

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

February 21, 2018

Area Wide Reporting and Video Conferencing

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1 McLEAN COUNTY ZONING BOARD OF APPEALS
 2 MEETING
 3
 4 Wednesday, February 21, 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
 25
 26 June Haeme: CSR #084-003038
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1 (Commencing at 6:00 p.m.)
 2 **CHAIRMAN FINNIGAN:** We're going to call
 3 the zoning board to order. Will the secretary call
 4 the roll?
 5 (Roll call was taken with Board Members
 6 Brian Bangert, Michael Kuritz, Rick Dean, Julia
 7 Turner, Jim Finnigan, Chris Carlton and Mary Beth
 8 Taylor present.)
 9 **CHAIRMAN FINNIGAN:** Seven members, we have
 10 a quorum. We're reconvened for Case SU-18-02. A
 11 point of clarification. I asked counsel last night
 12 to kind of talk about this Henline Creek and the
 13 Mackinaw River and different things of what was
 14 expected, and so she called Mr. Shank, Keith Shank
 15 today, and I'm going to read you the letter.
 16 Last evening I asked for clarification
 17 from the board counsel, our counsel, specifically
 18 what IDNR is recommending with regards to Rooks
 19 Creek and Henline Creek. At my request, counsel
 20 conferred with Mr. Keith Shank of IDNR who advised
 21 that the Henline Creek is considered part of the
 22 Mackinaw River INAI site and thus recommends a half
 23 mile setback for all turbines from both Mackinaw
 24 River and Henline Creek in this project.

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1 Mr. Shank also advised that while a
 2 portion of the Rooks Creek is part of the Vermilion
 3 River INAI site, the only part in Rooks Creek is
 4 located in Livingston County. A portion of Rooks
 5 Creek that's located in McLean County is considered
 6 by IDNR to be a perennial stream, thus Mr. Shanks
 7 recommends a 500 foot setback for those turbines.
 8 And I just got this before we reconvened
 9 and I just wanted everybody to know what the
 10 recommendation really is, so it's on the record.
 11 So I think at this point you can call your
 12 witness.
 13 **MS. ANTONIOLLI:** And do you have an extra
 14 copy of the letter or --
 15 **CHAIRMAN FINNIGAN:** You can have mine.
 16 **MS. ANTONIOLLI:** All right, thank you,
 17 I'll come and get it in a minute. Why don't I
 18 introduce Jeff Kopp who is to my left from Burns
 19 McDonnell. He's here tonight to present a summary
 20 of his decommissioning study.
 21 **CHAIRMAN FINNIGAN:** Would you like to be
 22 sworn in?
 23 **MR. KOPP:** Yes.
 24 (Mr. Jeff Kopp was duly sworn.)

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1 **CHAIRMAN FINNIGAN:** State your name and
 2 address and spell your last name please.
 3 **MR. KOPP:** My name is Jeffrey Kopp,
 4 K-O-P-P. My address is 9400 Ward Parkway, Kansas
 5 City, Missouri, 64 -- 64114.
 6 **CHAIRMAN FINNIGAN:** I don't know if he got
 7 it or not. Did you get it, Phil? You'll have to do
 8 it again. He was -- we were doing some other stuff.
 9 **MR. KOPP:** Okay, fine. Jeffrey Kopp,
 10 K-O-P-P. My address is 9400 Ward, W-A-R-D, Parkway,
 11 Kansas City, Missouri, 64114.
 12 **CHAIRMAN FINNIGAN:** I think he got it,
 13 thank you.
 14 **MS. ANTONIOLLI:** Okay, Mr. Kopp, maybe we
 15 can go over this again. Where do you work?
 16 **MR. KOPP:** I work at Burns McDonnell
 17 Engineering Company.
 18 **MS. ANTONIOLLI:** And what's your
 19 profession?
 20 **MR. KOPP:** I am a civil engineer and I
 21 manage the business consulting group at our company.
 22 **MS. ANTONIOLLI:** And what's your
 23 educational background?
 24 **MR. KOPP:** I received an engineering

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1 degree or a degree in civil engineering from the
 2 University of Missouri Rolla and an MBA from the
 3 University of Kansas.
 4 **MS. ANTONIOLLI:** And can you tell us about
 5 your experience testifying about decommissioning
 6 previously?
 7 **MR. KOPP:** Yes, I've been consulting
 8 within the electric industry for about 16 years
 9 doing decommissioning studies for about 10 or 12
 10 years. I've now testified at zoning hearings and in
 11 several rate cases about decommissioning costs.
 12 **MS. ANTONIOLLI:** Okay, thank you. At this
 13 time, I'd present Mr. Kopp as a witness, an expert
 14 witness on decommissioning.
 15 **CHAIRMAN FINNIGAN:** No objection, so we're
 16 fine with it.
 17 **MS. ANTONIOLLI:** Okay, thanks.
 18 **MR. KOPP:** At this time I'm going to
 19 present a summary of the decommissioning study that
 20 I prepared for the wind farm here. So just a quick
 21 intro, I was the study lead on the project. I am a
 22 licensed and registered professional engineer in
 23 the states of Illinois and Missouri. As I have
 24 previously stated, I have 16 plus years electric

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1 utility consulting experience. As part of that,
 2 I've done over 150 decommissioning cost estimates in
 3 multiple states including the state of Illinois.
 4 And I've done those decommissioning estimates for
 5 various power generation technologies, wind, solar,
 6 coal and gas-fired facilities and hydro facilities,
 7 and those have been accepted by regulatory agencies
 8 in multiple jurisdictions.
 9 The company I work for, Burns McDonnell,
 10 is a fully-integrated engineering, construction,
 11 environmental and consulting firm. In 2017 we were
 12 the top ranked power and transmission and
 13 distribution firm in the United States. We perform
 14 over a billion dollars in construction annually, and
 15 we provide owners engineering services for
 16 decommissioning, so in addition to the studies, we
 17 actually oversee decommissioning projects and act as
 18 the owner's representative throughout the process.
 19 A little background on the way we put
 20 these studies together and how we put this
 21 particular study together. We have several tools
 22 that we use. We have a proprietary spreadsheet
 23 model that we've developed over the years. That
 24 model accounts for labor, equipment rental, hauling

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1 of materials, disposal and scrap. And that model we
 2 have developed over the years in conjunction with
 3 several demolition contractors. On several of the
 4 studies we've done historically, we've actually
 5 brought in demolition contractors as subconsultants
 6 to us and helped us to evaluate and refine our model
 7 to make sure that it matches how they would actually
 8 estimate the project in a competitive bidding
 9 process.
 10 Within that model, we have turbine
 11 component weight breakdowns from the original
 12 equipment manufacturer data, and in this case it's
 13 the Vestas V136 3.6, and that comes straight from
 14 Vestas's technical data sheets, so we have the
 15 correct quantities based on the weights that they
 16 provided. As I previously mentioned, we have had
 17 discussions with demolition contractors throughout
 18 the study phase on studies that we've done in the
 19 past. And then in addition to that, our experience
 20 acting as an owner's representative we have seen
 21 lots of decommissioning cost estimates from those
 22 demolition contractors, and so we're constantly in
 23 contact with them to confirm that our cost estimates
 24 are in range with what they would bid to demolish

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1 these facilities.
 2 Another tool we routinely use is the RS
 3 Means Heavy Construction Cost Index which is an
 4 industry standard tool for estimating both
 5 construction and decommissioning and demolition
 6 costs, and that -- or that publication has an index
 7 within it where it adjusts for local market rates,
 8 so it makes everything site specific, both within
 9 the state and then to the nearest city to ensure
 10 that our costs are site specific for the estimates
 11 that we're preparing.
 12 We use the American Metal Market Report.
 13 It's another published index that tracks scrap
 14 prices to several hubs throughout the country, and
 15 in discussions with demolition contractors, that's
 16 the same index they use when they're competitively
 17 bidding projects to estimate and even with firm
 18 pricing credit the projects for the amount of scrap
 19 that they're going to get off the facility. And
 20 then lastly we make contacts with local companies to
 21 the extent necessary, particularly landfills, to
 22 make sure we get local tipping fees.
 23 A quick overview of the plan. Everything
 24 above grade is coming down as part of the

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1 demolition, so all those structures will be removed.
 2 Any foundations that are five feet below grade or
 3 less will be removed. All roads, crushed rock
 4 surfaces, any other improvements that are part of
 5 the project will be removed as part of the
 6 decommissioning and demolition. And then all
 7 equipment is valued as scrap only. We don't assume
 8 there's any, you know, reuse of the equipment, it's
 9 all going for scrap.
 10 So using all those tools and all those
 11 assumptions and methodology, we put together a cost
 12 estimate and we came up with a little over \$8
 13 million for decommissioning and demolition. On top
 14 of that, we add 5 percent for owner's indirect
 15 costs, another 10 percent to cover contingency, and
 16 then build a scrap estimate for approximately \$6.6
 17 million of scrap credit, comes to a net cost of
 18 approximately \$2.6 million.
 19 That concludes my presentation.
 20 **CHAIRMAN FINNIGAN:** Questions from the
 21 board?
 22 **MS. TURNER:** Have you had any experience
 23 in actually putting these numbers to the test? Have
 24 you been a part of any actual decommissioning of any

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1 wind farms?
 2 **MR. KOPP:** I have not been part of
 3 decommissioning of a wind farm. Our company has
 4 been part of decommissioning projects, some of the
 5 team that I, you know, regularly rely on, for mainly
 6 coal plants that have been coming down recently.
 7 However, we have seen some competitive bids from
 8 demolition contractors with firm prices, and I would
 9 say that those firm prices that we have seen have
 10 been very in line with the estimates that we have
 11 prepared.
 12 **MS. TURNER:** Are you in any way, is your
 13 firm in any way held accountable for your bids that
 14 you put forth as -- as a project would be
 15 decommissioned? If you're providing these to them,
 16 do you have to guarantee that they're going to be
 17 within a certain percentage of correct?
 18 **MR. KOPP:** There's certainly no guaranties
 19 on these estimates at this point in time. However,
 20 we have, you know, the standard of care that we
 21 practice as an engineering firm that we're held to
 22 within our contracts.
 23 **MR. DEAN:** What would be going to the
 24 landfill, it would be very minimal would be my

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1 thinking, right? There would be not volumes of
 2 material going to the landfill.
 3 **MR. KOPP:** There's actually quite a bit
 4 that goes to the landfill, so all the blades are
 5 going to go to the landfill and all the concrete
 6 would go to the landfill.
 7 **MR. DEAN:** The blades are not recyclable?
 8 **MR. KOPP:** We do not assume that they're
 9 going to be recyclable, no.
 10 **MS. TURNER:** Does your decommissioning
 11 plan take into account a time line at all and does
 12 it assume a time line on decommissioning?
 13 **MR. KOPP:** I don't --
 14 **MS. TURNER:** As far as how long it's going
 15 to take to actually decommission.
 16 **MR. KOPP:** Right, let me -- I don't
 17 believe that we put forth a time line, but we
 18 certainly -- well, no, I'm sorry, we did. So we had
 19 a two month schedule for planning and permitting,
 20 three months for demolition and one month for site
 21 restoration.
 22 **MS. TURNER:** So six months.
 23 **MR. KOPP:** Yes.
 24 **MR. BANGERT:** So on this project it comes

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1 out to just over 45,000 per turbine, is that what
 2 your numbers --
 3 **MR. KOPP:** Let me double-check. That
 4 sounds like it's approximately what it was. \$46,190
 5 per turbine.
 6 **MR. BANGERT:** So -- and that's in today's
 7 dollars not, say, 30 years?
 8 **MR. KOPP:** Correct, that is in current
 9 year dollars.
 10 **MR. BANGERT:** Okay, so what would be, what
 11 would be a good way to estimate what the cost would
 12 be in, say, 30 years? Would there be a consumer
 13 price index that would be used or what would be the
 14 correct way to assume away the guessing, I guess, as
 15 much as you can? What would it be in, say, 30
 16 years?
 17 **MR. KOPP:** That was outside the scope of
 18 my study. Typically we put all these costs in
 19 current year dollars, and if they're escalated out,
 20 it's typically by other accountants, et cetera.
 21 **MR. BANGERT:** Okay, thank you.
 22 **CHAIRMAN FINNIGAN:** Guess I'm a little
 23 surprised that you're not recycling the concrete.
 24 You were talking about taking it to a landfill. I

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1 mean that's what McLean County does with most of the
 2 projects around here, all the concrete is recycled
 3 on site and used for other projects.
 4 **MR. KOPP:** For purposes of our study, we
 5 assume that they're going to the landfill for
 6 developing our costs. When the demolition
 7 contractor comes in and actually decides how they're
 8 going to tear it down and what they're going to do,
 9 we don't dictate the means and methods, they can
 10 recycle their concrete if they think that's a more
 11 cost effective solution, but for conservative sake,
 12 we assume it's going to the landfill.
 13 **CHAIRMAN FINNIGAN:** When you take this
 14 concrete out, I mean is it going to be -- how are
 15 you going to get it out, I mean the spot that's
 16 coming up with the five foot level? Do you grind
 17 that down or do you -- how do you get to that point?
 18 **MR. KOPP:** Jackhammer it out. We assume
 19 it's all jackhammered, yeah.
 20 **CHAIRMAN FINNIGAN:** Okay, thank you.
 21 **MR. DEAN:** What material would the blades
 22 be out of so they would not be recyclable?
 23 **MR. KOPP:** I honestly don't know if
 24 they're recyclable. We've assumed, again, worst

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1 case scenario is that they've got to go to a
 2 landfill. So for purposes of being conservative,
 3 we've assumed they're going to the landfill.
 4 **MR. DEAN:** Okay, thank you.
 5 **MR. BANGERT:** What -- I mean I see the
 6 decommissioning page here. What is the -- what does
 7 the final grade look like after everything's, the
 8 gravel is removed, the concrete is removed, what is
 9 the final grade? What does the landscape look like?
 10 **MR. KOPP:** We have some grading and
 11 seeding included in our costs, and so we assume
 12 that, you know, as part of construction we're not
 13 hauling -- we're assuming no dirt is hauled off. So
 14 as part of the final closure, we're not leaving any
 15 voids, we're not leaving any holes, we're basically
 16 grading everything out and seeding it so it's as
 17 close to predevelopment conditions as possible and
 18 graded to drain.
 19 **MR. BANGERT:** Thank you.
 20 **CHAIRMAN FINNIGAN:** Any other questions
 21 from the board?
 22 **MR. KURITZ:** You just said that during
 23 construction they won't haul any of the dirt off so
 24 that it will be there and available to refill?

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1 **MR. KOPP:** We don't assume it's stockpiled
 2 or waiting for us. I'm just saying we assume they
 3 balance the site as part of construction and that
 4 we're balancing the site as far as demolition.
 5 We're not importing fill or hauling fill off as part
 6 of demolition.
 7 **CHAIRMAN FINNIGAN:** Does staff have any
 8 questions?
 9 **MR. DICK:** No.
 10 **CHAIRMAN FINNIGAN:** Do you have any
 11 questions? Come forward.
 12 **MR. ARMSTRONG:** Are you --
 13 **MS. ANTONIOLLI:** Yes, I can do this now
 14 and then --
 15 **MR. ARMSTRONG:** You can move whenever you
 16 want. I just want the report.
 17 **MS. ANTONIOLLI:** Sure, here you are. And
 18 I can move to submit a copy of his PowerPoint
 19 presentation into the record now. We're at
 20 Applicant's Exhibit No. 11; is that right?
 21 **MR. DICK:** Yes.
 22 **CHAIRMAN FINNIGAN:** We'll put that on the
 23 record.
 24 **QUESTIONS BY**

1 **MR. ARMSTRONG:**

2 Q. Mr. Kopp, if you were here last night, you
3 know my name is Brian Armstrong. I represent a
4 group of objectors. Were you here last night?

5 **A. I was here for about the last 20 minutes.**

6 Q. Okay. You testified that your report,
7 your estimate of cost, the decommissioning cost, is
8 in today's dollars, correct?

9 **A. Yes.**

10 Q. And what's the use, what's the anticipated
11 useful life of this particular wind farm?

12 **A. I did not evaluate that as part of the**
13 **scope of my study.**

14 Q. Weren't you told that by anybody about
15 this project?

16 **A. I believe that we stated that it would be**
17 **20 years or more, and that's a generalization based**
18 **on our experience with wind farms, but I did not**
19 **specifically evaluate this one for useful life case.**

20 Q. Do you have any reason to believe that
21 this particular case would be less than 20 years?

22 **A. I do not.**

23 Q. Okay. And in any event, your estimate
24 that you have provided does not tell the board

1 **I'm not aware of any other support that we're**
2 **providing on this wind farm.**

3 Q. Do you track the prices of scrap steel for
4 your job?

5 **A. I have a subscription to the American**
6 **Metal Market, I'm doing these studies on a routine**
7 **basis, so I'm looking at those prices almost weekly,**
8 **monthly, yes.**

9 Q. All right, and that's -- so you're not
10 tracking it yourself other than relying on that
11 report, correct?

12 **A. That is how I track it is with the**
13 **American Metal Market Report.**

14 Q. And do you track it for more than five
15 years back?

16 **A. We've been doing these studies for 10, 12**
17 **years, so yes, I've seen those prices back then,**
18 **yes.**

19 Q. All right, but do you regularly -- and do
20 you review those prices from, say, 12 years back to
21 the present in order to get to an estimate of the
22 scrap value of the metal when you prepare
23 decommissioning reports?

24 **A. This current report was based on a 12**

1 anything about what the cost to decommission the
2 wind farm will be at the end of the useful life, the
3 anticipated useful life of the wind farm, does it?

4 **A. I don't know that I would agree that it**
5 **doesn't tell them anything. It would be based in**
6 **today's dollars that could be adjusted forward,**
7 **but --**

8 Q. Well, right, but -- and you said that was
9 outside the scope of what you were asked to do,
10 correct?

11 **A. To escalate it out, yes. I provided it in**
12 **current year dollars.**

13 Q. So you can't provide that information to
14 the board as you sit here today, can you?

15 **A. No.**

16 Q. And that information is not in your report
17 either, is it?

18 **A. No.**

19 Q. Has Burns McDonnell been hired to do any
20 work on this particular project other than the
21 decommissioning report?

22 **A. I am not aware of any. I have not been**
23 **hired to do any other. We're a large firm,**
24 **sometimes projects go on that I'm not aware of, but**

1 **month historical average, but I would say based on**
2 **my experience at seeing pricing over the last 10 or**
3 **12 years, it's on the lower end of the range. I**
4 **mean I am aware of what pricing has done over the**
5 **last 10 or 12 years.**

6 Q. All right, but for this particular report
7 you didn't go back farther than 12 months you said,
8 correct?

9 **A. Correct.**

10 Q. And is that true of all of the various
11 materials that could be resold for scrap for this
12 particular project?

13 **A. I'm not sure I understand the question.**

14 Q. Well, I think in your report you have --
15 you mention a price for scrap steel, correct?

16 **A. Correct.**

17 Q. Okay. So obviously that 12 month period
18 it would be true for scrap steel, correct?

19 **A. Yes.**

20 Q. And you mentioned a price for copper,
21 right?

22 **A. Yes.**

23 Q. And so that 12 month period also applies
24 to copper, right?

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1 A. Yes.

2 Q. And the same is true for aluminum which

3 you mentioned in your report?

4 A. Yes.

5 Q. In preparing your report, you didn't

6 independently verify any of the information that was

7 provided to you by the applicant, did you?

8 A. **We did not independently verify any of the**

9 **drawings or any of the information regarding the**

10 **wind farm, no.**

11 Q. All right, do you have the report in front

12 of you?

13 A. **Yes, I do.**

14 Q. Okay. If you turn to page 4-4, and do you

15 see Section 4.4 Statement of Limitations there?

16 A. Yes.

17 Q. All right. In the first sentence, you say

18 that in preparation of this report, Burns McDonnell

19 has relied on information provided by Lexington,

20 Chenoa and third-party sources, correct?

21 A. Yes.

22 Q. And then you say that Burns McDonnell has

23 no reason to believe that the information provided

24 to Burns McDonnell and upon which Burns McDonnell

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1 has relied is inaccurate or incomplete in any

2 material respect, right?

3 A. Yes.

4 Q. And then you go on: The information

5 provided by Lexington, Chenoa and other third-party

6 sources includes everything that you know about the

7 wind farm that's going to be -- that's proposed to

8 be constructed. As far as the physical plant I'll

9 call it, the turbines, the towers, the distribution,

10 the foundations, all that stuff, all the information

11 you have on there is what was provided to you by the

12 applicant, correct?

13 A. **That is correct, with the exception of the**

14 **weights of the turbines came from the original**

15 **equipment manufacturer.**

16 Q. And that's -- all of that information is

17 the type of information that you did not

18 independently verify to determine its accuracy or

19 completeness, correct?

