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1 predict where they're going to be, when they're
 2 going to be there or how many of them are going to
 3 get killed. We do have two facilities in the state
 4 that have sought a permit from us because they have
 5 killed cuckoos in two consecutive years, so if it
 6 happens twice, it probably will happen thrice, and
 7 so on and so forth, so we ask for that and we
 8 receive that.

9 One of the losses was an osprey, a
 10 juvenile osprey that apparently tried to perch on
 11 top of a turbine nacelle, took a glancing blow from
 12 the turbine and had a dislocated wing. Once it made
 13 a trip to the vet, it was able to fly away the next
 14 day and continue its migration, that was good, and
 15 we haven't had an incident like that since, and that
 16 was all the way back in 2007.

17 The other case was a black rail, kind of a
 18 wetland bird, and it's really unusual that wetland
 19 birds are killed at wind turbines. That one died at
 20 a facility over in Henry County. And again, the
 21 department is completely unable to predict where
 22 these species are going to be or how.

23 Recently a wind turbine was erected on the
 24 south side of Chicago near Lake Calumet, and if

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1 Illinois has a place that's similar to Altamont Pass
 2 it's Lake Calumet which sees several million
 3 migratory birds every year fly through there both in
 4 the spring and fall. We asked for a mortality study
 5 for that turbine, which is relatively small compared
 6 to the ones we're talking about today, and after an
 7 entire year, they killed one dove. That was all.
 8 We were really concerned because we have 28 of our
 9 31 listed species migrate through that spot, but one
 10 dove was the only casualty.
 11 So generally speaking, we're not too
 12 concerned about the birds. Some birds are ground
 13 nesting birds. The upland sandpiper is a good
 14 example. We were initially concerned because they
 15 have a very acrobatic mating flight that takes them
 16 through high elevations rather rapidly. We've never
 17 had a loss of an upland sandpiper that's been
 18 tallied. We have issued several permits for that
 19 just in case. But probably the greater threat is
 20 during the construction period if there's a nest on
 21 the ground that people don't notice. But to this
 22 day we've not had an issue with that.
 23 Bald eagles. There have probably been
 24 fewer than 40 bald eagles killed by wind turbines in

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1 all of North America. When you read stories in the
 2 press about hundreds of eagles being killed, those
 3 hundreds of eagles are golden eagles and they're
 4 almost all of them in the west. And golden eagles
 5 and bald eagles are different species and they
 6 behave quite differently both in where they hunt,
 7 how they hunt and how they fly. So golden eagles
 8 are at risk from wind turbines; bald eagles not so
 9 much. However, federal regulations, and that is a
 10 species regulated by the federal government, treat
 11 them the same. So everybody who's operating a wind
 12 facility or plans to does have to have a discussion
 13 with the federal Fish and Wildlife Service about
 14 what risks they might encounter there. So
 15 generally, the Department of Natural Resources
 16 leaves it to the federal government to talk about
 17 bald eagles and have that conversation.
 18 You'll see mention in this letter about
 19 the American golden plover. That's not a state
 20 listed species, at least not today, and as a species
 21 that breeds in the arctic, they migrate south down
 22 the eastern Atlantic coast to South America in the
 23 winter and come back through Illinois and Indiana in
 24 the springtime, it's only here in the spring, and it

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1 does require wet spots in soybean and cornfields.
 2 It has to go through a molt for about a month while
 3 it's here. And one of the things that we have
 4 learned over the years is you will never see an
 5 American golden plover within a quarter mile of a
 6 wind turbine. They will just avoid them
 7 assiduously. So that's a good example of how
 8 wildlife can be affected without being killed.
 9 A lot of people I speak with seem to feel
 10 like if it ain't dead or it ain't hurt, then there's
 11 nothing to talk about, but the way Illinois is
 12 shaped with the best wind resources, there will be
 13 places where there will be 150 miles of wind
 14 turbines in a string sooner or later, and for birds
 15 that will avoid them or won't fly over them or
 16 something like that, that will be an interesting
 17 type of barrier. However, that's -- you know, no
 18 one company is going to build a facility that large.
 19 That's going to be, you know, like a whole lot of
 20 apartment buildings on a block or a street. You
 21 know, you can only hold each developer responsible
 22 for what they themselves are doing not what the
 23 industry is doing as a whole. And of course land
 24 use is a local government prerogative, it's not a

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1 state prerogative, so those decisions are made at
 2 the local level.
 3 Bats have been a much more serious problem
 4 with wind and it has come as a big surprise. Back
 5 in 2000, nobody expected there to be any problems
 6 with bats. Afterall, we all know bats have sonar
 7 and they can find a mosquito at 100 feet and zero in
 8 on it and all this good stuff, so why in the world
 9 would bats have a problem with wind turbines? But
 10 thanks to everyone's concern about dead birds, when
 11 people were doing studies and looking for dead
 12 birds, they were picking up dead bats and a lot more
 13 dead bats than they were picking up dead birds.
 14 So right away questions started being
 15 asked why are so many bats dying, et cetera, et
 16 cetera. We still don't really know the answer to
 17 that. We just know that they do. 98 percent of the
 18 bats that are killed at wind turbines belong to
 19 three species: the hoary bat, the eastern red bat
 20 and the silver-haired bat. We call them tree bats
 21 because they never hibernate in a cave. In fact,
 22 they never hibernate at all. They're migratory like
 23 birds are. The silver-haired bat breeds in the
 24 summertime in Canada and it spends the winter in

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1 Texas, Mexico and Central America. The hoary bat
 2 and eastern red bat do the same, but they migrate in
 3 huge swarms of thousands and thousands and thousands
 4 of bats.
 5 And some studies have been done with
 6 thermal videocameras and stuff like that to see
 7 whether the bats avoid wind turbines or what, and
 8 the evidence is they just fly straight through.
 9 They ignore the fact that the turbines are there.
 10 Why? Apparently they're not using their sonar when
 11 they're migrating because they're not feeding. So
 12 they either don't know that they're there or they
 13 don't care. So the ones that make it through make
 14 it through and the ones that don't don't.
 15 That's something that we're starting to
 16 look at as a serious issues. Those three species
 17 were not on anybody's radar as a listed species. A
 18 recent study by Bat Conservation International and
 19 some of their scientists suggested that if we never
 20 build another wind turbine, these species will all
 21 be on the endangered list within 30 or 40 years just
 22 due to the annual toll that flying through the
 23 existing wind farms takes.
 24 Now, there are things with bats that can

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1 be done to manage the operation of turbines to
 2 drastically reduce the numbers of bats that are
 3 killed. Unfortunately there's nothing like that for
 4 birds. A lot of things have been tried for birds,
 5 painting the turbine blades different colors, that
 6 sort of thing, but the physics of a rotating turbine
 7 blade are it's moving so fast that the closer you
 8 get to it the more invisible it becomes. And when
 9 you're close enough to be struck, you cannot see it
 10 coming. The birds cannot see it coming. So
 11 painting it different colors doesn't really keep any
 12 birds alive, but it does scare off a lot of other
 13 wildlife and disturb the local residents and
 14 everything else because it does make the turbines
 15 more visible from a distance. But that's not
 16 something we recommend as a control measure for
 17 birds.
 18 Bats. Typically the management for bats
 19 takes two forms. The most reliable is called
 20 operational curtailment. One method, one thing that
 21 was discovered in doing these studies is that at
 22 very low wind speeds below which a wind turbine can
 23 produce power, it's still rotating, and about 30
 24 percent of the bats that are killed die when it's

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1 not producing any electricity. So one of the things
 2 that can be done is to it's called feathering the
 3 blades to stop rotation until the wind is strong
 4 enough to allow the turbine to produce electricity.
 5 That saves about 30 percent of the bats that would
 6 otherwise be killed.
 7 Again, bats have a seasonal migration,
 8 even the ones that live in caves. Typically the
 9 Fish and Wildlife Service is most concerned with
 10 August and September which are the peak months for
 11 movement, but those movements actually begin in the
 12 middle of July and can extend into October,
 13 sometimes into November. Bats are driven by
 14 temperature more than sunlight or day long period to
 15 move, so we're seeing lots of warmer springs and
 16 we're seeing lots of warmer falls, and so there's
 17 starting to be some variability in when bats are
 18 actually flying through. However, we can still rely
 19 on the standard periods to say, you know, you don't
 20 have to curtail your turbine all the time, just
 21 during the peak periods, and that would save a
 22 majority of the bats.
 23 That's the basis for my recommendation
 24 that talks about curtailing at 5 meters per second

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1 wind speed. That's the speed that would save about
 2 50 percent of the bats that fly through. It's also
 3 a speed that's considerably costly to the wind
 4 turbine operator. The technology in the turbine
 5 industry has been to manufacture turbines that can
 6 operate at a lower wind speed and that makes more
 7 places economically feasible to implement a project,
 8 but again it's at that lower wind speed that most of
 9 the bats die. So we're a little bit conflicted
 10 there on that sort of thing.
 11 I have mentioned some aquatic species in
 12 my letter. This is an area where I think the
 13 Illinois Department of Natural Resources may be
 14 virtually alone amongst states which have wind
 15 projects, et cetera, et cetera. The focus almost
 16 everywhere is on things that fly and that's because
 17 I think most people put their focus on the things
 18 that are moving which are the big blades up in the
 19 sky.
 20 However, there are animals that live on
 21 the ground, underground, and that live in our
 22 streams that can also be affected by things like
 23 moving shadows, by things like noise, by things like
 24 vibrations, and -- but generally those types of

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1 impacts are not fatal. They might be exclusionary
 2 and really alter animal behavior, might interfere
 3 with mating or rearing young or something like that,
 4 but those types of effects are much more difficult
 5 to detect than carcasses falling out of the sky. So
 6 it's much more difficult to document those things.
 7 It doesn't make them less real, but it does make
 8 them harder to measure. That's something we've been
 9 looking at for a while.

10 Unfortunately, as many of you recognize,
 11 the State of Illinois is not flush with a lot of
 12 cash and the department is not staffed with as many
 13 people as we used to have to put it mildly, and we
 14 don't have the human resources or the fiscal
 15 resources to do a lot of independent scientific
 16 research on our own. So we're pretty much in the
 17 position of asking industries that conduct
 18 operations that we're concerned about to pitch in
 19 and see if they will bear some of this burden of
 20 finding out what's going on. So quite often I
 21 develop recommendations that ask you to recommend to
 22 your county board that you use whatever authority
 23 you have to require a developer to do some of the
 24 things we would like to see done in order to measure

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1 what these effects are and determine whether they
 2 have an adverse effect.

3 I probably didn't give a complete
 4 explanation of the consultation process, and this
 5 would be a good time to go back and emphasize that
 6 what we are tasked to do is to give you information
 7 and advice. The consultation process is not
 8 designed to hand out mandates or regulatory
 9 mandates. If it was regulatory, we would regulate.
 10 We wouldn't ask you to do it, we would do it. The
 11 fact of the matter is with 156 animals and 324
 12 plants, for a lot of those species, we don't know
 13 very much. We know what they look like, we can
 14 identify them, they have a name, we kind of know
 15 where they live, but how they behave, what's
 16 critical for their habitat, what's going to bother
 17 them, what eats them, what they eat, many times we
 18 don't have that information.

19 So our information is incomplete, but we
 20 are tasked to give you an opinion. So we give you
 21 an opinion, and people can argue about whether
 22 that's a sound opinion, a good opinion, a bad
 23 opinion, whatever it may be, but that's what it is.
 24 Hopefully through our process we give you more

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1 information than you had before, but it's still
 2 going to be up to you and your government to decide
 3 what happens and when it happens and who has to do
 4 it. It won't be up to the Department of Natural
 5 Resources except in one case, and that case is if we
 6 determine that the project is likely to take a
 7 listed animal in the process, and we're at the high
 8 end of likely here, not just possible but highly
 9 likely, we will recommend something called an
 10 incidental take authorization, and that is a permit
 11 that can be obtained from the Department of Natural
 12 Resources that authorizes a party to injure, kill,
 13 pursue, hunt, collect, harass, you know, whatever
 14 form of mayhem it is that may happen for a
 15 particular species. Now, that's the only time the
 16 Department of Natural Resources will ever say it's
 17 okay to kill or injure some of those animals. It's
 18 the only time.

19 So many times I've spoken to industry
 20 people, not just in the wind industry but more
 21 broadly speaking, people who might be liable for a
 22 take are sometimes reluctant to seek that kind of
 23 permit because they feel like it's a preconfession
 24 of dastardly deeds or whatnot that we're going to

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1 kill something. What it actually is is when they go
 2 through our process, after every effort to avoid and
 3 after every effort to minimize, if they still can't
 4 guarantee that there won't be a take, then they get
 5 this kind of permit. So that kind of permit does
 6 require that the person holding it avoid and
 7 minimize to the extent that they can any injury to
 8 the animals, and what they can't avoid, they're
 9 absolved of any criminal liability. That also
 10 requires mitigation for the animals they can't avoid
 11 taking.

12 So many times we get public comments like,
 13 dude, you know, what part of endangered don't you
 14 understand, you can't give them this permit, but it
 15 is actually a permit to take endangered species.
 16 The department has issued about 175 of those since
 17 we acquired the authority to do so in 2000. We have
 18 never actually denied one. We have had some people
 19 walk away from the process because they didn't like
 20 the conditions we imposed, but generally that's been
 21 a very successful program. It allows us to say yes
 22 in a limited extent if we determine that the take
 23 that will occur is not likely to jeopardize the
 24 survival or recovery of the species in the state.

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1 So that's part of our process there, but
 2 what I wanted to emphasize to you was that what's in
 3 my letter here, our style is recommendations,
 4 because that's what they are, they're just
 5 recommendations, they're advice. They're advice
 6 that you can consider or reject or modify as you see
 7 fit. You're free to consult other experts, other
 8 people, listen to other opinions, draw other
 9 conclusions than what we have.

10 I make it a point and have, I've been
 11 doing this for 22 years now, I don't have a stick
 12 that I can beat anybody with, I don't have a lot of
 13 money that I can incentivize them to do what I want,
 14 I just have our credibility. So our credibility as
 15 a department is important to us and to me
 16 personally, so we make it a point not to make
 17 recommendations that are extreme in any degree, in
 18 either direction, extremely severe or extremely
 19 liberal. We try to make them science-based. Many
 20 times there is no science and you may hear a bit of
 21 that tonight, but they are science-based. So that's
 22 why it's advisory. Like I said, if we had the
 23 science to know, we'd be regulating on that basis,
 24 but we don't. So that's kind of our process.

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1 And I'd just like to wrap it up a little
 2 bit here. I haven't mentioned every species on here
 3 or every character of species, and I haven't gone
 4 through the recommendations per se, but I'd like to
 5 toss it back to you now. And if you have specific
 6 questions, if you'd like to ask me about my
 7 recommendations, I'd be happy to answer your
 8 questions.

9 **MR. DEAN:** Well, first, I'd like to thank
 10 for your input here, it's brought a great deal of
 11 clarity for me myself, so I appreciate your time
 12 this evening. Talk a little bit to me about the
 13 process for reporting casualties? Who plays a role
 14 in that process?

15 **MR. SHANK:** Okay, fair question.
 16 Typically, and this has been the history throughout
 17 the history of wind energy in Illinois, when those
 18 types of monitoring studies are done, they are
 19 either performed by the developer or a party
 20 retained by the developer. They usually hire an
 21 environmental consulting firm who has qualified
 22 scientists. Those individuals, because they'll be
 23 handling the carcasses of wildlife, et cetera, et
 24 cetera, are required to hold a permit from the

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1 Department of Natural Resources for the possession
 2 and retention of those animals.

3 Typically when they begin the monitoring
 4 program, the developer will submit that program to
 5 the department for the department's advice. Now,
 6 the department can't necessarily specify exactly how
 7 it will be done, who will do it, when it will occur,
 8 how often they will look, et cetera, et cetera, but
 9 we do comment back to them on what they propose as
 10 to whether we feel it's adequate to characterize
 11 what the losses will be.

12 Now, we're not looking for a completely
 13 accurate count of animals, it's usually a
 14 statistical estimate, so we're looking at sampling
 15 that's intensive enough to give us a reasonable
 16 statistical estimate of what's happening. So we
 17 look at the total number of turbines, the total
 18 number of turbines they're going to actually
 19 monitor, whether they're going to monitor a large
 20 area around the turbine or whether they're just
 21 going to look at roads and pads. There are a number
 22 of different methodologies for doing this, there's
 23 combined methodologies, et cetera, but generally we
 24 comment back to them whether we feel the program is

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1 adequate to give us a statistical estimate. And if
 2 we think it's not, we suggest what they might do
 3 differently, but then they're free to implement the
 4 program they wish. We can't actually do that.

5 So some studies are really good, some are
 6 mediocre, and some barely deserve the name, and, you
 7 know, that can happen. By and large, most of the
 8 developers I've dealt with over time I would say are
 9 very responsible in how they do the studies. They
 10 want the answers as much as we want the answers
 11 because they need to know.

12 In particular with the bats, in many
 13 counties there are populations of endangered or
 14 threatened bats, and there are penalties to be
 15 incurred if those bats are killed, even though
 16 they're not being deliberately killed. Here in
 17 McLean County, we just don't have very many records
 18 of listed bats. We have a few along the lower
 19 Mackinaw from many years ago, and again, because we
 20 don't have people out looking every year and other
 21 people don't have people out looking every year,
 22 there could be listed endangered bats all along the
 23 Mackinaw River, but there may not be.

24 McLean County is kind of in the center of

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1 the state. Many of our listed bats spend the winter
 2 in caves in Indiana or caves in Missouri and Iowa,
 3 and they filter into Illinois from east and west,
 4 which means if they find a nice place to settle down
 5 for the summer, they don't make it to McLean County
 6 or Logan County or some of these others. Now, the
 7 migratory bats that are flying north and south, they
 8 certainly do come through here and they come through
 9 here by the thousands.

10 So the studies generally are looking at
 11 two things. One, you know, what's the rate that
 12 we're killing bats at, and that can be expressed as
 13 bats per turbine or bats per megawatt capacity,
 14 there's various ways of taking that measurement, and
 15 they're also looking to see whether they're killing
 16 any threatened or endangered bats, because if they
 17 are, then there's regulatory things they need to get
 18 lined up in order to take care of that. So -- and
 19 again, they're looking at that rate because if the
 20 rate's too high, then there's probably things they
 21 should do to lower that rate. And if the rate's
 22 low, well, then maybe they don't need to do
 23 something like that.

24 So generally they are qualified

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1 individuals that we are familiar with that apply for
 2 a permit from our department. Those individuals
 3 receive that permit. They are required by law to
 4 report to us at the end of the year the complete
 5 tally of animals that they've collected and picked
 6 up, where they picked them up and that sort of
 7 thing. Most of these studies do require that the
 8 bat carcasses be retained in a freezer at the site,
 9 so if there's any question about what kind of bat it
 10 is, it's available for a second or third-party to
 11 examine. Bats of the Myotis species, the little
 12 brown, the northern long-eared bat and the Indiana
 13 bat, are sometimes difficult to distinguish,
 14 especially if they've been smashed by something. So
 15 I'm not aware that -- well, I am aware. Sometimes
 16 if there's a question about what kind of bat it is,
 17 they'll even resort to a DNA analysis to see if they
 18 can identify the species. So that's not unheard of.
 19 It's not something that's typically done because
 20 it's costly, but that can happen.

21 So generally these studies are done for
 22 two or three years. Any one year can be what it is.
 23 You know, it doesn't really establish a trend or
 24 what's typical or what's likely to happen. So we

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1 prefer two or three years of monitoring. In this
 2 case, I recommended three. That's kind of where the
 3 Fish and Wildlife Service has settled, on three.
 4 Once upon a time we were happy to get one year
 5 thinking that at least in one year -- because our
 6 main concern was are you going to kill a threatened
 7 or endangered bat, and we figured if you were going
 8 to do that on a regular basis, it would happen in
 9 the first year. We've kind of moved away from that
 10 notion. We need a little bit more data than that.
 11 So two we've asked for a number of times, but now
 12 we've settled on three as something that we're
 13 asking and increasingly it's what the industry
 14 encounters, so they're usually willing to do a three
 15 year study.

16 And that, from our standpoint, it's not
 17 necessary if the turbines are going to be there for
 18 25 or 40 years to do it every year. If you do it
 19 for three years when you first start operating,
 20 we're going to have a very good idea of what's going
 21 to happen year in and year out, so doing it yearly
 22 is not necessary.

23 Now, in the one case in the state where we
 24 have issued a permit to take endangered bats, we did

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1 require two years of monitoring to see what was
 2 going on, and then if they wanted to change their
 3 operational management, they would have to do
 4 additional years of monitoring each time they
 5 changed the wind speeds at which they would curtail,
 6 but we also required that at year 15 they would do a
 7 study and at year 20 they would do a study so that
 8 we would get a picture -- and it was a 20 year
 9 permit, so we wanted a picture over the entire
 10 permitting period of what was going on with those
 11 species.

