

STATE OF ILLINOIS)
)
COUNTY OF BUREAU)

In the Matter of the Petition
of

Providence Heights Wind, LLC

Indiantown Township and Milo Township
Bureau County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 21st day
of October, A.D., 2024,
before the Bureau County
Zoning Board of Appeals

Present:

Mike Stutzke
Shirley Ann Smith
Bill Jensen
Troy Quest
Barry Welbers, Chairman

Kristine Donarski, Zoning Administrator

Judge Timothy Slavin, Facilitator

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1 (All exhibits premarked before
2 beginning of hearing.)

3 JUDGE SLAVIN: Good evening, ladies and
4 gentlemen. I call out of recess Bureau County
5 Zoning Board of Appeals hearing on Petitions
6 Number 24-09-03-1C, sequentially through
7 24-09-30-39C, Providence Heights Wind, LLC's,
8 applications for Conditional Use Permits to
9 retrofit and operate a wind energy conversion
10 system in the county.

11 First order of business is -- I don't
12 particularly love taking roll call. So I will
13 note the presence of Mr. Welbers, the Chairman;
14 Mr. Quest, the Vice Chair of the ZBA;
15 Mr. Jensen; Mrs. Smith; Mr. Stutzke; Zoning
16 Officer Donarski; Attorneys Massie and their
17 representatives, it looks like, one, two, three,
18 four, five, six, seven, eight, nine, maybe ten;
19 our fine court reporter, Callie; myself; and it
20 looks like one, two, three, four, five, maybe
21 six Interested Parties in attendance.

22 All right. Mrs. Donarski reminded me that
23 we sort of overlooked something when we were
24 assessing who's available for future dates.

1 Number one, the length of time that her
2 testimony might take. Number two, that sort of
3 silly State statute that requires the report --
4 the ZBA report to get to the County Board
5 within -- not outside of, but within 30 days of
6 it being -- of their vote on it.

7 So we've got to sort of retool our
8 thoughts on dates. So if everybody would get
9 out your diaries and so forth. Let's go through
10 this tedious process again.

11 (A scheduling discussion was held
12 off the record.)

13 JUDGE SLAVIN: All right. That having
14 been done, we're still in the evidentiary phase,
15 the Petitioner's proof.

16 And I would like to call -- re-call
17 Mr. Bus to the stand, if he would, please.

18 Derek, if you would like to raise your
19 right hand. The Slavin Rule is in effect, which
20 is if there's an overnight, someone might forget
21 they were going to tell the truth.

22 DEREK BUS,
23 being first duly sworn, was examined and
24 testified as follows:

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 JUDGE SLAVIN: Have a -- I'm so used to
2 saying have a seat.

3 EXAMINATION

4 BY JUDGE SLAVIN:

5 Q. Before I forget, the first thing I'm going to
6 do is hand you what's marked as Petitioner's
7 Exhibit Number 7.

8 And if you would, would you please
9 describe what that is?

10 A. The exhibit is of a design of the Providence
11 Heights Wind Farm.

12 Q. Do you think you can fairly call that a site
13 plan, showing roads and the substation and
14 things?

15 A. Yes, a site plan.

16 Q. Okay. Thank you. Please remember to hand that
17 back to me when you're finished.

18 All right. If required by reasonable --
19 no, we already covered that. Never mind.

20 Would the proposed replacement of
21 underground cabling be both collection and
22 communication lines or just collection lines?

23 A. Just collection lines.

24 Q. So not communication?

1 A. We don't anticipate the need for any --

2 Q. Okay.

3 A. -- changes in the existing communication lines.

4 Q. Okay. Thank you.

5 Now, with regard to the lines being
6 replaced, which would be apparently collection
7 lines, what would be the longest potential
8 replacement of a collection line?

9 A. The longest potential replacement is
10 approximately one mile in length.

11 Q. Okay. Very good. Thank you.

12 And what would be the total feet of that
13 line -- well, what would be the most -- is that
14 just a section would be one mile, or is that the
15 total of collection line lengths being replaced?