20 A. **Correct, we didn't independently verify**

21 **that the layout they provided us was what they were**

22 **going to build. We used that layout as the basis**

23 **for our decommissioning costs.**

24 Q. Well, but it wasn't just the layout. You

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1 didn't independently verify anything that they

2 provided to you, did you?

3 A. **Well, what --**

4 **MS. ANTONIOLLI:** He's already asked this

5 question. You can move on.

6 **MR. ARMSTRONG:** No, it's a different

7 question. Do you want her to read the question

8 back?

9 A. **No, I would say we did not independently**

10 **verify that the foundations, that the layout, that**

11 **the design of the wind farm was what was going to**

12 **actually be built. We took that as the design of**

13 **the wind farm.**

14 Q. And the numbers in your report, the

15 estimates, the various estimates in your report are

16 also subject to things like the weather, cost and

17 availability of labor, material and equipment,

18 right?

19 A. Yes.

20 Q. And that's also subject to labor

21 productivity, correct?

22 A. Yes.

23 Q. And energy and commodity pricing, right?

24 A. Yes.

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1 Q. And obviously you can't predict what any

2 of those prices will be when the farm is

3 decommissioned at the end of its useful life, can

4 you?

5 A. **That's the reason that we include**

6 **contingency on our cost estimates is to cover any of**

7 **those overages.**

8 Q. That was the 10 percent contingency you

9 said?

10 A. Yes.

11 Q. Okay. So are you saying that -- are you

12 saying including a 10 percent contingency will be

13 sufficient to cover the increase in cost of those

14 various items, say, 20 years from now when the wind

15 farm is decommissioned?

16 A. **No, that contingency along with the entire**

17 **estimate is in current year dollars.**

18 Q. One of the aspects of the proposed wind

19 farm that you have mentioned in your report is

20 access roads, correct?

21 A. Yes.

22 Q. And that's access roads to the -- the

23 turbines and other related equipment, correct?

24 A. Yes.

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1 Q. And your report says there's proposed to
 2 be 71,500 linear feet of access roads?
 3 A. Yes.
 4 Q. And again, is that information that was
 5 provided to you by the applicant but which you did
 6 not independently verify?
 7 A. **Correct, in that it was part of the layout**
 8 **that they provided.**
 9 Q. Okay. And the roads are proposed to be 16
 10 feet wide, correct?
 11 A. **Correct. That's the basis of our study,**
 12 **yes.**
 13 Q. Again, that's the information that was
 14 provided to you that you relied on in preparing the
 15 report.
 16 A. Yes.
 17 Q. How deep are those roads proposed to be?
 18 A. **I don't have that information in front of**
 19 **me and I don't know off the top of my head.**
 20 Q. The materials that were provided to you
 21 that you relied on, did they show that it was --
 22 that these access roads were going to be crushed
 23 stone only?
 24 A. **That is the basis of our study.**

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1 Q. Okay, and I mean what I mean is they're
 2 not proposed to be paved with asphalt or anything
 3 like that, correct?
 4 A. **The access roads to the turbine -- no, we**
 5 **do not have asphalt roads in our estimate. Our**
 6 **estimate is based on crushed rock roads.**
 7 Q. Okay. And do you know what CA6 is?
 8 A. **I do not.**
 9 Q. Okay. What -- what type of stone would be
 10 used for these roads, these access roads?
 11 A. **I don't know. We didn't get down to that**
 12 **detail on this type of study.**
 13 Q. Have you in other studies had the
 14 opportunity to review the type of stone that is used
 15 to construct an access road?
 16 A. **I have not, no.**
 17 Q. Okay. So -- and in your career as an
 18 engineer at any time, have you had -- have you
 19 learned about what type of stone is used to
 20 construct a road such as the access roads that are
 21 proposed here?
 22 A. **I don't believe so. I mean that's really**
 23 **not been my area of expertise, designing wind farms,**
 24 **so no.**

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1 Q. Part of your report suggests that the
 2 stone that is used to construct these access roads
 3 could be at the end of the useful life of a wind
 4 farm pulled up and reused, right?
 5 A. Yes.
 6 Q. Okay. And you can say that without
 7 knowing what type of stone is used to construct the
 8 road.
 9 A. **I can say that knowing that we would**
 10 **assume it's typical roadbed material.**
 11 Q. Which is what?
 12 A. **I don't know, but it's the -- it's -- the**
 13 **material that will be used to construct a road for a**
 14 **wind farm could be used for an aggregate in all**
 15 **kinds of applications I would assume.**
 16 Q. You would assume but you don't know that,
 17 do you?
 18 A. **I think that's a reasonable basis.**
 19 Q. I'm not asking whether it's a reasonable
 20 basis. I'm asking if you know that.
 21 A. **I know if it's sufficient, it is**
 22 **appropriate to be used to construct these roads, it**
 23 **could be used for other roads.**
 24 Q. Other public roads?

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1 A. **I'm not sure if they would be public or**
 2 **private roads.**
 3 Q. Are you aware of -- you said you're
 4 licensed in Illinois, correct?
 5 A. **That is correct.**
 6 Q. Okay. Are you aware, for example, that
 7 Illinois Department of Transportation has minimum
 8 standards for the type of crushed stone that is used
 9 as a base for a road?
 10 A. Yes.
 11 Q. Okay, how are you aware of that?
 12 A. **I know that every state has standards for**
 13 **road design.**
 14 Q. Okay. And I assume, then, that you're
 15 aware that at least in Illinois if stone doesn't
 16 meet that standard it can't be used for a road,
 17 correct?
 18 A. **For a public road, correct.**
 19 Q. Correct. And so this, this -- the access
 20 road stone that is proposed to be used here, if it's
 21 pulled up 20 years from now, you have no idea
 22 whether that would be certifiable to be used for
 23 example on an IDOT project.
 24 A. **I don't know if it would be certifiable**

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1 **for an IDOT project, but again it's an aggregate**
 2 **that's a commodity that has all kinds of**
 3 **applications and all kinds of uses.**
 4 Q. Okay. And so you suggest that it could
 5 have some salvage value or resale value, whatever
 6 you want to call it, after it's pulled up after the
 7 expiration of the useful life of the wind farm,
 8 right?
 9 **A. I'm assuming that it has -- it has no**
 10 **disposal costs. That's really the only thing I've**
 11 **assumed.**
 12 Q. But disposal cost -- okay, well, if
 13 somebody wanted -- if that stone was to be used in
 14 another project somewhere, it has to be picked up
 15 from the access road and put into a truck and --
 16 correct?
 17 **A. Yes.**
 18 **MS. ANTONIOLLI:** This is going beyond, way
 19 beyond his testimony.
 20 **MR. ARMSTRONG:** It's all a part of his
 21 report. It's all in his report and you know it's
 22 all in his report.
 23 **MS. ANTONIOLLI:** Not hypothetical
 24 situations or ways of using it.

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1 **MR. ARMSTRONG:** Well, his whole report is
 2 hypothetical because we don't know what the cost
 3 will be 20 years from now, so this is all clearly --
 4 **MS. ANTONIOLLI:** Now you're going into
 5 testimony.
 6 **CHAIRMAN FINNIGAN:** I kind of agree with
 7 what she's saying. I mean let's talk about
 8 decommissioning.
 9 **MR. ARMSTRONG:** Well, decommissioning
 10 involves everything that he's put in his report.
 11 That includes taking the turbines down, that
 12 includes taking the concrete out, that includes
 13 removing the stone, and he has estimates for
 14 removing the access roads, so it's all clearly part
 15 of his report. And as I've said before, the
 16 objectors are entitled to meaningful
 17 cross-examination, and if we're not allowed to
 18 impeach him, we're not being allowed to have
 19 meaningful cross-examination.
 20 **MS. ANTONIOLLI:** This is beyond. This is
 21 going into hypothetical questions about what this
 22 material could be used for in the future.
 23 **MR. ARMSTRONG:** No, it goes to the value,
 24 and he has stated a potential value in his report.

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1 **MS. ANTONIOLLI:** Okay, let's ask a
 2 question about value.
 3 **BY MR. ARMSTRONG:**
 4 Q. Well, you say that the stone access roads,
 5 the stone that's removed from the access roads could
 6 be -- has some salvage value, right?
 7 **A. I have stated that I assume it has zero**
 8 **disposal cost.**
 9 Q. Zero disposal cost, okay. But in
 10 determining what the -- that zero disposal cost, did
 11 you assume that there was no cost for actually
 12 picking it up, putting it in a truck and hauling it
 13 away?
 14 **A. No, I did not. My costs include costs for**
 15 **actually picking it up, putting it in a truck and**
 16 **hauling it away. We just assume that someone is**
 17 **willing to take it for free at least or potentially**
 18 **pay for it, but -- so we have no disposal cost.**
 19 Q. How -- did you say that you had not
 20 personally yourself overseen a decommissioning of a
 21 wind farm; is that right?
 22 **A. That is correct.**
 23 Q. Okay. Why would you assume that somebody
 24 would pick it up and haul it off and take it away

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1 for free?
 2 **A. I'm not saying that somebody's going to**
 3 **pick it up, haul it off and take it away for free.**
 4 **The wind farm within my estimate is incurring the**
 5 **cost for picking it up and hauling it to a user who**
 6 **would accept it for free.**
 7 Q. Okay. In any event, the cost to pick it
 8 up and put it -- there's a labor and equipment cost
 9 to pick it up and put it in a truck, correct?
 10 **A. Within our cost estimate, yes.**
 11 Q. And you didn't provide the hourly labor
 12 rate for that cost in your report, did you?
 13 **A. No.**
 14 Q. And you didn't provide the hourly cost for
 15 the equipment that would be required to do that, did
 16 you?
 17 **A. I did not discretely break them out, but**
 18 **they would have been in the cost estimate.**
 19 Q. Okay. Well, can you tell us then what
 20 those costs were?
 21 **A. I don't have that information in front of**
 22 **me.**
 23 Q. Okay. And I assume the same is true of
 24 the cost to haul the stone away to some other site,

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1 correct?

2 **A. The individual buildup of those costs is**

3 **not within the report, but the total for those costs**

4 **is within the cost estimates.**

5 Q. Okay, so -- so you're saying that you have

6 that information back at your office?

7 **A. It's within our spreadsheet and all of our**

8 **buildup to the cost estimate.**

9 Q. Okay. That's the proprietary information?

10 **A. The model itself is proprietary, yes.**

11 Q. Okay, so nobody's going to see that unless

12 Burns McDonnell is going to give somebody permission

13 to see it?

14 **A. The spreadsheet. I mean the inputs and**

15 **the assumptions are not proprietary, but the**

16 **spreadsheet itself is.**

17 Q. So if the applicant is not able to find a

18 user who wants this stone from the access roads,

19 then what happens to the stone?

20 **MS. ANTONIOLLI:** Again, this is a

21 hypothetical question. We've already gone over this

22 question.

23 **MR. ARMSTRONG:** It's all relevant to the

24 value he's ascribed to it.

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1 **CHAIRMAN FINNIGAN:** I think he answered

2 your question.

3 Q. If the stone goes into a landfill, the

4 stone would be subject to -- for example, could be

5 subject to the \$32 tipping fee that you quoted

6 earlier, correct?

7 **A. It could be.**

8 Q. Okay. And again, that's the tipping fee

9 today not the tipping fee 20 years from today,

10 correct?

11 **A. Correct, all costs are in today's dollars.**

12 Q. With the roads, you propose or your report

13 indicates that the proposal is to replace the roads

14 with black dirt, correct?

15 **A. I guess I don't know what you mean by**

16 **black dirt.**

17 Q. All right. Well, I'll rephrase it then.

18 Roads have -- after the stone is taken up, the roads

19 are supposed to be -- the stone is proposed to be

20 replaced with topsoil, right?

21 **A. We are fine grading and seeding the area**

22 **with topsoil, yes.**

23 Q. Okay. And does your estimate cost for

24 that include the cost to bring the topsoil and the

Page 370

1 seed to the site where it's going to be placed?

2 **A. We are not importing any topsoil, but we**

3 **do include cost for the seed.**

4 Q. Okay. Where does the topsoil come from?

5 **A. As I stated before to a previous question,**

6 **we assume the site is balanced at construction, the**

7 **site is balanced at demolition, and that any topsoil**

8 **would come from on site.**

9 Q. Okay. There's an item in your estimate of

10 the cost to remove the concrete pads that I guess

11 are foundations for the turbines, correct?

12 **A. There are foundations, yes, there are**

13 **concrete foundations that are being removed.**

14 Q. And again, that's only to five feet below

15 grade?

16 **A. That is correct.**

17 Q. Do you know how deep the foundations

18 actually will be?

19 **A. I do not.**

20 Q. Okay. So in any event, if we -- if we

21 assume the foundations are, say, 15 feet deep, the

22 proposal is to remove the top five feet of concrete

23 but leave the remaining ten feet of concrete that's

24 below the top five feet; is that right?

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1 **A. That's correct.**

2 Q. Okay. And your proposal for the cost to

3 remove the top five feet of the foundation is

4 \$984,000, right?

5 **A. That is correct.**

6 Q. And again, that's today's dollars not 20

7 years from now, right?

8 **A. Yes, all costs are in today's dollars.**

9 Q. Do you know how many man hours it would

10 take to remove the top five feet of each foundation?

11 **A. I don't have that information in front of**

12 **me, but it was part of the buildup of this.**

13 Q. When you say it was part of the buildup,

14 does that mean it was part of your company's

15 proprietary spreadsheet?

16 **A. Yes, it's calculated within that**

17 **spreadsheet.**

18 Q. And did you calculate that or did you

19 complete that spreadsheet yourself or did somebody

20 do that for you?

21 **A. I have a team that works with me under my**

22 **direction.**

23 Q. Okay. And so your spreadsheet, does it

24 just estimate how many hours it will take to remove

Page 372

1 each foot of concrete foundation?
 2 **A. It has all kinds of inputs on cubic yards**
 3 **of concrete and productivity factors and things like**
 4 **that, yes.**
 5 Q. Okay, and obviously that's information
 6 that is not -- that specific information is not
 7 included in your report.
 8 **A. Correct.**
 9 Q. Do you know what the hourly labor cost is
 10 included -- if that's included in that estimate for
 11 \$984,000?
 12 **A. I don't have that information in front of**
 13 **me.**
 14 Q. Okay. Again, is that part of your
 15 proprietary software?
 16 **A. The labor rate is not a proprietary piece.**
 17 **That would come from RS Means actually. That's the**
 18 **published index that we use. The model itself is**
 19 **proprietary.**
 20 Q. How does the RS Means localize labor
 21 rates?
 22 **A. They have site cost indexes that are based**
 23 **on near cities.**
 24 Q. Do you know what the near city was that

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1 was used for this particular project in those
 2 indexes?
 3 **A. May be in the report here, I'll have to**
 4 **look, I don't know off the top of my head. I don't**
 5 **have that information. It only states that it's the**
 6 **nearest site cost index from the project, which is**
 7 **typical because we pick the nearest city that's**
 8 **listed in the RS Means document.**
 9 Q. All right. But that city is not listed in
 10 your report, correct?
 11 **A. Correct.**
 12 Q. So -- and you don't remember what that
 13 city is as you sit here today?
 14 **A. I do not.**
 15 Q. You testified earlier that you
 16 conservatively assume that the concrete that was
 17 removed from the foundations would be taken to a
 18 landfill, correct?
 19 **A. Correct.**
 20 Q. And you made that -- you characterized
 21 that as a conservative assumption because you were
 22 thinking about it in terms of financial conservatism
 23 as far as the costs are concerned, correct?
 24 **A. Correct.**

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1 Q. If that concrete had to be taken to a
 2 landfill, obviously a tipping fee would be due to
 3 put that concrete in the landfill, correct?
 4 **A. Yes.**
 5 Q. Okay. And is that tipping fee included in
 6 your estimate?
 7 **A. Yes, it is.**
 8 Q. Okay. And that's the -- did you say
 9 that's the Livingston County landfill that it would
 10 go to?
 11 **A. Yes, it is.**
 12 Q. Can you describe the -- obviously you have
 13 an estimate of cost for the disassembly of the
 14 turbines, correct?
 15 **A. Yes.**
 16 Q. Can you describe the process of
 17 disassembling a turbine?
 18 **A. Yeah, we -- we have labor for crews to**
 19 **come in with cranes, take the blades down and then**
 20 **take the nacelle down, take the towers down and then**
 21 **process them on site. When I say process, that**
 22 **means cut them up. The blades would be cut up and**
 23 **put into trucks to be hauled off to the landfill.**
 24 **The nacelle would be separated into different parts**

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1 **of scrap and then loaded on a truck to go to the**
 2 **appropriate scrap yards. The same thing with the**
 3 **tower, cut it up, put it on a truck and take it to**
 4 **the scrap yard.**
 5 Q. All right, and your estimate for that cost
 6 is just under, just under 3.3 million?
 7 **A. Yes.**
 8 Q. And your estimate, does that include the
 9 cost of labor to do that work for all those
 10 turbines?
 11 **A. Yes.**
 12 Q. Does it include the cost of the cranes and
 13 other equipment to do that work?
 14 **A. Yes.**
 15 Q. Does it include the cost of transporting
 16 the materials to another destination?
 17 **A. It does not. The hauling and disposal is**
 18 **a separate line item.**
 19 Q. Okay. The blades themselves, you said
 20 that those cannot be recycled; is that right?
 21 **A. I did not say they could not be recycled.**
 22 **I said the basis of our study is that they're going**
 23 **to a landfill.**
 24 Q. Okay. Have you seen the blades -- let me

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1 ask you this. Have you done a decommissioning for a
 2 wind farm with the same types of turbines -- or
 3 strike that, the same types of blades that are
 4 proposed to be used here?
 5 **A. Have I -- have I done a decommissioning or**
 6 **decommissioning study?**
 7 Q. Have you done a decommissioning?
 8 **A. No.**
 9 Q. Okay. But you've done a decommissioning
 10 study for the same types of blades?
 11 **A. Yes.**
 12 Q. Okay. Are you aware of these same types
 13 of blades being recycled by anybody after their
 14 useful life?
 15 **A. I'm not aware of it. Again, the basis of**
 16 **our study was just that they're going to a landfill**
 17 **as a conservative assumption.**
 18 Q. Okay. Do you know what the material is
 19 that the blades are made of?
 20 **A. I believe it's fiber reinforced plastic**
 21 **which is a fiberglass type of material.**
 22 Q. In your experience, have you seen a market
 23 for salvage or resale of fiberglass reinforced
 24 material?