12 Again, there's only one permit like that
 13 out there at this point in time because so far
 14 there's only one that's warranted it, although I did
 15 learn this week the federal government has issued a
 16 second permit like that to another operation which
 17 doesn't have a permit from us yet, so we'll be
 18 pursuing that issue with them, but I guess -- I hope
 19 I've answered your question and maybe more.

20 **MR. DEAN:** No, no, thank you. Yes, that
 21 brought a lot of clarity to it. Do the employees of
 22 the wind farm typically do or do not weigh in on the
 23 carcasses?

24 **MR. SHANK:** Typically not. However, most

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1 of them have a policy where a technician in the
 2 course of their normal duties, if they encounter a
 3 carcass or find a carcass, they are to report it to
 4 the group that is doing the monitoring or the
 5 contractor that's doing the monitoring. And, you
 6 know, I have encountered developers who don't want
 7 to hire anybody and they say our technicians will
 8 take care of that, and, gosh, their technicians
 9 never find anything, but they're probably, you know,
 10 worried more about the football game last night or,
 11 you know, who's going to be in the World Series than
 12 looking for bats on -- actually a dead bat is not
 13 much bigger than a mouse. Unless you really know
 14 what you're doing, unless you've been trained well,
 15 they're hard to find. The most effective way is to
 16 look with a trained dog. Not everybody uses dog
 17 teams. In fact, it's kind of rare that people do,
 18 again because of the cost.

19 But a well-trained individual, one of the
 20 things they have to do in these studies is measure
 21 their own efficiency at finding a bat carcass. So
 22 we allow them to take some of the bat carcasses they
 23 collect and salt them out there and then send the
 24 people out there to look for them and see how many

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1 they come up with, and that is factored into the
 2 statistical calculations later on.

3 We also have them measure the efficiency
 4 of local scavengers. A certain number of birds and
 5 bats that are killed are devoured by coyotes or
 6 raccoons or mink or whoever else happens to be out
 7 there, house cats maybe, before they're found, and
 8 so that's measured as well by putting carcasses out
 9 and then seeing how long they last before something
 10 carries it off or eats it. I personally have seen a
 11 coyote move from one turbine to another and quarter
 12 the ground under that turbine and ignore all the
 13 ground in between one turbine and the next, and
 14 they're clearly looking for that free meal that
 15 they've learned is there.

16 We did have one case in western Illinois
 17 where one year the scavenger efficiency was only 15
 18 percent, then the next year it was 60 percent. So
 19 obviously, you know, animals that live more than one
 20 year can learn where the free food is and take
 21 advantage of that. But you have to take account for
 22 that from one year to the next when you're taking
 23 these measurements or your statistics are going to
 24 be way off. So we do look at searcher efficiency

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1 and we look at scavenger efficiency.
 2 **MR. DEAN:** Okay, thank you.
 3 **MR. SHANK:** You're welcome.
 4 **MS. TURNER:** I have a quick question
 5 about --
 6 **MR. SHANK:** Sure.
 7 **MS. TURNER:** -- Henline Creek, and your
 8 recommendation is that no turbines are sited within
 9 one half mile of the Mackinaw River INAI site, and
 10 then in parentheses you have Henline Creek, which I
 11 assume means is included in that.
 12 **MR. SHANK:** Right, yes.
 13 **MS. TURNER:** However, the portion of
 14 Henline Creek that is in this particular project has
 15 been described as a little bit different than the
 16 rest of Henline Creek. Can you comment on that?
 17 **MR. SHANK:** Well, the reason that Henline
 18 Creek is on the Illinois Natural Areas Inventory is
 19 because of the aquatic fauna that are in it. It has
 20 a very high fish index which means there's lots of
 21 different species of fish that use it, and it has a
 22 very high mussel index as well and includes some
 23 endangered mussels, the slipper shell mussel. Many
 24 of those species don't need a whole lot of water.

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1 So the Henline Creek has been designated
 2 as an INAI site from the Ford County line downstream
 3 to its confluence with the Mackinaw. Once upon a
 4 time it was its very own Illinois Natural Areas
 5 Inventory site. It was the Henline Creek INAI site.
 6 At some point in the past, somebody in the
 7 department decided they should aggregate some of
 8 these things because there was just so many INAI
 9 sites to keep track of or whatever their reasoning
 10 was, and they took the Mackinaw River main stem and
 11 Henline Creek and some of the nature preserves and
 12 water reserves that are owned by the Parkland
 13 Foundation and lumped them all in as the Mackinaw
 14 River INAI site, and they did that throughout the
 15 state with a number of other smaller creeks. The
 16 lower part of Rooks Creek in Livingston County is
 17 part of the Vermilion River INAI site. So it can be
 18 easy for people to overlook the fact that these
 19 things are considered valuable.

20 Now, as far as some parts are not like the
 21 others. Portions of the creek differ in terms of
 22 their riparian vegetation along the banks, the lower
 23 portions of Henline have some trees and woods and
 24 grasslands that the upper part lacks, but the key

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1 thing in these channelized streams where you've got
 2 a drainage district at some point in the past, maybe
 3 even currently, and extensive field tiles, that they
 4 very, very often moderate the water temperature, so
 5 there's not much fluctuation in the water
 6 temperature. And it's usually pretty cool, in the
 7 50 degree range, and can be very cool even in the
 8 summertime. And the fish just love that, the
 9 mussels just love that.

10 And so I have a lot of pictures of places
 11 like Henline Creek that look like any other drainage
 12 ditch in the state, don't look like much in the way
 13 of habitat, don't have rapids and they don't have
 14 pools and ripples and things like that or don't
 15 appear to, and yet they are teeming with endangered
 16 wildlife.

17 **MS. TURNER:** So on -- you mentioned that
 18 studies are important also.

19 **MR. SHANK:** Yes.

20 **MS. TURNER:** And in one part, I believe it
 21 was up on Rooks Creek and then an unnamed tributary,
 22 you suggested either staying away from it or doing a
 23 study. But yet on this one, you didn't mention
 24 doing a study, on Henline Creek or the INAI site, so

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1 I'm wondering if you feel that the risk there for
 2 damage is too high to do a study? I understand the
 3 study, the recommendation of a study on the
 4 others --

5 **MR. SHANK:** Okay.

6 **MS. TURNER:** -- but I'm wondering why the
 7 lack of recommendation?

8 **MR. SHANK:** Okay, that's a fair question.
 9 Okay, because Henline Creek is an INAI site, when
 10 you're in the business of giving people advice and
 11 recommendations, it's almost like any other
 12 negotiation, you start high and go lower. If the
 13 recommendation is to stay back a half a mile, then
 14 to come along right off the bat with "or you can do
 15 this or you can do that or you can do that," then
 16 not much attention is going to be paid to the half
 17 mile recommendation. And my preference is, because
 18 that's the recommendation that we make for all INAI
 19 sites no matter what they are or where they are,
 20 that close attention be given or due regard be given
 21 to that half mile recommendation.

22 So in this case I didn't recommend other
 23 things because my hope was that, you know, we could
 24 stay away. If that's not feasible or that's not

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1 practical, there certainly are things we would like
 2 to see done because, as I mentioned earlier, quite
 3 often we're giving advice where we don't have the
 4 science.

5 **MS. TURNER:** Right.

6 **MR. SHANK:** And here the physics of wind
 7 being what they are and tall things vibrate in the
 8 wind and that sort of thing, there's certainly a
 9 plausible basis for emanations of a vibratory nature
 10 or the motion, the flicker shadows, et cetera, et
 11 cetera, if the orientation is correct, et cetera,
 12 that can extend some distance from the machine, but
 13 we have no idea exactly what form those
 14 modifications take, nor do we have any good idea of
 15 what their significance is.

16 It could well be that there are physical
 17 effects that you can measure in the stream that
 18 don't bother anything. That would be good to know.
 19 It could be that there are effects in the stream
 20 that do bother things and that would be good to
 21 know. And there could be effects that exclude
 22 animals that are there now from ever being there
 23 again. That would be very important to know.

24 **MS. TURNER:** So again what you're saying

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1 is right now you don't know those things.

2 **MR. SHANK:** That's right.

3 **MS. TURNER:** Okay.

4 **MR. SHANK:** We don't know those things.

5 **MS. TURNER:** Okay.

6 **MR. SHANK:** And as I mentioned before,
 7 Illinois DNR is probably alone among states right
 8 now who are even raising these issues. Other people
 9 are content to worry about what gets knocked out of
 10 the sky. We're a little bit more concerned about
 11 other things. And in the terms of aquatics, almost
 12 all the work that's been done with wind turbines and
 13 aquatic organisms has been done in Europe with
 14 offshore wind farms and they are looking at marine
 15 fishes and marine mammals. And there's been a lot
 16 of work done with those and certainly there -- the
 17 construction of turbines offshore can result in the
 18 immediate death of things because they're driving
 19 piles and those concussions. Fortunately, we don't
 20 have to deal with anything like that with a
 21 terrestrial wind farm. And they've demonstrated
 22 very well that marine mammals will avoid those
 23 facilities, whether they interfere with their
 24 communications or whatever, but they've also found

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1 that they attract a lot of fish to the structures.
 2 So -- but almost no one, I'm not aware of
 3 any studies directly related to wind turbines where
 4 people have looked at impacts in a stream or in a
 5 river. Other scientific things going on with noise
 6 and streams, everybody's heard of our Asian carp
 7 barrier in the Des Plaines River where we're trying
 8 to keep Asian carp from getting into Lake Michigan,
 9 that's basically an electronic barrier, but noise is
 10 an element there. We use air cannons to put noise
 11 in the water. Minnesota is using underwater stereo
 12 speakers to broadcast certain frequencies of sound
 13 in an effort to keep Asian carp out of some their
 14 locks.
 15 So there's certainly scientific evidence
 16 that noise affects fish behavior and fish behavior
 17 has a lot to do with mussel colonization, et cetera,
 18 et cetera. So it's plausible that there could be
 19 effects, it's plausible that those effects could
 20 adversely affect some of the species that are in a
 21 river, in a stream, but we don't know what those
 22 are --
 23 **MS. TURNER:** Okay.
 24 **MR. SHANK:** -- and we don't know how

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1 significant they are. So studies that would go that
 2 direction would be extremely valuable.
 3 **MS. TURNER:** Great, thank you.
 4 **MR. KURITZ:** Why would we make the jump
 5 from a half mile recommendation clear down to 500
 6 feet?
 7 **MR. SHANK:** Very good question, thank you
 8 for asking. Again, the half mile is a standard
 9 recommendation we make for INAI sites. Going down
 10 to the 500 foot thing, that's -- this is stated as a
 11 perennial stream that's not an INAI site. So again,
 12 when we're talking about these setback distances and
 13 effects, things that have to do with energy
 14 dissipation operate on a wave principle. It's
 15 called the inverse square law. If you double the
 16 distance, you cut the effects by a quarter, I mean
 17 down to a quarter. So 500 feet is better than 100
 18 feet, it's better than 300 feet. Half a mile is
 19 better than 500 feet. So those are arbitrary
 20 numbers on my part. There's nothing magic about 500
 21 feet as opposed to 475 or 520. It's just that's a
 22 nice even number and it does prevent putting a
 23 turbine right on the bank.
 24 So I don't know if you've ever had the

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1 opportunity to visit a wind farm. If you put your
 2 hands on the structure, you will feel the
 3 vibrations. If you step away from the structure,
 4 put your hands on the ground, you won't feel a
 5 thing, but that's you and you're not a fish and
 6 you're not a mudpuppy salamander, et cetera, et
 7 cetera. And again, many people I talk to make the
 8 mistake of thinking if it doesn't bother me it's not
 9 going to bother wildlife. But we're pretty
 10 insensitive creatures based on a lot of things that
 11 are out there, and for them, it's always a life or
 12 death thing to respond to stimuli.
 13 So the 500 feet to a half mile thing,
 14 there's -- the main reason for it is a perennial
 15 stream is basically that, because the water's always
 16 running in it, there's always water in it, so
 17 there's always aquatic wildlife in it, but it's not
 18 necessarily anything special in terms of its natural
 19 quality.
 20 So while it seemed to me appropriate,
 21 given streams that we don't know what's in them, we
 22 haven't surveyed all the streams that are present
 23 here, to provide them some protection from what
 24 those effects might be with a 500 foot setback.

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1 Again, there's nothing compelling about 500 feet.
 2 It's just like with any buffer zone, more is better
 3 than less to a certain point, and then you
 4 experience diminishing returns beyond that point.
 5 But again, we don't know where that point is with
 6 these things.
 7 So I do not think 100 feet given a turbine
 8 that's over 500 feet tall is any protection
 9 whatsoever. 500 feet may afford some protection.
 10 How much? I don't really know. Half a mile, I'm a
 11 lot more comfortable with that, and I'm very
 12 comfortable with a mile, but again, the more you
 13 extend the buffer, the less -- the more you lessen
 14 the effect. But I will be the first to confess that
 15 500 feet is a number basically out of thin air.
 16 There's no studies out there that say 500 feet is
 17 the magic mark that you have to meet.
 18 So -- and again, that's one reason we're
 19 just giving you recommendations rather than
 20 regulatory guidance. So if your consensus as a
 21 group is that 500 feet is worthy to implement,
 22 that's great. If you want it to be less, that's
 23 good. If you want it to be more, I'm perfectly fine
 24 with that. You won't get any argument from me.

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1 **MR. KURITZ:** Thank you.
 2 **CHAIRMAN FINNIGAN:** Questions from staff?
 3 **MR. DICK:** No.
 4 **CHAIRMAN FINNIGAN:** The applicant?
 5 **MS. ANTONIOLLI:** One moment. Mr. Shank,
 6 thank you for your clarifications tonight. I wanted
 7 to ask you about our proposed responses to your
 8 recommendations. That would be EDPR's proposed
 9 responses. And generally would you find that the
 10 proposed responses are reasonable the way that we
 11 have submitted them in Exhibit 14?
 12 **MR. SHANK:** I've had a few hours to look
 13 them over. I received them today from you and I
 14 appreciate that. I would characterize them as
 15 reasonable. They're certainly not out of bounds.
 16 We can discuss them in greater detail I'm sure, and
 17 I'm sure we will, and there may be questions about
 18 those things, but they appear to be reasonable
 19 proposals to me.
 20 **MS. ANTONIOLLI:** Okay, thank you.
 21 **CHAIRMAN FINNIGAN:** Mr. Luetkehans.
 22 **QUESTIONS BY**
 23 **MR. LUETKEHANS:**
 24 Q. They didn't want to talk about the

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1 reasonableness or the other things you wanted to
 2 ask -- you wanted to talk about, so we'll talk about
 3 those for a second.
 4 **A. Sure.**
 5 Q. I assume you don't make your
 6 recommendations haphazardly, you have a basis for
 7 them, correct?
 8 **A. Yes.**
 9 Q. And they're well thought out based on the
 10 best scientific knowledge you have at the time; is
 11 that correct?
 12 **A. That is also correct.**
 13 Q. In these -- well, let's go through IDNR
 14 recommendation number two. You've seen EDPR's
 15 response, correct?
 16 **A. Yes.**
 17 Q. Do you still recommend that the county
 18 consider imposing a requirement for the curtailment
 19 as you set forth in your recommendation?
 20 **A. Well, if you're asking me whether I would**
 21 **withdraw the recommendation, the answer is no. It's**
 22 **a reasonable and appropriate recommendation. It's**
 23 **not up to me to decide whether the counterproposal,**
 24 **if that's how we characterize it, is satisfactory in**

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1 **light of recommendation number two. Number two is**
 2 **the recommendation that I am consistently making for**
 3 **all wind energy facilities that come to my**
 4 **attention, and I am going to continue issuing that**
 5 **recommendation for facilities in the future.**
 6 Q. Do you still believe that the measure if
 7 implemented would prevent the prohibitive taking of
 8 endangered or threatened bats and reduce the
 9 mortality of nonlisted bats by approximately 50
 10 percent?
 11 **A. Well, it will reduce the mortality of**
 12 **nonlisted bats by 50 percent. Our experience has**
 13 **been that if you are curtailing at wind speeds below**
 14 **5.0, if there are threatened and endangered species**
 15 **that might be taken, they are likely to not be taken**
 16 **if that curtailment is in effect.**
 17 Q. Let's talk about IDNR recommendation
 18 number five for a moment if we could.
 19 **MS. WALLEY:** Mr. Luetkehans, I'm sorry, I
 20 don't mean to interrupt. Earlier you had objected
 21 to the map and you asked for a foundation. Were you
 22 also objecting to the EDPR answers to the
 23 recommendations? I ask only because you're
 24 addressing them now with the witness.

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1 **MR. LUETKEHANS:** Yeah, I did not object.
 2 I think that this board needs to take into account
 3 their responses are one thing and then their
 4 statements -- their unsupported statements that
 5 relate to no studies, I think the board needs to
 6 take that into effect as to weight --
 7 **MS. WALLEY:** I understand.
 8 **MR. LUETKEHANS:** -- because they haven't
 9 had anybody come in and say there are no studies,
 10 but --
 11 **MS. WALLEY:** Do you have any issue with me
 12 passing them out?
 13 **MR. LUETKEHANS:** Oh, absolutely not. I'm
 14 sorry, I didn't --
 15 **MS. WALLEY:** That's okay. That's all I
 16 was asking.
 17 **MR. LUETKEHANS:** And I didn't object
 18 because I had no problem with them.
 19 **MS. ANTONIOLLI:** So if there was no
 20 objection to that being entered into the record as
 21 Exhibit 14 and I moved earlier to do so, would that
 22 be acceptable to the board to move that into the
 23 record now?
 24 **CHAIRMAN FINNIGAN:** Yes.

1 MS. ANTONIOLLI: Thank you.
 2 MS. WALLEY: I apologize for the
 3 interruption. If you want to continue, Mr.
 4 Luetkehans.
 5 MR. LUETKEHANS: Thank you.
 6 BY MR. LUETKEHANS:
 7 Q. If we could go to your recommendation
 8 number five, Mr. Shank.
 9 A. Yes.
 10 Q. If you had your -- I know it's not your
 11 decision and you just make a recommendation, but if
 12 you had your way or your druthers, would you rather
 13 have the 500 feet setback from the perennial streams
 14 or would you rather have the study?
 15 A. Well, that's an interesting question. As
 16 things stand statewide, we don't have the
 17 information that studies would provide. If I had my
 18 druthers, I would rather have the studies because
 19 that could help us establish what the effects are,
 20 what the magnitudes of those effects are, et cetera,
 21 et cetera, and we could then translate that to other
 22 projects, et cetera, et cetera, or we could learn
 23 that there are no significant effects and therefore
 24 we dispense with those recommendations further.

1 different distances by the same model of turbine
 2 under the same weather conditions and that would be
 3 very useful. So I wouldn't necessarily throw 500
 4 feet out as one of the benchmarks, but it wouldn't
 5 have to be the only benchmark.
 6 Q. As to recommendation number six, you're
 7 not recommending a study as it relates to the half
 8 mile of the Mackinaw River INAI site, are you?
 9 A. No, I did not recommend that. I
 10 recommended a half mile setback from the Mackinaw
 11 River INAI site. Again, that's a recommendation.
 12 Again, the basis for that is scientifically somewhat
 13 tenuous for the same reason that the 500 foot
 14 setback is somewhat tenuous. It's our belief that
 15 at a half a mile any physical effects that are going
 16 to occur are unlikely to be significant, but we
 17 don't know that they would be insignificant. So
 18 again, observing that half mile setback, while we
 19 believe it would be protective of the INAI site, we
 20 couldn't prove that it would be and we couldn't
 21 prove that it wouldn't be.
 22 Q. And, in fact, you said that a mile would
 23 be even more protective, but you're not asking for
 24 that, correct? You're only asking for a half mile.