16 A. That's the longest of -- that's the longest
17 section.

18 Q. Section, okay.

19 A. Yeah.

20 Q. And then what would be the total feet of the
21 various sections?

22 A. The total --

23 Q. Not total feet. Total length.

24 A. Total length is approximately three miles.

1 Q. Okay. Thank you.

2 If new collection lines are installed,
3 that does mean, doesn't it, that there would be
4 ones that are no longer in use?

5 A. Correct.

6 Q. And what would happen to those old, for lack of
7 a better word, unused lines?

8 A. They will be left in the ground.

9 Q. And to what depth would the new collection line
10 cables be placed?

11 A. 5 feet.

12 Q. Thank you.

13 If you know, is Providence, Lee County,
14 Illinois, an unincorporated platted community or
15 a platted rural substation or both?

16 A. Our findings show that it's an unincorporated
17 platted community.

18 Q. If you know, are there any people or group of
19 people that are legally entitled to act on
20 behalf of the property owners within that
21 platted community -- unincorporated platted
22 community?

23 A. No, not to our knowledge.

24 Q. Is the only sewer and water service in the

1 project area going to be within the existing
2 O and M building?

3 A. That's correct, and we do not anticipate any
4 changes through the retrofit process.

5 Q. If so, do those services meet the County and
6 State public health regulations?

7 A. Yes, and an onsite sewage and disposal permit
8 was received in 2007.

9 Q. Thank you.

10 In your application materials, in
11 Section 4.17.3, on Pages 4 and 5 of the
12 application, should it be rephrased to mean that
13 the proposed retrofitted blades would rotate in
14 the same direction as nearby WTGs, and that
15 those blades and existing towers would be the
16 same white color on each WTG as the nearby WTGs?

17 A. Yes.

18 Q. All right. Thank you.

19 If this Conditional Use was allowed, does
20 Providence Heights promise -- on behalf of
21 Providence Heights, do you promise to defend,
22 indemnify and hold harmless the County and its
23 appointed and elected officials, employees,
24 volunteers, attorneys and agents, collectively

1 and individually, called the indemnified
2 parties, volunteers from and against any and all
3 claims, demands, losses, suits, causes of
4 action, damages, injuries, costs, expenses and
5 liabilities of any kind, including reasonable
6 attorney's fees, except for the intentional acts
7 of such indemnified parties arising out of or
8 relating to the acts or omissions of the
9 facility owner and/or its respective
10 contractors, employees or agents in the
11 selection, construction, operation and removal
12 of the facility and affiliated equipment,
13 including, without limitation, any liability for
14 property damage or personal injury, including
15 illness or death, whether the liability is
16 premised on contract or tort?

17 A. Yes.

18 Q. Thank you.

19 Where in the decommissioning plan does it
20 parse out what the Bureau County Ordinance
21 refers to as, quote-unquote, cost as opposed to
22 one total cost of the original facility?

23 A. I'll defer that question to Jeff Reinkemeyer.

24 Q. Fair enough.

1 Where in the decommissioning plan does it
2 describe with any detail the Ordinance, quote,
3 construction method and techniques of the WTGs
4 and related items?

5 A. I'd like to defer that to Jeff Reinkemeyer as
6 well.

7 Q. Fair enough.

8 Does the noise modeling study use the
9 property line -- actually, I'm going to skip
10 that question. Never mind.

11 Is there a legal description of the
12 location of the substation anywhere in the
13 application materials?

14 A. The existing substation location will not
15 change. The legal description was not included
16 in the application, but it is Parcel Number
17 21-20-276-010.

18 Q. It sits on its own parcel number, as far as you
19 know?

20 A. Yes.

21 Q. Okay. What would be the rotor direction of
22 each of the proposed retrofitted WTGs?

23 A. They will continue with the same direction as
24 dictated by the wind.

1 Q. And that can be done -- well, this may be a
2 dumb question. That can be done with all of
3 them? So the wind blowing at any given time,
4 they'll all rotate the same direction?