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1 **A. I've never looked into it.**
 2 Q. Does the cost index that you rely on, are
 3 those union labor rates or nonunion labor rates?
 4 **A. Whatever the local labor rates are, so**
 5 **depends if we're a right-to-work state or a union**
 6 **state.**
 7 Q. So that determination is made in your
 8 software on a statewide basis, it's not more local
 9 than the entire state?
 10 **A. It is made within -- well, I'm sorry, the**
 11 **RS Means publishes both union and nonunion labor**
 12 **rates and site cost indices.**
 13 Q. And which do you use in estimating the
 14 costs?
 15 **A. Depends on the project. I'll see if we**
 16 **state which one we used here. I don't have that**
 17 **information in front of me on what we used here, so**
 18 **I'd have to look that up.**
 19 Q. Okay. So in any event, in preparing your
 20 estimate of costs in your report, am I correct that
 21 you did not talk to anybody here in McLean County
 22 about what the labor rates are for that type of
 23 work?
 24 **A. I did not talk to anybody locally about**

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1 **labor rates. I used RS Means Index, which is again**
 2 **an industry standard document, for estimating these**
 3 **costs.**
 4 Q. Do you estimate the number of tons of
 5 steel that would be available for scrap following
 6 decommissioning of this project?
 7 **A. Yes, that's within our estimate.**
 8 Q. Okay. Is that included in your report?
 9 **A. A specific breakout of that is not**
 10 **included within the report. Again, it's inherently**
 11 **within the scrap values that we list here, but we do**
 12 **not break it out separately.**
 13 Q. Okay, so the report doesn't say, for
 14 example, after decommissioning there will be a
 15 hundred tons of steel that's available for salvage,
 16 is that what you're saying?
 17 **A. I'm saying that is not specifically listed**
 18 **within the report, yes.**
 19 Q. Okay. Is it unspecifically listed in the
 20 report?
 21 **A. Well, it's within -- on the wind turbine**
 22 **removal cost of \$6.458 million, that's based on the**
 23 **amount of material that is used to build up that**
 24 **scrap value. So, no, the tons are not there, but**

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1 **I'm saying that is an inherent part of the**
 2 **calculation of that.**
 3 Q. So in your decommissioning assumptions,
 4 you have a steel scrap value of \$210.27 per long ton
 5 and \$187.74 per short ton. That's on page 4-3, do
 6 you see that?
 7 **A. Yes.**
 8 Q. So if I were to divide 6.45 million by one
 9 of these numbers, would that tell me how many tons?
 10 **A. No, because that is a combination of**
 11 **steel, copper and aluminum.**
 12 Q. Okay.
 13 **A. 6.45 million.**
 14 Q. So your estimate of scrap value for metals
 15 at least is just a gross total. It doesn't separate
 16 it by steel, copper, aluminum or any other metal
 17 that could be salvaged, correct?
 18 **A. It's all calculated independently within**
 19 **the report. This summary is a combination of those.**
 20 Q. When you say it's all calculated
 21 independently, that's in your proprietary software
 22 you mean?
 23 **A. Yes.**
 24 Q. Okay, but it's not in the report here that

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1 was submitted to the board.
 2 **A. The tons of individual quantities of**
 3 **material are not in the report, correct.**
 4 Q. Stay on that -- or staying on that page
 5 4-3, another thing you say is that market conditions
 6 may result in cost variations at the time of
 7 contract execution, right? That's item number 3.
 8 **A. Yes.**
 9 Q. Okay. When you say at the time of
 10 contract execution, does that mean at the time of
 11 the actual labor of doing the decommissioning?
 12 **A. That is at the time of signing the**
 13 **contract with the demolition contractor.**
 14 Q. Okay. And so this is another place where
 15 you're saying that we don't know what the cost for
 16 that stuff is going to be 20 years from now, right?
 17 **A. I wouldn't agree that we would say --**
 18 **we're saying we don't know what it's going to be.**
 19 **We're saying that prices vary, the market changes**
 20 **over time, that, you know, again we have contingency**
 21 **in there to cover market variations. So we are**
 22 **saying that this is not a firm price and that it's**
 23 **based on a certain period of time, it's today's**
 24 **dollars at a certain point in time, so the market**

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1 **could change.**
 2 Q. You quoted a steel scrap value of \$210.27
 3 per long ton and 187.74 per short ton, right?
 4 **A. Correct.**
 5 Q. And are those -- you say that the best
 6 market at the time of this study was Chicago, right?
 7 **A. That was the market that we used for this**
 8 **study, yes.**
 9 Q. So are those prices or that price for
 10 steel, those two prices for steel, are those the
 11 market prices in Chicago at the time you did the
 12 study?
 13 **A. They are the market prices in Chicago less**
 14 **the cost of transporting the material to Chicago.**
 15 **So the price in Chicago is actually higher than**
 16 **this. This includes a deduction for transporting**
 17 **that material to Chicago.**
 18 Q. All right. Obviously there's a cost of a
 19 truck and a driver to drive the stuff up to Chicago
 20 from here, right?
 21 **A. That has already been deducted to get to**
 22 **the 210.27.**
 23 Q. And did you compare the prices of steel
 24 scrap at any other location other than Chicago?

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1 **A. We -- yes, in all these studies, we always**
 2 **have multiple hubs that we're looking at. We use**
 3 **the one that makes the most sense based on pricing**
 4 **and then hauling distance to get it there, whatever**
 5 **gives us the best net price for the scrap at the**
 6 **site.**
 7 Q. And it's also true for the copper price
 8 and the aluminum price that you state there?
 9 **A. Yes, that's correct.**
 10 Q. And the -- in determining what the best
 11 net price is, are you relying on the indexes that
 12 you talked about earlier as far as to establish what
 13 the cost is to haul the material from McLean County
 14 up to Chicago?
 15 **A. We're counting on that index for the price**
 16 **at the hub and then we applied transportation rates**
 17 **to it.**
 18 Q. What transportation rates did you apply to
 19 get to these rates?
 20 **A. I don't have that calculation here in**
 21 **front of me, but we look at mileage for**
 22 **over-the-road trucking.**
 23 Q. All right. So you just determine a cost
 24 per mile and then determine what the distance is

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1 that's going to be traveled and that's how you
 2 figure out what the hauling cost is?
 3 **A. Generally, yes.**
 4 Q. Okay. How many miles did you use from
 5 McLean to Chicago?
 6 **A. I don't have that information in front of**
 7 **me.**
 8 Q. Is that -- is that in your proprietary
 9 spreadsheet?
 10 **A. That information is within the proprietary**
 11 **spreadsheet. Again, you know, our inputs and**
 12 **suppositions aren't proprietary; it's the model**
 13 **itself.**
 14 Q. When you say the model itself, is that
 15 just a calculation that it does?
 16 **A. It is -- it's the calculation and a lot of**
 17 **buildup that we've put into it for, you know, how we**
 18 **estimate, you know, how much scrap is coming out of**
 19 **the different turbines, all turbine inputs we have**
 20 **within it. So it's just the model itself that's**
 21 **proprietary, not again labor rates that are coming**
 22 **from a published index, or scrap pricing like this**
 23 **is an input into that proprietary model, but we**
 24 **reported it here because the number itself is not**

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1 **proprietary.**
 2 Q. But the model does some type of
 3 calculation to get to the net price, right?
 4 **A. Correct.**
 5 Q. Okay, and -- but we don't know what that
 6 calculation is.
 7 **A. I can generally describe it as we take**
 8 **unit pricing and we multiply it by quantities and**
 9 **come up with the total pricing, so --**
 10 Q. And unit prices are the prices that you
 11 get from the index?
 12 **A. It's a combination of the index and the RS**
 13 **Means handbook, the disposal cost we get from the**
 14 **landfill, all of those inputs.**
 15 Q. Does that hauling cost, is that one way or
 16 for the truck to travel two ways?
 17 **A. It's for the truck to travel both ways,**
 18 **one way full and one way empty.**
 19 Q. All right, you also state in your report
 20 that you assume that all of the turbines would be
 21 decommissioned at the same time, right?
 22 **A. That's correct.**
 23 Q. And so if the -- if, say, half the
 24 turbines were decommissioned at one point and then

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1 the second half of the turbines were decommissioned
 2 six months later, that would change the cost,
 3 wouldn't it?
 4 **A. I don't know that it would change the**
 5 **cost. I'm saying the basis of ours is that we've**
 6 **taken them all down at once.**
 7 Q. Well, as you sit here today, do you know
 8 whether that would change the cost?
 9 **A. I don't know if half of them came down.**
 10 **If you took out one, I think it would change the**
 11 **cost. If you took half of them out, I'm not sure.**
 12 **There's economies of scale.**
 13 Q. So the fewer taken down at a time, the
 14 more expensive it becomes to decommission?
 15 **A. I think that's a misrepresentation of what**
 16 **I said. I think -- again, if you were to discretely**
 17 **take out a single turbine, it would be more**
 18 **expensive, but it doesn't always go linearly like**
 19 **that where if you take half of them out it's more**
 20 **expensive.**
 21 Q. Well, yeah, I mean that was just an
 22 example, but I guess -- I think you said it. If
 23 contractors who were doing the work to decommission
 24 have to mobilize more than once, that increases the

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1 costs, doesn't it?
 2 **A. There -- yes, mobilization costs would be**
 3 **on a per project basis.**
 4 Q. And again for this, for your -- purposes
 5 of your estimate, you assumed that they would
 6 mobilize only once, correct?
 7 **A. Correct.**
 8 Q. Okay. You testified that one of the
 9 things you do in estimating costs or at least that
 10 your company does to get information is to talk to
 11 demolition contractors about costs, right?
 12 **A. That's correct.**
 13 Q. Did you talk to any demolition contractors
 14 in McLean County for this project to get estimates
 15 of costs, what the costs would be for
 16 decommissioning this particular project?
 17 **A. No, we did not talk to a specific**
 18 **demolition contractor from McLean County for this**
 19 **project.**
 20 Q. Did you talk to any demolition contractor
 21 for demolition costs for this particular project
 22 regardless of whether they were in McLean County or
 23 somewhere else?
 24 **A. We did not speak to anybody specifically**

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1 **about this project, but I want to clarify that what**
 2 **I was saying was that we have talked to demolition**
 3 **contractors, we've had them part of our team in the**
 4 **past, had them review our proprietary model to make**
 5 **sure that it is calculating costs in a similar**
 6 **manner to how they would competitively bid these**
 7 **projects, so I was confident that our cost estimate**
 8 **has gone through that process already, and our**
 9 **proprietary model has, you know, been subject to**
 10 **demolition contractors reviewing it and agreeing**
 11 **that our costs are in line with what they would**
 12 **estimate.**
 13 Q. And your proprietary software is only as
 14 accurate as the information that's input into it is
 15 accurate, correct?
 16 **A. Yes.**
 17 **MR. ARMSTRONG:** Okay, that's all I have.
 18 **CHAIRMAN FINNIGAN:** Thank you. Any other
 19 questions for him? Come forward. I think you know
 20 the routine.
 21 **MR. SWARTZ:** I'm on? Thank you. Just
 22 looking for a clarification.
 23 **CHAIRMAN FINNIGAN:** I guess you don't.
 24 State your name and address.

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1 **MR. SWARTZ:** Michael Swartz, S-W-A-R-T-Z.
 2 Address is 2242 Westgate Drive, Bloomington,
 3 Illinois, 61705.
 4 **QUESTIONS BY**
 5 **MR. SWARTZ:**
 6 Q. For clarification's sake, I believe you
 7 indicated that the decommissioning cost was
 8 approximately \$46,180 per tower?
 9 **A. \$46,190 per turbine.**
 10 Q. Okay. The applicant actually in their
 11 application said that the decommissioning would be
 12 down to 40 inches and 35,000, so did you adjust your
 13 cost then to go to 60 inches as indicated in the Ag
 14 Impact Mitigation Agreement?
 15 **A. I went to five feet, 60 inches, based on**
 16 **discussions with EDPR.**
 17 Q. Okay. But the AIMA does indicate 60
 18 inches that the applicant has agreed to with the
 19 State of Illinois.
 20 **A. I haven't reviewed the AIMA, so I don't**
 21 **know.**
 22 Q. Did this cost also include -- just that
 23 46,190, did it just cover the deconstruction of the
 24 tower or did that also incorporate the wires that

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1 would be actually traveling throughout the farm that
 2 did not have a tower on it?
 3 **A. It only covers the -- it covers everything**
 4 **basically except for the underground electric**
 5 **cables. The assumption is that the underground**
 6 **electric cables would be abandoned in place.**
 7 Q. If a landowner -- I guess I don't know
 8 what the agreement is with the landowner, but if the
 9 landowner wanted those cables removed from their
 10 property, that would be an additional cost to the
 11 landowner to remove that?
 12 **MS. ANTONIOLLI:** I think that's outside of
 13 the scope of what he testified about in his
 14 presentation.
 15 Q. I'm just trying to protect the landowner
 16 at this stage of the questions as well. For the
 17 sake of entering information into the testimony,
 18 were you aware of the language in the AIMA that
 19 covers decommissioning?
 20 **A. I am not aware of that language.**
 21 Q. Okay. Section 21, letter D actually,
 22 outlines a piece that says that the applicant is to
 23 submit assurance to the county that the costs, money
 24 would be set aside for decommissioning --

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1 **MS. ANTONIOLLI:** I'm going to stop you
 2 there because he did not testify about that AIMA
 3 today, and I think you're reading from it now, so --
 4 **MR. SWARTZ:** I am.
 5 **MS. ANTONIOLLI:** -- it's beyond the scope
 6 of his testimony.
 7 **MR. SWARTZ:** This may benefit you though,
 8 so Section 21 I believe indicates --
 9 **MS. ANTONIOLLI:** I object to the question,
 10 this line of questioning.
 11 **CHAIRMAN FINNIGAN:** Counsel says she's
 12 right, so --
 13 **BY MR. SWARTZ:**
 14 Q. You talked about costs, and one of your
 15 items that you talked about was what is the cost --
 16 at least the question of the previous gentleman
 17 indicated what is the future cost. And the AIMA
 18 indicates that the county may but is not required to
 19 re-evaluate the estimated costs of deconstruction
 20 after the tenth anniversary and every five years
 21 thereafter.
 22 **MS. ANTONIOLLI:** Again, he can't answer
 23 questions with regard to the AIMA.
 24 **MR. SWARTZ:** Okay.

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1 **CHAIRMAN FINNIGAN:** If you can answer the
 2 question, go ahead. If it's beyond what you know,
 3 say that.
 4 **A. It's beyond what I know.**
 5 **MR. SWARTZ:** Okay, that's all my
 6 questions.
 7 **CHAIRMAN FINNIGAN:** Any other questions?
 8 **MR. TAYLOR:** Hi, Travis Taylor, 28686
 9 North 3050 East Road, Chenoa. Had a couple
 10 different questions.
 11 **QUESTIONS BY**
 12 **MR. TAYLOR:**
 13 Q. You say that your company is common with
 14 decommissioning of different kinds of places. With
 15 your, because it sounds like you actually view
 16 the -- is it true that you do the construction and
 17 project costs, both sides of it? Like here you
 18 actually manage it as some decommissioning is
 19 happening?
 20 **A. Burns McDonnell does do owner's**
 21 **representative work during the decommissioning**
 22 **process where we oversee decommissioning of**
 23 **facilities.**
 24 Q. Have you guys ever done studies like

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1 comparing what your original pre-estimate is versus
 2 the actual cost at the end? I mean is that
 3 something that you provided before in the past on
 4 wind farm projects or not?
 5 **A. Not on farm projects.**
 6 Q. Okay, but possibly maybe other projects
 7 you've done stuff like that for?
 8 **A. We have seen some actual demolition**
 9 **contractor prices and actual costs that have come in**
 10 **after projects for a few facilities that we have**
 11 **estimated, yes.**
 12 Q. But you don't know, I mean is there a
 13 percentage that you don't -- is there a percentage
 14 that you're generally within or not, I mean on a
 15 decommissioning project?
 16 **A. It would really be on a case by case**
 17 **project. I can't throw a number out here right now.**
 18 Q. It said that you guys calculated for the
 19 blades and the turbines themselves. Did -- in the
 20 application, there's been two different types of
 21 blades on a particular turbine motor. Did you
 22 calculate in for each kind of turbine because there
 23 might be a different weight? You know, it seems
 24 like that's been a common trend. So are both kinds

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1 of blades calculated into your calculation or just
 2 one in particular?
 3 **A. We just have one, one assumption.**
 4 Q. Okay. Have you guys ever done, it seems
 5 like a lot of it was your guys' worst case scenario,
 6 throw it away kind of is what I noticed. Have you
 7 guys ever done a study on, since it's a green energy
 8 anyway, on the cost of recycling? More or less just
 9 out of curiosity, have you done studies on the
 10 greener side of it I guess?
 11 **A. Not specifically beyond all the scrap**
 12 **metal, no.**
 13 Q. Okay. Do any of the costs include costs
 14 to the county roads or township roads, because like
 15 some of the roads are going to have to be widened
 16 during the construction, so when they go to take
 17 them out with the heavy traffic, you know, from
 18 trucks hauling in and out the aggregate, towers and
 19 all that, is there any cost set aside for the roads
 20 being overused during that time period?
 21 **A. We don't include any cost for road**
 22 **modifications in our estimate, no.**
 23 Q. Okay. Would there -- you know, do you
 24 know if there would be any need, like when the

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1 turbines come in, clearly they're in one piece and
 2 taken out in smaller pieces, but is there going to
 3 be, do you know if there would be a need to widen
 4 some of the roads again or change any of them?
 5 **A. We haven't identified any at this point,**
 6 **and like you said, we're cutting them up on site and**
 7 **taking them out in smaller trucks, so we don't have**
 8 **all the heavy haul equipment we would have or the**
 9 **project would have when they constructed it.**
 10 Q. You talked about how -- I can't remember
 11 the word that you used, but when they don't remove
 12 the dirt, they just move the dirt on site somewhere
 13 else, and then you guys will put it back later, you
 14 talked about that, and then you also talked about
 15 how you go down five feet to cut off the concrete.
 16 So the depth at which the concrete is still going to
 17 be there, they've left the remaining soil I'm
 18 assuming somewhere else on the site, which is
 19 probably below the topsoil grade if it's five foot,
 20 you know.
 21 Is it -- I assume that it would be put
 22 back in the same layer when it's -- you know, like
 23 when it's removed, do they dig down and put it
 24 somewhere at that layer or is it something that

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1 might be, we have soil -- so the question is whether
 2 or not the dirt is going to be put back in layers
 3 after it's originally moved. Is that something
 4 calculated for or not, I mean?
 5 **A. We haven't specifically calculated exactly**
 6 **how that would be put back, but again, we assume**
 7 **everything's balanced, so any topsoil that's taken**
 8 **up is on site when construction occurs, and when**
 9 **it's -- when demolition occurs, we borrow that**
 10 **topsoil back within the site.**
 11 Q. All right, but the extra soil I guess when
 12 the concrete is left, is that it's just -- it just
 13 dissipates in the site I mean essentially?
 14 **A. It's -- wherever it's spread out during**
 15 **construction, we wouldn't pull it back in, the extra**
 16 **soil I guess, if you will, that we don't need**
 17 **because of the foundations being abandoned.**
 18 Q. Okay. Have you guys ever done a study
 19 where you removed underground cables and whatnot?
 20 **MR. DICK:** Could you speak into the mic
 21 please?
 22 Q. Have you guys ever included removing
 23 underground cables in your study to know what the
 24 cost would be?

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1 **A. It is typical for us to assume they are**
 2 **abandoned in place. We have been asked that**
 3 **question before and we have looked at what the cost**
 4 **would be, and it's actually a very, very minimal**
 5 **cost, almost -- it's about a break-even honestly**
 6 **because of how much scrap material is in those**
 7 **cables.**
 8 Q. Okay, so that's something that would be a
 9 viable solution --
 10 **MR. DICK:** Could you talk into the mic
 11 please?
 12 Q. Would it be a viable solution to remove
 13 it, then, essentially in the decommissioning? It
 14 wouldn't be that much additional cost is what you're
 15 saying?
 16 **A. It wouldn't drive the cost up**
 17 **dramatically, no.**
 18 **MR. TAYLOR:** I think that's all my
 19 questions.
 20 **MS. WINTERLAND:** Amy Winterland, 22825
 21 North 3075 East Road, Colfax.
 22 **QUESTIONS BY**
 23 **MS. WINTERLAND:**
 24 Q. So this is just a clarification. So did

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1 you say it would take six months to fully
 2 decommission?
 3 **A. That is our assumption in the study, yes.**
 4 Q. And that's for all 57 turbines?
 5 **A. Correct.**
 6 Q. So do you take them down one turbine at a
 7 time or are you doing multiple taking down at the
 8 same time?
 9 **A. We don't -- as part of the study, we don't**
 10 **dictate the means and methods the demolition**
 11 **contractor is going to ultimately use, but we would**
 12 **expect that he would likely take down more than one**
 13 **at a time.**
 14 Q. More than one at a time. So you would be
 15 having deconstruction happening at multiple sites
 16 you're saying?
 17 **A. It could be, yes.**
 18 Q. So in your estimating, because six months
 19 seems pretty quick to me, so -- but in your
 20 estimating of time, in your estimate, is it
 21 reasonable to think that that would be -- so you're
 22 saying it's reasonable to think that would be
 23 multiple turbines taken down at the same -- on the
 24 same day or at the same time, correct?