1 The position we're in now is one of high
 2 uncertainty where the best information we can put
 3 together suggests that there are effects, but again
 4 we have no idea of their magnitude. So studies
 5 would illuminate many of those questions, and if I
 6 had my druthers, I'd prefer to have some studies
 7 some where some when that would answer those
 8 questions.
 9 Q. Okay, but the question then becomes I
 10 assume you would still want some form of setback,
 11 correct? You wouldn't want it 50 feet or 100 feet.
 12 A. That would depend on, if there were going
 13 to be studies and there was not going to be a 500
 14 foot limit, what was proposed. Distance is clearly
 15 a factor here. If someone wanted to propose I'm
 16 going to put a turbine right on the bank and see
 17 what it does, I don't think that would be necessary
 18 to do. I'd be reluctant to say that would be okay.
 19 But as to what's the appropriate distance a turbine
 20 to be for a study, it would be nice to have some
 21 turbines at 500 feet, it would be nice to have some
 22 less than 500 feet, and it would be nice to have
 23 some more than 500 feet. And a study design could
 24 be created that would allow you to evaluate the

1 A. That's correct, and the reason for that
 2 difference is for a nature preserve, the department
 3 is tasked with defending those from adverse
 4 modification. We would be in a position to seek to
 5 prove that there was an adverse modification and to
 6 seek to prosecute the parties responsible. We don't
 7 have that kind of authority in relation to an INAI
 8 site.
 9 Q. But your recommendation is still a half
 10 mile.
 11 A. Yes.
 12 MR. LUETKEHANS: Nothing further, thank
 13 you. Thank you, Mr. Shank.
 14 CHAIRMAN FINNIGAN: Would anyone in the
 15 audience have questions of this witness? Come
 16 forward.
 17 MR. TAYLOR: I'll make it quick, I
 18 promise. Travis Taylor, 28686 North 3050 East Road,
 19 Chenoa, Illinois.
 20 QUESTIONS BY
 21 MR. TAYLOR:
 22 Q. The only question I really have is do you
 23 think some studies prior to the installation of the
 24 turbines, like they've proposed putting them in here

1 possibly in the fall or early next year. Do you
2 think that an early study that would prolong that a
3 year or a year and a half to two years prior to the
4 turbines going in and then the study during and then
5 after would be better than just a study starting
6 when they're installed or what is a good time frame
7 for those?

8 **A. That's a very good question. The crucial**
9 **part is when the turbines are placed into operation**
10 **because it's their operation that's going to create**
11 **the effects that would do that. I think there's an**
12 **opportunity to conduct the existing conditions**
13 **studies while the turbines are under construction,**
14 **and I think there's probably this year sufficient**
15 **opportunity to do that, and the turbines probably**
16 **wouldn't go into operation until the following year**
17 **and that would be adequate time. I don't know that**
18 **it's necessary to delay the actual construction by a**
19 **year or several years in order to establish the**
20 **preexisting conditions because it's the operation of**
21 **the turbines.**

22 I'm frequently asked this in terms with
23 the listed bats. Where we think there are listed
24 bats, I tell people you can build the turbines, you

1 Q. I'm sorry, I came with one other question.

2 **A. Oh, that's all right.**

3 Q. You mentioned earlier that maybe it would
4 help with the study with a turbine inside the 500
5 and then a study at the 500 and then --

6 **A. Uh-huh.**

7 Q. -- probably a thousand I'm guessing past
8 that or a mile. Do you think that that's something
9 that could be added to a suggestion so that if they
10 did the study they could do the three different
11 variations? I mean if the turbine layout worked so
12 that you could get results off of that.

13 **A. Well, I would expect -- and this proposal**
14 **is rough at this point. It's not completely**
15 **specific as to the actual details of what the study**
16 **would do, how it would be conducted, et cetera, et**
17 **cetera. We would have to take a look at that. If**
18 **any aspect of the study actually requires handling**
19 **fish and wildlife, they need a permit from us for**
20 **that, and that would be the time to discuss exactly**
21 **how the study would be performed. And so, you know,**
22 **whether it's 250, 500, 1250, 1000, you know,**
23 **whatever those types of parameters might be, or it**
24 **could be that the planned placement that they**

1 just can't turn them on, so -- and that's kind of
2 the approach here. You can build them. As long as
3 they're not running, they're not going to cause the
4 effects that we're trying to identify.

5 So I think there's probably -- you know,
6 they talk about these things going up very quickly,
7 and, you know, eight or nine months is relatively
8 quickly for a power plant, but it's not
9 instantaneous. And here in this particular case we
10 don't have any -- particularly in relation to
11 aquatic species, we don't have anything that would
12 be adversely affected by the actual construction
13 process unless there were some serious breaches of
14 erosion controls and storm water management plans.
15 That would be a key thing that would have to be in
16 place because it would be a shame to have, you know,
17 all the mussel habitat get silted up all of a sudden
18 before you've had a chance to see what's there. So
19 that would be kind of a requisite to make sure that
20 there was good erosion controls in place and
21 maintained throughout the construction process, but
22 I think the turbines construction wouldn't have to
23 be delayed in order to establish a sufficient
24 foundation for what's out there.

1 already have, various turbines there would be at
2 appropriate distances to find out what's going on.

3 Their proposal they have, I think, for
4 Rooks Creek is they have two turbines that are at or
5 below that 500 foot distance. I don't think they
6 would propose shifting them to match a study. They
7 would say, well, here's where they are at, let's see
8 what they do. And unfortunately, and I've been
9 saying this for at least ten years, you can
10 speculate a lot about what's going to happen when
11 you put up a wind turbine, but basically you have to
12 build it and find out. And when you do find out,
13 the answers that you get are pretty good for that
14 turbine and that particular wind farm and you can't
15 necessarily take those answers to some other wind
16 farm because the physical context is going to be a
17 little bit different.

18 And to make that point, many applicants
19 over the years have referred to the Fowler Ridge
20 project in Indiana, which is famous because it was
21 the first to kill an endangered Indiana bat. That
22 project deployed three different kinds of turbines,
23 but many people who cite those studies fail to
24 remember that there's three different kinds of

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1 turbines there. And when you split the data up by
 2 the type of turbine, you find that one type of
 3 turbine was really deadly, one was kind of middling
 4 deadly, and the other one hardly killed anything.
 5 So if you take the average and try to take it
 6 somewhere else, you're really misrepresenting what's
 7 going on. So you have to take a close look.

8 Now these turbines that are going to be
 9 deployed here are the first of their kind to be
 10 deployed in Illinois, so we'll have to see what they
 11 do. They're a little higher than a lot of the
 12 others. They have larger capacity than some of the
 13 others, so it's difficult to compare them to
 14 turbines that are already in place here in McLean
 15 County or that are in place anywhere else in the
 16 state because they're different, they're different
 17 machines made by different manufacturers, and so
 18 we'll just have to find out what's up with these
 19 turbines once they're built.

20 But it is an opportunity to get some good
 21 answers and hopefully a situation that won't damage
 22 anything. But if the studies do demonstrate that
 23 there's adverse effects, then the discussion we're
 24 going to have is what can we do about that, what can

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1 we do to mitigate that? And again, because the
 2 types of effects I'm expecting, if there are any,
 3 have to do with the operation of the turbine, then
 4 we'll be looking at turbine operations in terms of
 5 wind speeds and that sort of thing. Or some of the
 6 movements of animals up and down these streams are
 7 seasonal, so there may be certain months we don't
 8 want those turbines to operate or we don't want them
 9 to operate at certain speeds, but we'll have to see
 10 what the outcome of the study would be before we
 11 could determine that. So I don't know if that
 12 answers your question or not.

13 Q. I think it was just fine, I appreciate it.

14 A. Okay.

15 MR. TAYLOR: Thank you.

16 MR. SHANK: You're welcome.

17 CHAIRMAN FINNIGAN: Any other questions?

18 MR. SHANK: This is kind of like a straw.
 19 I keep wanting to take a sip.

20 MR. POWELL: Jeff Powell, 32897 East 2700
 21 North.

22 QUESTIONS BY
 23 MR. POWELL:
 24 Q. Hi. I'm glad you're here because there's

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1 been a few questions that -- I haven't heard a lot
 2 of these questions asked about the wildlife and
 3 that's about insects.

4 A. Insects, okay.

5 Q. I think we all can agree that there's good
 6 bugs and there's bad bugs, a lot of bad bugs, but,
 7 you know, aside from some of the pests, how about
 8 the impact on some of the positive insects, the
 9 pollinating insects, bees? I know we do a lot of
 10 effort into trying to control spray drift to lessen
 11 the impact on bee colonies. Is there an impact that
 12 these turbines can have on pollinating insects like?

13 A. Okay, that's a fair question. I'm not
 14 aware of any indication or studies or suggestions
 15 that important pollinators are adversely affected by
 16 the presence or operation of wind turbines. The
 17 blades do accrue a coating of insect innards over
 18 time and periodically have to be cleaned, and some
 19 of the pests are -- well, thank you very much -- do
 20 fly high enough. I mean obviously the bats are up
 21 there doing their thing. Not just in migrating
 22 during the summertime, the rest of the year they're
 23 also being killed because they're out there eating
 24 insects.

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1 But just like some species of bats use a
 2 different altitude than other species do, I think
 3 most of the pollinators tend to stay low when
 4 they're flying about. And regardless of the type of
 5 turbine that's out there, most of them have a lower
 6 blade sweep of over a hundred feet in the air, so I
 7 really don't expect that there would be an adverse
 8 impact on pollinators from blade strike.

9 Now, whether there's electromagnetic field
 10 emanations or vibratory things that might bother
 11 bees or pollinators, I haven't seen any indication
 12 of that type of stuff at all. We have, you know,
 13 bug devices that are out there that are supposed to
 14 repel mosquitos through sonic waves and that type of
 15 thing, but the type of frequencies that you get from
 16 a wind turbine are really on the low end rather than
 17 the high end, so I really don't expect that there
 18 would be impacts on pollinators that wouldn't be
 19 directly related to the disruption of flowering
 20 plants and that sort of thing.

21 Q. Would you consider the monarch butterfly
 22 as one of those that flies low? I know they're not
 23 on the endangered species yet, but they're getting
 24 pretty close.

1 A. I appreciate that.

2 Q. And that's a topic of concern for some
3 people.

4 A. Yeah, the department is working closely
5 with the Fish and Wildlife Service to see if we
6 can't prevent that species listing. Monarchs do
7 migrate all the way to Mexico and up into Canada and
8 back again, but it's not the same butterfly. Those
9 that come north are the great-grandchildren of the
10 ones that were in Mexico late in the fall. Some of
11 those do make it all the way back to Mexico and
12 they're pretty tattered when they get there.

13 So it's not really clear to me and I don't
14 think it's clear to anybody else whether they try to
15 get up high and ride the wind currents or whether
16 they're fluttering along treetop level. They do
17 have to eat fairly often, so I imagine they don't
18 get up there too high. I don't think -- I think
19 most of the insects that end up on a turbine blade
20 are beetles of one kind or another, aphids and other
21 things that are either light enough to get carried
22 up there by an upwelling wind or are up there
23 anyhow.

24 But we have had some wind farms built

1 in the loss of pollinating insects. I think there's
2 probably other things operating in the environment
3 that are much more serious. Could be. I'm not
4 saying butterflies are never whacked, but I'm not
5 aware of that. And of course if they are, they're
6 stuck to that turbine blade up there and they're not
7 falling on the ground to be picked up with
8 everything else. So I can't give you any better
9 answer than that.

10 Q. Just a side note, they can kill as many
11 Japanese beetles as they like.

12 A. I second the motion.

13 Q. That brings me to my last question.

14 A. Sure.

15 Q. You talked a lot about bats, and the
16 concern I have at my home with my family is mosquito
17 control. And I find it hard that that's something
18 to gauge, but, you know, common sense only can tell
19 me that if they're killing bats, then there will be
20 more mosquitos because the bats aren't there to eat
21 them. Would you agree with that?

22 A. That's a fair statement, but let me offer
23 this caution. A couple years back the U.S.
24 Geological Survey issued a press release that

1 where we have had regal fritillary butterflies and
2 that's been a concern, but the concern has been more
3 with the construction traffic because butterflies
4 get sucked into radiators, so there we've asked for
5 lower speed limits and things like that in
6 construction traffic and again care not to disrupt
7 the types of vegetation that would be feeding them
8 or that they would feed on.

9 So for the monarch, you know, milkweed is
10 an important thing, any kind of milkweed not just
11 the common milkweed, but again road traffic is a
12 hazard for monarchs. I dread the day it's ever put
13 on the endangered list because I don't know what
14 we're going to do about that because, boy, it's
15 everywhere. We're pledging to establish a billion
16 more stems of milkweed over the next couple years in
17 Illinois in an effort to bolster the monarch
18 population. That's assuming that pesticides are not
19 a big factor in their troubles. I'm not convinced
20 that it's solely the absence of milkweed that's
21 causing the problem, but it's the one everybody's
22 focussed on right now.

23 But I have not seen a discussion of wind
24 farms or wind turbines anywhere being a major factor

1 announced that the Mexican free-tailed bats in Texas
2 consumed I don't know how many million of tons of
3 boll weevils and consequently they were saving
4 farmers \$60 billion a year in pesticide costs
5 because they were consuming all this tonnage.

6 And a lady from central Illinois called me
7 up and she asked how much more pesticide the farmers
8 were going to have to buy around Paxton because of
9 the wind farm over there. And I said none. And she
10 said, well, why? And I said, well, we don't have
11 Mexican free-tailed bats in Illinois, we don't have
12 boll weevils in Illinois, and so, you know, that
13 study is only applicable to Mexican free-tailed bats
14 and boll weevils, so we don't know. But I said
15 here's the thing. I don't know any farmers, and I
16 said and you don't either, who decide how much
17 pesticide they're going to purchase based on what
18 they think bats are eating. They're going to test
19 their fields, decide whether the infestation is
20 serious enough, and then they're going to treat it
21 as though there are no bats anywhere in the
22 universe. It's not a consideration.

23 So, you know, bats do consume millions of
24 tons of insects a year, I'm not belittling that at

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1 all, and I am sometimes distraught when I'm working
 2 with a mosquito abatement district that wants to go
 3 out and spray every square foot of 36 square miles
 4 to kill mosquitos because then what are
 5 insect-eating birds and bats going to live on if
 6 you -- because almost all the pesticides, well,
 7 we're spraying for mosquitos, yes, you are, but the
 8 pesticide you're using is going to kill everything.
 9 It's not species selective.

10 So I have a much bigger concern with our
 11 extravagant use of pesticides than I do with that,
 12 but your point is well taken and this is one of the
 13 concerns for the devastation amongst the nonlisted
 14 tree bats which do a lot of the consumption of
 15 insects as they travel about. We would certainly
 16 miss them, we would feel the impact of that, and I
 17 think more farmers more frequently would have to
 18 treat more than they are now because I think
 19 infestations would rise to greater levels. There
 20 are an awful lot of bats over a cornfield when the
 21 corn rootworm moths are out and that's what they're
 22 eating. So that is a factor, whether it's mosquitos
 23 or other pests, and that's a consideration.

24 And again, of the things that are out

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1 there now that kill bats other than diseases, which
 2 is the major thing -- and by the way, this is an
 3 opportunity for me to clarify. You'll often see in
 4 the media the bats are taking a double whammy,
 5 there's the white-nose syndrome and there's wind
 6 turbines. The bats killed by wind turbines don't
 7 suffer from white-nose syndrome because they don't
 8 hibernate in caves, and if you don't hibernate in
 9 caves, you're not going to come down with white-nose
 10 syndrome. And the bats that do hibernate in caves
 11 and come down with white-nose syndrome are rarely
 12 killed by wind turbines. They constitute less than
 13 5 percent, sometimes less than 2 percent. So it's
 14 not that the bats are taking a double whammy from
 15 white-nose syndrome and wind turbines, because
 16 they're different kinds of bats respectively that
 17 are doing that.

18 That's off your topic, but yeah, losing
 19 bats is a factor in insect control, but again most
 20 people who are concerned with the economic inroads
 21 of insects, insect pests, really don't factor in
 22 natural predation on the insects as a control
 23 method. I mean they introduced the Asian ladybug to
 24 try to deal with the soybean aphid. I wish they

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1 would have left them over in Asia because they sure
 2 like my house and they like a lot of other people's
 3 houses, but again that's one of the risks. When you
 4 start messing around with a balanced ecological
 5 system, you start shifting the balance, you really
 6 don't know what's going to happen, you don't know
 7 what species are going to bust out all over the
 8 place, you don't know which ones are going to
 9 disappear, and so you're always rolling the dice
 10 when you're really modifying things.

11 Q. I guess that brings me to my last question
 12 is we were talking about the IDNR recommendations.
 13 I know that when you put a parking lot in town, they
 14 have, you know, a rule about, you know, for so many
 15 spaces you have to put so many trees to offset the,
 16 you know, concrete or the asphalt space that you're
 17 putting out.

18 A. Uh-huh.

19 Q. Would it be -- would the IDNR recommend
 20 that the company have safe harboring areas for some
 21 of these species to offset what they're taking from
 22 the environment?

23 A. Well, we call that mitigation and our
 24 ability to require mitigation is pretty much limited

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1 to threatened and endangered species. It's always
 2 something that can be considered, but first you have
 3 to have a reasonable way to measure what the impact
 4 is, and then you have to devise means or methods
 5 that can try to make up for that, and that's really
 6 what you're trying to do when you're talking about
 7 mitigation. That's different than minimizing your
 8 impact. That's making up for the impacts you can't
 9 avoid.

10 Certainly when we talk about endangered
 11 species, mitigation is part of what we're talking
 12 about. For the nonlisted species, we don't talk
 13 about it that often. I mean it's the same
 14 principle, it could be applied, but that would
 15 largely be voluntary I think on the part of the
 16 developers.

17 MR. POWELL: Thank you.

18 MR. SHANK: Thank you.

19 CHAIRMAN FINNIGAN: Any other questions?

20 I don't think so. So we really appreciate your time
 21 here tonight coming up and talking to us and a lot
 22 of things are clearer for me I know.

23 MR. SHANK: Well, thank you and it's my
 24 pleasure.

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1 **CHAIRMAN FINNIGAN:** We're going to take a
2 ten minute break.
3 (Recess at 7:32 p.m. to 7:43 p.m.)
4 **CHAIRMAN FINNIGAN:** Ready for you, Mr.
5 Luetkehans.
6 **MR. LUETKEHANS:** We would call Mr. Kurt
7 Kielisch. At this time we would ask that SLG
8 Exhibit 24 be put into evidence as Mr. Kielisch's
9 c.v.
10 **CHAIRMAN FINNIGAN:** Would you like to be
11 sworn in.
12 **MR. KIELISCH:** Yes, please.
13 **CHAIRMAN FINNIGAN:** You don't have to
14 stand up. Just sit down, that's fine.
15 (Mr. Kurt Kielisch was duly sworn.)
16 **CHAIRMAN FINNIGAN:** Would you state your
17 name and address and spell your last name?
18 **MR. KIELISCH:** Sure. My name is Kurt Carl
19 Kielisch.
20 **CHAIRMAN FINNIGAN:** You've got to turn
21 your button on. Bottom, bottom right.
22 **MR. KIELISCH:** My name is Kurt Carl
23 Kielisch, Kurt with a K, Carl with a C, Kielisch,
24 K-I-E-L-I-S-C-H. I live at 2422 Forest Manor Court,

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1 Neenah, Wisconsin.
2 **MR. LUETKEHANS:** I'll try and make this
3 real quick. Mr. Kielisch, is this -- is what's been
4 labeled SLG Exhibit 24 a current copy, a copy of
5 your current curriculum vitae?
6 **MR. KIELISCH:** Yes.
7 **MR. LUETKEHANS:** And on there does it list
8 your experience, your academic background, your
9 certifications, as well as seminars you've taken and
10 given, et cetera?
11 **MR. KIELISCH:** Yes.
12 **MR. LUETKEHANS:** And you've been certified
13 to testify or qualified to testify before many
14 courts over the last decade or two?
15 **MR. KIELISCH:** Yes, I have.
16 **MR. LUETKEHANS:** Unless there's something
17 else, we just ask that SLG Exhibit 24 be admitted
18 into evidence as his curriculum vitae and showing
19 his qualifications and ask that he be designated as
20 an expert.
21 **MS. ANTONIOLLI:** No objection.
22 **CHAIRMAN FINNIGAN:** We will do that.
23 **MR. LUETKEHANS:** Mr. Kielisch, you have a
24 PowerPoint presentation you'd like to give. Why

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1 don't you just proceed with that --
2 **MR. KIELISCH:** I do.
3 **MR. LUETKEHANS:** -- and I'll keep my mouth
4 shut.
5 **MR. KIELISCH:** Okay. I was asked to give
6 testimony on the impact of a large wind turbine farm
7 on rural residential property in McLean, so I put
8 together this PowerPoint. All right, wouldn't you
9 know it. There we go, we're fine. And the first
10 thing I want to do is just explain how I go about
11 this, that there are really two values that an
12 appraiser looks at when they develop an opinion of
13 value. One is called the qualitative and that's the
14 yes/no question, and the other is quantitative and
15 that's the how much question. So an example of the
16 yes/no question would be does or do high voltage
17 wind turbines, sorry, have an impact to residential
18 property value, yes or no? And then of course the
19 quantitative is, if it's yes, how much? And that
20 would give you your predicted impact.
21 Okay, this is really not behaving. Okay,
22 technical difficulties right in the beginning. Stay
23 on the left one, gotcha.
24 Okay. So the purpose was to discover what

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1 impact this has and the very first thing is that
2 value equals perception. Perception drives value.
3 To understand perception, you have to look at what
4 is the buyer -- and perception is in the buyer's
5 eyes. Market value is derived by the buyer not the
6 seller. We're assuming a willing seller at this
7 point. So it is the buyer who drives that value.
8 And so what is the public's perception? That's the
9 first thing you want to look at when you're looking
10 at a qualitative analysis, and that we do in a
11 literature study, a literature review.
12 And the second is what studies are out
13 there? And that we looked at, we found eight
14 studies, some of them were our own, and that
15 develops the quantitative analysis. And then the
16 third step was a local study and we completed this
17 local study in the northern part of Illinois here
18 not too far from here on a wind farm there, so I'm
19 going to look at each one of those.
20 Let's look at the literature study, and to
21 look at the literature study, what we're really
22 looking at is what is the print media, what is the
23 audio media, what's the visual media, and mostly
24 what is the internet media. The internet is really

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1 driving opinions in today's market. So when we did
 2 that, we found some general conceptions here. Wind
 3 farms have been associated with neurological and
 4 physiological disorders, in many cases sleeplessness
 5 and headaches as being some of the symptoms. That
 6 was the University of Minnesota study. Advocates
 7 and WHO counter in their own study that there was no
 8 such evidence. However, that was in -- check my
 9 notes here. That was in 1995. And then four years
 10 later the WHO reversed themselves on this position
 11 and said they do now have a concern that there are
 12 health issues relating to wind turbines,
 13 particularly in the area of the low frequency noise
 14 or the NFL. And to really understand that, that is
 15 the noise you don't necessarily hear, you feel. You
 16 feel that type of noise.