5 A. Yes.

6 Q. Would all of the retrofitted components be new
7 equipment?

8 A. Yes.

9 Q. All right. Is there anywhere in the
10 application -- well, let me take that back.

11 Are you asking that Exhibit Number 7,
12 which I handed to you and you described, be
13 considered to be made a part of -- be part of
14 your application?

15 A. Yes.

16 Q. Okay. Thank you.

17 Please more particularly describe what
18 Providence Heights would do to provide
19 adequate -- in the words of the Ordinance,
20 adequate utilities, access roads, drainage or
21 necessary facilities during the construction and
22 operational phases of the retrofit project.

23 Number 1, what would be -- how would human
24 waste be disposed?

1 A. Through the retrofit process, we'll have
2 portable bathrooms at the construction site.

3 Q. Thank you.

4 Other utilities during construction; that
5 is, water? Heat? Electricity?

6 A. The project may require the use of electricity
7 from local distribution during the retrofit.
8 Large quantities of water are not expected to be
9 necessary as part of the retrofit, but any water
10 that is needed will be brought in from off site.

11 Q. How about any drainage necessitated by the
12 construction activities?

13 A. The project does not anticipate impacting any
14 surface waters during construction or proposing
15 any permanent impacts. If we encounter the need
16 to cross water bodies, we'll work with the local
17 agencies, such as U.S. Army Corps of Engineers
18 or NRCS, to permit those, which would include a
19 requirement to maintain flow at all times at
20 those water bodies.

21 Q. Thank you.

22 Please more particularly describe what
23 adequate measures Providence Heights has been or
24 will take to provide ingress and egress during

1 the construction and operational phases that
2 would be designed to minimize traffic congestion
3 in the public streets.

4 A. The Road Use Agreements state the project will
5 not interfere with the safe movement of traffic,
6 and we must provide traffic control measures.
7 We must display proper signage on public roads
8 entering the public site.

9 Q. Thank you.

10 Would there be any activities during
11 construction or operational phases of the
12 proposed retrofit project that would involve
13 material or products which decompose by
14 detonation?

15 A. No.

16 Q. Would there be any septic tanks or sewage
17 treatment within the project area during either
18 the construction or operational phases of the
19 proposed retrofit project?

20 A. No. The existing O and M facility has
21 restrooms for operational work. And during the
22 construction, a contractor will have portable
23 restrooms which are available for workers at the
24 laydown yards and will likely be maintained one

1 to two times per week.

2 Q. So any septic tanks or sewage treatment at the
3 O and M facility already exists; is that what
4 you're saying?

5 A. Correct, yes.

6 Q. Okay. Would there be any hazardous or toxic
7 substances released during the construction or
8 operational phases of this proposed retrofit
9 project?

10 A. No.

11 Q. Would there be, other than perhaps during
12 construction, any glare or heat produced during
13 the construction or operational phases of the
14 proposed retrofit project?

15 A. No.

16 Q. Other than during construction and the
17 operation, and the operational lighting required
18 by the FAA, would there be any other lighting
19 within the project area?

20 A. Yes.

21 Q. If so, would that lighting be directed downward
22 onto the project property and be of an
23 intensity, type and color which does not create
24 a nuisance or glare and has a minimum sky glow,

1 other than the FAA lights?

2 A. Yes.

3 Q. Okay. Thank you.

4 Just a couple real quick questions. Is
5 Providence Heights Wind, LLC, wholly owned by
6 Avangrid, if you know?

7 A. Yes.

8 Q. You indicate in your application material that
9 the development powers 18,000 homes. Now, I
10 know the answer to this question, but just so
11 it's clear. But that is not literally what it
12 does; is that correct? Really it provides
13 enough electricity to power the equivalent, or
14 average, 18,000 homes, right?