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1 **A. Yes, that's reasonable.**
 2 Q. Do you know how many multiples that might
 3 be?
 4 **A. I don't know, no.**
 5 Q. But more than -- okay, that's what I
 6 wanted to know, there'd be multiple staging, I don't
 7 know what the right word is.
 8 **MS. WINTERLAND:** Okay.
 9 **CHAIRMAN FINNIGAN:** Any other questions?
 10 **MR. JOLLY:** Tim Jolly, 26759 East 2700
 11 North, Chenoa.
 12 **QUESTIONS BY**
 13 **MR. JOLLY:**
 14 Q. Would you -- would you have any figures on
 15 how much fuel would be used through the process?
 16 **A. No, I do not.**
 17 Q. Would you have that in your report, in
 18 your model?
 19 **A. No, I do not.**
 20 Q. Where is the dirt that is going to be put
 21 back into the hole located?
 22 **A. Throughout the site. We assume they**
 23 **balance when they do construction and then again**
 24 **balance out when they do decommissioning and**

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1 **demolition.**
 2 Q. Can you explain what you mean by balance?
 3 **A. Yeah, basically for every place that you**
 4 **have a fill, you have a cut somewhere else on the**
 5 **site to make up for it, so that you're not importing**
 6 **or exporting any fill material from the site.**
 7 Q. So you're expecting that the same dirt
 8 that comes out of the holes will be put back in the
 9 holes?
 10 **A. Well, I don't know if it's the same dirt.**
 11 **Dirt from on site.**
 12 Q. But you don't know if it has to be hauled
 13 away from each individual turbine site?
 14 **A. Yeah, we haven't done a full, you know,**
 15 **civil engineering design of cut and balance of the**
 16 **site. Again, we just assume that you can balance it**
 17 **somewhere somehow on site.**
 18 Q. So it could quite possibly involve hauling
 19 that from another site back to that individual
 20 turbine site?
 21 **A. I would not expect that, no.**
 22 Q. So you're expecting it to be piled right
 23 where the turbine is?
 24 **A. Not right where the turbine is, but**

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1 **somewhere on the site, yes.**
 2 Q. Site meaning what?
 3 **A. Site meaning generally the leased land.**
 4 Q. On the individual property owners or
 5 within the whole footprint of the project?
 6 **A. I don't know.**
 7 Q. Have you ever done a study with recycling
 8 the products in it?
 9 **A. The decommissioning cost estimate studies**
 10 **that we have put together have all assumed that**
 11 **scrap material is going to be recycled and nothing**
 12 **else.**
 13 Q. Okay. Have you any provisions for
 14 removing hazardous materials?
 15 **A. We have costs in there for removing any of**
 16 **the fluids, you know, lubricating oils and things**
 17 **like that and disposing of those, yes.**
 18 Q. Are you aware of anything that would be
 19 considered hazardous on these?
 20 **A. The only thing that we've accounted for**
 21 **would be the, like I said, any chemicals or**
 22 **lubricants or oils within the turbine. We don't**
 23 **know of anything else that's considered hazardous.**
 24 Q. How about the paint that is used on the

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1 turbines? If it was deemed hazardous, would you
 2 have some kind of a stipulation or something that
 3 would show that you would have to have extra costs
 4 for taking care of hazardous, some things like that?
 5 **A. We don't have anything within our study**
 6 **that assumes there's any hazardous material.**
 7 **MR. JOLLY:** Okay, thank you.
 8 **CHAIRMAN FINNIGAN:** Have you got a
 9 question? Come on.
 10 **MR. HANEY:** Daryl Haney, 31631 East 3100
 11 North Road, Chenoa.
 12 **QUESTIONS BY**
 13 **MR. HANEY:**
 14 Q. I don't mean to beat a dead horse here to
 15 death, but I'm having a little hard time wrapping my
 16 head around this dirt situation, and I have not been
 17 able to get any straight figures out of the project
 18 leader on the size of this hole to start with, for
 19 putting the hole, complete concrete base in. So I
 20 don't know exactly how -- I've got an estimated
 21 depth I was given of 20 to 25 feet, but I don't know
 22 what the length and the width is.
 23 So when you take that much dirt out of the
 24 ground, you've got one heck of a bunch of clay dirt,

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1 maybe even some blue clay down at the bottom, as
 2 well as whatever number of feet of black dirt on
 3 top. And you're telling me that they spread that
 4 out across the field and then grade that all back in
 5 and fill in that top five foot, is that what you're
 6 telling me?
 7 **A. No. What I'm saying is that there's some**
 8 **soil available on site. There's sufficient to**
 9 **backfill the holes and balance the site out at the**
 10 **time of decommissioning. Again, where that dirt**
 11 **comes from, I don't know if it's the same dirt that**
 12 **came out of the hole, where they stockpile it or if**
 13 **they don't stockpile it or if it's spread out on the**
 14 **site somewhere else, I don't know that. What I know**
 15 **is that we've assumed you can balance the**
 16 **decommissioning earthwork.**
 17 Q. Well, I would like to know from somebody
 18 where that goes because that is one huge amount of
 19 dirt that has to come out of that hole, and there's
 20 no way you can spread that out and you sure as heck
 21 don't want clay dirt spread out across the top of
 22 the rest of the farm. And then I can also see one
 23 heck of a compaction problem pulling this all back
 24 in. So are you going to deal with that, too, in

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1 your costs?
 2 **A. So just to clarify, we haven't evaluated**
 3 **the construction process and where the dirt is going**
 4 **as part of the construction process. We're just**
 5 **looking at the decommissioning and demolition. And**
 6 **yes, we would -- we assume that's graded and seeded**
 7 **with the topsoil once we're at the end of the useful**
 8 **life.**
 9 Q. Would you take care of any compaction
 10 problems though?
 11 **A. If necessary. I mean I don't know that we**
 12 **have a discrete cost in here for that, but --**
 13 Q. Okay. All right, the other question I
 14 have, and you sort of alluded to this a while ago,
 15 these township roads, you're going to have to travel
 16 on them with your cranes, right?
 17 **A. The cranes will have to be delivered to**
 18 **the site.**
 19 Q. Right. Certain times of the year we have
 20 weight limits on these roads. Now, irregardless of
 21 whether we got weight limits when we're doing this
 22 or not, who's going to pay for the township roads to
 23 get tore up hauling the cranes in there?
 24 **MS. ANTONIOLLI:** You know, if it might

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1 help, I think we can discuss this internally and
 2 answer some of your questions when we talk about the
 3 road use agreement in the AIMA, but again these
 4 issues are outside of the scope of what Mr. Kopp was
 5 brought in to talk about.
 6 **MR. HANEY:** With all due respect, ma'am,
 7 that expense of bringing those cranes in there and
 8 tearing up those township roads is part of a
 9 decommissioning price. Somebody's got to pay for
 10 it. The township is not going to pay for that.
 11 Q. So are those figures -- those figures
 12 should be added to that figure is what I'm getting
 13 at, because I think I understood a while ago you
 14 didn't have that figure in there. It was strictly
 15 what was on site and the access road out to the
 16 township road that you're dealing with.
 17 **A. That's correct, we don't have any dealing**
 18 **with the public roads within our decommissioning**
 19 **cost estimate.**
 20 Q. But isn't it fair to say that that expense
 21 needs to be added to that figure?
 22 **A. I don't know.**
 23 **MS. ANTONIOLLI:** Would you agree we can
 24 discuss this during further testimony about the road

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1 use agreement?
 2 **MR. HANEY:** Yes, to a point, yes, but
 3 it -- I'm just saying the board needs to take that
 4 into consideration is what I'm getting at. That
 5 figure can't be a standalone figure is what I'm
 6 saying. Understand?
 7 **CHAIRMAN FINNIGAN:** That would be
 8 something you can come back and testify to when you
 9 do your testimony if you want to come up and talk
 10 about that.
 11 **MR. HANEY:** Okay, nothing further.
 12 **CHAIRMAN FINNIGAN:** Thank you. Any other
 13 questions? I have a question if you don't mind. We
 14 talked about the scrap price of steel and you've got
 15 a number in here for scrap steel, I mean all kinds
 16 of stuff. Would you say 20 years from now that the
 17 cost of living would be -- this is going to be worth
 18 more than this, this number? I know you didn't
 19 figure that, but your \$6,600,000 sometime down the
 20 road -- I mean scrap price goes up in value, has in
 21 the last 20 years. Would it be equal to that number
 22 when it does decommissioning?
 23 **A. I would say in general it will trend**
 24 **upwards as a commodity, right. I mean it should**

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1 **follow some pricing index and in general trend**
 2 **upwards over time.**
 3 **CHAIRMAN FINNIGAN:** That's a fair
 4 statement. I think that's what I was asking, yeah.
 5 Thank you.
 6 I think at this time, with all the
 7 questions that were asked, we're going to take a
 8 break, ten minutes.
 9 **MS. ANTONIOLLI:** Okay.
 10 **CHAIRMAN FINNIGAN:** Thank you.
 11 (Recess at 7:28 p.m. to 7:39 p.m.)
 12 **CHAIRMAN FINNIGAN:** We're ready for you.
 13 **MS. ANTONIOLLI:** We are prepared to rest
 14 our case in chief.
 15 **CHAIRMAN FINNIGAN:** I missed what you
 16 said.
 17 **MS. ANTONIOLLI:** We're prepared to rest at
 18 this time.
 19 **CHAIRMAN FINNIGAN:** Okay.
 20 **MS. ANTONIOLLI:** Yes.
 21 **MS. TURNER:** He thought you were calling
 22 him chief.
 23 **CHAIRMAN FINNIGAN:** Okay. So I think
 24 we're at the point, I'm going to have my counsel

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1 talk, because I think that she has a plan for the
 2 rest of the night.
 3 **MS. WALLEY:** Good evening, ladies and
 4 gentlemen. Since the applicant has rested their
 5 case, we are now going to open up the hearing for
 6 public comment. That means anyone that wishes to
 7 testify can and should. If you signed up on a
 8 previous evening, we will call everyone in that
 9 order. Everyone will be allotted ten minutes, and
 10 as you saw the timer for the break, that ten minutes
 11 will be put up there. At the end of ten minutes,
 12 your time will be up. If you want -- if you wish to
 13 be qualified as an expert, we can go through that.
 14 You'll be allotted 30 minutes if you are considered
 15 an expert. All witnesses, expert or not, will be
 16 subject to cross-examination. Again, no friendly
 17 cross-examination will be permitted. Any questions
 18 before we start calling names?
 19 **MS. WINTERLAND:** I have one question.
 20 **CHAIRMAN FINNIGAN:** Come forward.
 21 **MS. WINTERLAND:** Amy Winterland. Just a
 22 point of clarification. If we're not ready today,
 23 can we defer to tomorrow, or if we defer, is that
 24 we've blown our chance?

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1 **MS. WALLEY:** Well, I guess there's the
 2 potential for a couple issues. Like I said, we're
 3 going to go in the order that people signed up. We
 4 want to use the time that we have as efficiently as
 5 possible, but I know that there are several
 6 individuals that are represented by counsel. So
 7 there will be a question asked if you wish to have
 8 counsel speak for you or if you're going to speak on
 9 your own behalf. It is up to the chairman whether
 10 or not you'll be allowed to use that time at a later
 11 date, but what I can tell you is that we would like
 12 to move this along efficiently and effectively. So
 13 if we get to the end of -- if we get to the end of
 14 things and we're moving to rebuttal and that sort of
 15 thing, we don't want to delay it out days or weeks,
 16 so ultimately it's up to the chairman.

17 **MR. DICK:** These are the ones who signed
 18 up first. Mike Matejka.

19 **CHAIRMAN FINNIGAN:** Would you like to be
 20 sworn in?

21 **MR. MATEJKA:** Sure.
 22 (Mr. Michael Matejka was duly sworn.)

23 **MR. MATEJKA:** Michael Matejka,
 24 M-A-T-E-J-K-A, 800 North School Street in Normal.

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1 Thank you and again thank you for your patience
 2 through the process. Looking at the seven
 3 standards, I want to call attention to Standard 1,
 4 proposed special use will not be detrimental to or
 5 endanger the health, safety, morals, comfort or
 6 welfare of the public. I wanted to use that to say
 7 one of the great morals, comforts, health and
 8 welfare of the public is a good job, and that as you
 9 look at your standards, people being able to gain
 10 employment, people being able to build these
 11 projects, people -- the landowners being able to
 12 receive money from this, those are all good
 13 standards for people to be able to have a good
 14 livelihood and there's nothing more depressing than
 15 somebody to be unemployed.

16 And the opportunity to work this creates
 17 for local tradespeople, creates thousands of hours
 18 of work, puts money in people's pockets, helps pay
 19 mortgages, helps pay for car payments and truck
 20 payments, and takes care of their families and
 21 allows them to pay taxes to the local community. So
 22 on the basis of public welfare, a good job is a
 23 great standard for public welfare. Thank you.

24 **CHAIRMAN FINNIGAN:** Thank you. Anyone on

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1 the board have questions? Staff?
 2 **MR. DICK:** No.
 3 **CHAIRMAN FINNIGAN:** Would anyone in the
 4 audience want to ask questions of Mr. Matejka?
 5 You're safe.
 6 **MR. MATEJKA:** Thank you.
 7 **MR. DICK:** John Capasso? Angelo -- no,
 8 excuse me, Daryl Haney?
 9 **CHAIRMAN FINNIGAN:** Got to swear you in.
 10 **MR. HANEY:** Yes, sir.
 11 (Mr. Daryl Haney was duly sworn.)
 12 **CHAIRMAN FINNIGAN:** State your name and
 13 address and spell your last name. I think we've got
 14 it, but go ahead anyway.
 15 **MR. HANEY:** Daryl Haney, 31631 East 3100
 16 North Road, Chenoa. H-A-N-E-Y. I attended the
 17 McLean County board meeting the other morning and I
 18 was very disappointed in some things that was
 19 brought to my attention that day and everybody
 20 else's attention of course. Several board members
 21 were expressing themselves and I feel for them
 22 because I felt the same way. Section 803 that was
 23 just mentioned a little bit ago, the first three
 24 standards, they felt the same way I do, they were

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1 totally ignored on this project, and there was great
 2 discussion. If you haven't already heard all the
 3 back and forth that took place in that meeting, it
 4 almost got brought back to you because of those
 5 three main things.

6 A lot of it had to do with -- a parallel
 7 to that was the fact that Dr. Schomer's testimony
 8 got shot down drastically as an unbiased witness
 9 that's more than qualified in the subject of the
 10 infrasound and also the wishy-washy of the dB levels
 11 that the Illinois Pollution Board has got out there
 12 now that is not adequate for these large turbines
 13 and all the infrasound problems and everything. And
 14 it comes right back to these three here that they
 15 felt were being ignored. It's very straightforward
 16 language, it don't get any simpler than this, and a
 17 lot of these -- a lot of the wording in these three
 18 go right back to the nonparticipants that live out
 19 here underneath of these wind turbines and they have
 20 no say. They're more or less one of those
 21 grin-and-bear-it things.

22 And nowhere in the language of these three
 23 does it say anything that we have to put up with any
 24 type of noise, whether it's below 20 hertz or above

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1 20 hertz. Doesn't say anything about dealing with
 2 flicker or all the other various things that take
 3 place with chopped TV signals, internet signals, you
 4 name it. It's very specific that we do not endanger
 5 the health, safety, morals, comfort or welfare of
 6 the public, and also it gets into the injurious to
 7 the use and enjoyment of other property in the
 8 immediate vicinity for the purpose already
 9 permitted, and also substantially diminish the
 10 property values in the immediate area. And then of
 11 course it goes right on into the third one, will not
 12 impede the orderly development of the surrounding
 13 property for uses permitted in the district.
 14 And to back up to the number 2, when you
 15 talk about diminished property values, the fellow
 16 from Chicago that was here last night giving the
 17 testimony on property values, I'm sure he's very
 18 well capable of what he's doing, but he failed to
 19 show to all of us in his graphs any direct
 20 comparison between a parcel that has a turbine on it
 21 that actually sold versus a parcel without a
 22 turbine. Totally ignored that. It was -- I don't
 23 know if you saw that or not, but it was very clear
 24 that that was not -- I mean, yeah, he showed

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1 property within one mile of turbines, two miles, all
 2 this kind of thing, but nothing with a direct, you
 3 know, a direct parcel with a turbine sitting on it
 4 compared to one without. And if I was looking for
 5 farm ground, I would not want one, there's no way.
 6 It's just like back in the days when we
 7 had, when we had the big cross country ComEd lines
 8 come through both our township. We've got two of
 9 them running through there. Luckily they're on each
 10 side of me and I've got only a little air space on
 11 one corner of one of my farms, no big deal, but I
 12 have in farming with the neighbor farmed around
 13 these things, and of course they never sit square
 14 with your roads and they're just a real pain.
 15 You've got to be very careful you don't wrap a piece
 16 of equipment around one of them. You kind of get to
 17 driving through the field and next thing you know,
 18 whoa, there it is out to your right or your left and
 19 look out.
 20 And then going on to the infrasound, I
 21 thought when I cross-examined an individual the
 22 other night from -- that EDP had here from Canada
 23 that I might have made this clear, but I'm not sure,
 24 and a lot of people don't understand this. This

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1 Illinois Pollution Control Board only has
 2 regulations between 20 hertz and above. There is
 3 zero regulation on anything below 20 hertz. There's
 4 nobody out there, including the Pollution Control
 5 Board. So therefore, whatever dB levels are coming
 6 out of those turbines below 20 hertz, that's wide
 7 open territory. And everything I have read on the
 8 various problems that are around the country, and
 9 there's two of them close by, one of them is down in
 10 Macon County, there's some 500 footers down there,
 11 and there's some over in Vermilion County, those are
 12 the two closest ones, and there's all kinds of
 13 problems with these larger turbines putting out a
 14 higher level of infrasound.
 15 And the reason why -- and Mr. Keith Shank,
 16 I had a real nice conversation with him yesterday,
 17 yeah, yesterday on the phone, and he shared some
 18 things along these lines too. The reason there are
 19 higher levels of infrasound coming off these large
 20 turbines is because they turn at a slower RPM;
 21 therefore, they generate the low frequency sounds
 22 more than the smaller ones that are in the county
 23 right now. And you say, well, you don't hear any
 24 complaints about any in the county right now. We

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1 don't have any big 500 plus units in the county.
 2 But if you look at these other counties, right away
 3 as soon as they get some of them fired up, boom, you
 4 got problems.
 5 And with these two companies coming in
 6 here now, with Invenergy and EDP both, I'll
 7 guarantee you there's going to be infrasound
 8 problems, and it's going to be more than just one
 9 individual or one house. And there's no cure for
 10 it. You can't fix it other than shut the turbine
 11 down. You can't insulate from it, you can't put up
 12 a windbreak to stop it, it's there, and, you know,
 13 it goes on and on.
 14 From there I can touch on flicker. I pity
 15 some of the people that live south of me in the
 16 township where they've got four and five, six
 17 turbines in a row. You're going to have multiple
 18 patterns of flicker hitting these homes. It's not
 19 going to be flicker from one turbine, it's going to
 20 be multiple ones because of the different angles
 21 with the spacing and the height of the sun. It goes
 22 on and on.
 23 I've got a neighbor that's got horses.
 24 This Keith Shank was talking to me about that. He

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1 says horses go nuts with this flicker. And I've got
 2 a neighbor who likes to ride horses up and down
 3 through the township roads, and that's going to be a
 4 dangerous thing for him. He says if you've got any
 5 kind of livestock around your barns and you get this
 6 flicker, it drives them nuts as well. And of course
 7 we all know it's going to bother people whether in
 8 their house or out of their house, and I don't want
 9 to live with a bunch of shades on my windows. I
 10 want to be able to look out across the yard.
 11 Our setbacks are not adequate for these
 12 large turbines. Dr. Schomer made that very clear,
 13 that it needs to be at least 3300 feet. I've
 14 read -- I've got articles here where some of these
 15 counties in certain states have got upwards of a
 16 mile for setbacks because of these large turbines.
 17 And this 1500, 1600, throw these figures around, to
 18 the participant, if they want to live that close to
 19 one, fine, but I've got turbines that are in the
 20 neighborhood of a half mile from me and I'm
 21 concerned about those. And once they're up, it's
 22 too late. Who am I going to complain to and how is
 23 it going to get fixed? Am I going to be able to
 24 complain to you as a board? What are you going to

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1 do about it? Do I complain to the county board?
 2 What are they going to do about it? I don't foresee
 3 my complaints going anywhere.
 4 For example, back when we were listening
 5 to some of the Invenergy testimony, a fellow out in
 6 the Carlock area had the water bubbling up in his
 7 basement drains. Invenergy blew him off. Then they
 8 got sold. The next company blew him off. The guy
 9 today has still got a problem. Nobody's fixing it.
 10 Who's he going to complain to? I didn't hear
 11 anybody from the board say, hey, we're going to fix
 12 your problem, we're going to tell Invenergy to go
 13 fix it now before we pass it on. What's he going to
 14 do? I mean his property is what it is.
 15 So my time's up, thanks for listening,
 16 thank you.
 17 **CHAIRMAN FINNIGAN:** Hang on just a minute.
 18 Any questions from the board?
 19 **MR. DEAN:** Do you live on Route 24?
 20 **MR. HANEY:** Yes, I do.
 21 **MS. TURNER:** Could you tell us in general
 22 on the map up there where you live?
 23 **MR. HANEY:** 3160 is the road that goes,
 24 township road that goes straight south down to the

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1 layout area from Route 24 just west of Weston.
 2 **MS. TURNER:** Okay.
 3 **MR. HANEY:** I live right on the corner,
 4 that little dot right there, and they're going to
 5 tear the heck out of my yard --
 6 **MS. TURNER:** So --
 7 **MR. HANEY:** -- with that road.
 8 **MS. TURNER:** -- what towers are close to
 9 you?
 10 **MR. HANEY:** Okay, we got T101, T167, T171,
 11 T104 and T103. And if I go by what EDP told me,
 12 T103 is only -- less than 2900 feet from my house.
 13 It's too close.
 14 **MS. TURNER:** Okay, you brought up a couple
 15 of different issues. Have you talked to anyone who
 16 lives near these taller towers, you know? Have you
 17 tried to get in touch with anyone or --
 18 **MR. HANEY:** I have not taken time to drive
 19 into those two counties, although I've had many a
 20 conversation with Ted Hartke who was here and
 21 testified during the Invenergy, and he's not the
 22 only one in Vermilion County. There's three or four
 23 other houses down with the same problem. I have --
 24 I think I've got it here, maybe I don't, so doggone

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1 many papers.
 2 There's an article in regards to the ones
 3 down in Macon County. They didn't even get half the
 4 project fired up and all of a sudden they've got
 5 infrasound problems. It's very easy to find on the
 6 internet. I've learned a lot in the last month on
 7 this subject. And a lot of people don't understand
 8 what infrasound is. It's -- well, the nurse that
 9 was here during the Invenergy thing, she gave a very
 10 good explanation of that.
 11 **MS. TURNER:** Right, I understand what
 12 you're saying.
 13 **MR. HANEY:** Okay.
 14 **MS. TURNER:** I'm trying to verify your
 15 information, okay, because when you bring this stuff
 16 up in your testimony, I have to find a way of giving
 17 it credibility, okay?
 18 **MR. HANEY:** Well --
 19 **MS. TURNER:** And I know you've read about
 20 it and --
 21 **MR. HANEY:** To me, that is credible,
 22 because this isn't fake news, shall we say, on the
 23 internet that these people are putting out there.
 24 Ted Hartke is real. I mean, I'm sorry, ma'am, some

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1 people discredit him, but --

2 **MS. TURNER:** I understand.