17 Now health solutions. Well, they were
 18 suggested to increase setbacks to 1500 feet up to
 19 one and a half miles. One study suggested a
 20 mandatory 2 kilometers, which is, got to do the good
 21 math on that, 1.6 miles if I'm not mistaken, from
 22 any residence, filter inverters on both the turbines
 23 themselves and in the substations, and to bury all
 24 collector lines.

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1 And hazards are evident too with wind
 2 turbines, something to be considered, and this is
 3 what came up in the whole literature review is they
 4 are subject -- the turbines themselves are subject
 5 to accidents and failures. As a matter of fact, the
 6 last time I gave testimony, on my way down through
 7 the -- I think it was right around Aurora, Illinois,
 8 there was a wind turbine on fire, which I thought
 9 was interesting, and there's various reasons for it,
 10 but they are subject to accidents and failures.

11 They have ice throw, something that should be
 12 concerned about in the north. The blades -- blades
 13 also throw due to weaknesses, there has been
 14 evidence of that, although not very common, and
 15 danger to planes, low-flying planes and crop dusters
 16 in particular. Most crop dusters will not dust in
 17 an area where there are wind turbines. And the
 18 nuisance, the flicker effect and things of that
 19 sort.

20 There's conservation. You heard a lot
 21 about that today I suspect, as I came in late and I
 22 was listening to some of that testimony. Protecting
 23 of the natural viewshed is a concern on the
 24 conservation. Birds killed. Of course, there's

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1 more birds actually killed by windows than there are
 2 by wind farms at this point. And there's a mention
 3 of bats in greater danger and predatory birds are
 4 killed. A particular study that was done in Wyoming
 5 came to that conclusion of why were they losing so
 6 many of their hawks and their eagles in the areas of
 7 wind farms, and they discovered that predatory birds
 8 were being killed because they have no fear when
 9 they're in the sky, they are not subject to a
 10 predator, and they're always looking down not so
 11 much in front of them.

12 The other thing that we came up with in
 13 the literature was that property values, a big
 14 concern about property values, which of course is
 15 the focus of my conversation today. Wind advocates
 16 deny that there is any negative impact, and they
 17 claim and often -- as a matter of fact, one CEO
 18 claimed it was a made-up issue. Most studies on
 19 wind farms, the larger studies, are paid for by the
 20 wind industry and they have found no significant
 21 impact. The REPP study which is a, sorry, that's
 22 the Renewable Energy Policy Project group, they
 23 found that actually property values increased with
 24 the presence of wind turbines, and they're looking

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1 at property values including residential property
 2 values. Of course, critics found that loss
 3 unacceptable and illogical. Many small studies
 4 found value losses of 15 to 37 percent, and this was
 5 a conclusion of a Michigan township zoning approval
 6 board similar to yours that was doing a study on
 7 that. Aesthetics are of course impacted as well as
 8 making the properties difficult to sell and
 9 experience of longer listings.

10 There is an economic impact positively.
 11 Tax revenues are increased at the local treasury
 12 from the project. Often there is money in there for
 13 the local townships and things of that sort.
 14 However, property values do take a hit on this and
 15 eventually the assessments go down as the properties
 16 are difficult to sell or are selling at a much lower
 17 rate in assessments. Job creation is often said to
 18 be a positive and that's only during the time of
 19 construction. After that, typically a work crew is
 20 left, possibly 15 to 18 individuals working
 21 full-time. And then the negative perception that
 22 makes the residential attraction is really becoming
 23 undesirable. As a matter of fact, one -- some
 24 individuals kept using the term an industrialization

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1 of rural America.
 2 So where does that put us in the
 3 qualitative analysis? To stack this up in a scale,
 4 you would see that under the no impact, there is
 5 some evidence, but most of that comes from the
 6 advocates and they state there is no proof. On the,
 7 yes, there is an impact, a lot of concern from many
 8 different industries. The health industry is part
 9 of this, independent studies by universities and
 10 things of that sort, and a general concern from the
 11 realtors and others about the impact to value. So
 12 on the qualitative side, we'll have to say that
 13 there was a strong suggestion that there is an
 14 impact to answer that yes/no question.
 15 So let's look at some studies. Actually
 16 the first one I'm going to skip over because I've
 17 heard that the Berkeley study was not discussed
 18 here. This is a national study, very big, it's
 19 actually been revised already. There are -- it was
 20 created by the DOE, Department of Energy, at a half
 21 a million dollar grant. I have a lot of critique on
 22 this, studied it intensely, interviewed the authors
 23 of this, Ben Hoen and the others of this study, but
 24 I will skip it because that wasn't discussed

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1 earlier. But I can tell you that what this study
 2 did show generally is that they said that there was
 3 some losses shown, but they were not significant as
 4 far as statistics go. However, they did have a
 5 chart where poor vistas indicated a 21 percent loss
 6 and below average vistas a 9 percent loss, and they
 7 had a statistical 5.5 percent loss, but they stated
 8 that it was not of significance.
 9 There is a study that was done in Ontario,
 10 Canada, this was done by the MPC, and the MPC is
 11 basically the government entity that is in charge up
 12 in Canada of setting and creating the property
 13 assessments for government. What they did is they
 14 looked into this and they did a study on
 15 assessments. The only problem is that this study
 16 really was designed to see whether or not their
 17 assessments were accurate, and they made the
 18 assumption that if the assessments were accurate,
 19 that they would be showing a depreciation by the
 20 wind farms.
 21 Well, actually their second test they did
 22 show a depreciation by the wind farms. As you can
 23 see there, it was a \$6,451 per acre, I mean per
 24 property that was less than 1 kilometer away from a

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1 wind turbine, and about half of that, 3686 per
 2 property if it was between 1 and 2 kilometers away.
 3 However, they said that since this fell into their
 4 10 percent statistically insignificant factor,
 5 therefore the 10 percent loss that was indicated was
 6 not significant in their analysis. The study was
 7 really designed more to measure the accuracy of the
 8 assessments more than the impact analysis.
 9 Contrary to that, Ben Lansink, an
 10 appraiser, certified general appraiser up in Canada,
 11 he did a comparative analysis of five properties,
 12 and in his comparative analysis, these five
 13 properties were purchased by the wind farm and then
 14 the owners moved out and then the wind farm
 15 approximately two to three years later sold these
 16 properties. And what Ben did is he did a cost
 17 analysis on the date that they purchased to ensure
 18 that these properties were bought at market value
 19 and then he did a trend analysis to predict what
 20 they should have sold for at the time they sold.
 21 And with that, he found losses ranging from 9 to 50
 22 percent, with an average of about 39 percent. All
 23 of these properties were relatively close to the
 24 wind turbines, less than a kilometer away.

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1 And then we have Glen Taylor. Briefly
 2 Glen Taylor is a certified general appraiser in
 3 Wyoming, and he did a study of the Chevron Wind Farm
 4 in Evansville, Wyoming, and he concluded that
 5 there's a detrimental impact to property value, that
 6 was the yes/no question, and that properties closer
 7 to the turbines were most affected, which of course
 8 would seem logical if wind turbines are creating a
 9 viewshed issue.
 10 Then we get to the studies that we
 11 completed. Appraisal Group One study, Appraisal
 12 Group One was the old name of our company, we have
 13 since changed it to the Forensic Appraisal Group,
 14 and this study was based in Fond du Lac and Dodge
 15 Counties, Wisconsin. The first thing we did is we
 16 did a realtor's survey and in this survey we
 17 surveyed 36 realtors and these realtors were all
 18 surveyed that were in the area of the wind turbine,
 19 okay, so they were in the same counties as the wind
 20 turbine in close proximity. This survey was a very
 21 detailed survey which had graphics on it so everyone
 22 was envisioning the same thing, at least hopefully,
 23 at least they all had the same picture, and several
 24 questions were asked. They were -- also made sure

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1 that all of these realtors were experienced
 2 realtors. We didn't want any newcomers in the
 3 scene.
 4 What happened is that on the conclusion,
 5 that they concluded 60 percent, a minimum of 60
 6 percent, upwards of 74 percent, of all the realtors
 7 concluded that the presence of a wind turbine in
 8 close proximity, and you see the various distances
 9 we had there, 600 feet from a turbine, 1,000 feet
 10 from a turbine, and one-half mile from a turbine,
 11 that all of those would result in a negative impact
 12 to property value and residential value, and we are
 13 talking about 1 to 5 acre parcels for the most part
 14 and then we did ask them a question of 10 to 20 acre
 15 that dealt with what's called the gentleman's farm
 16 or hobby farms. In all cases that they found
 17 losses, and you could summarize this that the losses
 18 ranged anywhere from a 24 percent loss upwards to a
 19 39 percent loss. Of course, they also concluded
 20 that the closer the property was to the turbine, the
 21 greater the loss. They also stated that given the
 22 choice between in front of the property or behind
 23 the property, in front would result in a greater
 24 loss.

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1 Then we did the WE Energies Blue Sky
 2 Greenfield Wind Farm, and in this wind farm we had
 3 68 sales total. What we did is within the area of
 4 the wind farm we only found six sales. There were
 5 many more than -- not many more sales, there were
 6 many more properties in that area, but only six of
 7 them sold. And then what we did is we went to the
 8 outskirts of that wind farm to make certain there
 9 was no viewshed in the view of any of the other
 10 sales and then we picked sales -- 68 sales from the
 11 outside. These are all 1 to 5 acre parcels.
 12 And what we found here, we used the simple
 13 regression technique after adjustments were made for
 14 time and some other factors. The green dots -- the
 15 green dots indicated the properties that were
 16 unaffected, in other words, they were like your test
 17 set, and the -- looks like the blue dots, yes, and
 18 the blue dots were the ones that were in the wind
 19 farm itself. And you can see the regression line or
 20 the trend line that was plotted. It had a factor of
 21 83 percent or an R square of 83 percent which is
 22 very good. When you're looking for R squares and
 23 trend lines, you want 50 percent or over. That
 24 trend line is describing the actions on the line and

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1 its predictability according to the sales that you
 2 have. In this case, 83 percent of the differences
 3 was explained by the trend line.
 4 And then the sales that were impacted, you
 5 can see that they were all under that trend line,
 6 and then the distances were measured to give you the
 7 delta or the differences. This showed of course
 8 there was differences upwards to 74 percent. The
 9 average came more to like 35 to 39 percent.
 10 Then we did another right in that same
 11 area, it was Invenergy, very difficult name, Forward
 12 Wind study, and this was 1 to 20 acre residential
 13 lot sales, and you can see in this study there were
 14 34 sales total, six were influenced by the wind
 15 farm, 28 were not. Again, we plotted the two
 16 points, the two trend lines. We had a trend line
 17 for the unimpacted at 43.83, slightly under 50.
 18 However, the trend line for the impacted was at
 19 almost 79 percent, which was very good. Under that
 20 aspect, you can see that for the most part these
 21 sales were trending under the nonimpacted sales,
 22 again indicating a loss ranging 12 to 47 percent,
 23 averaging 30 percent.
 24 Then we have the Clarkson study in 2011,

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1 and this Clarkson University study, this was done by
 2 Heintzelman and Tuttle, and what they did is they
 3 went to upper state New York and they looked at over
 4 11,369 sales over a nine year time period, and these
 5 were improved properties and agricultural
 6 properties, and they used a hedonic or a multiple
 7 regression technique to try to extract the impact of
 8 the wind turbines, and they also used what's called
 9 a blocking concept. So a blocking concept is they
 10 would block groups of types of properties. So it
 11 was a multi-tier type study.
 12 But to summarize it, it answered the
 13 yes/no question that, yes, the wind turbines did
 14 have an impact to property value that were in
 15 relatively close proximity and in sight. The
 16 distance from the farm or the wind farm is a factor
 17 to its impact. That when it was a tenth of a mile
 18 away, the impact was 32 percent as an example. When
 19 it was 3 miles away, the impact went down to 14
 20 percent. So they found properties within 1 to 3
 21 miles away that were impacted at a range of 16 to 31
 22 percent. And this study was actually done
 23 independently. This was not sponsored by anyone.
 24 This was a study that was done by two, one being a

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1 Ph.D., the other a Ph.D. candidate, and the study
 2 was later used for the Ph.D. candidate's thesis.
 3 We have Coral Springs Development study,
 4 and this is in Wyoming. A small little study, but I
 5 thought very impactful. This studies what happens
 6 when a wind turbine farm gets announced. This farm
 7 was never built. It was called the Hermosa West
 8 Wind Energy Project. It was announced, and the
 9 development had seven lots, and it had three of
 10 those seven lots were sold prior to the
 11 announcement. One tried to sell after the
 12 announcement, and it was bought at \$100,000, listed
 13 it at \$100,000, ended up selling it for 75,000,
 14 indicated a 25 percent diminution in value. All the
 15 listings on the property as you can see up there
 16 were also lowered by the -- after the announcement
 17 of the wind farm to try to sell them. At the
 18 completion of this study, none of those were sold
 19 nor were there any pending sales, and the realtor
 20 commented that the one thing that was killing his
 21 studies was the proposed wind farm.
 22 Then we have lastly the Big Sky Wind Farm.
 23 That was Lee and Bureau Counties. That was a study
 24 of ours and what we did -- and there's the Big Sky

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1 Wind Farm, and what we did is we created three zones
 2 on the wind farm. We created the zero zone we
 3 called it. That was the zone that you were -- if
 4 you drew a line from all the wind turbines and you
 5 were inside that zone, that was zero zone. And then
 6 we had zone two which went outside of that zone
 7 approximately one mile, and then we had zero
 8 three -- I mean then we had zone three which went
 9 outside approximately three miles.
 10 And we found six sales, and these sales
 11 were all found not in the zero zone. As a matter of
 12 fact, there was just as many properties in the zero
 13 zone, but we could not find any sales in it. The
 14 sales were actually on the outskirts in zone one and
 15 zone two. And these sales, we did a matched pair
 16 analysis, what are called paired analysis if you
 17 like, and we did six of these matched pairs. And
 18 what we did is we found, as you would in a matched
 19 pair, that you find properties that are equally
 20 substitutable and then you make adjustments for
 21 those things which are different. Now, I won't bore
 22 you with the logistics of how we did it, but the
 23 details are discussed on the side and the support
 24 for the adjustments are also discussed on the side.

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1 The first one ended up with a 23 percent
 2 diminution and that wind turbine was 1.72 miles away
 3 from the nearest -- I'm sorry, the sale was 1.72
 4 miles away from the nearest wind turbine.
 5 Interestingly, the comparable we used was about a
 6 little less than a mile away from the nearest wind
 7 turbine, but you could not see the turbines because
 8 of the position of the comparable, and we discuss
 9 that off to the right under the notes.
 10 The second matched pair indicated a 21
 11 percent loss after everything was adjusted for.
 12 There the distance to the wind turbine from the sale
 13 was .32 miles and the distance from the comparable
 14 was 5.58 miles, so it had no viewshed whatsoever of
 15 the wind turbine.
 16 And then the next one we did, that one
 17 was -- that's the same sale again because we found
 18 two comparables to it, so again .32 miles away from
 19 the nearest wind turbine and the comparable was 9.4
 20 miles away. That indicated a 13 percent diminution
 21 in value.
 22 And our next matched pair which would be
 23 number three, that -- and this one, that the
 24 distance to the wind turbine was .34 to the nearest

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1 one and the comparable was 5.2 miles away with no
 2 viewshed of the wind turbine, and that indicated a
 3 12 percent diminution in loss.
 4 And then our fourth matched pair was a
 5 property that was .53 miles to the closest wind
 6 turbine and that the comparable was 7.99 miles away.
 7 That indicated a 25 percent diminution in property
 8 value. And one thing I should point out about this
 9 study is that when we looked at these properties, we
 10 made certain that the -- what you would call the
 11 impacted sale, that was the one within close
 12 proximity to the wind turbine, had a view of that
 13 wind turbine and that appeared to make a big impact.
 14 That map there shows you the matched
 15 paired analysis where the sales were all located.
 16 We did not unfortunately on here show you where zone
 17 zero, one and two was, but that's how we structured
 18 this study.
 19 So in summary from that study, you could
 20 see that did it answer the qualitative question
 21 yes/no? Yes -- at least that study did that, yes,
 22 there was an impact. The impact ranged from a low
 23 of about 11 to 12 percent upwards to 25 percent on
 24 improved properties.

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1 So when we look at the summary of things
 2 that we see here, that no sales are found in the
 3 zero zone, and I made some comments here about some
 4 of the sales and why two other sales that we had was
 5 not utilized. One, there was no good comparables
 6 for the 40 Pump Factory Road sale, and the 1950
 7 Shady Oaks Road, it was not a wind turbine
 8 influenced sale.
 9 So in conclusion of my presentation here
 10 is literature study answered the question of yes and
 11 no, and it appears that in the literature study when
 12 you look at what the comments of the people are
 13 saying, particularly on the internet and other
 14 published material, there's overwhelming weight on,
 15 yes, wind turbines do have an impact and there is a
 16 great concern for it.
 17 When you look at the studies, which is the
 18 quantitative analysis, that they bear out. That for
 19 the most part that, yes, there is an impact. These
 20 impacts tend to range -- these impacts tend to range
 21 between 12 to 25 percent on the conservative side,
 22 we saw others that were up in the 50 percentile, and
 23 that would be true in the sense at very close
 24 proximity with a, you know, what was it, about a 380

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1 foot wind turbine, in its shadow.
 2 So the question is and of course the
 3 question to me as an appraiser is: Is this
 4 significant evidence to indicate that there is an
 5 impact? And my conclusion would be, yes, there is
 6 an impact, a financial impact to both the community
 7 and the individual property owners in the presence
 8 and close proximity to a wind farm.
 9 **QUESTIONS BY**
 10 **MR. LUETKEHANS:**
 11 Q. Mr. Kielisch, just a couple follow-up
 12 questions. Have you reviewed Gary DeClark's
 13 PowerPoint presentation?
 14 A. **Yes, I did.**
 15 Q. Did you agree with his conclusions?
 16 A. **No, I did not.**
 17 Q. Why not?
 18 A. **His basis of his conclusions, he did**
 19 **mention there were some studies, he didn't really go**
 20 **into what they were, I could guess what they were, I**
 21 **mentioned some of them today, but really it seemed**
 22 **like the foundation of his study was a market trend**
 23 **analysis comparative -- comparison, and he**
 24 **rightfully said that when he did that market trend**

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1 **comparison or market trend analysis, that is R**
 2 **squared, which actually in my experience they always**
 3 **are with a market trend because you're grouping tons**
 4 **of different types of properties together. What**
 5 **you're really looking for is looking for trending,**
 6 **whether things are going up or down in the market to**
 7 **help you in your time adjustment.**
 8 **And -- but then he made this assumption,**
 9 **and this is where it became trouble to me, is his**
 10 **assumption was, well, let's assume for a moment,**
 11 **however, that this trend is significant, even though**
 12 **he stated it was not. And, you know, I guess as a**
 13 **professional appraiser I really question, well, why**
 14 **would you do that when you already said it wasn't**
 15 **significant. So what is that really telling you?**
 16 **What he's really measuring is he's measuring market**
 17 **trends in different areas which is not going to tell**
 18 **you a whole lot if you don't do a comparative**
 19 **analysis of property A to property B, one that's**
 20 **within the influenced area, if you will, compared to**
 21 **one that is definitely out of the influenced area,**
 22 **and that I did not see that he did.**
 23 Q. Why is R squared so -- why is the R
 24 squared number so important?