15 A. Yes, that's correct.

16 Q. Electricity is fungible; you don't know where
17 it's going once you put it on the grid, right?

18 A. Correct.

19 JUDGE SLAVIN: Okay. Based on my
20 questions, I'll give you the first chance,
21 either Mr. Massie.

22 MR. M. MASSIE: No questions.

23 JUDGE SLAVIN: Ms. Donarski?

24 MS. DONARSKI: I have no other questions.

1 JUDGE SLAVIN: How about you, Mr. Welbers?

2 MR. WELBERS: No.

3 JUDGE SLAVIN: Mr. Quest?

4 MR. QUEST: I have none.

5 JUDGE SLAVIN: Mr. Jensen?

6 MR. JENSEN: I have no questions.

7 JUDGE SLAVIN: Mrs. Smith?

8 MS. SMITH: I have none.

9 JUDGE SLAVIN: And, Mr. Stutzke?

10 MR. STUTZKE: I have none.

11 JUDGE SLAVIN: Okay. Interested Parties
12 have a question of Mr. Bus, based on the
13 questions I asked him?

14 If you have a question, why don't you
15 raise your hand, and I will try my best to call
16 first hand raised, first served. Anybody?

17 (No verbal response.)

18 JUDGE SLAVIN: Okay. Thank you very much.
19 Hand me back that one map and we're all set.

20 And to answer a couple questions,
21 Mr. Reinkemeyer.

22 JEFFREY REINKEMEYER,
23 being first duly sworn, was examined and
24 testified as follows:

1 JUDGE SLAVIN: Take a stand.

2 EXAMINATION

3 BY JUDGE SLAVIN:

4 Q. Okay. Want to state your name? I think I
5 forgot to ask Mr. Bus.

6 A. Jeffrey J. Reinkemeyer.

7 Q. You testified a few days ago, correct?

8 A. Yes.

9 Q. Where in the decommissioning plan does it parse
10 out what the Bureau County Ordinance refers to
11 as, quote-unquote, costs, as opposed to one
12 total cost of the original facility?

13 A. Yeah, in Petition 4, we call this out at the
14 beginning of Section 5.

15 Q. And that was in there?

16 A. It was in the revised petition.

17 Q. Oh, there's a revised one?

18 MR. C. MASSIE: Yeah, this is Petition 4,
19 and it should --

20 JUDGE SLAVIN: Oh, Exhibit 4?

21 MR. C. MASSIE: Exhibit 4. And it should
22 replace the decommissioning plan that was
23 already in the application.

24 JUDGE SLAVIN: Is that your only proposed

1 change to the decommissioning plan?

2 MR. C. MASSIE: Yes -- oh, no, there's two
3 changes.

4 JUDGE SLAVIN: That's all I want to know.

5 THE WITNESS: Yeah, I think didn't we
6 address -- we addressed --

7 JUDGE SLAVIN: Just a minute. You haven't
8 got a question pending.

9 MR. C. MASSIE: We addressed, if I
10 remember correctly two issues. One was the cost
11 and the other was -- could you just ask Jeff
12 what the other change was?

13 JUDGE SLAVIN: Okay, sure.

14 MR. C. MASSIE: Thank you.

15 Q. (By Judge Slavin:) Where in the
16 decommissioning plan does it describe with any
17 detail the Ordinance, quote, construction method
18 and techniques for the WTGs and related items,
19 end quote?

20 A. In, I guess, Section 4, we have expanded that
21 to call that item by item.

22 JUDGE SLAVIN: All right. So, Mr. Massie,
23 you are asking that the application be amended
24 to substitute a decommissioning plan for the one

1 that's in there; is that correct?

2 MR. C. MASSIE: Yes.

3 JUDGE SLAVIN: And have you got that as an
4 exhibit?

5 MR. C. MASSIE: Well, yeah, it is Exhibit
6 4.

7 JUDGE SLAVIN: Great. And do you have
8 copies you can pass out?

9 MR. C. MASSIE: Yes. Actually, these
10 copies were passed out last week.

11 JUDGE SLAVIN: Oh, they're the ones that
12 were already passed out?

13 MR. C. MASSIE: Yes.

14 JUDGE SLAVIN: Okay. Petitioner's 4 is
15 admitted. All right. Thank you.

16 Questions of this witness, Ms. Donarski --
17 well, Messrs. Massie?

18 MR. C. MASSIE: No.

19 JUDGE SLAVIN: Ms. Donarski?

20 MS. DONARSKI: I have none.

21 JUDGE SLAVIN: How about you, Mr. Welbers?

22 MR. JENSEN: No.

23 JUDGE SLAVIN: Mr. Quest?

24 MR. QUEST: No.

1 JUDGE SLAVIN: Mr. Jensen?

2 MR. JENSEN: No.

3 JUDGE SLAVIN: Mrs. Smith?

4 MS. SMITH: None.

5 JUDGE SLAVIN: Mr. Stutzke?

6 MR. STUTZKE: No, sir.

7 JUDGE SLAVIN: Interested Parties, by
8 raise of your hand.

9 (No verbal response.)