3 **MR. HANEY:** -- he's not lying, trust me.

4 **MS. TURNER:** I in no way --

5 **MR. HANEY:** I could tell you, but I'm not

6 at liberty to tell you in regards to the infrasound,

7 but it was shocking.

8 **MS. TURNER:** So my question has been or

9 was have you talked to any of these people directly

10 or have you had --

11 **MR. HANEY:** No, I haven't.

12 **MS. TURNER:** -- any contact with them?

13 **MR. HANEY:** I have not talked to anybody

14 directly.

15 **MS. TURNER:** All right, thank you. And

16 you're most concerned about tower 103 because it's

17 2900 feet from your home; is that correct?

18 **MR. HANEY:** That is the one I'm concerned

19 about on noise primarily, but there again, I don't

20 know, because in the example that Ted Hartke gave,

21 the closest tower wasn't always his problem.

22 Sometimes it was the second or the third one out

23 from him that was creating the issues.

24 **MS. TURNER:** Okay.

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1 **MR. HANEY:** It's hard to say with the lay

2 of the land and these others to the east of me, I

3 don't know what's going to happen.

4 **MS. TURNER:** You also stated that they're

5 going to be tearing up your yard.

6 **MR. HANEY:** Because I live so close on

7 that corner. The state right-of-way, if you saw the

8 state right-of-way posts that are in the ground on

9 each side of that township road, there's one

10 straight across from each other on the road and then

11 they -- that line angles out to another post that's

12 there, a state marker, and then goes straight across

13 the highway.

14 **MS. TURNER:** Okay.

15 **MR. HANEY:** In 1957 they rebuilt Route 24,

16 I was a little kid, they took half my front yard. I

17 had two great big, full-grown maple trees out there

18 and guess what I got today in front of the house?

19 An eight foot deep ditch I can't hardly mow. And

20 part of that eight foot ditch comes around closer to

21 where they're going to probably widen that out to

22 make the turn.

23 **MS. TURNER:** Okay, so you're assuming that

24 they're going to have to do some road work close to

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1 your yard, that's why you're saying --

2 **MR. HANEY:** There's no way you're going to

3 get a 225 foot blade around the corner, even with

4 hydraulic steerable rear axles and whatever else

5 they bring down that road.

6 **MS. TURNER:** Okay, so that's one of

7 your --

8 **MR. HANEY:** So that line, that state line

9 between two marker posts goes right along kissing my

10 bushes in my yard, and when you get to that one post

11 in the yard, that post is -- I didn't measure it

12 yet, but it's probably somewhere between 25 and 30

13 feet back to the corner of my house.

14 **MS. TURNER:** Okay, thank you.

15 **MR. HANEY:** Yes, ma'am.

16 **CHAIRMAN FINNIGAN:** Questions from staff?

17 **MR. DICK:** No.

18 **CHAIRMAN FINNIGAN:** Would the applicant

19 have questions?

20 **MS. ANTONIOLLI:** No.

21 **CHAIRMAN FINNIGAN:** Mr. Armstrong, no?

22 Anyone else from the audience have questions of this

23 witness? You're safe, thanks.

24 **MR. DICK:** Anna Ziegler.

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1 **CHAIRMAN FINNIGAN:** Would you like to be

2 sworn in?

3 **MS. ZIEGLER:** Yes.

4 (Ms. Anna Ziegler was duly sworn.)

5 **CHAIRMAN FINNIGAN:** State your name and

6 address, spell your last name.

7 **MS. ZIEGLER:** It's Anna Ziegler,

8 Z-I-E-G-L-E-R. Address is 2242 Westgate Drive,

9 Bloomington, 61725.

10 **MR. DICK:** Is Anna with one N or two?

11 **MS. ZIEGLER:** Two Ns. So my colleague was

12 up here earlier asking questions, Mike Swartz, and

13 just to kind of build on what he was talking about,

14 I'd like to refer the board to Section 21 of the Ag

15 Impact Mitigation Agreement and point E: The county

16 may but is not required to reevaluate the estimated

17 costs of deconstruction of any commercial wind

18 energy facility after the tenth anniversary and any

19 five years thereafter. So just bringing that to

20 your attention that you have the right to reevaluate

21 those decommissioning costs at that time.

22 And also in this AIMA, the applicant has

23 given landowners the right to draw on the financial

24 assurance in the case that the county does not, so

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1 that is in point F under Section 21.
 2 **CHAIRMAN FINNIGAN:** Any questions?
 3 **MR. DEAN:** And that's a good thing, right?
 4 **MS. ZIEGLER:** Yes, we would say yes.
 5 **CHAIRMAN FINNIGAN:** Staff?
 6 **MR. DICK:** No.
 7 **CHAIRMAN FINNIGAN:** Applicant?
 8 **MS. ANTONIOLLI:** No.
 9 **CHAIRMAN FINNIGAN:** Anyone in the audience
 10 have questions? Got one.
 11 **MS. WINTERLAND:** Amy Winterland. So I
 12 just have a point of clarification, I don't know if
 13 this is for you, Anna, or not, but if the zoning
 14 board puts a stipulation in that says that they will
 15 only require financial assurance at the twelfth year
 16 after construction, which -- which provision will
 17 prevail? Will it be the AIMA that prevails
 18 requiring financial assurance at 10 percent of the
 19 first year, six -- 50 percent at the sixth year and
 20 a hundred percent at the eleventh year or will the
 21 stipulation prevail? Do you know the answer to
 22 that?
 23 **MS. ZIEGLER:** I don't know that I'm the
 24 appropriate person to respond to that question.

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1 They are two separate agreements, one is with the
 2 Department of Ag and the other is enforced by the
 3 county, so I don't know if the county wants to speak
 4 to that.
 5 **MS. WALLEY:** If you want -- since she's
 6 cross-examining you, if you want to answer the
 7 question to the best of your ability. I'm not
 8 subject to cross-examination, I'm not subject to
 9 cross-examination unfortunately, so --
 10 **MS. ZIEGLER:** Okay. So like I said, there
 11 are two separate agreements, one is with the
 12 Department of Ag, one is with the county. In both
 13 cases, the county is the one that holds the
 14 financial assurance, and the AIMA states that it is
 15 the minimum standard and the county can impose
 16 additional standards, but it's supposed to be the
 17 minimum.
 18 **MS. WINTERLAND:** So the county can't waive
 19 their rights or waive their min -- can't waive that
 20 minimum?
 21 **MS. ZIEGLER:** I'm not an expert on the
 22 enforceability, but I'm just telling you what it
 23 states in the agreement.
 24 **MS. WINTERLAND:** Can you guys answer that

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1 question?
 2 **CHAIRMAN FINNIGAN:** (Shakes head).
 3 **MS. WINTERLAND:** Okay, thanks.
 4 **CHAIRMAN FINNIGAN:** Any other questions?
 5 Wait, guess we got a late caller.
 6 **MR. JOLLY:** Just one. Tim Jolly.
 7 **QUESTIONS BY**
 8 **MR. JOLLY:**
 9 Q. In the impact mitigation agreement, there
 10 was talk of grinding the concrete pad down to five
 11 feet, correct?
 12 **A. That is the depth mentioned in the**
 13 **agreement, yes.**
 14 Q. Okay, and that is part of the actual
 15 agreement that you're talking about. That is what
 16 -- state standard, is that what that would be
 17 considered?
 18 **A. Correct.**
 19 Q. Okay.
 20 **A. It's an agreement negotiated between the**
 21 **applicant and the Illinois Department of Ag, and as**
 22 **I said, it's meant to be the minimum standard for**
 23 **landowners.**
 24 Q. So you're saying that that is subject to

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1 negotiation with the applicant?
 2 **A. Correct, but it has already been**
 3 **negotiated. They've submitted a signed agreement.**
 4 Q. Prior to that agreement, did they want to
 5 go at the full five feet?
 6 **A. I can't speak to that.**
 7 Q. You don't know?
 8 **A. I was not party to those negotiations.**
 9 Q. So in the application, it does state five
 10 feet?
 11 **A. In the AIMA it states, the Ag Impact**
 12 **Mitigation Agreement.**
 13 Q. I mean in their application, are you
 14 familiar with what they have in their application?
 15 **A. I believe that they -- they may have**
 16 **mentioned different depths at different points, and**
 17 **that's part of why we asked questions, to make sure**
 18 **that they do plan to go to that five foot depth.**
 19 Q. To your knowledge, have they agreed to go
 20 to the full five feet as of today?
 21 **A. I don't think I can speak on behalf of the**
 22 **applicant.**
 23 Q. Well, I mean you're involved with the
 24 negotiations with them for them to agree, correct?

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1 **A. No. So this agreement was negotiated**
2 **between Illinois Department of Agriculture and the**
3 **applicant. We saw it when it was submitted to the**
4 **county as a final signed document. So I'm just**
5 **bringing to the board's attention some points that**
6 **we feel are important in the final signed document.**
7 Q. Okay.
8 **A. But we as a farm bureau did not -- we were**
9 **not involved in this company's negotiations with the**
10 **Department of Ag.**
11 Q. Okay, so you don't know what they have in
12 their application then?
13 **A. Their --**
14 Q. Or if they're complying with AIMA?
15 **A. So their zoning application is public**
16 **record, so they have it --**
17 Q. Okay.
18 **A. -- and you can look at it on --**
19 Q. So you wouldn't have control over it, I
20 understand. I was just wondering if you had that
21 information.
22 **MR. JOLLY:** Thank you.
23 **CHAIRMAN FINNIGAN:** Any other questions?
24 No.

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1 **MR. DICK:** Angelo Capparella?
2 **CHAIRMAN FINNIGAN:** Like to be sworn in?
3 **MR. CAPPARELLA:** Affirm.
4 **CHAIRMAN FINNIGAN:** Affirm, okay, I
5 forgot.
6 (Mr. Angelo Capparella was duly affirmed.)
7 **CHAIRMAN FINNIGAN:** State your name and
8 address.
9 **MR. CAPPARELLA:** Yes.
10 **CHAIRMAN FINNIGAN:** Better spell it.
11 **MR. CAPPARELLA:** Yes. Angelo,
12 A-N-G-E-L-O, Capparella, C-A-P-P-A-R-E-L-L-A, 907
13 South Fell, F-E-L-L, Avenue in Normal, 61761. And I
14 have a copy of my testimony that I wanted to
15 distribute if I may.
16 **CHAIRMAN FINNIGAN:** We can do that. Your
17 sound is just perfect there where you are.
18 **MR. CAPPARELLA:** I will try to stay at
19 this. Okay, so I am the volunteer conservation
20 chair for the local Audubon Society and my paying
21 job is a vertebrate zoologist at Illinois State
22 University. On my document, I first give you the
23 summary of my recommendations for consideration by
24 the board.

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1 First is the follow-up plan as provided by
2 EDPR to address all the six recommendations of the
3 IDNR with one caveat regarding recommendation six
4 which is the Henline Creek, and for recommendation
5 six I'm recommending that the board stipulate that
6 EDPR apply the highest standards to avoid in-stream
7 impacts resulting from construction and related
8 activities on this INAI segment.
9 So just to briefly go through my document,
10 I'll just be confining my address to the wildlife
11 requirements in the McLean County code. It states
12 that there's required implementation of DNR's
13 recommendations unless credible evidence is
14 presented against the recommendation. My feeling is
15 that this project differs from previous wind farm
16 projects in two ways. The actual location is such
17 that the impact on McLean County habitat and
18 wildlife is considerably less, and where they are
19 proposing a modification of IDNR recommendations,
20 they are using credible evidence.
21 So basically of the six recommendations
22 from DNR, EDPR is stating that they will follow in
23 their entirety recommendations one and four, but
24 they have proposed modifications to two, three, five

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1 and six, and it's on those four that I will continue
2 commenting.
3 For recommendation number two, curtail
4 turbine operations to conserve bats, and I'm
5 simplifying and paraphrasing all these. As I
6 mentioned before, they're proposing to do a rigorous
7 post construction study to actually determine what
8 the impact is on bats, and they have basically
9 provided several trigger points from which they
10 would take appropriate action should they, for
11 example, find out that they're accidentally killing
12 threatened and endangered species or if they're
13 going over the expected amount of nonlisted bat
14 species, et cetera.
15 And so I think that that makes sense to me
16 to actually know what a specific wind farm at a
17 specific location is doing. We know that site
18 specificity is really important in wind farms, which
19 is why you see ranges of values, credible ranges of
20 values in wind farms across the country really as
21 well as the midwest. So to me that makes sense that
22 they will really study this in depth with their plan
23 and that they will take appropriate action to make
24 sure that they're within reasonable limits of impact

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1 on bats.
 2 Number three, conduct three years of
 3 mortality monitoring for birds and bats. Again, as
 4 I mentioned the other night, they're proposing an
 5 adaptive management response to do the first two
 6 years of studies to just see what's going on with
 7 this particular wind farm. I have looked at that
 8 monitoring study plan and it looks like a rigorous
 9 one to me. And again, potential outcomes of this
 10 study include mitigation, operational changes,
 11 things like that, to reduce mortality, and it also
 12 includes going into a third year should they find
 13 statistically significant variation between years.
 14 And so I felt like that made sense to me in terms of
 15 again site specific studies are really important I
 16 believe in really deciding what is going on. Maybe
 17 it will be below the average, at the average or
 18 above, but they've committed to determining that and
 19 then taking appropriate action and doing so in
 20 direct consultation with the agencies that are
 21 responsible.
 22 Recommendation number five, avoid siting
 23 turbines within 500 feet of a perennial stream.
 24 There are two turbines that they're proposing to

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1 keep within 500 feet and those are with two streams
 2 that are not -- that are not part of the INAI, the
 3 Illinois Natural Areas Inventory. They're proposing
 4 to actually do a scientific study with those two
 5 turbines to see if there really are any kinds of
 6 impacts on the -- on streams, on the aquatic
 7 organisms in streams, because to be honest there's a
 8 lot of missing data on this, there's really a dearth
 9 of data, and I've been trying to find stuff on it.
 10 It just really hasn't been studied.
 11 As a scientist, it appeals to me to try to
 12 learn from what we can if there is -- are actually
 13 impacts on aquatic organisms through some of the
 14 mechanisms that have been proposed but not really
 15 studied. And these two subject streams would be
 16 excellent subjects because they are not under INAI
 17 designation, neither of them have riparian, that is,
 18 stream site vegetation, and also I think the data
 19 gotten would be worth any potential impairment to
 20 these two sites because I suspect the impairment
 21 would be very minimal in terms of area of the stream
 22 because we're just looking at two turbines. So I'm
 23 comfortable with that particular recommendation
 24 modification.

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1 And then finally, recommendation number
 2 six, avoid siting turbines within a half mile of
 3 Henline Creek. EDPR is proposing a modification to
 4 reduce that to a minimum of 500 feet which is the
 5 same for a typical perennial stream. Of course,
 6 Henline is different in that it's not only a
 7 perennial stream, but it's also on the Illinois
 8 Natural Areas Inventory. And so they're proposing
 9 this modification, and I would say that in terms of
 10 adopting this modification, I would urge the board
 11 to stipulate that EDPR commit to the highest
 12 standards of protection to avoid any in-stream
 13 impacts that will result from construction-related
 14 activities on this segment, and that would include
 15 having things such as a storm water pollution
 16 prevention plan, which I know they committed to the
 17 other night, but also with additional measures to
 18 ensure that there are a lot of protective provisions
 19 that are continuously intact.
 20 I've seen these so-called SWPPP plans
 21 implemented in other contexts that often are falling
 22 apart after a heavy rainstorm, so it's important to
 23 have weekly inspections, inspections after heavy
 24 rainstorms, et cetera, but what I'm really asking

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1 the board to do is say that you acknowledge this is
 2 a really significant stream for us and that you want
 3 EDPR to acknowledge that too and say they're going
 4 to do the highest possible standards if they -- if
 5 you provide them with that modification.
 6 So I'll conclude with that, thank you.
 7 **MS. WALLEY:** Mr. Capparella, how do you
 8 want your exhibit identified: opponent, proponent,
 9 neutral?
 10 **MR. CAPPARELLA:** Neutral, neutral.
 11 **MR. DICK:** We'll call that Neutral Exhibit
 12 1.
 13 **CHAIRMAN FINNIGAN:** Any questions from the
 14 board?
 15 **MR. DEAN:** Can we refer to the map again
 16 and point out where the Henline Creek is and the
 17 wind tower number 6?
 18 **MS. TURNER:** [Indicating].
 19 **MR. DEAN:** Okay, do you know?
 20 **MR. CAPPARELLA:** Right, I can't tell from
 21 your map. I mean I've been all along Henline. It's
 22 basically from the confluence of the Mackinaw, goes
 23 north for a bit and then turns over, it goes by what
 24 they call, sometimes call the Henline tip, and then

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1 heads over to Ford County, and that's the terminus
 2 of the actual INAI designation. I can't really tell
 3 what I can see here -- I can't really see it at all,
 4 but I've been along it. Is it labeled on this map?
 5 I just --
 6 **MR. DICK:** It is not.
 7 **MR. CAPPARELLA:** It is not. Oh, well,
 8 that's why I can't see it, thank you then.
 9 **MR. DEAN:** Okay, thank you.
 10 **MR. DICK:** Mr. Dean, do you have a copy of
 11 this that shows it? There is an exhibit in the
 12 book.
 13 **MS. TURNER:** Yeah, I gave him one.
 14 **MR. CAPPARELLA:** But it's essentially the
 15 entire segment that's within McLean County. Well,
 16 it is the entire segment within McLean County that's
 17 on the designation. So it's the entire -- so every
 18 part of Henline that goes through their project
 19 footprint is on the INAI.
 20 **MS. TURNER:** Earlier we heard testament or
 21 testimony from one of their experts saying that the
 22 section of Henline Creek that this is near is a
 23 smaller section. Can you comment on that? You
 24 haven't seen it exactly where it is, so you wouldn't

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1 know?
 2 **MR. CAPPARELLA:** Well, no, I've been on
 3 the entire creek because it's very well-known to
 4 those of us in the Audubon Society, and there's some
 5 good birding areas and stuff out there. I haven't
 6 actually sampled within the creek myself, other than
 7 the confluence where I have done actually extensive
 8 sampling of some of the Parkland reserves as part of
 9 another study I've been doing. Yeah, of course, as
 10 you go upstream, it attenuates as you'd expect, and
 11 you also lose the riparian vegetation and you lose
 12 the meandering features and --
 13 **MS. TURNER:** And that's what they had
 14 said, it had been -- essentially it was straighter
 15 and --
 16 **MR. CAPPARELLA:** Right, but the one thing,
 17 as I emphasized with Invenergy, is don't
 18 underestimate the aquatic biodiversity. Now we've
 19 lost the terrestrial biodiversity by losing the
 20 forest around it or the prairie, forest or prairie,
 21 whatever it was originally, but we haven't lost the
 22 aquatic, and that was one thing that I objected to
 23 with Invenergy's testimony that claimed that once it
 24 straightened it's dead, and that's far from the

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1 case, which is why it is on the Illinois Natural
 2 Areas Inventory.
 3 So I'm trying to think from the standpoint
 4 of the aquatic organisms what would the impacts be
 5 on them, and I think that for any turbines that are,
 6 you know, up to 500 feet, that you really want to be
 7 extra careful with any construction and anything
 8 else that could affect the in-stream habitat as
 9 opposed to the riparian or, if you want, the
 10 terrestrial-like habitat.
 11 **MS. TURNER:** Just to clarify, what you're
 12 saying is the minimum of 500 feet would be okay with
 13 you if they agreed to the highest standard of making
 14 sure that they don't pollute the creek with their
 15 construction.
 16 **MR. CAPPARELLA:** That's right.
 17 **MS. TURNER:** Okay.
 18 **CHAIRMAN FINNIGAN:** Your recommendation
 19 number five, trying to get that through my mind, is
 20 you're saying that you're not really against closer
 21 than 500 feet?
 22 **MR. CAPPARELLA:** For these two turbines,
 23 if they're part of the scientific study and it's
 24 rigorously designed in cooperation with DNR. In

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1 other words, I'm seeing it as an opportunity to get
 2 at a question that's come up before which is what is
 3 the evidence of any of the potential impacts of
 4 turbines, whether it's vibration, flicker, whatever.
 5 Those kind of things are still kind of theoretical,
 6 we don't know, and so one of the aspects that came
 7 up the other night is that EDPR is also involved in
 8 scientific studies just to try to figure out what
 9 are or are not impacts of wind turbines.
 10 And I think that in terms of these two
 11 particular streams, that they would be good study
 12 subjects. I would not agree to this if they weren't
 13 doing the scientific study. In fact, we had a lot
 14 of robust discussions behind the scenes as to, you
 15 know, at what point would I agree, and I came around
 16 to thinking that, well, a scientific study would
 17 really address some real -- a real deficit of
 18 knowledge. And because these two streams are not
 19 INAI, I felt like it was worth the potential, there
 20 may not be, but the potential for any impairment.
 21 So that was my thinking more as a scientist in that
 22 case.
 23 **CHAIRMAN FINNIGAN:** That's kind of what I
 24 thought when I was reading that, but it just didn't

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1 seem like you.
 2 **MR. CAPPARELLA:** No, no, I'm a reasonable
 3 guy when it comes to these kinds of negotiations.
 4 **CHAIRMAN FINNIGAN:** Well, I mean --
 5 **MR. CAPPARELLA:** No, I understand.
 6 **CHAIRMAN FINNIGAN:** -- you're here for
 7 protection. I'm just saying it just seemed like
 8 that was out of character. Drake's not here, so I
 9 don't know if --
 10 **MR. CAPPARELLA:** Yeah, yeah, not really.
 11 And again, I mean I thought about it very carefully,
 12 you know, the idea being there are two involved,
 13 they're going to do a rigorous study, we know we
 14 need these studies, they haven't been done, here's
 15 an opportunity. If they did have negative impacts,
 16 it's not on a part of Rooks Creek that would really
 17 carry forth to other parts of the creek which are in
 18 the INAI, so to me it seemed like a good compromise
 19 place to do a study. I would be totally against it
 20 if it was in the INAI section of either Rooks or
 21 Henline in terms of settings within 500 -- less than
 22 500 feet. So that was kind of how I came down on
 23 it.
 24 **CHAIRMAN FINNIGAN:** Thank you.