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1 **A. Well, in R squared -- and there may be a**
 2 **little too much put onto R squared, and I'm not a**
 3 **statistician, I have taken several statistics**
 4 **courses, I do use statistics in my analysis, I also**
 5 **have on my staff two individuals who are**
 6 **statisticians, they are on my contract staff I call**
 7 **them, and so I left all the hard number crunching**
 8 **and interpretation to them. But an R squared is**
 9 **actually a measurement of fit, and what it's trying**
 10 **to see is how much of this line on this trend, if**
 11 **you will, if you use a trend line, how much on that**
 12 **line is being determined by the factor that you are**
 13 **trying to measure? And if you hit an R square of**
 14 **over 50, and it's an R square of .5 is what it's**
 15 **called, that's 50 percent, that's considered good,**
 16 **and anything up from there is considered very good.**
 17 **As you know, some of mine, I had R squares in the 78**
 18 **percent range. So R square is really a measurement**
 19 **of fit and that's what -- to see how well that**
 20 **factor that you're trying to measure is being**
 21 **explained.**
 22 Q. Are matched pair analyses often done in
 23 your business to determine effects of nearby
 24 developments, whether they be wind turbines or

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1 something else?
 2 **A. Yes.**
 3 **Q. Okay.**
 4 **A. Very common.**
 5 **Q. In fact, that's probably the most usual,**
 6 **the most used process by appraisers, correct?**
 7 **A. Yes. If you look at essentially -- if any**
 8 **of you have had an appraisal recently done or one**
 9 **done in the past purchasing a property and they have**
 10 **comparable sales and then they compared your subject**
 11 **property to the comparable sales and they have**
 12 **several factors of comparability, that's a matched**
 13 **pair, all right? That's a comparative sales matched**
 14 **pair, if you will. So it's very commonly used and**
 15 **it's used a lot when you do not have a lot of sales**
 16 **to use. You can't use statistics when you only have**
 17 **five or six sales. You really need about 15**
 18 **observations to even start a statistical analysis.**
 19 **Usually you would need at least 30. 60 is fairly**
 20 **good.**
 21 **MR. LUETKEHANS:** I have no further
 22 questions. I would ask that SLG Exhibit 25 be
 23 admitted into evidence. That's the PowerPoint
 24 presentation.

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1 **CHAIRMAN FINNIGAN:** That would be fine.
 2 That's what you have in front of you? Yes.
 3 Questions from the board?
 4 **MR. KURITZ:** What prompted you to do your
 5 blue -- your Blue Sky study?
 6 **MR. KIELISCH:** Excuse me?
 7 **MR. KURITZ:** What prompted you to do the
 8 blue -- your Blue Sky Wind Farm study?
 9 **MR. KIELISCH:** We are -- that study was
 10 sponsored by a citizens action group that was --
 11 they were arguing and battling the approval of that
 12 Blue Sky -- not the Blue Sky, of a different wind
 13 farm, and they hired our firm to do a study on the
 14 impact.
 15 **MR. KURITZ:** Okay, and you only had six
 16 sales in it and you're saying that you need -- or
 17 you need 20 to 30 to actually do a good study unless
 18 you use the comparables or the matched pair.
 19 **MR. KIELISCH:** Well, actually I have 68
 20 sales in this, and to run a good trend line, which
 21 that did -- the six were the variables, okay, or the
 22 factors that were being influenced. That is a low
 23 number, you would like more, but one interesting
 24 thing, and this is where statistics and real estate

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1 start butting heads, in statistics which actually
 2 came from social sciences, if you didn't have enough
 3 observations, you could go find more, all right? So
 4 if you didn't have enough smokers, you could go find
 5 more. Well, you can't do that in real estate, you
 6 can't manufacture sales, and that's a real problem.
 7 And so we looked at this development and when it
 8 started and we -- that was our time zone, when it
 9 started to the date of when the study was done, and
 10 those were the only sales in that whole area, so we
 11 couldn't manufacture those. Would we wanted to have
 12 had more? Yes, that would have been more
 13 substantial, particularly if you start showing
 14 massive variations on the six. All six were
 15 indicating under the trend line, and we had 60, 62
 16 sales outside of those factors which gave us a good
 17 trend line.
 18 **MR. KURITZ:** Okay, and with your matched
 19 pairs, how do you rule out the other influences,
 20 this property's big and got a lot of land but it's a
 21 little rundown or it hasn't been -- hasn't been
 22 updated or anything like that, and this is a newer
 23 property, a newer property, the same thing, so it
 24 brings a higher per square foot price. How do you

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1 compensate for those differences? Or one's listed
 2 in a school district where everybody wants to go and
 3 the other one's in a school district that's
 4 really --
 5 **MR. KIELISCH:** Yes, excellent questions,
 6 and that's where the experience of the appraiser
 7 comes in. You select the comparable sale that is
 8 most like the one that you're trying to measure. So
 9 you want comparability in size and gross living
 10 area, in design, in size of the acreage, age, you
 11 know, what's called street appeal, all of those are
 12 part of it. So every one of these properties were
 13 visited and researched, confirmed and interviewed
 14 with the buyer and the seller so that we get a good
 15 picture of the inside and the outside of the
 16 properties, and then we selected them for the least
 17 amount of adjustments as possible.
 18 And just as you said, it's important to
 19 get those that are most comparable. So if I have,
 20 say, a home built in 1985, it had 1700 square feet,
 21 three bedrooms, two baths, on one acre, that's what
 22 I'm looking for and then we get as close as we can.
 23 Once we've got as close as we can, then we can start
 24 making the adjustments. And all of the adjustments

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1 have to be made under some basis. You can't just
 2 say, well, that's what I feel. That was actually
 3 done in the past, it's no longer done today, but you
 4 have to have some basis for that. In ours, we had
 5 several bases, we did market studies, we did cost
 6 analysis, we did effective age breakout analysis to
 7 get the conditions, we interviewed the buyers and
 8 the sellers and the realtors.
 9 **MR. KURITZ:** Okay.
 10 **MR. BANGERT:** Did you research the -- from
 11 the time that these properties were put up for sale
 12 to the time that they were purchased, did you
 13 measure the amount of time for these affected
 14 properties versus unaffected? Was there a departure
 15 in how long it took to sell them?
 16 **MR. KIELISCH:** Yes. The time of sale was
 17 measured. We didn't do a statistical -- any
 18 statistical analysis on that. We did what's called
 19 observation analysis, an observation, and it appears
 20 that, you know, this comparable sold in 35 days, my
 21 influenced property took 95 days, but that was part
 22 of our interviews with the buyers and the sellers
 23 and the realtors if they were involved. And all the
 24 realtors that were involved, they all did say that

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1 they did take longer to sell. And then in the
 2 Wisconsin studies, in those studies, that we did not
 3 do it there. We simply did the land value analysis.
 4 We did not do a time analysis.
 5 **MR. BANGERT:** And was the reduction in the
 6 sale price a departure from the appraised price or
 7 how did you establish what the loss was? I mean --
 8 **MR. KIELISCH:** Oh, on which ones?
 9 **MR. BANGERT:** Well, the affected
 10 properties.
 11 **MR. KIELISCH:** Okay. All right. Well, on
 12 the studies that were land only, that what we did
 13 there is we took the -- we moved everything to an
 14 established date, a dummy date, okay, so all of the
 15 sales were moved because they covered, you know,
 16 about a two, three year time period in the Wisconsin
 17 ones. We took all of those sales and we put it on
 18 the same date. And actually we always use the last
 19 entry date of the last sale will be our adjusted
 20 date. Then we do a market trend analysis, we adjust
 21 all the sales to that date, and then we look at each
 22 property to see if there's any property
 23 characteristics that were different. We created
 24 sales sheets for every one of those, and they would

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1 list all the property characteristics, in other
 2 words, woods, view, terrain, topography, things of
 3 that sort. All of them were rural, all of them had
 4 to have septic and well, they were in different
 5 school districts, but in that particular area the
 6 school districts didn't really matter, they were all
 7 considered good. You talk to anybody, their school
 8 district is good. So they were all basically the
 9 same type of school district, so we didn't have to
 10 make adjustments for that. And that was raw land.
 11 So we would make adjustments for those different
 12 characteristics and then we plotted those on the
 13 graph.
 14 The improved properties, as you see in the
 15 matched pair, that we're specific in our adjustments
 16 and what we adjusted for, and again we used the same
 17 type of analysis. You start with the sales price,
 18 compare the dates, from the dates you make a market
 19 trend adjustment if there is one warranted, and
 20 actually in the Illinois one, there were no market
 21 trend adjustments warranted, all the sales were very
 22 close to each other, and we did a trend analysis in
 23 that area and found no justification during that
 24 time period to make a trend adjustment.

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1 Then we -- that adjusts the value to
 2 what's called the time adjusted value, and then from
 3 there we adjust for the land and then for the
 4 residential improvements, the various issues under
 5 residential improvements, and then any extras that
 6 that property had. Some you'll see had a pole shed,
 7 others had different other factors that went in, and
 8 we made adjustments for those too.
 9 **MR. BANGERT:** Thank you.
 10 **MR. KIELISCH:** Sure.
 11 **MS. TURNER:** A couple questions. Have you
 12 -- how long ago was the Blue Sky study done?
 13 **MR. KIELISCH:** That one was done about
 14 four years ago.
 15 **MS. TURNER:** Have you gone back to see if
 16 there have been more sales and tried to make it
 17 statistically viable?
 18 **MR. KIELISCH:** No, we have not.
 19 **MS. TURNER:** And then -- and the same with
 20 the Wisconsin one, when was that done?
 21 **MR. KIELISCH:** That was the Blue Sky.
 22 **MS. TURNER:** Oh, I thought that --
 23 **MR. KIELISCH:** Greenfield.
 24 **MS. TURNER:** Okay, I thought that was the

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1 Montana one. What about the Invenergy, where was
 2 that one done?
 3 **MR. KIELISCH:** That was Wisconsin as well.
 4 **MS. TURNER:** Also, okay, so they're both
 5 Wisconsin. And when was that one done?
 6 **MR. KIELISCH:** That was done at the same
 7 time.
 8 **MS. TURNER:** Okay.
 9 **MR. KIELISCH:** And we did not -- we have
 10 not done any follow-up on that.
 11 **MS. TURNER:** Okay, but it's probable that
 12 there have probably been more sales in there done
 13 would you say --
 14 **MR. KIELISCH:** I would hope so, yes.
 15 **MS. TURNER:** -- yeah, okay, that you could
 16 come back. Now, a couple of things. Why -- I
 17 understand that you have the blue dots, say, on the
 18 Blue Sky and you're showing a difference because
 19 you're saying they have views to wind farms.
 20 However, there are green dots on there that are
 21 below your R2, scale 2. Can you explain to me? I
 22 guess I'm not really understanding what you're
 23 trying to show.
 24 **MR. KIELISCH:** Okay, on the Blue Sky

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1 Greenfield one?
 2 **MS. TURNER:** Yeah.
 3 **MR. KIELISCH:** Okay, sure. All right,
 4 what we're showing there is that trend line. You
 5 see that light blue line --
 6 **MS. TURNER:** Right.
 7 **MR. KIELISCH:** -- that comes across?
 8 Okay, that's the predicted trend line. That's where
 9 we're talking all these sales into composite. This
 10 is where the predicted values would be at every
 11 location down below under acres or the X axis which
 12 is the size. Now certainly in order for you to get
 13 such a trend line, you are going to have sales under
 14 and over because the trend line is measuring the
 15 best fit looking at all the averages and trying to
 16 fit it together.
 17 If I would have done a trend line on these
 18 sales, these six sales, okay, first of all, they're
 19 so close together that you would have a line that
 20 would be about that long [indicating]. It wouldn't
 21 really show you anything other than the average
 22 between those six sales which would be quite a bit
 23 under. So certainly you're going to have sales
 24 under the trend line as well as over, hopefully

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1 crossing mostly on top. What this shows is on the
 2 average compared to home -- compared to lots that
 3 were outside of the influence, generally speaking
 4 that those sold for a lesser price.
 5 **MS. TURNER:** Okay, and so what you're
 6 telling us is that the 62 sales, when you say they
 7 were not influenced, you're saying they had no views
 8 of wind farms.
 9 **MR. KIELISCH:** Correct.
 10 **MS. TURNER:** Okay. On the literature
 11 review that you did, could you tell me what
 12 percentage of your literature was published in peer
 13 reviewed literature versus internet literature?
 14 **MR. KIELISCH:** Sure. I would say
 15 approximately -- of everything that we cited, there
 16 would have been at least 20 to 25 percent were
 17 published articles in peer reviewed, medical
 18 articles --
 19 **MS. TURNER:** Okay.
 20 **MR. KIELISCH:** -- economics articles,
 21 things of that sort.
 22 **MS. TURNER:** So 75 percent -- 20 to 25
 23 percent was peer reviewed.
 24 **MR. KIELISCH:** Correct.

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1 **MS. TURNER:** And so 80 to -- 75 to 80
 2 percent was not, is that what you're saying?
 3 **MR. KIELISCH:** Yes. Now let's define peer
 4 reviewed before we go forward. I -- when I answered
 5 this question, I answer it academically --
 6 **MS. TURNER:** That's what I want.
 7 **MR. KIELISCH:** Okay.
 8 **MS. TURNER:** All right.
 9 **MR. KIELISCH:** -- all right, as opposed to
 10 published comments in publications that people are
 11 reading.
 12 **MS. TURNER:** Sure.
 13 **MR. KIELISCH:** All these citations are
 14 from published --
 15 **MS. TURNER:** Sure.
 16 **MR. KIELISCH:** -- papers, magazines.
 17 **MS. TURNER:** But publishing is -- I can
 18 publish.
 19 **MR. KIELISCH:** Certainly you can.
 20 **MS. TURNER:** It's the academic peer review
 21 that's generally considered the standard, correct?
 22 **MR. KIELISCH:** Well, that's very
 23 debatable.
 24 **MS. TURNER:** I see, okay.

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1 **MR. KIELISCH:** Yeah. We won't get into
2 that discussion --
3 **MS. TURNER:** Right.
4 **MR. KIELISCH:** -- unless you want to.
5 **MS. TURNER:** And you don't -- there aren't
6 copies of any of the studies in this, is that
7 correct, that you cite?
8 **MR. KIELISCH:** That is correct.
9 **MS. TURNER:** Okay.
10 **MR. KIELISCH:** However, I do have a report
11 written for this as well.
12 **MR. LUETKEHANS:** We can provide all the
13 studies if you wish. We were trying not to overload
14 you.
15 **MS. TURNER:** No, I appreciate that, that's
16 for sure, I do. Thank you.
17 **MR. KURITZ:** Everything that you presented
18 then was residential property in a rural setting?
19 **MR. KIELISCH:** Yes.
20 **MR. KURITZ:** So you did no comparisons of
21 farm sales and the impact of having turbines on
22 property versus not having turbines on property did
23 to farm ground?
24 **MR. KIELISCH:** That is correct.

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1 **MR. KURITZ:** Okay.
2 **MS. TURNER:** I did have one other
3 question. The fact that there were six properties
4 sold and there weren't more sold, what percentage of
5 properties was that that sold and why weren't there
6 more?
7 **MR. KIELISCH:** Well, I do -- I do discuss
8 that in the report and I do state that it's purely
9 theoretically why there were not more, okay, because
10 we did not go and interview all the people who tried
11 to sell and didn't sell, but the theory behind it is
12 that it was much more difficult to sell within the
13 impacted zone. When we went to the Illinois one, we
14 found no, no sales whatsoever. Now, whether they
15 wanted to sell or not, we don't know. That's a very
16 difficult question to answer because in rural
17 properties, as you well know, you often have your
18 own property that's close to mom and dad or close to
19 the farm or neighbors or something like that, and
20 even though there may be a negative influence
21 influencing your property, you're not willing to
22 take that hit and you're just going to stay where
23 you are. That's basically the general comments that
24 we stated. That we did not do a thorough analysis

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1 on all of the sales that did not sell and why.
2 **MS. TURNER:** And did you do a comparison
3 of the number of sales in a wind turbine area versus
4 one that didn't have a wind turbine area that would
5 be a like rural area?
6 **MR. KIELISCH:** Certainly. In the
7 Wisconsin one, we did because we picked like areas.
8 And in the wind turbine area we found six sales in
9 one and six in the other in the two wind turbines,
10 and we found 34 outside and 62 outside in the same
11 time period, so -- and the density is about the
12 same.
13 **CHAIRMAN FINNIGAN:** How long does it take
14 you to do a study like this, like the one in
15 Wisconsin?
16 **MR. KIELISCH:** That can take -- well,
17 we're getting more efficient at it now, but I would
18 say we -- we have a staff of appraisal data
19 technicians, we call them ADTs, they work a lot like
20 a paralegal does in a law firm, we have appraisers,
21 and then we have contract statisticians. And it
22 would take probably anywhere from 80 to 120 hours
23 of ADT work, it would take about 15 to 20 hours of a
24 senior appraiser's work, about another 15 to 20 of a

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1 junior appraiser's work, and then of course the
2 statisticians charge us what they charge us at their
3 rates. So it -- something like this would easily
4 take, if you go at it full-time, you could get a
5 study like that done with our office in probably a
6 month, but usually we spread it over like a two or
7 three month time period.
8 **CHAIRMAN FINNIGAN:** I guess my question
9 would be we have two wind farms in McLean County and
10 you never talked about anything in McLean County. I
11 just wondered if you were, you considered -- why a
12 study wasn't considered for our area.
13 **MR. KIELISCH:** Well, I -- you know, I
14 would love to do one, but someone would have to foot
15 that bill, and easily that bill can come to, you
16 know, 20 to \$30,000.
17 **CHAIRMAN FINNIGAN:** Thank you. Questions
18 from staff?
19 **MR. DICK:** Have you ever done studies for
20 other generating type facilities, like coal or
21 nuclear?
22 **MR. KIELISCH:** No, I have not.
23 **CHAIRMAN FINNIGAN:** Would the applicant
24 have questions?

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1 **MS. ANTONIOLLI:** Yeah, just a few.
 2 **QUESTIONS BY**
 3 **MS. ANTONIOLLI:**
 4 Q. On slide 13 you mention the Berkeley
 5 National Laboratory Study 2009.
 6 **A. Yes.**
 7 Q. And is there a reason you didn't mention
 8 the more recent 2013 study done by the Berkeley
 9 National Lab?
 10 **A. Because it's a rehash of their old study.**
 11 **They just added personnel to try to combat one of**
 12 **the critiques, and one of the critiques against them**
 13 **was that no one in the original Berkeley study had**
 14 **any experience whatsoever in real estate general or**
 15 **real estate appraisal or ever made a living in real**
 16 **estate. They were all statisticians working at the**
 17 **university. And so from that critique, I believe**
 18 **they added another individual, I'm trying to recall**
 19 **his name right now, he was an appraiser from Texas,**
 20 **he joined them along with another individual. They**
 21 **relooked at the data that they did and they**
 22 **basically said it was done right.**
 23 Q. And the 2013 study, would you agree, was
 24 much more comprehensive and provided more?