10 JUDGE SLAVIN: Seeing none, I guess you
11 are all set. Thanks.

12 All right. I'll turn it over to you,
13 Mr. Massie. Chris, can you tell me who you
14 would like to call next?

15 MR. C. MASSIE: Your Honor, we would like
16 to call Mark Bastasch. He's a sound expert for
17 wind projects.

18 JUDGE SLAVIN: Want to step up and I'll
19 swear you in or affirm you in.

20 Raise your right hand.

21 MARK BASTASCH,
22 being first duly sworn, was examined and
23 testified as follows:

24 EXAMINATION

1 BY JUDGE SLAVIN:

2 Q. Would you please state your name.

3 A. Mark Bastasch, B-A-S-T-A-S-C-H.

4 Q. B-A-S-T-A-S-C-H?

5 A. You got it.

6 Q. Very good.

7 And what's your business or occupation,
8 Mr. Bastasch?

9 A. I'm a principal acoustical engineer with the
10 firm Jacobs.

11 Q. And Jacobs is spelled with a K?

12 A. A C.

13 Q. Oh, it is a C? Okay.

14 A. Yes.

15 Q. What is it, Jacobs Engineering? Jacobs
16 Consultants?

17 A. Jacobs Solutions.

18 Q. Jacobs Solutions, okay. Thank you.

19 And in your capacity as an engineer with
20 Jacobs, have you prepared something at the
21 behest of Providence Heights Wind, LLC?

22 A. Yes.

23 Q. What did you prepare?

24 A. I prepared an acoustical model and report for

1 two retrofit scenarios.

2 Q. Okay. And in preparing that, let's talk about
3 your background a little bit. What's your
4 educational background beyond high school?

5 A. I have a Bachelors of Science in Environmental
6 Engineering, and a Master's of Science in
7 Environmental Engineering. I am an acoustical
8 P.E. from the state of Oregon. Oregon is the
9 only state that issues a P.E. in acoustics. I
10 am also board certified by the Institute of
11 Noise Control Engineering.

12 Q. And how long have you -- let me get what you
13 just said. Board certified in what?

14 A. Board certified by the Institute of Noise
15 Control Engineering.

16 Q. Okay. Thank you.

17 How many years experience do you have,
18 total years' experience do you have working as
19 an acoustical engineer?

20 A. I have over 25 years' of experience supporting
21 a variety of infrastructure projects for both
22 public and private clients as an acoustical
23 engineer. My experience with the Illinois
24 Pollution Control Board Noise Standards dates

1 back to approximately 2008.

2 Q. Has your whole career been with Jacobs?

3 A. Its predecessor company was CH2M. So we were
4 purchased by Jacobs in 2018. Prior to that, I
5 was with Parsons Engineering.

6 Q. Okay. Very good. Thank you.

7 All right. So you prepared a report; is
8 that correct?

9 A. Correct.

10 Q. And would you just reasonably briefly describe
11 how you prepared -- what method you used to
12 prepare that report?

13 A. Sure. So I used -- I prepared two reports, one
14 looking at a 32-turbine repower scenario,
15 another looking at a 35-turbine scenario. These
16 analyses have been submitted into the record.

17 Q. Not yet, but they're getting there.

18 A. Oh, okay. Thank you.

19 The acoustical model was developed using
20 standard engineering means and methods, relying
21 on vendor information and international
22 standards for propagation of sound.