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1 **MS. TURNER:** Did you have any discussion
 2 with them about getting the appropriate people from
 3 ISU involved in the study?
 4 **MR. CAPPARELLA:** No, I did not, and I
 5 would not be involved myself.
 6 **MS. TURNER:** I knew you wouldn't be.
 7 That's not your --
 8 **MR. CAPPARELLA:** Yeah, no, no.
 9 **MS. TURNER:** You said a colleague.
 10 **MR. CAPPARELLA:** No, actually who I did
 11 recommend is that they involve some of the IDNR
 12 people that I know. I know a good fisheries person
 13 who knows this area well. I've worked out of the
 14 Gibson City office and I know a good mussel person
 15 who works out of the Gibson City office as well.
 16 And I mean to me to do a proper scientific study
 17 would be in coordination with the DNR, with the
 18 biologists there, because they really know our local
 19 scene and they would be able to -- potentially would
 20 provide some other kinds of data sets that would
 21 help them, but I mean the DNR really needs this
 22 information to know if their recommendations are the
 23 most solid possible as well as the broader community
 24 concern about the health of our environment.

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1 **MR. BANGERT:** If those turbines were to be
 2 put that close to Henline Creek, is there a baseline
 3 research established that you could differentiate
 4 between before and after?
 5 **MR. CAPPARELLA:** Well, it's not to
 6 Henline, it's to an unnamed tributary of Rooks Creek
 7 and a portion of Rooks Creek that's further upstream
 8 from the INAI segment, so I would not approve of
 9 getting closer than 500 feet for Henline. But in
 10 terms of your question, I didn't quite understand
 11 the second part of what you were asking?
 12 **MR. BANGERT:** Well, so if it was to be put
 13 that close to the creek, is there research already
 14 in place on those creeks prior to any turbines?
 15 **MR. CAPPARELLA:** They would need to do
 16 that. They would need to obviously have a before
 17 construction. In other words, they haven't put
 18 together a study design yet, but my -- I would
 19 envision that they would need obviously a
 20 preconstruction sampling of those two sites and then
 21 they would do year one and potentially year five as
 22 they've mentioned as sort of an outline of what they
 23 would do. As they say in here, before and after,
 24 and so there would be what we call a longitudinal

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1 study, because otherwise how would you know, that's
 2 exactly right.
 3 **MR. BANGERT:** So how long would the before
 4 have to be in place?
 5 **MR. CAPPARELLA:** That's a good question
 6 and that's why I encourage them to consult with the
 7 DNR biologists who work with aquatic organisms. I
 8 mean our biggest concerns are fish and mussels, and
 9 there's some really good solid people who know those
 10 systems well locally. And so my recommendation to
 11 them was as you go about establishing this study,
 12 reach out to them and get their input so that it is
 13 designed in the best way because that is important
 14 to have a good study design.
 15 **MR. BANGERT:** Okay, thank you.
 16 **CHAIRMAN FINNIGAN:** Questions from staff?
 17 **MR. DICK:** Yes. Mr. Capparella, Dr.
 18 Capparella, you are in fact indicating that this --
 19 they've submitted credible evidence against the
 20 recommendations of Mr. Shank; is that correct?
 21 **MR. CAPPARELLA:** I guess I would call it a
 22 modification. It wasn't -- to me, if they had just
 23 outright rejected it at every level, I would call
 24 that I guess, but yeah, they're proposing to modify

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1 four of the recommendations that Mr. Shank made,
 2 right.
 3 **MR. DICK:** And you think that is credible
 4 for scientific learning of what can happen with
 5 turbines in these natural areas.
 6 **MR. CAPPARELLA:** In some cases it's
 7 credible because they're actually doing a study. In
 8 other cases it's credible because they're actually
 9 doing some rigorous site specific assessments as to
 10 what's going on, with the promise to then mitigate
 11 as needed to bring them into what the agency would
 12 want to see allowed. So it depends on which
 13 recommendation modification you look at as to how
 14 you would sort of phrase that.
 15 **MR. DICK:** Would it be -- would you
 16 recommend that it be required to be done in
 17 consultation with IDNR?
 18 **MR. CAPPARELLA:** Oh, absolutely. And my
 19 understanding is they have had dialogue with Mr.
 20 Shank in the past and I assume they'll continue in
 21 the future. They would really have to. They have
 22 promised to do so, but certainly if you all want to
 23 stipulate that they do so, I would be very
 24 supportive of that.

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1 **MR. DICK:** Thank you.
 2 **CHAIRMAN FINNIGAN:** Would the applicant
 3 have questions?
 4 **MS. ANTONIOLLI:** I do not.
 5 **CHAIRMAN FINNIGAN:** Mr. Armstrong? Anyone
 6 in the audience have questions? We've got two.
 7 **MR. HANEY:** Go ahead.
 8 **MS. WINTERLAND:** Amy Winterland.
 9 **QUESTIONS BY**
 10 **MS. WINTERLAND:**
 11 Q. Hey, Angelo.
 12 A. Hello.
 13 Q. So I have a question about the
 14 recommendation number five and our -- and the two
 15 turbines that are going to be within the 500 feet.
 16 So I am not opposed to, you know, learning more and
 17 getting more scientific study. If that scientific
 18 study results in a very negative impact to the
 19 environment, have they agreed to turn off those
 20 turbines?
 21 A. No, and I wouldn't expect them to. That's
 22 why I say that the data obtained would be worth any
 23 possible impairment. So that impairment is a risk
 24 of doing a scientific study of this type. And my

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1 **assessment is that it would be a minimal loss, if**
 2 **you would, to the entire Rooks Creek watershed. Not**
 3 **that I'm always happy with that, but I think that**
 4 **the knowledge we would gain would outweigh the loss**
 5 **at those particular sites within the Rooks Creek**
 6 **watershed and would enable us to better protect that**
 7 **and future watersheds in the future should there be**
 8 **proposals for future turbines.**
 9 Q. And as far as the Henline Creek
 10 recommendation goes, so I seem to recall evidence
 11 once upon a time where you said credible evidence is
 12 data, that we need -- as a scientist, we need data
 13 that supports these decisions. It's not just, you
 14 know, because they're a lot nicer to work with and,
 15 you know, they've got a lot of friendly front men,
 16 but we need credible evidence, i.e., data, so a
 17 report or something of that nature that we could
 18 rely upon as far as the 500 feet off Henline not
 19 causing issues.
 20 A. Right, certainly data is always desirable.
 21 In the lack of data, then you have to try to make
 22 inferences based on theory and basic principles of
 23 ecology and zoology, and some of the argument over
 24 where should the limit be is sort of in the

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1 **framework of we really don't know for sure, so we're**
 2 **trying to make inferences based on what we think**
 3 **would be likely impacts or possible impacts on some**
 4 **of these more treasured resources. And that's why I**
 5 **wouldn't want to go any closer than 500 feet which**
 6 **is what was -- and that particularly, I really did**
 7 **emphasize this, that I would like the board to**
 8 **stipulate that EDPR acknowledge, recognize that this**
 9 **Henline Creek is not a typical perennial stream but**
 10 **is an INAI site and deserving of the most robust**
 11 **protections possible during construction and**
 12 **following, you know, the best possible management**
 13 **practices over and beyond what might be just**
 14 **normally done for a stream of lower quality.**
 15 Q. And you're familiar with Keith Shank's
 16 report, right, the IDNR report?
 17 A. Oh, yes, definitely.
 18 Q. And you're familiar with this that says
 19 that he requests a one-half mile setback from
 20 Henline to minimize the adverse effects from noise,
 21 vibration and flicker to fish and wildlife present
 22 in that habitat, right?
 23 A. Yes, he did state that.
 24 Q. So again, if they put these closer than a

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1 half a mile and it creates negative impacts, are
 2 they going to shut down those turbines?
 3 **A. I don't know what their plan would be at**
 4 **that point. The idea would be to consult with DNR**
 5 **or Fish and Wildlife if it involves species under**
 6 **their jurisdiction to determine if there are ways to**
 7 **mitigate, to manage the problem, to do whatever.**
 8 Q. But you're willing to take that risk in
 9 putting them closer than a half a mile and
 10 potentially impacting the fish and wildlife presence
 11 in that habitat?
 12 **A. I'm comfortable enough with this. I will**
 13 **admit that part of this stems from the previous**
 14 **agreement or the previous decision by the board with**
 15 **Invenergy to go with 500 feet instead of a half**
 16 **mile. I did push to enforce the half mile at the**
 17 **Invenergy hearing, but I lost. Part of that was**
 18 **because the original recommendation was subject to**
 19 **dual interpretations. My interpretation was that he**
 20 **really meant a half mile from Henline and not just**
 21 **the Mackinaw. The alternative interpretation of the**
 22 **language was that, no, he just meant a half mile**
 23 **from the Mackinaw and 500 feet from the Henline.**
 24 **And as I say, having lost that particular**

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1 argument at the time, I assume we are now under the
 2 new framework of how to evaluate this
 3 recommendation, and for the standpoint of
 4 consistency and assuming that the board will be
 5 consistent with the 500 feet in this case as well,
 6 that let's go over and above the measures that will
 7 protect the stream, so that's kind of where I ended
 8 up with this. So yeah, I would say it's kind of a
 9 compromise position on my part based on what trans
 10 -- on what happened after the results of the
 11 previous wind farm hearing.
 12 Q. So are you not aware that in the Invenergy
 13 case they did go with the half a mile setback to
 14 Henline all the way?
 15 **A. I was informed that that was not the case,**
 16 **so I was informed that 500 feet was applied to the**
 17 **Henline outside of the confluence area.**
 18 Q. So let me clarify.
 19 **A. So -- and if you know otherwise in the**
 20 **record, that would be -- that would be news to me.**
 21 Q. So would your recommendation be different
 22 if you thought that the prior wind farm was being
 23 required to stay back a half a mile from the entire
 24 Henline Creek? Would your recommendation be

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1 different or consistent?
 2 **A. Well, my recommendation would be for**
 3 **consistency because we are talking about the same**
 4 **stretch of the creek after you leave the confluence**
 5 **area, so it's equivalent biologically speaking once**
 6 **you leave that confluence area, the forested part,**
 7 **the lower Henline, kind of that mile or so that is**
 8 **forested going down to the confluence area. So I**
 9 **guess what I would argue for is consistency between**
 10 **the two, and as far as my understanding was that 500**
 11 **feet was being applied to Invenergy, then I just**
 12 **assumed that the same standard would be used in this**
 13 **case, and therefore I wanted to see some extra**
 14 **precautions taken to protect the stream.**
 15 Q. But if -- in a perfect world, if you had
 16 your druthers, would you rather have a half a mile
 17 setback or a 500 foot setback?
 18 **A. Yeah, that's a really interesting question**
 19 **because my understanding is that the half mile**
 20 **setback is a generic setback for all INAs, all**
 21 **Illinois Natural Area Inventories, and in the world**
 22 **of biology, one size fits all rarely works. One**
 23 **often needs to work with the system as it is in the**
 24 **sense that sometimes a setback should be more,**

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1 sometimes it can be less.
 2 **In reading Mr. Shank's original document**
 3 **for Invenergy and the subsequent one for this, I**
 4 **could see an argument being made to have a variable**
 5 **setback in the sense that when you're in the lower**
 6 **part of the Henline you have a lot of forest along**
 7 **that part that is also contributing to the aquatic**
 8 **biodiversity, but as you move upstream, you lose**
 9 **that forest and what you're left with is the aquatic**
 10 **in-stream habitat alone.**
 11 **Again, knowing the organisms involved that**
 12 **are considered sensitive species, both terrestrial**
 13 **and aquatic, having worked this system for many**
 14 **years myself, not specifically in the upper Henline**
 15 **but in the lower Henline and up and down the**
 16 **Mackinaw in McLean County, I could see an argument**
 17 **being made that could be made that was justifiable**
 18 **to vary the setback distance based on the nature of**
 19 **the terrestrial vegetation surrounding the stream**
 20 **itself.**
 21 **And so I could see an argument, a credible**
 22 **argument being made that one would want to have a**
 23 **greater setback from the forested portions of**
 24 **Henline Creek to protect that habitat plus the**

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1 in-stream habitat, but where you have agricultural
 2 land essentially coming up to the creek, that a
 3 lesser distance would be sufficient as long as you
 4 made sure you were not contributing any runoff or
 5 other kinds of impacts, which is where the storm
 6 water plans come in.

7 The remaining open question, of course, is
 8 the theoretical one regarding things such as
 9 vibration, flicker, et cetera. We just don't have
 10 data on that. I can't tell you if 500 will be
 11 enough. I don't think Mr. Shank could say one way
 12 or the other on that. And that's where I think
 13 we're sort of shooting for what seems to be a number
 14 we're comfortable with. Whether the organisms are
 15 comfortable with it, I don't know.

16 Q. So I would have thought that vibration and
 17 flicker might be even more of a problem without the
 18 woods.

19 A. Well, they're already subject to vibration
 20 from road noise and heavy equipment use for other
 21 purposes. It could be that they've adapted to that
 22 level. I actually do not know if any studies have
 23 been done to look at how turbine vibrations
 24 propagate through soils of different types into the

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1 water. I don't know if there's been
 2 hydro-acoustical studies or things like that done.
 3 I'm not an expert in this area. I have to trust
 4 IDNR in terms of discussions they have internally
 5 with their experts as to what number are they
 6 comfortable with, but I also recognize that a lot of
 7 times in these numbers, there -- especially this
 8 particular number that's applied generically across
 9 the state to all INAIs.

10 I know, for example, when we were dealing
 11 with the Invenegy White Oaks project, Audubon
 12 pushed very hard to actually have a full mile
 13 setback from the Mackinaw which is very wide where
 14 that project is, and a half a mile from Evergreen
 15 Lake which eventually they did agree to do. So
 16 there were these site specific situations, and in
 17 that particular case, I requested they call their
 18 environmental consultant back in because we had data
 19 regarding Evergreen Lake that they did not have
 20 and -- because they were not going to do that. And
 21 so there really is a lot of site specificity that
 22 will ultimately have to be applied to every wind
 23 farm project and we just don't know for sure.

24 So I know that's not a -- this kind of

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1 science is kind of nebulous and sloppy in some ways,
 2 and so I try to balance things in my own mind as to
 3 what would I be willing to accept knowing that I
 4 can't, you know, have a perfect outcome that would
 5 be maximally protective. I'd like to see the whole
 6 thing a national park, but I don't think that's
 7 going to happen, and so that's sort of how I come at
 8 it.

9 But yeah, I agonized over this, we had a
 10 lot of robust discussions as to what would be an
 11 acceptable conclusion in terms of deviating from
 12 these recommendations, and so for me, for whatever
 13 it's worth, this is what I concluded.

14 MS. WINTERLAND: Thank you.

15 MR. CAPPARELLA: Sure.

16 MR. HANEY: Daryl Haney, 31631 East 3100
 17 North Road, Chenoa.

18 QUESTIONS BY
 19 MR. HANEY:

20 Q. I had a very good talk with Mr. Shank the
 21 other day on the phone.

22 A. Uh-huh.

23 Q. Very nice individual.

24 A. He is.

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1 Q. Didn't have to do a lot of talking, he did
 2 most of the talking, but I sure did learn a lot from
 3 him.

4 A. Uh-huh.

5 Q. And, in fact, he shed some light on some
 6 various subject matter, because I told him I think
 7 outside the box a lot of times, and he agreed on
 8 some things that I brought up in discussion of sound
 9 and how it travels through and could affect life in
 10 the water. I'm one of the commissioners for Yates
 11 drainage district which is Rooks Creek.

12 A. Right, uh-huh.

13 Q. And we're going to double-check some
 14 measurements possibly tomorrow, but I think there's
 15 two turbines that are too close to that creek.

16 A. Within 500 feet, that's right.

17 Q. They're less than 500.

18 A. Right, less than 500 feet. Yeah, those
 19 are the two that they're proposing. I'll give you a
 20 copy of this.

21 Q. T101 --

22 A. Yeah.

23 Q. -- and T167.

24 A. Yeah, yeah, and if you look at

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1 recommendation number five, sorry, on the back
 2 sheet, yeah, those are the two turbines that are
 3 less than 500 feet of a perennial stream and those
 4 are the two that they're proposing to retain under
 5 the condition of doing --
 6 Q. Well, you're --
 7 A. Well, I agreed that I could support that
 8 under the condition that they did it as a scientific
 9 study.
 10 Q. T15 is not Rooks Creek. T15 is Brooks
 11 Creek. T101 and T167 are the two that I have been
 12 told by the applicant some measurements and they're
 13 too close to Rooks Creek. There's a Brooks Creek to
 14 the west of me that's a different drainage district,
 15 and I'll agree with you T15 is one that's too close
 16 to that one.
 17 A. Okay, I may have --
 18 Q. I'm not responsible for that particular
 19 one.
 20 A. Right, right. I'm less familiar with the
 21 Rooks Creek portion of the Vermilion River
 22 watershed. I was basically going by what their
 23 response was to the IDNR's letter which highlighted
 24 these two turbines 15 and 101.

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1 Q. Right.
 2 A. And my understanding in that letter was
 3 that one was an unnamed tributary of Rooks Creek and
 4 the other was a segment of Rooks Creek, but you're
 5 saying that's not actually correct?
 6 Q. According to the map, Brooks Creek comes
 7 -- well, if you -- are you familiar with Route 24
 8 near Chenoa?
 9 A. Yes.
 10 Q. Okay, there where the cemetery is on the
 11 edge of town.
 12 A. Yes.
 13 Q. That's Brooks Creek that crosses 24. The
 14 channel has been changed before I was born --
 15 A. Right.
 16 Q. -- right there by the cemetery, but it
 17 heads south and then splits off and goes on down
 18 through. Part of it's in Chenoa Township, part of
 19 it goes over into Yates Township, and that's where
 20 this T15 is. It actually ends up down in there
 21 south of me where I live. But anyhow, back to 101
 22 and 167, those two are both too close to that Rooks
 23 Creek right now. 101 is north of 24, 167 is south
 24 of 24.