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1 **A. It did provide some more details. They**
 2 **didn't come up with any differences in their**
 3 **opinion. And again, many of the critiques that we**
 4 **originally had still held true.**
 5 Q. And what was the conclusion of that study?
 6 **A. That there was not a significant impact.**
 7 Q. On?
 8 **A. On property values due to wind turbines.**
 9 Q. Okay. So in the matched pair analysis
 10 that you did and that's back -- I'm not sure what
 11 slide that is because they're not numbered, but the
 12 Big Sky Wind Farm analysis. You said the study was
 13 done four years ago, and maybe I missed this, are
 14 there dates on when those sales occurred?
 15 **A. Yes. Yes, the dates start -- it's in the**
 16 **first big box. You go down under terms, date of**
 17 **sale.**
 18 Q. My copy is a little blurry. Can you show
 19 me?
 20 **A. Sure.**
 21 **MR. LUETKEHANS:** It's about the seventh
 22 line down, Amy.
 23 **A. It would be right there [indicating], date**
 24 **of sale.**

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1 Q. And other than the matched pair study, I
 2 can't help but notice that some of these other
 3 studies that you did interviewing -- let's see, let
 4 me get to that page. So the studies that you did
 5 interviewing appraisers, most of it was in the time
 6 frame where houses were sold in 2009 to 2012 and
 7 earlier.
 8 **A. Yes, and it was realtors not appraisers.**
 9 Q. Realtors.
 10 **A. Right.**
 11 Q. And did these studies factor in the impact
 12 of the global economic crisis at that time and the
 13 impact that that could have had on home sales?
 14 **A. Yes.**
 15 Q. And how does it do that?
 16 **A. It does that through a market trend**
 17 **analysis, and that's why I mentioned before the**
 18 **first thing you do in these studies is you do a**
 19 **market trend analysis and that will give you how the**
 20 **market is trending and then you adjust accordingly.**
 21 Q. Okay, and have those been updated since
 22 the time that they were done, completed between 2009
 23 and 2012?
 24 **A. No.**

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1 Q. Okay.
 2 **A. You mean has that study been updated?**
 3 Q. Has that study been updated?
 4 **A. No.**
 5 Q. And would you expect that perceptions of
 6 wind farms would change over the past ten years or
 7 so?
 8 **A. My personal perception or --**
 9 Q. Perceptions of home buyers.
 10 **A. Have they changed?**
 11 Q. Would you say that -- so in the first
 12 slide, you say, let's see, slide three, that value
 13 is perception.
 14 **A. Correct.**
 15 Q. And would you say that since these studies
 16 have been done, that perceptions of wind farms by
 17 buyers could have changed?
 18 **A. I have not seen it and it's my opinion it**
 19 **would not have.**
 20 Q. But you haven't provided more recent
 21 updated studies.
 22 **A. That's correct.**
 23 Q. So you wouldn't know for sure.
 24 **A. For absolute for sure, no.**

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1 Q. Okay.

2 **MS. ANTONIOLLI:** Okay, that's all the

3 questions I have.

4 **CHAIRMAN FINNIGAN:** Thank you. Any

5 questions from the audience for this witness? I

6 can't believe it.

7 **MS. MORAN:** I waited just a minute just

8 for shock value. Deann Moran, it's D-E-A-N-N, last

9 name is Moran, M-O-R-A-N. Address is 503 North

10 Orange Street in Lexington, Illinois.

11 **QUESTIONS BY**

12 **MS. MORAN:**

13 Q. So you had mentioned that some of the

14 property values -- I was writing things down. You

15 mentioned sales differed between homes that you

16 could see a wind turbine versus homes that you could

17 not see a wind turbine?

18 **A. Correct.**

19 Q. So wouldn't it be fair to say that homes

20 on the outside of a town kind of being surrounded by

21 wind turbines, that if they could see that on the

22 horizon, sales of -- your property value would go

23 down?

24 **A. Yes, that's what the Tuttle study**

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1 **indicated.**

2 Q. Correct. So don't you think that the

3 decrease in home value may be impacted by those --

4 okay, so you will say that those on the outside of

5 town that could see the wind turbine would be

6 impacted versus someone who has tree lines or

7 something that it can't be, that they can't be seen?

8 **A. Right. The aesthetics is one of the big**

9 **issues with the wind turbines when you're a distance**

10 **away. I wouldn't say it's the only issue when**

11 **you're in close proximity. Then the other issues**

12 **start coming in as I spoke on earlier, the health**

13 **issues, the noise, the flicker effect, but as you**

14 **get further away, it becomes the aesthetics. So**

15 **that which blocks the aesthetics would also block**

16 **the influence.**

17 Q. Have you ever seen any -- here in McLean

18 County, we have property value assessments that get

19 mailed out.

20 **MS. ANTONIOLLI:** We're getting beyond the

21 scope of his testimony, so I would object to this

22 general line of questioning.

23 Q. This is -- okay, would you agree to the

24 fact that -- oh, I'm just going to reask the

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1 question. This is part of property value, is it

2 not?

3 **MS. ANTONIOLLI:** Well, he testified that

4 he didn't evaluate any McLean County homes, so

5 that's why I object.

6 Q. Okay, then would you say that the -- for

7 us, the number two proposed special use we are

8 under, they're trying to prove that we are -- it

9 will not diminish the property values, so do you

10 agree that our property values --

11 **MS. ANTONIOLLI:** Again, I object. I mean

12 she's talking about McLean County issues.

13 **MR. LUETKEHANS:** No, wait a second. She's

14 asking the question --

15 **MS. MORAN:** I'm asking about my home.

16 **MR. LUETKEHANS:** -- which is standard two.

17 She's asking the question which is standard two, and

18 she has the right -- she has the right to ask that

19 and he can answer it.

20 **MS. ANTONIOLLI:** She's asking specifically

21 how it applies to property values in McLean County

22 which he did not testify to.

23 **MR. LUETKEHANS:** He's testified to

24 property values generally, and maybe the question --

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1 if she asks does he have any reason to believe that

2 the same general trends would not occur in McLean

3 County, I guess she can ask that first.

4 **MS. ANTONIOLLI:** Well, the special use

5 standard asks for whether property values have been

6 diminished in the immediate area.

7 **CHAIRMAN FINNIGAN:** I think you can talk

8 about general trends but maybe not McLean County.

9 **A. Okay. So the question was? I'm not**

10 **certain I understand the question.**

11 Q. Yeah, I'm just basing off of them meeting

12 the criteria, and I can't ask that question because

13 I live in McLean County.

14 **MS. MORAN:** Thank you.

15 **MR. KIELISCH:** You're welcome.

16 **MR. TAYLOR:** Can I ask a question now?

17 **MS. MORAN:** You go, Travis.

18 **MR. TAYLOR:** Try not to make it so

19 confusing. Travis Taylor, 28686 North 3050 East

20 Road, Chenoa, Illinois.

21 **CHAIRMAN FINNIGAN:** Bring it a little

22 closer to you.

23 **MR. TAYLOR:** Is that better?

24 **QUESTIONS BY**

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1 **MR. TAYLOR:**
 2 Q. Okay. I guess I don't exactly know how
 3 long after the studies were done was the data
 4 collected. Is it something that was immediately
 5 following or is it something that was like five
 6 years later on the study I guess is the way I want
 7 to ask that for the studies you presented?
 8 **A. Sure. At the time of the study, the data**
 9 **was collected in a contemporary fashion, meaning**
 10 **that we collected all the sales up to the date of**
 11 **the study.**
 12 Q. Okay. And how many -- you said it was
 13 like three years combined?
 14 **A. Well, it depends on which study you're**
 15 **talking about. What we tried to do is, like in the**
 16 **two Wisconsin studies for instance, the Invenergy,**
 17 **whatever, thank you, those two Wisconsin studies,**
 18 **what we did there is from the point where it became**
 19 **active, where the turbines became active to the**
 20 **point of our last data entry where we could actually**
 21 **receive the data, that would have been contemporary**
 22 **at that time, so that time period was probably about**
 23 **a two, three year time period. And then in the one**
 24 **in Bureau, Illinois, what we did there is we looked**

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1 **at contemporary sales, we had to find sales first,**
 2 **and the sales defined where our comparables would**
 3 **be.**
 4 Q. Okay. I'm trying to think of how to
 5 phrase this next question. With the amount of wind
 6 turbines here in McLean County currently and past
 7 previously, do you think a study on those, not based
 8 off of solely tax records but based off of an
 9 individual basis, would give us a better idea of
 10 where we would be standing since we have so many in
 11 the county?
 12 **A. I would absolutely agree with that. I**
 13 **would not and I never do use assessments as a base**
 14 **or a factual base to value. Assessments -- and I**
 15 **worked in assessment for a while. The whole purpose**
 16 **of assessments is to get fair and equitable**
 17 **valuation for the basis of taxation. Now the states**
 18 **do require these to represent market value, but**
 19 **there's a big -- there's a lot of leniency in what**
 20 **that really means. And what a mass appraisal model**
 21 **does is it simply looks at averages and it does not**
 22 **do what I did, for instance, in the matched pair.**
 23 **In the matched pair, I'm looking for a home just**
 24 **like this, not an average.**

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1 **And so if you're using assessments and**
 2 **you're also assuming at this point the assessor**
 3 **looked at each property individually, valued each**
 4 **property individually that year, which they don't**
 5 **do, and they -- you're also looking at that they**
 6 **valued all the aspects of the property, which**
 7 **assessors tend not to do, they only tend to value**
 8 **the land. And the improvements, landscaping, other**
 9 **factors that add or delete from value is not**
 10 **something that they usually factor in. So I would**
 11 **not and I never have used assessments as any basis**
 12 **for a study.**
 13 **MR. TAYLOR:** I think that's all my
 14 questions. I appreciate everybody.
 15 **CHAIRMAN FINNIGAN:** Thank you. Any other
 16 questions? I think Mr. Jolly is on the list though.
 17 You're on Mr. Luetkehans's list, aren't you?
 18 **MR. JOLLY:** Yes, I am. You're not
 19 allowing me to ask?
 20 **CHAIRMAN FINNIGAN:** You can give your
 21 question to Mr. Luetkehans and he can ask it.
 22 **MR. JOLLY:** Okay, that's all I have.
 23 **CHAIRMAN FINNIGAN:** Any other questions?
 24 **MR. LUETKEHANS:** Redirect please.

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1 QUESTIONS BY
 2 **MR. LUETKEHANS:**
 3 Q. Do you believe the Blue Sky, in the Blue
 4 Sky Invenergy studies you had, that you did, that
 5 you had enough sales for that study to be
 6 statistically viable?
 7 **A. I do. According to appraisal standards, I**
 8 **would, yes.**
 9 Q. Okay. Were any of the Blue Sky, quote,
 10 influenced sales above the trend line?
 11 **A. Above the what line?**
 12 Q. The trend line.
 13 **A. No.**
 14 Q. So they were all below the trend line.
 15 **A. That is correct.**
 16 Q. Okay. Are you aware of any matched pair
 17 analysis of wind turbines that has ever been peer
 18 reviewed?
 19 **A. I am not.**
 20 Q. Appraisers' reports are not the type that
 21 are peer reviewed, correct?
 22 **A. Correct, by the definition of peer**
 23 **reviewed, yes.**
 24 Q. But they're tested often in court, they're

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1 tested often in hearings like this, correct?
 2 **A. Correct.**
 3 Q. And, in fact, have you ever used a matched
 4 pair analysis in court?
 5 **A. Many, many times.**
 6 Q. Were some of your sales mixed use of
 7 residential and farm use?
 8 **A. No, all the sales used in the Illinois one**
 9 **were rural residential and all the sales in the**
 10 **Wisconsin were rural residential or the larger lots.**
 11 **We call those, nickname those hobby farms.**
 12 Q. Okay, but they all had residential
 13 components.
 14 **A. That's correct.**
 15 Q. And they were all in rural farmland areas.
 16 **A. Yes.**
 17 Q. Hence, that's the only -- because that's
 18 the only place you put wind turbines, correct?
 19 **A. Yes.**
 20 Q. You seem to be pretty knowledgeable on
 21 wind turbines. Do you follow wind turbine studies
 22 closely, those that are published?
 23 **A. I try to, yes.**
 24 Q. Are you aware of any studies showing that

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1 perception has changed over the last five years or
 2 so of wind farms, of wind energy projects?
 3 **A. No, I have not.**
 4 Q. Is there any reason to believe that this
 5 diminution of value that you talked about and found
 6 in all your studies is limited to areas outside of
 7 McLean County?
 8 **A. No.**
 9 Q. Do you believe that same finding would
 10 occur in McLean County?
 11 **A. I believe it would.**
 12 **MR. LUETKEHANS:** Nothing further, thank
 13 you. You're done.
 14 **CHAIRMAN FINNIGAN:** Do you any other
 15 witnesses, Mr. Luetkehans?
 16 **MR. LUETKEHANS:** No, sir.
 17 **CHAIRMAN FINNIGAN:** I think we have one.
 18 Mr. Capparella would like to talk tonight because he
 19 can't be here tomorrow night, so we're going to call
 20 him forward.
 21 **MR. CAPPARELLA:** And I have this too.
 22 Yes, thank you. I was previously affirmed, okay.
 23 It's Angelo, A-N-G-E-L-O, Capparella,
 24 C-A-P-P-A-R-E-L-L-A, 907 South Fell Avenue in

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1 Normal. Thank you very much, Mr. Finnigan. This
 2 will be brief.
 3 So on February 21st, I gave testimony
 4 regarding IDNR's recommendations and the EDPR's
 5 responses, but regarding recommendation number six
 6 regarding Henline Creek, when I prepared my
 7 testimony, I based it on information resulting from
 8 the Invenergy hearing wherein the recommendation was
 9 interpreted as meaning a setback of a half mile from
 10 Mackinaw River and 500 feet from part of Henline
 11 Creek.
 12 And so I learned after giving that
 13 testimony regarding this case that the county had
 14 later received a clarification from IDNR that the
 15 recommendation actually went a half mile setback
 16 from all parts of Henline Creek listed as an INAI
 17 and I did not realize that. That accounts for the
 18 confusion when Amy Winterland questioned me and, Mr.
 19 Finnigan, when you asked me.
 20 So I didn't realize in the interim that
 21 some things had changed from what I was first told,
 22 so I really appreciate -- apologize for any
 23 confusion. I appreciate the opportunity to revise
 24 just the part of my testimony related to IDNR

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1 recommendation number six which is avoid siting
 2 turbines within a half mile of Henline Creek.
 3 So EDPR's proposing a modification to
 4 reduce the avoidance from a half mile to a minimum
 5 of 500 feet in the case of five turbines, and what I
 6 wanted to testify towards is that I would support
 7 this under the following required conditions, which
 8 are as follows. Require a robust monitoring survey
 9 of fish and mussels both before and after
 10 installation using a design that is approved by and
 11 with results submitted to the IDNR.
 12 Second, should any negative impacts be
 13 found to be caused by those five turbines, require
 14 that two steps would follow. A study would be
 15 initiated to better understand the cause of the
 16 impact and also that EDPR would continue working
 17 with IDNR to develop a mitigation plan to offset the
 18 negative impact on Henline Creek with the goal of no
 19 net loss of aquatic biodiversity within the INAI
 20 section as a whole of Henline Creek, and the precise
 21 approach would obviously depend on the nature of any
 22 impacts. Mr. Shank today mentioned one possible
 23 approach, for example, in terms of avoiding or
 24 basically not operating them during certain seasons

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1 if there's fish migration being affected or
 2 something like that. But there's a whole wealth of
 3 possibilities or a whole variety of possibilities
 4 that could be done.
 5 And then my third ask would be that in
 6 allowing this modification, to require a robust
 7 storm water pollution prevent plan with additional
 8 measures to ensure that protective provisions are
 9 continuously intact during construction, things such
 10 as weekly inspections and inspections after
 11 significant rain events. I know over the years I've
 12 seen these so-called SWPPP plans, S-W-P-P-P plans,
 13 have been quite variable in how they're used in
 14 subdivisions and things like that, so that's why one
 15 size doesn't fit all. What you want is a plan that
 16 was really designed to achieve a goal, and in this
 17 particular case, the goal would be to ensure that
 18 there is no erosion or other impacts on Henline.
 19 So with those kind of stipulations, I
 20 would be supportive of EDPR's proposed modification
 21 in terms of this, and I guess can now add to that
 22 that we've learned tonight from Mr. Shank the
 23 incredible value in utilizing EDPR's design to do
 24 studies to just really look at this whole aquatic

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1 issue. And so I think all the modifications that I
 2 supported from the previous testimony plus this
 3 modification I think are all justified and things
 4 that I'm comfortable with that I learned tonight.
 5 It sounds like, not to put words in his mouth, but
 6 Mr. Shank certainly seems open to on behalf of IDNR,
 7 and that EDPR in conversations I've had with them
 8 seem very open to it as well. So I would just -- I
 9 think we're getting all on the same page which is
 10 comforting to me, so thank you.
 11 **MR. DICK:** Dr. Capparella's first exhibit
 12 was Neutral Exhibit 1. We'll call this Neutral
 13 Exhibit 1A.
 14 **CHAIRMAN FINNIGAN:** Any questions from the
 15 board?
 16 **MS. CARLTON:** We were one short in that
 17 handout.
 18 **MR. BANGERT:** What do you propose the time
 19 line is for how long the study would take place or
 20 this robust monitoring?
 21 **MR. CAPPARELLA:** I think that will be best
 22 determined through active interaction with IDNR. As
 23 Mr. Shank said tonight, it's a back and forth to
 24 really determine if the framework -- first, you have

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1 the framework of a proposal, and then you mod -- you
 2 refine it to determine what the best kind of study
 3 design would be based on the turbines' placement and
 4 planned operation time, et cetera. So I wouldn't
 5 want to at this point say what would be best, but I
 6 would ask that EDPR be responsive to IDNR's
 7 recommendations and from their scientists as to what
 8 would be the best sort of framework to do that so
 9 that we really do have an adequate time series of
 10 data, which is kind of what you're getting at I
 11 think, to make sure that we really know what's going
 12 on over time, because as we know with our climate
 13 here in central Illinois, you can have really good
 14 wet years and some really horrible drought years,
 15 and so you really need to be sure that you're
 16 covering that kind of natural variability as well in
 17 order to be able to exclude that as a factor and
 18 instead get more towards any potential impacts from
 19 the turbine itself.
 20 **CHAIRMAN FINNIGAN:** Questions from staff?
 21 **MR. DICK:** Would you want to clarify who
 22 would be doing that study? Is WEST a reasonable
 23 outfit to be able to do this study?
 24 **MR. CAPPARELLA:** Oh, yes, I'm very

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1 familiar with WEST's reputation and they have very
 2 competent biologists who really care about the
 3 resource, and EDPR does as well, I know their
 4 division does as well. The thing that makes me more
 5 comfortable with them doing this study and hiring
 6 WEST to do it or an equivalent company that they
 7 have confidence in is that they do have a pretty
 8 good track record of wanting to be industry leaders
 9 in doing these studies to try to figure out just
 10 what is going on, if anything is going on in terms
 11 of impacts from turbines, because only until we
 12 really know can we even decide how to change
 13 operations or site design or mitigate all of this
 14 kind of stuff.
 15 As Mr. Shank indicated tonight, while
 16 there's certainly kind of good theoretical reason to
 17 be of some concern, we really don't know on a lot of
 18 this and we're getting ahead of science in this
 19 particular case, and I'd like to see the science
 20 brought up to speed. And if EDPR is willing to
 21 really put effort into generating excellent science,
 22 I'd love to see this wind farm be the place where
 23 that happens.
 24 And again, I wouldn't say that if I

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1 thought that, well, we find out they're causing
 2 terrible things and yet we're already committed. So
 3 that's why I insert in here that there has to be
 4 mitigation. If negative impacts are found, there
 5 has to be the willingness to mitigate, to solve,
 6 mitigate, whatever, so that we have no net loss to
 7 Henline Creek. So I wouldn't want to see it as a
 8 sacrificial lamb in that sense. I do want to make
 9 sure there is a commitment if impacts are found that
 10 we do all that can be done to reverse those so that
 11 we get back to where we are in terms of Henline
 12 Creek and its biodiversity.
 13 **MR. DICK:** Thank you.
 14 **CHAIRMAN FINNIGAN:** Would the applicant
 15 have questions?
 16 **MS. ANTONIOLLI:** No.
 17 **CHAIRMAN FINNIGAN:** I don't know what
 18 happened to Mr. Luetkehans. Would anyone in the
 19 audience have questions? We'll wait just a second.
 20 I don't know that he has anything, but I don't want
 21 to pass him up. He says no, so I think you're off
 22 the hook.
 23 **MR. CAPPARELLA:** All right, thanks a lot.
 24 **CHAIRMAN FINNIGAN:** Appreciate you coming

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1 back.
 2 **MR. CAPPARELLA:** Yeah, thanks so much for
 3 working me in.
 4 **CHAIRMAN FINNIGAN:** Getting blind-sided is
 5 not really --
 6 **MR. CAPPARELLA:** Yeah, no.
 7 **CHAIRMAN FINNIGAN:** Well, we got one more
 8 question.
 9 **MR. BANGERT:** How did you arrive at five
 10 turbines?
 11 **MR. CAPPARELLA:** That is what -- that is
 12 what I understand are the number of turbines that
 13 are within the one-half mile, less than one-half
 14 mile but more than 500 feet from Henline Creek.
 15 That was my understanding from the company, and if
 16 they want to clarify that, that would be good, but
 17 my understanding, there were five turbines that were
 18 within that 500 feet to one-half mile and therefore
 19 would be in violation of a one-half mile
 20 recommendation.
 21 **MR. BANGERT:** Thank you.
 22 **CHAIRMAN FINNIGAN:** I think you're good
 23 this time.
 24 **MR. CAPPARELLA:** Okay, thanks, appreciate

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1 it.
 2 **CHAIRMAN FINNIGAN:** Thank you. I think
 3 we're back to the list, Phil.
 4 **MR. DICK:** Travis Taylor?
 5 **MR. TAYLOR:** How many of you are there?
 6 **CHAIRMAN FINNIGAN:** Seven and -- ten.
 7 **MR. TAYLOR:** Just in case I forget
 8 something while I'm reading it, I just want to make
 9 sure.
 10 **MR. DICK:** Want me to hand them out?
 11 **MR. TAYLOR:** Yeah, if you don't mind.
 12 **MR. DICK:** More than one?
 13 **MR. TAYLOR:** Yeah, there's two. This
 14 references this, so I wanted to make sure you had
 15 both of them available. And I thought I had some
 16 maps. And I got one more set of maps for you guys,
 17 too, just referencing my house. You guys have a
 18 copy of the map that has my house and circles on it
 19 so that you can specify. Yes, I can have one for
 20 you too.
 21 **MS. ANTONIOLLI:** Thank you.
 22 **MR. TAYLOR:** There's ten of these.
 23 **CHAIRMAN FINNIGAN:** I'm going to swear you
 24 in before we get started while they're hashing this

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1 out.
 2 (Mr. Travis Taylor was duly sworn.)
 3 **CHAIRMAN FINNIGAN:** State your name and
 4 address.
 5 **MR. TAYLOR:** Travis Taylor, 28686 North
 6 3050 East Road, Chenoa, Illinois, 61726. You're
 7 going to label some exhibits and I'm going to write
 8 one down.
 9 **MS. WALLEY:** Did you want your exhibits
 10 marked as an objector, as a proponent or as a
 11 neutral?
 12 **MR. TAYLOR:** I'm an objector for the most
 13 part, I mean I -- within reason, but they can be
 14 marked as an objector.
 15 **MS. WALLEY:** Okay, so we're going to make
 16 your map Objectors Exhibit 5, and your narrative
 17 which starts "Three years ago" Objectors Exhibit 6.
 18 **MR. TAYLOR:** And the neighbor agreement.
 19 **MS. WALLEY:** Yes, and the wind project
 20 neighbor agreement would be Objectors Exhibit 7.
 21 **MR. TAYLOR:** Sorry I made a mess out of
 22 your desk already.
 23 **CHAIRMAN FINNIGAN:** We will enter those
 24 in.