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1 A. So you're saying there are three that are
 2 within --
 3 Q. Two are too close.
 4 A. So the two -- so of the two I had listed,
 5 T15 you say is greater than 500 feet?
 6 Q. No.
 7 A. No, I'm sorry.
 8 Q. That's on Brooks Creek.
 9 A. No, no, I understand, but is Brooks Creek
 10 a tributary of Rooks Creek?
 11 Q. No.
 12 A. What does it drain into?
 13 Q. It ends up in the Vermilion.
 14 A. Right, right. Okay, so it's part of the
 15 Vermilion drainage, right, and the Vermilion River
 16 plus the Rooks Creek tributary are on the INAI site
 17 up to the McLean County line.
 18 Q. Yes.
 19 A. So I guess to restate what I'm saying is I
 20 had been led to understand in reading the response
 21 of EDPR that there were two turbines within 500 feet
 22 of a perennial stream that were part of the
 23 Vermilion River watershed and that they wanted to
 24 leave those two turbines, and if I misidentified

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1 them, I apologize.
 2 Q. No, you did not misidentify. I agree with
 3 the 15 and the 101, but there's a 167 that is across
 4 the road from 101 that is also too close.
 5 A. Well, I'm only agreeing to the two
 6 turbines --
 7 Q. I understand.
 8 A. -- which I had thought were the two under
 9 discussion as part of a scientific study.
 10 Q. Well, this --
 11 A. If there's a third one that is within --
 12 that is less than 500 feet, then that's news to me.
 13 That was not part when the -- the response, as I
 14 recall, indicated that there were only two turbines
 15 that they were proposing to leave that would
 16 basically be within -- closer than 500 feet, and
 17 perhaps you want to elucidate us on this.
 18 MS. ANTONIOLLI: Yes, I object. I'm not
 19 sure where -- can you please give us a foundation
 20 for where you're coming up with this new turbine
 21 that's within 500 feet of a perennial stream?
 22 MR. HANEY: Yes, I can. I was told
 23 yesterday what the distance was for T167 by your
 24 environmentalist who was here.

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1 **MS. ANTONIOLLI:** And you were told what
2 the distance was from what perennial stream?
3 **MR. HANEY:** From the turbine to the Rooks
4 Creek.
5 **MS. ANTONIOLLI:** To the Rooks Creek.
6 **MR. HANEY:** Yes.
7 **MS. ANTONIOLLI:** And what turbine are you
8 referring to?
9 **MR. HANEY:** T167. I was told 398 feet
10 based on her software, which was Google Earth, the
11 same, the same software that she used for T101.
12 **MS. CHAPMAN:** No. No, it's 101 and 15.
13 **MR. HANEY:** Your environmentalist or
14 whatever she was called --
15 **MS. POE:** That's me.
16 **MR. HANEY:** No, I didn't talk to you. It
17 was the other one.
18 **MS. POE:** I'm the environmental manager
19 for this project and I gave you distances for T101.
20 **MR. DICK:** Wait, wait.
21 **MS. ANTONIOLLI:** Can she come up --
22 **CHAIRMAN FINNIGAN:** You've got to talk in
23 a microphone.
24 **MS. ANTONIOLLI:** -- to help me clarify

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1 this?
2 **MR. HANEY:** There was two of you working
3 together, you and the guy.
4 **MS. CHAPMAN:** Right, right.
5 **MR. HANEY:** And the guy is the one I
6 cross-examined.
7 **MS. POE:** So the guy told you, Rhett told
8 you, or I told you?
9 **MR. HANEY:** He did. You both, you both
10 collaborated with the same figure of 343 feet for
11 T101.
12 **MS. POE:** That is correct, I did state
13 that T101 is 343 feet from Rooks Creek.
14 **MR. HANEY:** Right. And T167 is 398 feet.
15 **MS. POE:** I did not discuss 167. I
16 discussed T15 and T101.
17 **MR. HANEY:** Understand that, but when you
18 do the math with the figures I have here, T167 comes
19 out to be 398 feet.
20 **MS. POE:** So just to clarify --
21 **MR. HANEY:** I'm going to measure tomorrow.
22 **MS. POE:** Just to clarify, though, we did
23 not state that T167 was 398 --
24 **MR. HANEY:** What do you have, then, for a

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1 figure?
2 **MS. POE:** I don't have that because from
3 our calculations T167 is not within 500 feet of a
4 perennial stream.
5 **MR. HANEY:** It has to be because of the
6 figures I have here.
7 **MS. ANTONIOLLI:** So again, what figures
8 are you relying on for your calculations?
9 **MR. HANEY:** Your project manager gave me a
10 figure of 525 feet. The difference -- here's where
11 the math comes in. She also told me that T101 was
12 470 feet. Now the difference between 470 feet and
13 343 feet is 127 feet. There's an error in there of
14 127 feet. So you take 127 feet off of that 525 that
15 she gave me, brings that turbine down to 398 which
16 would jibe with the same error figure as what she's
17 got. Is that fair enough math?
18 **CHAIRMAN FINNIGAN:** We're getting into a
19 lot of numbers that I don't think we're going to
20 deal with tonight. They're going to have to verify
21 where these are eventually. I don't think that
22 we're going to get into that right here.
23 **MS. ANTONIOLLI:** That's fine. If you'd
24 like Allison to just verify on the record that how

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1 many turbines are within 500 feet of a perennial
2 stream, she can do that right now.
3 **MS. POE:** Sure. There are two turbines
4 within 500 feet of a perennial stream, the first
5 being T15 which is 249 feet from an unnamed
6 tributary of Rooks Creek. The second turbine is
7 T101 which is 343 feet from Rooks Creek.
8 **MR. CAPPARELLA:** And I utilized the
9 exhibit that was provided, Wildlife Surveys and Risk
10 Assessments for the Lexington-Chenoa Wind Farm,
11 where Mr. Good went through the six recommendations,
12 and in recommendation five those are the figures
13 that were used as well as the names of the streams,
14 and those were the -- so I utilized the information
15 from that exhibit to write my recommendation number
16 four -- five in terms of agreeing with that
17 particular departure. So that was the source of my
18 information was that exhibit.
19 **BY MR. HANEY:**
20 Q. I would like to ask you one more question.
21 A. Sure.
22 Q. Also in regards to the Illinois Department
23 of Natural Resources, Dr. Shank or Dr. -- Keith
24 Shank mentioned in here about the Weston Nature

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1 Preserve and it may affect only turbines in Section
 2 10. There needs to be a one mile setback from
 3 there. And that would affect T167 and T171 possibly
 4 in Section 10. Have you got any thoughts on that
 5 subject on your studies?
 6 **A. Right, I believe that they indicated that**
 7 **the turbines there are greater than two miles from**
 8 **the Weston Cemetery Nature Preserve. In other**
 9 **words, they stated that they fully complied. Yeah,**
 10 **so recommendation one is one of the ones -- all the**
 11 **turbines are sited -- I'm sorry, not two miles --**
 12 **over one mile away from the Weston Cemetery Prairie**
 13 **Nature Preserve. The IDNR recommendations ask them**
 14 **to avoid siting wind turbines within one mile of**
 15 **Weston Cemetery Prairie Nature Preserve, and EDPR in**
 16 **their testimony said that they are sited over one**
 17 **mile, two turbines are -- well, anyway they went on**
 18 **and talked about that. So their testimony was that**
 19 **they already meet that recommendation, so I didn't**
 20 **even take that any further.**
 21 Q. Are you comfortable with --
 22 **A. With one mile?**
 23 Q. -- the figures that they gave you?
 24 **A. I did not verify them myself to measure**

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1 **them, but I don't have any reason to believe that**
 2 **they would mislead me.**
 3 **MR. HANEY:** No comment. Thank you.
 4 **MS. ANTONIOLLI:** A question for Mr.
 5 Capparella. Amy Antonioli, Schiff Hardin, counsel
 6 for the applicant.
 7 **QUESTIONS BY**
 8 **MS. ANTONIOLLI:**
 9 Q. Mr. Capparella, you mentioned that a half
 10 mile setback from natural areas is standard.
 11 **A. Is the, is a -- my understanding is that**
 12 **when, is that when the IDNR was asked to develop**
 13 **setbacks from any INAIs, whether terrestrial or**
 14 **aquatic, that they had kind of a blanket standard of**
 15 **a half mile and that they were applying that in this**
 16 **particular recommendation.**
 17 Q. And is that standard set forth in any
 18 statute or regulation that you know of?
 19 **A. Not that I know of, and I would be**
 20 **surprised if it was because I'm not even -- because**
 21 **again, the IDNR recommendations are just that,**
 22 **recommendations. There are only a very few statutes**
 23 **that are actually requirements from IDNR, and Mr.**
 24 **Shank outlined those in the introduction of each**

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1 **letter as to what things are required with the wind**
 2 **farm and what things are merely rec -- well, I won't**
 3 **say merely, are important recommendations for the**
 4 **authority that can require things to consider. But**
 5 **as Mr. Shank mentions, the Zoning Board of Appeals**
 6 **has the authority to accept fully, reject fully or**
 7 **accept modifications as long as there's nothing**
 8 **statutorily required. So, no, that particular item**
 9 **was not mentioned in his letters being statutorily**
 10 **required.**
 11 Q. And a half mile setback standard is also
 12 not in any written guidance that you know of,
 13 written IDNR guidance for example?
 14 **A. Not that I know of, but I can't say that**
 15 **I'm aware of all of their internal documents. So a**
 16 **lot of these things are decided with their**
 17 **discussions internally with biologists and so often**
 18 **hard for the public to get ahold of those things.**
 19 **MS. ANTONIOLLI:** Okay, thank you.
 20 **CHAIRMAN FINNIGAN:** Any other questions?
 21 Thank you for your time.
 22 **MR. CAPPARELLA:** All right, thank you.
 23 **MR. DICK:** John Capasso?
 24 **MR. CAPASSO:** I feel like I just got here.

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1 **CHAIRMAN FINNIGAN:** Push the button.
 2 Would you like to be sworn in?
 3 **MR. CAPASSO:** Which one now?
 4 **CHAIRMAN FINNIGAN:** Right side, bottom
 5 right.
 6 **MR. CAPASSO:** If I can't push the right
 7 button, I can't give testimony, I'm not smart
 8 enough. Right there? No. There.
 9 **CHAIRMAN FINNIGAN:** That's it.
 10 (Mr. John Capasso was duly sworn.)
 11 **CHAIRMAN FINNIGAN:** State your name and
 12 address, spell your last name.
 13 **MR. CAPASSO:** My name is John Capasso,
 14 C-A-P-A-S-S-O, and my address is 503 North Second
 15 Street, Fairbury, Illinois, 61739. Okay. Thank you
 16 for hearing me. I promise to make this brief.
 17 My status is that I'm a retired school
 18 superintendent from the area. I was a
 19 superintendent at Fieldcrest schools and Leroy
 20 schools and for the last 15 years at Prairie Central
 21 schools, and now I'm a concerned citizen who lives
 22 in that latter district, and I want you all to know
 23 that I represent no one except me. I'm on no one's
 24 payroll, I'm here because I want to be, and I want

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1 to make some remarks on this important issue. I
 2 appreciate your patience in this whole process and
 3 you've weathered a lot and I appreciate the process
 4 itself, leaning towards hearing every angle. I
 5 admire that and I applaud your work.
 6 Concerns that I've heard anyway in the
 7 sessions I've sat in, both the previous one and this
 8 one, are not lost on me, and I guess I would begin
 9 by imploring EDP to be good listeners. I think
 10 they've reflected that. They've shown themselves to
 11 be.
 12 Just a couple of examples. I grew up in
 13 Chenoa and I know Daryl Haney and I know Tim Jolly,
 14 and I can tell you Daryl Haney knows a lot about a
 15 lot of things, and I can tell you this. He's
 16 forgotten more about putting in bus radios than all
 17 the people in this room put together. He is a very
 18 smart man and very analytical man, so he deserves to
 19 be listened to.
 20 And Tim Jolly, I went to school with Tim,
 21 and he wouldn't admit it, but I played a little
 22 football with him, badly, and he is a man who when
 23 he gets interested in something he does his homework
 24 and he's passionate about it and he deserves to be

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1 listened to, and I think they're representative of
 2 the concerned citizen, quote, unquote, objectors.
 3 So again, I beg and plead with EDP, please listen to
 4 these good folks and work out the issues, and I
 5 really sincerely hope the concerns can be addressed
 6 so we can press on with it.
 7 For whatever my opinion might be worth,
 8 I'm here to endorse the Bright Stalk Wind Farm
 9 project, and I very, very much hope that more
 10 turbines will come. I did learn in 23 years as a
 11 superintendent in the area that rural schools need
 12 money. They need money now more than ever.
 13 Frankly, they cannot make it on the tax base that
 14 they now live with, farm and residential. They need
 15 to attract industry and mineral. Farms are assessed
 16 at something like 5 to 8 percent of their retail
 17 value. If you think about Livingston County having
 18 1,025 square miles of farm ground and the whole
 19 county is only 1,046 square miles, so, you know,
 20 given all that mathematics, it's hard to catch up
 21 given that kind of a tax base, so gets me back to we
 22 need other sources of revenue, reliable revenue
 23 streams, new ones, okay.
 24 So, you know, some may say, well, why

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1 don't you just merge with other school districts?
 2 Well, Prairie Central has done that several times,
 3 twice externally and once internally. In fact, just
 4 a bit of history. If you go from the western border
 5 of Secor to the -- along the Route 24 corridor to
 6 the eastern border of Chatsworth, there used to be
 7 11 school districts and now there are two, so we're
 8 about merged out. Something else needs to happen;
 9 namely, we need new revenue sources.
 10 So here's the down and dirty of it. 41
 11 turbines, if I saw the lines correctly, you know,
 12 forgive me if I didn't quite look at that right, but
 13 it looks like 41 turbines would be in the Prairie
 14 Central School District, and from them, since they
 15 are rated at 3.45 megawatts as I understand it,
 16 Prairie Central would gain 20,700,000 and some
 17 change in assessed value. Over four years, it would
 18 therefore gain over \$2 million in property taxes.
 19 Four years over \$2 million. 20 million 700 in EAV,
 20 a little more than 2 million in property taxes.
 21 And where did I get these figures? Mostly
 22 from the Illinois Department of Revenue which places
 23 \$360,000 as fair cash value on each turbine. The
 24 trending factor right now is 1.22, so I used that in

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1 year one, and used 1.2 in years two, three and four.
 2 1.2 appears to be the ten year average trending
 3 factor which they get from CPI and some mathematics
 4 there. As I said, the mega wattage appears to be
 5 3.45, maybe 3.6, but I just took 3.45, depreciation
 6 4 percent per year, the turbines are assessed at
 7 .3333, and so the assessment per turbine is \$505,000
 8 and some change, 505,000. When you extend that out
 9 to 41 turbines, that's your 20,706,209. So against
 10 Prairie Central's operating tax rate, that's where I
 11 get the \$2,091,406, again for what it's worth.
 12 What does that mean? Well, from a revenue
 13 standpoint, it would mean to a school district like
 14 Prairie Central more than 300 homes being
 15 immediately built valued at \$200,000 apiece. It
 16 would mean more than one hundred 500-acre farms. On
 17 the expenditure side, distributing the money where I
 18 think it's often needed, it would mean, and this
 19 could be distributed a lot of different ways, but 22
 20 teachers, ten mobile computer labs and five new
 21 buses to transverse the 386 square miles that is the
 22 Prairie Central School District, some buses which
 23 have over 300,000 miles on them. So, in other
 24 words, this would be a really good help, a really

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1 big help to this and other rural school districts.
 2 The combination of the Bright Stalk plan
 3 and the McLean County Energy Center plan would be
 4 \$2.8 million if they both come to fruition as
 5 expected. So \$2.8 million and that's a four year
 6 period of time, okay? And that's also taking into
 7 consideration the general state aid factor in year
 8 one. General state aid has not, you know, acted
 9 with the local upswing in assessed value, so you get
 10 year one is a freebie, and then years two, three and
 11 four, the amount does go into the formula and does
 12 become part of your local effort and does knock down
 13 the money, so in four years period of time I have
 14 taken into consideration the general state aid
 15 factor. So the figures I gave you are figures that
 16 have general state aid in the formula, in the
 17 calculations.
 18 So a quality education is expensive, and I
 19 don't want to moralize too much about that, I did
 20 that for a very long time, but there it is, it's
 21 expensive. A mediocre education is expensive, a
 22 quality education is really expensive, and who wants
 23 a mediocre education? Not me, and that's not what I
 24 fought to put in front of kids for 23 years.

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1 Rural schools have great needs. They have
 2 maybe even greater needs than urban and suburban
 3 schools in many ways: more and more specialized
 4 staff oftentimes, skilled leaders and skilled
 5 leadership, specialized staff that we need to get
 6 away from better paying school districts like Unit 5
 7 in District 87, so, you know, we have to offer
 8 competitive salaries to be able to attract quality
 9 staff. You know, that's -- that's a challenge,
 10 that's a challenge.
 11 Newer buses, the maintenance of old
 12 facilities, and a topic with which we're all
 13 familiar, security. I for one have great fear about
 14 the future of school security, especially in light
 15 of this most recent nightmare down in Florida. As I
 16 understand it, to date there have been 400
 17 casualties in school shooting attacks since
 18 Columbine. 400 casualties. That's a disturbing
 19 figure to me. What's that have to do with this
 20 discussion? I'm coming to that point. But 400
 21 casualties. Right now most schools around here
 22 have --
 23 **CHAIRMAN FINNIGAN:** You're going to run
 24 out of time here.

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1 **MR. CAPASSO:** -- okay, access control and
 2 shatterproof glass, but they're going to need
 3 perimeters and metal detectors and armed guards,
 4 you --
 5 **CHAIRMAN FINNIGAN:** That's kind of it.
 6 **MR. CAPASSO:** Okay.
 7 **CHAIRMAN FINNIGAN:** Sorry.
 8 **MR. CAPASSO:** I beg you to seriously
 9 consider this application.
 10 **CHAIRMAN FINNIGAN:** Thank you. Questions?
 11 Staff? No questions?
 12 **MR. DICK:** No.
 13 **CHAIRMAN FINNIGAN:** Applicant have
 14 questions?
 15 **MS. ANTONIOLLI:** I don't.
 16 **CHAIRMAN FINNIGAN:** Anyone in the audience
 17 have questions? Ut-oh, you're in trouble.
 18 **MR. CAPASSO:** Hi, Tim.
 19 **MR. DICK:** Can you come over here please,
 20 so she can see you. I know you like him.
 21 **CHAIRMAN FINNIGAN:** Don't play football.
 22 **MR. CAPASSO:** Oh dear.
 23 **MR. JOLLY:** Tim Jolly.
 24 **QUESTIONS BY**

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1 **MR. JOLLY:**
 2 Q. Do you live by any turbines?
 3 **A. No.**
 4 Q. Do you have any intent to live by
 5 turbines?
 6 **A. I'd love to.**
 7 Q. Are you going to move to this field when
 8 it's constructed?
 9 **A. Maybe.**
 10 Q. No, that's not what I asked. It's a yes
 11 or no question.
 12 **A. Maybe.**
 13 Q. Okay. Do you think people should be put
 14 at risk of health issues or impact their personal
 15 comfort in exchange for money to benefit others with
 16 no compensation to themselves?
 17 **A. If you can show me that there are those**
 18 **former things, absolutely that should be a**
 19 **consideration.**
 20 Q. Well, do you think people should be put at
 21 risk of health issues and that?
 22 **A. If there are indeed those risks present,**
 23 **no, they shouldn't be.**
 24 Q. Okay.

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1 **A. If you can show me there are such risks.**
 2 Q. Everything that you've testified tonight
 3 to, are you a qualified expert in this?
 4 **A. No.**
 5 Q. The money that you were talking about that
 6 went to the PC budget, is it correct to say that
 7 that was approximately under 2 percent of what
 8 they -- their budget is that they receive?
 9 **A. Well, actually the EAV I talked about was**
 10 **more like 10 percent of their assessed value.**
 11 Q. No, I'm saying what they receive from
 12 windmills.
 13 **A. They haven't received anything from**
 14 **windmills.**
 15 Q. Well, what you're anticipating then, I'm
 16 sorry.
 17 **A. Well, almost \$3 million in a budget of 20**
 18 **to \$21 million.**
 19 Q. You're talking annually \$3 million?
 20 **A. I'm talking over four years.**
 21 Q. The first four years and --
 22 **A. Uh-huh, first four years.**
 23 Q. After that, are you aware that it drops
 24 off?

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1 **A. Well, I did figure in the depreciation I**
 2 **think and did factor out the general state aid, so I**
 3 **think that's an honest four years estimate. That's**
 4 **what I can do.**
 5 Q. That's a four year estimate, but after
 6 that, are you aware that it does drop off?
 7 **A. Well, it drops off during those three**
 8 **years or four years. Yeah, there's a 12 percent --**
 9 Q. I don't think --
 10 **A. -- depreciation --**
 11 Q. I don't think you've answered the
 12 question.
 13 **A. Well, I don't think you've asked it**
 14 **correctly. What do you want to know?**
 15 Q. Well, I guess let me put it simple.
 16 **A. Okay.**
 17 Q. After four years, is it correct to say
 18 that the money that they will receive is in less
 19 amounts than the first four years?
 20 **A. It would be in less amount after year one.**
 21 Q. So it continues to decrease; is that
 22 correct?
 23 **A. Uh-huh, that's my understanding.**
 24 Q. Okay, that's all I needed.