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1 **MR. TAYLOR:** Thank you.
 2 **MS. ANTONIOLLI:** If I may, so the wind
 3 project --
 4 **CHAIRMAN FINNIGAN:** Yes, sorry I didn't
 5 ask you first.
 6 **MS. ANTONIOLLI:** That's okay. The wind
 7 project neighbor agreement, we don't -- this doesn't
 8 look like something that the company is familiar
 9 with, and I would just object to it being entered
 10 into the record.
 11 **MR. TAYLOR:** It was mailed from you guys
 12 to my address.
 13 **MS. ANTONIOLLI:** It looks like it's been
 14 altered and I'm not sure how many --
 15 **MR. TAYLOR:** I removed my name. I can
 16 give you a copy with my name and address still on it
 17 if you guys want to make copies of it. That would
 18 be all right too.
 19 **CHAIRMAN FINNIGAN:** Is that your only
 20 objection?
 21 **MS. ANTONIOLLI:** Yes.
 22 **MR. TAYLOR:** I can provide an original
 23 with all of it on it if that would be better, but
 24 can I give you that for now and then provide the

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1 rest later? Which one do you need, the map?
 2 **MS. WALLEY:** The narrative.
 3 **MR. TAYLOR:** The narrative.
 4 **MR. LUETKEHANS:** I'm sorry, this is 6. Is
 5 there a 5? I missed the numbers.
 6 **MS. TURNER:** The narrative is 6 and the
 7 map is 5.
 8 **MR. LUETKEHANS:** Okay.
 9 **CHAIRMAN FINNIGAN:** Looks like it's just
 10 your name and your tract number, so we can -- that's
 11 all that's been taken out; is that right?
 12 **MR. TAYLOR:** Yeah, I can show you the
 13 original right here. Legal can see it if they like.
 14 It's just my name and my tract, so that's --
 15 **CHAIRMAN FINNIGAN:** If that's all it is,
 16 we can admit it.
 17 **MR. TAYLOR:** Okay, thank you. Are we
 18 ready? All right, this is from my wife and myself
 19 both. We worked on this together.
 20 **CHAIRMAN FINNIGAN:** Pull it close to you
 21 so we can hear you.
 22 **MR. TAYLOR:** All right, there we go.
 23 Three years ago, my wife and I bought our forever
 24 home in the country outside of Chenoa to raise our

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1 children and they are the fifth generation
 2 unincorporated McLean County residents. We have
 3 always lived in McLean County. We were educated in
 4 McLean County schools from preschool through
 5 college. Both our house and our barn are over a
 6 hundred years old. In fact, the barn was recently
 7 designated as a centennial barn based on its rich
 8 history. It's the perfect place to raise our
 9 family.
 10 In this wind project, this perfect
 11 homestead we love is so coolly referred to as
 12 Receiver ID 15. We have been approached by EDP
 13 several times in an effort to discover the project
 14 and have been sent a wind project neighbor
 15 agreement. However, there is hardly anything
 16 neighborly about the contract. I would like to
 17 provide you with a copy for your records.
 18 On the very first page, it states that EDP
 19 desires to obtain a waiver to the setback
 20 requirements as outlined by the county.
 21 Furthermore, they seek easement rights and
 22 entitlement over, across and under my property. If
 23 the contract is signed, I must also obtain their
 24 approval to build any new structures on my property

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1 that may be 65 feet in height. It also states that
 2 they acknowledge that at times, due to unforeseen
 3 events, the sound levels could cause -- sound levels
 4 caused by the project may exceed the maximum
 5 allowed, limit level allowed. The company wants all
 6 of this essentially control over my property for
 7 half the cost of our property taxes a year. This is
 8 not a neighbor helping a neighbor, but instead
 9 acknowledges the project is going to affect my home,
 10 property and family.
 11 Our biggest concern to this project, and
 12 there are many, is that people affected by the
 13 project have one or two, perhaps even three, wind
 14 turbines proposed near their home. We, on the other
 15 hand, have between 11 and 13 turbines within one
 16 mile, which is more than the number of houses within
 17 the same distance. If you extend this to a mile and
 18 a half setback required by corporate city limits and
 19 towns, the number becomes 20 turbines. This number
 20 represents 35 percent of the total project around my
 21 3.5 acres.
 22 Per your seven standards on special use
 23 permits, the second relates to the project not being
 24 harmful to the use and enjoyment of my property.

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1 This excessive amount of turbines close to the home
 2 will be sure to severely impact the enjoyment of my
 3 property, property that EDP has asked to take
 4 control over.
 5 This is not only -- if this were not
 6 enough to show the negative effects that this
 7 project will have on my home and property, EDP also
 8 wants to run transmission lines directly south of my
 9 property with a setback of only 603 feet from my
 10 home. Additionally, EDP projects that the shadow
 11 effect on my home will be over two hours a day and
 12 will affect my home 80 days out of the year. In
 13 terms of sound effect, EDP projects that our house
 14 is -- our house are at the top of the legal limits
 15 and will be over if you take into consideration the
 16 margin of error from the study, which was the 2 dB
 17 or dBA. I cannot recall exactly the way that that
 18 went down, but it's I believe dB. Please be sure to
 19 note that these projections do not take into account
 20 the other wind project in the works just two miles
 21 away.
 22 So then I ask that you hear my concerns.
 23 As you know, I have attended many of the Invenergy
 24 meetings and more importantly all of the EDP

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1 meetings and have become more -- become informed.
 2 This project will affect my home. There is no
 3 question about it. The company has admitted this to
 4 us.
 5 Tonight I'm asking for the following. Do
 6 not approve the special use permit. This would
 7 allow additional time for independent research and
 8 research -- and research on the combined effects of
 9 the two projects working as one. Do not approve
 10 this special use permit in order to allow additional
 11 time to look into the solar fields which you guys
 12 have approved recently, just like the ones already
 13 approved. These appear to have much less effect
 14 on -- impact on the neighbors, neighboring
 15 properties, and instead have more effect on the
 16 landowners who have the right to sign their -- sign
 17 over their own ground and make their decisions about
 18 it.
 19 And if you do, if you do vote to approve
 20 the project, please require a significant reduction
 21 in the number of turbines allowed to be so close to
 22 my home. 20 within a mile and a half is too
 23 extensive and intrusive. This number represents 35
 24 percent of the total number of turbines while my 3.5

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1 acres does not come anywhere close to the percentage
 2 of ground covered by the proposed turbines. I
 3 believe it's over 4,000 acres for the entire project
 4 is what I read. Require a setback from my home, my
 5 home of -- require a setback from my home of
 6 turbines such as the original 2,000 I believe you
 7 guys had before the meetings.
 8 Additionally, I did do some further
 9 research, and many other studies in Canada and
 10 overseas have found that they've had less issues
 11 with 1,000 meter setback, which is in the 3,000 foot
 12 range from houses, and they've had much less
 13 complaints.
 14 Require EDP to move turbines 83, 85 and 95
 15 or remove or move them further away as they do --
 16 they will have the most effect on our house.
 17 Require EDP to move the transmission line to the
 18 mile section north of my property between 29 and
 19 3000 North Road as they have available participating
 20 land and there are no homes in the area. Not only
 21 do I feel that the transmission line is too close to
 22 my home, my well is even closer to the proposed
 23 line. Additionally, this is a low-lying area and my
 24 property drains to that location.

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1 Require EDP to move the access road to
 2 2300 North Road instead of 3050 East Road so
 3 construction traffic is not passing along my home
 4 where my two small children -- well, I have one and
 5 one on the way -- will be playing outside. Again,
 6 EDP has appropriate landowner ground to allow for
 7 the change to occur easily.
 8 Require EDP to immediately ensure we
 9 preserve current cell phone reception, TV and
 10 internet as we have no complaints about these
 11 services currently. It is not safe to live in the
 12 country without cell phone services for any amount
 13 of time.
 14 And no one buys a home in the country to
 15 stay inside of it. We work in our barns, we garden,
 16 we enjoy cookouts and the wide open quiet space. We
 17 pay property taxes on all of the property not just
 18 the house. I love my home, my property and the
 19 history that it holds. Please protect it and my
 20 family's future. Thank you for hearing all of my
 21 concerns, Travis Taylor.
 22 So I mean I think from the map it pretty
 23 well speaks for itself. And the contract I've read
 24 and my wife's read. We spent many nights in

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1 discussions upon all of that. So if you guys have
 2 any questions, feel free to ask me.
 3 **MR. DEAN:** What's your fear of the
 4 underground cables?
 5 **MR. TAYLOR:** There's a couple. The
 6 biggest is the drainage tile on that side of my
 7 house, a lot of the drainage runs that direction,
 8 and then secondly, we still have a dug well, so it's
 9 only looking to be about 35 feet deep. The property
 10 lies low on that side and drops off, I've never
 11 actually put a laser to it, but I'm assuming between
 12 12 and 15 feet grade change, and then if they go
 13 down that additional five feet for the buried cable
 14 according to the ag mitigation agreement, I mean
 15 they're looking at 20 feet, and I'm kind of worried
 16 about where they're going to be sitting at our water
 17 table regardless when they're not that far off the
 18 property where the well is. I mean I would like
 19 some assurance on it before, you know what I mean,
 20 somebody goes digging up next to your house and
 21 they're like, whoa, wait, what are we hitting down
 22 there, you know.
 23 **MR. DEAN:** As far as the drainage is
 24 concerned, the ag mitigation agreement would ensure

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1 that was done properly and prepared.
 2 **MR. TAYLOR:** Yes, I'm hoping that's not
 3 after my basement floods, though, since we've never
 4 had a problem in the past.
 5 **MR. DEAN:** You'll want to get some names
 6 and numbers of who to contact right away.
 7 **MR. TAYLOR:** Absolutely, and I mean that's
 8 something my wife and I, we're concerned about as
 9 well, you know. They have a phone number to contact
 10 right away, but even if you do that, what's going to
 11 re -- you know, if they don't answer and take care
 12 of it right away, who's the next person that's going
 13 to be accountable for it? You know, that's a big
 14 concern.
 15 **MS. TURNER:** Have you had any discussion
 16 with them, with EDP, about the specific location of
 17 specific turbines?
 18 **MR. TAYLOR:** We've talked. We've not gone
 19 into any great deal. They did express -- one of our
 20 biggest concerns initially was our group is --
 21 there's a group of houses, houses not too far off
 22 from my house, and we asked why they would locate so
 23 many near such a densely populated rural area per
 24 se, and they expressed that it was an opinion and

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1 they said that they kind of -- I don't know for a
 2 fact, I mean we'd have to -- I'm doing the best with
 3 what I can recall out of the conversation. If you
 4 have more questions, feel free to ask them.
 5 **MS. TURNER:** That's fair.
 6 **MR. TAYLOR:** But they said with the
 7 parcels that they have -- to get the number of
 8 turbines needed with the parcels that they have,
 9 this is what they -- their best is was my
 10 understanding. That they don't have much wiggle
 11 room to get what they want and this is where they
 12 ended up regardless. They said it was an opinion at
 13 that point.
 14 So there is quite a few houses, I mean
 15 there's one, two, three including us, and then two
 16 more, five within a mile on our road pretty close to
 17 each other, I mean walking distance. We can walk
 18 down at night and talk to our neighbors. Most of
 19 them we've known our whole life, so --
 20 **CHAIRMAN FINNIGAN:** You said that the
 21 turbines that you're most concerned about are 83, 85
 22 and 95?
 23 **MR. TAYLOR:** Yeah, those seem to be the
 24 ones that --

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1 **CHAIRMAN FINNIGAN:** So how close are those
 2 to your house just roughly?
 3 **MR. TAYLOR:** She gave me the exact
 4 numbers. One is 1600 and some feet and one's 1700
 5 and some feet and I think the other one's 17 or
 6 1800. They're all -- if you gave me a 2,000 foot
 7 setback, it would remove them.
 8 **CHAIRMAN FINNIGAN:** So if they were back
 9 2,000 feet, you wouldn't have a problem with them
 10 or --
 11 **MR. TAYLOR:** I would feel much better
 12 about the noise, I mean based off the studies, and I
 13 met with you guys, I feel like it would give me a
 14 better fighting chance against them at 2,000 feet as
 15 opposed to where they currently stand.
 16 **CHAIRMAN FINNIGAN:** Okay, thank you.
 17 **MR. KURITZ:** So you're most worried about
 18 the ones within a half mile.
 19 **MR. TAYLOR:** Yes.
 20 **MR. KURITZ:** And the ones out to a mile --
 21 **MR. TAYLOR:** There's a lot of them.
 22 **MR. KURITZ:** Yeah, there are. And the
 23 mile and a half is --
 24 **MR. TAYLOR:** It is what it is. Yeah, I

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1 mean it's just when you start adding up the numbers,
 2 it gets a lot of numbers really fast. So if -- I
 3 mean, if you took or moved the three that are all
 4 up, all right up on us, I would feel a lot better
 5 and I know my wife would about it. I mean once you
 6 get out to a mile and a half, they said the shadow
 7 flicker and all that stuff, I mean we're going to
 8 have a big effect regardless of what happens, but
 9 the ones closest to us seem to have been noted as
 10 the most impactful.
 11 And the updated sound study that she gave
 12 you guys they also sent to me because it was over my
 13 house. Some of the stuff, it went up by marginal
 14 amounts, like .1 and .1 I believe on both of them, I
 15 don't have it up, but they're both really close to
 16 the legal limit, like within a decimal on the 1,000
 17 hertz band. It was within 1 dB I believe at that
 18 range of the legal limit, so even in the agreement
 19 they sent, they said it could go over. So if they
 20 remove those three that we're most concerned about,
 21 that would probably alleviate that problem as well.
 22 **MR. KURITZ:** Have you talked to them about
 23 negotiating some of those contract things in and
 24 out?

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1 **MR. TAYLOR:** They said that it is a
 2 neighbor agreement, that they have increased the
 3 amount to sign. The signing bonus was originally
 4 set at a thousand without our names on the contract
 5 or two thousand --
 6 **MS. ANTONIOLLI:** Yeah, I would object to
 7 private confidential conversations we've had with
 8 them.
 9 **MR. TAYLOR:** They never said that it --
 10 **MR. LUETKEHANS:** I'm sorry, what's private
 11 and confidential about it --
 12 **MR. TAYLOR:** It was never expressed as
 13 confidential.
 14 **MR. LUETKEHANS:** -- when you're talking to
 15 a property owner?
 16 **MR. TAYLOR:** It was never expressed as
 17 confidential and I never said or agreed to that. It
 18 has been increased once from 2,000 and 6,000.
 19 **MR. KURITZ:** I was talking about some of
 20 the restrictions that were bothering you.
 21 **MR. TAYLOR:** Oh, they -- we had a long
 22 list of concerns, but they never agreed to change
 23 any of it, any of it. The dollar amount is the only
 24 thing I've ever seen changed.

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1 **CHAIRMAN FINNIGAN:** Questions from staff?
 2 **MR. DICK:** No.
 3 **CHAIRMAN FINNIGAN:** Would the applicant
 4 have questions?
 5 **MS. ANTONIOLLI:** No.
 6 **CHAIRMAN FINNIGAN:** Would anyone in the
 7 audience have questions of this witness? I think
 8 you're off the hook.
 9 **MR. TAYLOR:** All right.
 10 **CHAIRMAN FINNIGAN:** Push the little
 11 button. You got a question?
 12 **MS. TURNER:** No, I just want to make a
 13 comment. Just thank you for your participation,
 14 that's why we're here, and I appreciate you taking
 15 advantage of it.
 16 **MR. TAYLOR:** I appreciate everybody taking
 17 time tonight.
 18 **MR. DICK:** Tim Jolly.
 19 **CHAIRMAN FINNIGAN:** Like to be sworn in?
 20 **MR. JOLLY:** Sure.
 21 (Mr. Tim Jolly was duly sworn.)
 22 **CHAIRMAN FINNIGAN:** State your name and
 23 address and spell your last name. I don't think we
 24 have to worry about it, but you got to do it anyway.

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1 **MR. JOLLY:** Okay, Tim Jolly. My address
 2 is 26759 East 2700 North Road. The property that
 3 I'm concerned about is 30781 2700 North Road.
 4 That's the farmstead that's been in our family and
 5 we're working on currently to move there. And just
 6 for your reference, it's closest to the T97 tower.
 7 Okay? Okay, a couple things real quick.
 8 I'll try to get through this quickly. I've
 9 mentioned it before. It's undisputed that these are
 10 killing machines. They're nonefficient and they're
 11 not dependable, they -- as an electrical source.
 12 They need a backup because they don't produce power
 13 100 percent of the time. We've seen and heard in
 14 testimony how it has effects on hunting grounds and
 15 certain species of birds. They are from annoyance,
 16 they are -- the wind turbines are an annoyance and a
 17 nuisance to people living nearby by motion and
 18 flicker and by noise and vibration. They generate
 19 electricity about 30 percent of the time which means
 20 70 percent of the time they are worthless. This is
 21 an antique technology. These windmills or windmills
 22 in general at that time have disappeared back in the
 23 1930s and '40s when electricity came to the
 24 countryside. Windmills were used for pumping water

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1 and grinding grain for livestock.
 2 McLean County has two wind projects right
 3 now. Were they really the financial saviour when
 4 they came to this county? The one thing that really
 5 bothers me probably the most is that it turns the
 6 best farmland in the state, maybe even the U.S.,
 7 useless to produce food. I called the McLean County
 8 tax assessor office, a fellow by the name of David
 9 Johnston. He told me that from 2008 to 2018 McLean
 10 County lost 27,577 acres of farm ground. That's
 11 prime farm ground. In just a ten year span, 27,577
 12 acres, 43 square miles. EDP testified that each
 13 turbine location took 4 acres out of production.
 14 That would be 960 acres at Twin Groves, 420 acres at
 15 White Oaks, and you've got 55 turbines for EDP, 118
 16 for Invenergy, 173 turbines taking 692 acres out of
 17 production over one square mile. Where does it stop
 18 I asked you before? Over one square mile of the
 19 most productive farmland.
 20 On the farm we also fabricate and fix a
 21 lot of our own equipment. We also recycle scrap
 22 from copper, scrap iron, aluminum and things as it
 23 seems feasible. As a commodity, the prices have
 24 been low for several years, now sometimes not even

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1 worth the gas to get it to Pontiac. So I called
 2 Pontiac salvage yards, and their current price is
 3 \$100 a ton for steel, 36 cents a pound for aluminum,
 4 1.80 a pound for copper, quite different from the
 5 reclaiming project that was described here. If I
 6 remember right, it showed \$210 for scrap iron to go
 7 to Chicago with the trucking included and then
 8 bringing an empty truck back. I think that's way
 9 out of proportion. I did call Chicago today. The
 10 steel is \$150 a ton, aluminum 40 cents a pound, and
 11 2.60 for copper, not that much difference from
 12 Pontiac.
 13 Another concern I have is property values.
 14 First of all, it's been stated, I believe in the
 15 county board meeting, property rights are not an
 16 absolute. In other words, I need to respect my
 17 neighbors and my neighbors need to respect me. If
 18 my neighbor has a turbine, it increases his land
 19 value because they get a large payment for signing
 20 their contract, a very large payment every year,
 21 plus bonuses for signing up substation wires, et
 22 cetera. That in itself diminishes my land value
 23 compared just because I didn't sign my rights away
 24 and agree to be gagged. It also diminishes my

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1 homestead because it is an annoyance or even a
 2 nuisance to live in the footprint at these setbacks.
 3 597 for my estimation is approximately 1650 feet,
 4 basically the minimum of a setback that it should
 5 be, and these are 550 feet tall.
 6 Let alone the hassle of the increase in
 7 traffic. We're nice -- it's nice to be in the
 8 country where you don't see so many cars and
 9 vehicles. When you get big companies coming in,
 10 you're going to see a lot of vehicles every single
 11 day. They tear up the roads, the roads are closed,
 12 my concern is emergencies and things of that. And
 13 just the travel. The Lexington school co-ops five
 14 sports with Colfax, they'd be driving through this
 15 area, and kids don't know what a speed limit is, and
 16 it's even more dangerous when they're on gravel.
 17 Then in 30 years they tear it all up and do it
 18 again, start on the reclaiming it, and that's if
 19 they even decide to do it.
 20 Is it really green? It uses fossil fuels
 21 to make the product, thousands of gallons of fuel to
 22 transport to the site, thousands of gallons of fuel
 23 to put up the turbines, thousands of gallons of
 24 lubricant in the turbines, thousands of gallons of

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1 lubricant to maintain it, thousand of gallons of
 2 fossil fuels to decommission it. Then also it takes
 3 thousands of tons of limestone out of our rock
 4 quarries just north of where the project is put.
 5 These rock quarries are known for their high calcium
 6 and lime that us farmers use in our fields. That
 7 would be depleting that resource to put it down as a
 8 road. When the roads are picked up, they're going
 9 to be worthless. The roads that are put down are
 10 going to be wore out in 30 years. It will be mixed
 11 with dirt, it will be worthless. That is the -- the
 12 limestone, the ground limestone is for buffering the
 13 pH in our fields.
 14 A lot of the past I've seen -- a lot of
 15 these posts that I've seen that have been put out by
 16 EDP where the windmills are proposed to be are in
 17 low ground too, either in ravines, actual waterways,
 18 things that I'm concerned as to water erosion around
 19 these windmills when they possibly could be put
 20 there. It doesn't make sense to me. I would never
 21 put a building in the middle of a washout.
 22 If you want evidence, my family is the
 23 evidence. We have never been in a situation that
 24 has already affected us both emotionally and

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1 financially as my decision to get involved in this
 2 process. We were fine before these huge companies
 3 came here and dangled their carrots. We will be
 4 better off if they put their project -- or we will
 5 be better off if they put their project where it is
 6 better suited, not here.

7 Mr. Larry Ryan testified at the last
 8 hearing to a problem that he had and that's
 9 something I don't want to have happen as Travis
 10 indicated also. So the record shows that there has
 11 actually been a complaint in these -- in these
 12 projects. I guess I want to know what has been done
 13 to help him on the county level. These type of
 14 projects do not belong here.

15 And as far as the AIMA agreement, my
 16 question is who enforces it? I've seen nothing that
 17 shows who enforces it. Are you, the zoning board,
 18 going to be in charge of enforcing it? Who's going
 19 to enact it? Who is going to make sure that they
 20 are living up to their agreements? It's something
 21 that's in a gray area that doesn't seem to have an
 22 answer.

23 I will add that T97 is the one closest,
 24 directly south of our house. Right now it's like

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1 looking at an endless pool. I don't even see but
 2 one building on the horizon because we're at the
 3 moraine where it goes off and it's just serene farm
 4 ground. T97 would be square behind our house.

5 I don't like the way that the measurements
 6 are made from the house. We have rights to our
 7 whole property. We have a building site
 8 approximately five acres. I anticipate raising
 9 livestock. I'm a fifth generation farmer. My son
 10 is graduating from college this year. We now have
 11 our first grandson. I want it to carry on and I
 12 want it to be the way it is, the way that God
 13 intended it, farm ground. Thank you.

14 **CHAIRMAN FINNIGAN:** Thank you. Boy, you
 15 timed that just right.

16 **MR. JOLLY:** I was watching. I'm learning,
 17 I'll put it that way.

18 **CHAIRMAN FINNIGAN:** Questions from the
 19 board?

20 **MR. DEAN:** I would like some clarification
 21 maybe from staff about the AIMA agreement, how it's
 22 going to be represented. Is the county going to
 23 have to deal with that? Maybe this is not the
 24 correct time to ask staff. I should be -- yes, and

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1 he doesn't know, he just asked the question. Can
 2 you help me out, Phil?

3 **MR. DICK:** We can talk about that, but
 4 it's probably not the right time to ask it.

5 **MR. DEAN:** Understand, thank you.

6 **MR. JOLLY:** Would you be able to provide
 7 me with that information please? I mean in the
 8 future. I'm not expecting -- I don't want to put
 9 you on the spot right now here, but I mean in the
 10 future.

11 **MR. DICK:** To a large extent, what the
 12 county is doing is mimicking the requirements of the
 13 AIMA agreement and so there will be standards that
 14 we would enforce too, but we would expect that the
 15 Department of Agriculture will have some force to
 16 help ensure that they enforce that agreement.

17 **MR. JOLLY:** So you're saying the state
 18 will be enforcing it?

19 **MR. DICK:** The state will be enforcing it,
 20 but we will have standards, stipulations as part of
 21 the special use that will be similar to those
 22 requirements.

23 **MR. JOLLY:** Will that be going through a
 24 hearing process, in other words, public input?

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1 **MR. DICK:** The stipulations are already on
 2 the record as far as what we are recommending.
 3 Those will be discussed here by the zoning board.

4 **MR. JOLLY:** With public input.

5 **MR. DICK:** Well, this is what you're doing
 6 right now is public input.

7 **MR. JOLLY:** We're here for the windmill
 8 company. We're not here for the AIMA agreement.

9 **MR. DICK:** Oh, the AIMA agreement, that's
 10 between the Department of Agriculture and the
 11 applicant.

12 **MR. JOLLY:** And the applicant.

13 **MR. DICK:** Yes.

14 **MR. JOLLY:** So they will enforce what they
 15 should have to do.

16 **MR. DICK:** Yes.

17 **MR. JOLLY:** Okay, I just want to
 18 understand correctly.

19 **CHAIRMAN FINNIGAN:** Any other questions?

20 **MR. DEAN:** I want to understand correctly
 21 as well. So the AIMA will be enforced by the
 22 Department of Agriculture, but we will have
 23 stipulations in -- that will mirror those, and so
 24 the county would also have the same requirements as

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1 the AIMA. Is that what I understand, Mr. Dick?
 2 **MR. DICK:** Very similar.
 3 **MR. DEAN:** Okay, thank you. So there's
 4 really two prongs here is what I'm trying to point
 5 out, yes.
 6 **MR. JOLLY:** Kind of like the IP -- the
 7 Pollution Control Board, that you should take the
 8 regulations. You stated that those regulations were
 9 the county board regulations; is that correct?
 10 **MR. DICK:** Yes.
 11 **MR. JOLLY:** So they -- according to the
 12 letter, then they should be the same as what the
 13 state regs are, right?
 14 **MR. DICK:** Well, it's not quite the same.
 15 We don't -- our regulations don't duplicate the
 16 AIMA, but they do reference the Pollution Control
 17 Board regulations.
 18 **MR. JOLLY:** Okay, just so that it's my
 19 understanding that the Pollution Control Board had
 20 regulations and that McLean County adopted them as
 21 identical. Okay. And I'm sorry, anything else?
 22 **CHAIRMAN FINNIGAN:** Would the applicant
 23 have any questions?
 24 **MS. ANTONIOLLI:** No.

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1 **CHAIRMAN FINNIGAN:** Would anyone in the
 2 audience have questions? Thanks for coming up.
 3 **MR. JOLLY:** Thank you. Thank you for your
 4 time.
 5 **MR. DICK:** Ronny Paul. Ronny Paul.
 6 **CHAIRMAN FINNIGAN:** Would you like to be
 7 sworn in?
 8 **MR. PAUL:** Yes.
 9 (Mr. Ronny Paul was duly sworn.)
 10 **CHAIRMAN FINNIGAN:** State your name and
 11 address, spell your last name.
 12 **MR. PAUL:** It's Ronny Paul, P-A-U-L, 2012
 13 Fox Creek Road, Bloomington. I get to follow two
 14 emotional testimonies again. I came up here last
 15 time and I talked a lot about the tax money this is
 16 going to create for our schools, how badly we need
 17 that, and then how not only do the wind farms create
 18 jobs during construction, but with the tax dollars
 19 it allows renovations to go in the coming years as
 20 well. You know, every year they're getting the tax
 21 money, there's money to do more construction, which
 22 hires more of our members.
 23 I'm a member of Laborers Local 362 and
 24 have been for 19 years. So the jobs that are

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1 created, like I said, continue in the future. It's
 2 not just during construction. I personally have
 3 worked on four wind farms. I was on Twin Groves
 4 Phase I and II, I was at the Minonk Wind Farm, and I
 5 was also on the Carlock Wind Farm. I've got
 6 approximately 8,000 hours on these projects and
 7 approximately four years working on these projects.
 8 And of my 19 years of laboring, these were the most
 9 prosperous of my career.
 10 And for the people that do work on these
 11 projects, it gives them insurance for their
 12 families, it gives them money in their pocket, and
 13 because they have extra money from these type of
 14 projects, they spend it in the community. You know,
 15 they have money to go shopping, they have money for
 16 that roof that they've needed fixed for years, they
 17 have money to buy a car, for restaurants. I mean
 18 it's just -- all the way around, there's more money
 19 coming back to the community because of a project
 20 like this.
 21 I would also like to state I do not feel
 22 that we are going against any of these landowners
 23 that are objecting it. I believe they all have
 24 their valid concerns and I can appreciate where

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1 they're coming from. I think I stated before last
 2 time that I'm not up here advocating for this to be
 3 built by any means necessary. I think with the
 4 stipulations and regulations that you guys are
 5 putting on them, that that should be followed, and
 6 under no means necessary am I advocating diminishing
 7 somebody's property value or any ill will towards
 8 any of them that have to live in this project. But
 9 there is a definite need for this income for our
 10 communities and we have to do what's best for all
 11 involved. And for our members and for us, it's
 12 obviously the jobs and the money and future jobs
 13 this will create.
 14 So in closing, I can remember growing up
 15 when we first got our first microwave, and everybody
 16 always was talking like these microwaves, you don't
 17 want to eat that food, you'll get sick, you know,
 18 that's where the philosophy nuke it came from, you
 19 know, you're going to get some disease from eating
 20 something that was cooked so fast, but yet here we
 21 are years later and everybody's got them. Also the
 22 same thing with the invention of the cell phone, oh,
 23 they'll cause brain cancer, but yet here I bet
 24 everybody's got a cell phone in their pocket.

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1 So I guess the moral behind that is change
 2 is hard, and some people have a hard time with
 3 change and it's the fear of the unknown. And I can
 4 totally understand where they're coming from, but in
 5 this day and age, with the country going the way it
 6 is, we're either going to use up all of our fossil
 7 fuels or we're going to have to make a change.
 8 And I think this is, like the gentleman
 9 stated, prime farmland, and I can agree with that,
 10 but over four years of working on these things, I've
 11 worked with a lot of people that have built these
 12 all across the country. First job we were on, Tony
 13 Russo from Seattle, he worked on a wind farm in
 14 Hawaii where they build them up the ridge line
 15 because the wind blew so good. I mean I'm talking
 16 these people build them in Texas, Kansas, you name
 17 it. Every person I've worked with on these wind
 18 farms said they've never seen the wind blow like it
 19 does in McLean County. So I understand this is
 20 prime farm land, it's also prime wind land, and
 21 that's why there's so many here, and I think we need
 22 to take advantage of it. Thanks.
 23 **CHAIRMAN FINNIGAN:** Any questions from the
 24 board? Staff?

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1 **MR. DICK:** No.
 2 **CHAIRMAN FINNIGAN:** The applicant?
 3 **MS. ANTONIOLLI:** No.
 4 **CHAIRMAN FINNIGAN:** Mr. Luetkehans?
 5 Anyone in the audience have questions? Got one.
 6 Play nice.
 7 **MR. POWELL:** Of course. Jeff Powell,
 8 32897 East 2700 North, Chenoa.
 9 **MR. DICK:** Could you get closer to it?
 10 **MR. POWELL:** Jeff Powell, 32897 East 2700
 11 North, Chenoa. I can respect your desire to work
 12 and make a living and feed your family. That's
 13 something I think, you know, we can all agree with
 14 for sure. The reason why I came up is I just wanted
 15 some clarification.
 16 I read a quote in the paper from your
 17 local that there was a hope that they would use
 18 local labor on these projects. Now, is that a
 19 guarantee? Could they bring outside work to fill
 20 the needs that they have and how would you guys
 21 handle that if that happened?
 22 **MR. PAUL:** I could say in the past that
 23 when a contractor comes in to do some of these, you
 24 know, they're not -- our local contractors don't

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1 build wind farms, so they will come in and they'll
 2 come in and they'll bring some work force with them.
 3 Usually the work force is to direct the work, the
 4 foremen, the superintendents, things of that nature,
 5 but every wind farm that we have had here, the
 6 majority of workers has been local. But there is a
 7 chance obviously that they're -- I mean they're
 8 going to have people from other places here, yes,
 9 but the majority of them will be local workers, yes.
 10 **MR. POWELL:** Okay, I was just looking for
 11 some clarification on that, so thank you.
 12 **MR. PAUL:** And it is our hope that that
 13 will continue, so --
 14 **MR. POWELL:** Okay, thank you.
 15 **CHAIRMAN FINNIGAN:** Any other questions?
 16 Got one more.
 17 **MR. TAYLOR:** Travis Taylor.
 18 **MR. DICK:** Would you speak up?
 19 **MR. TAYLOR:** Travis Taylor. Just one
 20 question. Would you live close to the wind farms?
 21 Like how close do you currently live and would you
 22 be willing to live closer? Do you think it would
 23 bother you?
 24 **MR. PAUL:** Well, you know, I debated

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1 whether to bring some of these things up, but it's
 2 like would I rather live next to a wind farm than
 3 where I grew up? The answer to that is yes, I would
 4 much rather live next to a wind farm than where I
 5 grew up.
 6 **MR. TAYLOR:** Would you rather live there
 7 than where you currently live I guess? And I don't
 8 know where -- if where you currently live is better
 9 than where you grew up. I mean I know that's --
 10 **MR. PAUL:** Well, here's the thing. You
 11 know, mom and dad bought a house on the west side
 12 when I was just born, a nice little neighborhood,
 13 real quiet. Then in the '80s things started coming
 14 along with the drugs and we had crack houses on the
 15 corner. I hear people say that people shouldn't be
 16 allowed to build something on their land, their
 17 neighbor's land because it affects your property
 18 value. How much do you think a drug house does to
 19 your property value?
 20 **MR. TAYLOR:** I guess you're kind of doing
 21 the same, the comparison, I guess, is kind of there
 22 for me, like --
 23 **MR. PAUL:** I would rather live next to a
 24 wind farm.

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1 **MR. TAYLOR:** So I think that's all my
 2 questions.
 3 **CHAIRMAN FINNIGAN:** Any other questions?
 4 I think you better run while you've got a chance.
 5 **MR. PAUL:** I'm out of here.
 6 **MR. DICK:** Eric Penn.
 7 **CHAIRMAN FINNIGAN:** Like to be sworn in?
 8 **MR. PENN:** Yes.
 9 (Mr. Eric Penn was duly sworn.)
 10 **CHAIRMAN FINNIGAN:** Want to state your
 11 name and address, spell your last name.
 12 **MR. PENN:** Eric Penn, P-E-N-N, 1016
 13 McGregor Street, Bloomington.
 14 **CHAIRMAN FINNIGAN:** Go ahead.
 15 **MR. PENN:** I am an officer of Laborers
 16 Local 362 as well as Ron Paul. We probably should
 17 have compared notes before we had our speeches.
 18 Mine is real similar to Ronny's, but I'll give it
 19 anyway. I'm an officer of Laborers Local 362
 20 located in Bloomington. I'm speaking in favor of
 21 this proposed wind farm project as I have previously
 22 on three other wind farm projects.
 23 I was fortunate enough to work on Twin
 24 Groves wind projects, Phase I and II. I represent

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1 the men and women that could possibly work on this
 2 project. I could ask each one of our members to
 3 give their testimony and tell you what these jobs
 4 mean to them personally, but to save time, I am
 5 speaking on their behalf.
 6 Most construction jobs are temporary just
 7 like this one that I'm speaking in favor of tonight.
 8 With these jobs, our members are able to maintain
 9 their health insurance, earn pension credits towards
 10 retirement as well as earning a living wage, a
 11 living wage that in turn is spent right here in
 12 McLean County to help pay for mortgages, make car
 13 payments, buy groceries, eat at local restaurants,
 14 send their children to local schools and help
 15 support other businesses.
 16 Past wind farm projects here in McLean
 17 County have generated over 140,000 man hours for our
 18 members which equals roughly around \$4 million in
 19 gross wages. I know there are some that argue that
 20 let's not base your decision on whether -- on money,
 21 whether to base their decisions on this project to
 22 approve or disapprove, but until we figure out how
 23 to pay for these things without money, I will
 24 continue to speak at these wind farm hearings and

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1 fight for these jobs. Thank you for your time.
 2 **CHAIRMAN FINNIGAN:** Thank you. Questions?
 3 Staff? Applicant? Mr. Luetkehans? Anyone in the
 4 audience have questions? You got off easier than
 5 anybody tonight. That will be it for tonight.
 6 **MR. PENN:** Thank you.
 7 **CHAIRMAN FINNIGAN:** Thank you. We are
 8 going to reconvene tomorrow night at six o'clock, so
 9 we'll see you then.
 10 **MS. ANTONIOLLI:** Can we talk for just a
 11 minute about anticipated scheduling for when
 12 rebuttal will start now that opponents have rested
 13 their case?
 14 **CHAIRMAN FINNIGAN:** I don't have any -- I
 15 don't know how many people you have on the list for
 16 testimony?
 17 **MR. DICK:** This is it. There's one on
 18 here.
 19 **MS. WALLEY:** Mr. Haney, did you already
 20 provide testimony?
 21 **MR. HANEY:** (Shakes head).
 22 **MS. WALLEY:** Okay. I show 14 that have
 23 yet to provide testimony.
 24 **MS. ANTONIOLLI:** And we'll go through

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1 those before we begin rebuttal.
 2 **MS. WALLEY:** Yes, ma'am.
 3 **MS. ANTONIOLLI:** Okay. So we have Mr.
 4 DeClark who will provide additional evidence in
 5 rebuttal and can we make time for him tomorrow night
 6 or do we need to wait to see if we get through
 7 those?
 8 **MS. WALLEY:** Unless they all turn out to
 9 be expert witnesses who are entitled to 30 minutes
 10 apiece or they have an extended cross-examination, I
 11 would think we would, but I can't tell you with a
 12 hundred percent certainty. I don't know if anybody
 13 has -- like I said, I don't know if any of these are
 14 experts or anything like that. Nothing has been
 15 indicated to that extent.
 16 **MS. ANTONIOLLI:** Okay, thank you.
 17 (Adjourned at 9:56 p.m.)
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 23
 24

1 STATE OF ILLINOIS)
2 COUNTY OF FORD)SS

3
4 I, June Haeme, a Notary Public in and for
5 the County of Ford, State of Illinois, do hereby
6 certify that the following hearing was taken at the
7 McLean County Government Center, 115 East Washington
8 Street, Bloomington, Illinois, on February 27, 2018.

9 That the said hearing was taken down in
10 stenograph notes and afterwards reduced to
11 typewriting under my instruction and that the
12 transcript is a true record of the testimony given
13 at the hearing.

14 I do further certify that I am a
15 disinterested person in this cause of action; that I
16 am not a relative, or otherwise interested in the
17 event of this action, and am not in the employ of
18 the attorneys for either party.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand and affixed my notarial seal this 8th day of
21 March, 2018.

22
23

JUNE HAEME, CSR
NOTARY PUBLIC

24
25

26 "OFFICIAL SEAL"
27 June Haeme
28 Notary Public, State of Illinois
29 My Commission Expires:
30 September 28, 2020

31
32
33
34

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