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1 **A. That's my understanding.**
 2 **MR. JOLLY:** Thank you.
 3 **CHAIRMAN FINNIGAN:** Any other questions?
 4 I think you're free.
 5 **MR. CAPASSO:** Okay.
 6 **MR. DICK:** Jim Killian. Amy Winterland.
 7 **MS. WINTERLAND:** Amy Winterland. I have
 8 exhibits.
 9 **MR. DICK:** Did you want to call this a
 10 neutral exhibit?
 11 **MS. WINTERLAND:** Yes.
 12 **MR. DICK:** It will be Neutral Exhibit No.
 13 2.
 14 **CHAIRMAN FINNIGAN:** I'll have to swear you
 15 in.
 16 (Ms. Amy Winterland was duly sworn.)
 17 **MS. WINTERLAND:** I do not have a prepared
 18 speech, so you guys are going to get rambling, I
 19 apologize for that.
 20 **CHAIRMAN FINNIGAN:** You got to tell your
 21 name again.
 22 **MS. WINTERLAND:** Amy Winterland. So I'm
 23 going to walk a little bit through this exhibit. My
 24 good friend Angelo over here helped me come up with

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1 this first page. This is the map of the Illinois
 2 Natural Areas Inventory site including the Mackinaw
 3 River and the entire Henline Creek in purple. It
 4 came off this PrairieStateConservation.org website,
 5 so I wanted you all to have a copy of that so you
 6 knew exactly what the Illinois Natural Areas
 7 Inventories look like. It does go all the way to
 8 the Ford County line on the right-hand side of the
 9 map. The Henline Creek is included in that all the
 10 way from the confluence with the Mackinaw River all
 11 the way to the Ford County line.
 12 As Chairman Finnigan mentioned right off
 13 the bat, Keith Shank who is our IDNR representative
 14 in this procession or proceedings mentioned that the
 15 Henline Creek is part of the INAI site and should be
 16 subject to a one-half mile setback. In his document
 17 which is part of the record, he said the reason for
 18 that setback is because of the -- hold on here. To
 19 minimize any effect due to -- I told you I was going
 20 to be rambling, sorry. Request a one half mile
 21 setback from Henline to minimize adverse effects
 22 from noise, vibration and flicker to both fish and
 23 wildlife present in the habitat.
 24 So I just want to again throw out some

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1 numbers here. The difference between 500 feet and a
 2 half a mile. A half a mile, I had to look it up,
 3 I'm sorry, over here on Google, is 2,600 plus feet.
 4 That's five times 500 feet. A half a mile is five
 5 times 500 feet. So I'm really struggling to
 6 understand why we would think that 500 feet is
 7 adequate when the IDNR thinks it should be five
 8 times 500 feet, a half a mile. And the reason they
 9 say that is because, again, we heard testimony in
 10 earlier sessions that an INAI site is the best of
 11 the best. It is pristine. They have looked at the
 12 biodiversity and they want to protect that
 13 biodiversity. It has to go through a very rigorous
 14 checklist in order to be designated as an INAI site,
 15 and there are very few of those sites in the State
 16 of Illinois.

17 So I think we have to think very seriously
 18 about whether or not we want to go against IDNR's
 19 recommendation. Whether that's in a statute or not
 20 is not the point. Our ordinance says we go with the
 21 IDNR recommendation unless there's credible evidence
 22 to the contrary. And an opinion is not credible
 23 evidence. It is not data. It's not a report.
 24 There is nothing that says that would contradict

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1 what our expert, the IDNR, says. So again, I would
 2 just urge you to think about that. I do not believe
 3 500 feet is adequate.

4 The second thing in the list. In the
 5 packet that I provided is a letter which says that
 6 we found a bald eagle nest 5.6 miles northwest of a
 7 turbine placed by -- of the furthest turbine placed
 8 by EDP on the site map. So again, the second is a
 9 picture of, in fact, the eagle nest, the eagle and
 10 the GPS points. This information was provided to
 11 EDP on February 4th. I will just remind you that
 12 the information that EDP had when it did its
 13 application and did all of its site
 14 characteristic -- site, I think that's the right
 15 word for it, site characteristics report, they did
 16 not know about that eagle nest. Therefore, they in
 17 their report say that there is no habitat, that
 18 there is a low risk or a low probability of eagles
 19 in the area. I do not believe that it is
 20 necessarily true. Eagles roam freely and widely.
 21 Now that there is, in fact, an eagle nest found, I
 22 believe they have to follow a different decision
 23 tree in their environmental research.

24 I included a copy of a letter, I should

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1 have probably redacted out the subject line, I
 2 apologize for that, but the information in this
 3 letter is still appropriate. It says that the eagle
 4 act prohibits take, which is defined as partially
 5 disturb, which is further defined as injury to an
 6 eagle, decrease in its productivity by substantially
 7 interfering with breeding, feeding or sheltering or
 8 nest abandonment. So even if there's not a dead
 9 eagle found, if those eagles abandon that nest, it
 10 is considered take. It is unlawful to take or
 11 disturb eagles without first obtaining a permit.

12 And the 2016 eagle rule PIS says wind
 13 companies are required to conduct a ten mile eagle
 14 nest survey around the project site before applying
 15 for a permit. So again, I don't blame EDP for not
 16 knowing that there was an eagle nest nearby, but now
 17 that they do know, I do expect them to follow the
 18 U.S. Fish and Wildlife guidelines.

19 In that same regard, I am rather concerned
 20 with the fact that EDP continually was talking about
 21 adaptive, I think it was called adaptive practices,
 22 adaptive management practices. What that says to me
 23 is once we find a dead carcass, then we will do
 24 something. I'll just again reiterate, there are

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1 endangered species that they have testified to in
 2 the area. Finding one dead carcass of an endangered
 3 upland sandpiper would require a take permit. They
 4 cannot kill endangered species without a permit.

5 Furthermore, I am concerned that take also
 6 defines disruption to their feeding grounds or their
 7 nesting ability. And it was clearly stated in the
 8 IDNR letter that some species, like the northern
 9 harrier, are always typically found preconstruction,
 10 but are always absent post construction. And the
 11 reason for that is because harriers locate prey
 12 using sound, and the noise generated by the wind
 13 turbines could, in fact, impair their ability to
 14 hunt. Therefore, it excludes them from using this
 15 habitat when it is encumbered by turbines.

16 So I feel strongly that we need to
 17 consider protecting this habitat, and if the IDNR is
 18 recommending protections, I think we should listen
 19 to that, I think we should honor that. I think they
 20 are the experts. I am not an expert, I don't claim
 21 to be an expert, but I do claim to have a passion
 22 for the subject, and I hope that you guys are taking
 23 that into consideration.

24 I'll say it one more time. A half a mile

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1 is five times 500 feet. 500 feet could not possibly
 2 be adequate to protect this INAI site. I'm done.
 3 **CHAIRMAN FINNIGAN:** Thank you. Questions?
 4 **MS. TURNER:** I just had one, Amy. One, I
 5 want to thank you for sharing your passion. I
 6 really do appreciate the nature with which you do it
 7 also, which is very direct and succinct, so thank
 8 you for that.
 9 When you talked, what I understood, and
 10 I'm just wondering if you understood the same thing
 11 in your opinion on this, he said that if these
 12 fields weren't available, that it was typically they
 13 fed on soybean fields, I think he said that.
 14 **MS. WINTERLAND:** Who he?
 15 **MS. TURNER:** Are you recalling that? Mr.
 16 Good, that they typically feed on soybean fields,
 17 and if these weren't available, there's certainly
 18 tons of them in Illinois for them to go to. So
 19 while they may not be doing it on these particular
 20 ones, they won't be without habitat.
 21 **MS. WINTERLAND:** Who, the harriers?
 22 **MS. TURNER:** Yes. Did you have any
 23 thoughts on that?
 24 **MS. WINTERLAND:** So my thought is that we

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1 are seeing a proliferation of turbines in McLean
 2 County. So they are now north of the Mackinaw
 3 River. There is nothing that would preclude them
 4 from potentially going south of the Mackinaw River.
 5 There is nothing that would preclude them from going
 6 throughout all of McLean County. So as we continue
 7 to proliferate turbines, I would see McLean County
 8 as a whole potentially being excluded from all
 9 harrier habitat because they are unable to hunt by
 10 sound. So soybean fields, you're saying there's a
 11 lot of soybean fields around, and I'm saying we are
 12 proliferating turbine fields at a quick pace as
 13 well.
 14 **MS. TURNER:** Thank you.
 15 **CHAIRMAN FINNIGAN:** Staff have any
 16 questions?
 17 **MR. DICK:** Do you see the value of any
 18 scientific study to find out how turbines affect
 19 wildlife, as far as EDP has proposed, to be helpful
 20 in mitigating some of the damage that would be
 21 caused by being closer than a half a mile to
 22 Henline?
 23 **MS. WINTERLAND:** I could support the two
 24 turbines that Angelo mentioned earlier and that's --

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1 those were the ones he said they would agree to
 2 scientific study and reports. They did not agree to
 3 any scientific studies on the Henline. What they
 4 said was they would do their pollution control and
 5 their SWPPP thing, but no, the Henline Creek did not
 6 talk about any scientific studies. That was always
 7 scientific studies were going to be under number
 8 five not under number six. And I shouldn't speak
 9 for Angelo Capparella, but I would say that -- so I
 10 won't speak to that. I do not believe that that was
 11 ever the intention.
 12 **MR. DICK:** Do you think that a robust
 13 storm water pollution prevention plan and
 14 understanding that this is or an acceptance that
 15 this is an INAI segment would be adequate?
 16 **MS. WINTERLAND:** They are supposed to have
 17 a robust storm water pollution plan on all of their
 18 waterways and tributaries whether they're perennial
 19 streams or not. I don't see that being any dif --
 20 I'm not sure I clearly understand what was intended
 21 here, but no, they should have storm water pollution
 22 prevention plans on all their streams, perennial
 23 stream or INAI site. I believe that was testified
 24 to.

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1 **MR. DICK:** Well, they were talking about
 2 weekly inspections, inspections after significant
 3 rain events. They wouldn't necessarily always have
 4 that in their storm water prevention plan.
 5 **MS. WINTERLAND:** So what I'm hearing there
 6 is that they would allow damage to be done, and I am
 7 familiar with that section of Henline Creek and it
 8 is subject to erosion issues. I have -- I've seen
 9 that, I've seen erosion happen in those areas, I
 10 live in that area. My husband is fond of telling a
 11 story of an erosion event happening that washed out
 12 almost -- you could put three boxcars in the gouge
 13 that the storm water washed out on that particular
 14 section of Henline Creek, so I am very concerned
 15 with that. We have currently on that section of
 16 Henline Creek very wide CRP layouts to try to
 17 prevent that erosion activity, so no, I do not
 18 believe putting a turbine within 500 feet of that is
 19 a good idea at all, no.
 20 **MR. DICK:** Thank you.
 21 **CHAIRMAN FINNIGAN:** Any questions from the
 22 audience? Come forward.
 23 **MR. PETERSEN:** Alan Petersen, A-L-A-N,
 24 P-E-T-E-R-S-E-N, don't spell it O-N, 23284 North

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1 3300 East Road, Colfax.
 2 QUESTIONS BY
 3 MR. PETERSEN:
 4 Q. Amy, is the Henline Creek, is that a
 5 drainage, in a drainage district?
 6 A. Yes, it is in a drainage district.
 7 Q. And we do have a lot of water that tiles
 8 into that.
 9 A. Yes.
 10 Q. Okay. You just said the story about the
 11 washout. It was on some of our property and our
 12 drainage district took care of it. The water went
 13 over the levy. Do you know where the water went
 14 over the levy?
 15 A. Do I know where the gouge is? Yes.
 16 Q. Do you know where the turbines are
 17 proposed to be?
 18 A. In relation to that? No, I don't.
 19 Q. Yes.
 20 A. Well, vaguely but not really.
 21 Q. Okay. They're probably almost half a mile
 22 on the one side. The other side did not have any
 23 issues. I live straight -- you know where I live,
 24 straight south of Henline Creek within a quarter of

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1 a mile. Do you see any issues with anything that
 2 where the turbines would be placed if the water did
 3 not have any issues with the -- with the creek, I
 4 mean as far as flowing by it or anything?
 5 A. Could you say that one more time?
 6 Q. Well, if the turbine is placed not in a
 7 waterway or where the water runs across the road or
 8 runs across the field in an eroding fashion.
 9 A. So erosion is really only one aspect of
 10 that concern. The other aspects are the flicker and
 11 the vibrations that are going to happen to the fish
 12 and the wildlife that's in the crick. I mean IDNR
 13 has clearly talked about the aquatic biodiversity.
 14 We all know that there's northern pike and all kinds
 15 of things that are in that crick, and that that
 16 flicker has an adverse effect to the aquatic
 17 wildlife in that.
 18 Q. There's been a study that says that?
 19 A. There's been a study that says there's
 20 biodiversity in the creek? Yes.
 21 Q. That it bothers the aquatic life --
 22 A. Yes.
 23 Q. -- flicker? There has been?
 24 A. The IDNR says that, yes.

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1 Q. Okay. On the drainage district, do we pay
 2 taxes going in the drainage district to keep that
 3 crick up?
 4 A. Do our taxes go towards the drainage
 5 district?
 6 Q. Yes, to maintain that Henline Creek.
 7 A. I think so.
 8 Q. Our drainage district taxes, the people
 9 who live in that area that drain into it pay in it,
 10 correct?
 11 A. Yes, I think so.
 12 Q. Just the people who live around there, not
 13 -- just the farmland that flows into it, correct?
 14 A. Are you talking about --
 15 Q. Not the --
 16 A. -- Lawndale Township?
 17 Q. I'm talking -- yes, everybody's in that
 18 watershed that flows into the Henline Creek.
 19 A. I don't really know how the taxation of
 20 that works, Alan, I'm sorry.
 21 Q. Well, that's the way it works, and they
 22 take care of any issues with the flooding that goes
 23 on with that, correct? We don't -- as a landowner,
 24 we do not have to pay for that out of our pocket

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1 other than the tax we pay every year.
 2 A. I believe the drainage district takes care
 3 of the drainage district, yes.
 4 Q. Okay.
 5 MR. PETERSEN: I didn't want to speak
 6 tonight, but -- I'm like Amy, I wasn't prepared, but
 7 anyway, I want to thank the Zoning Board of Appeals
 8 for listening.
 9 CHAIRMAN FINNIGAN: Thanks for coming up.
 10 Any other questions?
 11 MS. ANTONIOLLI: I --
 12 CHAIRMAN FINNIGAN: You're closer. He can
 13 wait.
 14 MR. TAYLOR: I can wait.
 15 QUESTIONS BY
 16 MS. ANTONIOLLI:
 17 Q. Mrs. Winterland, we -- I heard you discuss
 18 erosion in the unnamed tributary of Henline Creek.
 19 You mentioned that some erosion occurs.
 20 A. On Henline Creek.
 21 Q. On Henline Creek. And the gentleman
 22 before talked about the drainage district and that
 23 the drainage district maintains Henline Creek.
 24 A. Yes.

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1 Q. And are you aware that the drainage
 2 district from time to time dredges the unnamed
 3 tributaries to Henline Creek?
 4 **A. When needed I assume.**
 5 Q. Okay. And in your letter that you
 6 submitted as an exhibit, it looks like an email and
 7 it's addressed to you at the top. In this paragraph
 8 that begins in the 2016 eagle rule PIS, you
 9 highlighted in yellow and underlined in red --
 10 **A. Yes.**
 11 Q. -- the language requires the wind company
 12 to conduct a ten mile eagle nest survey around the
 13 project site before applying for a permit.
 14 **A. Correct.**
 15 Q. Okay. And do you have any reason to
 16 believe that EDPR intends to seek a permit?
 17 **A. It is unlawful to disturb eagles without**
 18 **first obtaining a permit for any nonpurposeful take.**
 19 **So I would think that if there are eagles using the**
 20 **project site, it would behoove you to, in fact, seek**
 21 **a permit since there are eagles using that area,**
 22 **because if you take an eagle illegally, it's subject**
 23 **to criminal prosecution.**
 24 Q. And are you testifying as an expert

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1 biologist?
 2 **A. I am not an expert biologist.**
 3 Q. Okay. So your -- this is your opinion as
 4 a layperson that a permit would be required?
 5 **A. A permit -- no, I'm quoting from this. A**
 6 **permit is required. It is unlawful to take or**
 7 **disturb eagles without first obtaining a permit. No**
 8 **permit would be available unless an applicant takes**
 9 **all the practicable steps.**
 10 Q. And I'm asking for EDPR, there's no --
 11 you're not aware of EDPR needing a permit at this
 12 site.
 13 **A. There are eagles that use this area. If**
 14 **you don't get a permit, I think you do so at EDPR's**
 15 **risk.**
 16 Q. And who is determining risk?
 17 **A. I'm not determining risk. It's your risk.**
 18 **If you kill an eagle without a permit, it is subject**
 19 **to criminal prosecution.**
 20 Q. Are you aware of the home range of an
 21 eagle?
 22 **A. I have read about eagles. I understand**
 23 **that they range freely and widely which is why the**
 24 **U.S. Fish and Wildlife Service recommends a ten mile**

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1 **radius beyond the project footprint.**
 2 Q. And that's if a permit is required,
 3 correct?
 4 **A. No.**
 5 Q. Okay, that's all.
 6 **A. Let me, let me -- I'll look this up, hang**
 7 **on. We suggest project area be defined as the**
 8 **project footprint and all area within ten miles.**
 9 **Survey of project area nesting population, number**
 10 **and location of occupied nests. To evaluate project**
 11 **siting options and help assess potential effects of**
 12 **wind energy projects on breeding eagles, we**
 13 **recommend determining locations of occupied nests of**
 14 **eagles within the project area for no less than two**
 15 **breeding seasons prior to construction. Do you want**
 16 **me to go on?**
 17 Q. No. Can you identify what document you're
 18 reading from?
 19 **A. This is from the Eagle Conservation Plan**
 20 **from 2013.**
 21 Q. Okay. And at the time -- do you recall
 22 Ms. Poe's testimony that at the time their survey
 23 was approved at five miles?
 24 **A. No, it was two miles.**

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1 Q. Okay, it's two miles, that's correct.
 2 Okay.
 3 **A. And I'm saying that now that you know,**
 4 **perhaps it would behoove you to look at the**
 5 **regulations and look at the eagle conservation**
 6 **guidelines.**
 7 **MS. ANTONIOLLI:** Okay, that's all I have.
 8 **MR. TAYLOR:** Travis Taylor, 28686 --
 9 **MR. DICK:** Can you put your face right
 10 next to it?
 11 **MR. TAYLOR:** Travis Taylor, 28686 North
 12 3050 East Road, Chenoa, Illinois.
 13 **QUESTIONS BY**
 14 **MR. TAYLOR:**
 15 Q. I was listening to your testimony earlier
 16 and you guys were discussing the endangered harrier.
 17 I don't exactly know the full name, but it was the
 18 harrier that you guys were referring to that --
 19 anyway, it's one of the endangered species with the
 20 sound. Do you recall if it was the harrier that
 21 actually ate the soybean fields or was it the golden
 22 clover?
 23 **MS. TURNER:** I think it was.
 24 **A. I don't remember the soybean discussion to**

1 be honest. I can tell you that I had the pleasure
 2 of having Angelo Capparella, who is our biologist
 3 and raptor guy, as well as Illinois Wesleyan
 4 University's Given Harper, he is also a raptor
 5 specialist, at my house a couple of weekends ago,
 6 and we did see a northern harrier flying in this
 7 area, so I do know that they exist. And our -- we
 8 saw a number of them. And it wasn't me, it was the
 9 experts identifying them.

10 Q. So would I be -- I mean would it be okay
 11 to assume that you're just looking to keep an
 12 endangered species right here in McLean County as
 13 opposed to another --

14 A. I think we have an obligation to protect
 15 our threatened and endangered species. I think it's
 16 a legal obligation to protect those species.

17 MR. TAYLOR: Okay, thank you. I just
 18 wanted to clarify, so --

19 CHAIRMAN FINNIGAN: Any other questions?
 20 Okay, you're off the hook. We're going to
 21 reconvene, is that the word, reconvene tomorrow
 22 night, I guess make that right, at six o'clock in
 23 this room.

24 MS. TURNER: Is it 6:00 tomorrow?

1 CHAIRMAN FINNIGAN: I think so. Six
 2 o'clock tomorrow night in this room. Thanks for
 3 coming.

4 (Adjourned at 9:40 p.m.)
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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 21, 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.

JUNE HAEME, CSR
 NOTARY PUBLIC

22 "OFFICIAL SEAL"
 23 June Haeme
 24 Notary Public, State of Illinois
 My Commission Expires:
 September 28, 2020

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