23 Q. And from whom did you get the vendor
24 information?

1 A. It would have been through Avangrid.

2 Q. And what did you say the other source was?

3 A. Just the calculation method is an international
4 propagation standard.

5 Q. And as a result -- and what factors did you
6 take into consideration when assessing your
7 results?

8 A. So the retrofit consists of the Vestas V110
9 turbines with acoustically optimized serrated
10 trailing edge blades, and those were modeled in
11 their current location under varying operating
12 scenarios and compared to the Illinois Pollution
13 Control Board standards to determine and assess
14 compliance.

15 Q. When you say in their present -- I think you
16 said present environment or present location,
17 what does that take into -- does that take into
18 account certain topographical factors?

19 A. Topographic shielding was not included. So
20 we're assuming that there is no such shielding
21 occurring.

22 Q. Glad you brought that up. What other
23 assumptions did you make during your analysis?

24 A. The ISO 9613 standard, on which this is based,

1 is a standard that assumes a downwind condition
2 from all turbines to all receivers. So in
3 essence, each receiver or prediction point is
4 assessed as a black hole, with the sound and the
5 wind blowing from each turbine into and towards
6 that receiver location.

7 Q. Any other assumptions?

8 A. Standard temperature and humidity assumptions
9 of 10 degrees Celsius and 70 percent relative
10 humidity.

11 Q. Any others?

12 A. No.

13 Q. How about the condition of the ground?

14 A. The ground factor was used as a mixed ground
15 factor. So the G-factor can be between zero and
16 one. Hard ground would be zero, with a -- which
17 would be like pavement or fully reflective. One
18 would be fully absorptive, like plowed earth.

19 This model and the assumptions utilized a
20 mixed ground, which would be halfway between, so
21 0.5.

22 Q. Any other factors -- assumptions? Assumptions.

23 A. Well, we added a factor of plus two to the
24 turbine vendor data.

1 Q. Plus two to?

2 A. To the sound level.

3 Q. Thank you.

4 A. Thank you.

5 Q. So would it be fair to say that -- choose my
6 words carefully -- that this is a conservative
7 worst-case scenario analysis based on those
8 assumptions?

9 A. Yeah, the modeling method here is robust and
10 intended to be conservative.

11 Q. Okay. And -- okay. So that's how you arrived.
12 And what is your opinion as to the noise levels
13 that would be created by either the 32 or 35 --
14 well, both the 32 and 35 WTGs?

15 A. Both scenarios comply with the Illinois
16 Pollution Control Board Noise Standards.

17 Q. If you know right off the top of your head, how
18 many receiving -- I forget what you call them --
19 receiving parcels, residences, are there that
20 you considered?

21 A. I don't have that number off the top of my
22 head, but we have them enumerated in the report.

23 Q. In the report, okay.

24 JUDGE SLAVIN: That's all the questions I

1 have.

2 Messrs. Massie?

3 MR. C. MASSIE: Yes.

4 JUDGE SLAVIN: Sure.

5 EXAMINATION

6 BY MR. C. MASSIE:

7 Q. Could you please describe the other differences
8 in the second report besides changing from 35 --
9 from 32 to 35 turbines?

10 A. Yes. We looked at different --

11 We're getting little feedback here.

12 Blocking the speaker maybe.

13 JUDGE SLAVIN: Only an acoustical engineer
14 would know that.

15 A. We just varied the operational mode between the
16 turbines. When we increased the number of
17 turbines, we adjusted the potential operations
18 mode.

19 Q. (By Mr. C. Massie:) So the reports are the
20 same, except for changes related to increasing
21 to 35 turbines?

22 A. Correct.

23 MR. MASSIE: Just asking for the benefit
24 for the members of the ZBA. Okay.

1 JUDGE SLAVIN: Anything else?

2 MR. C. MASSIE: No.

3 JUDGE SLAVIN: Ms. Donarski?

4 MS. DONARSKI: I do have a couple of
5 questions for you.

6 EXAMINATION

7 BY MS. DONARSKI:

8 Q. In looking through all of this data that you
9 provided, are there any locations participating
10 that exceed any of the daytime sound level
11 limits?

12 A. No.

13 Q. Okay. And that's no matter how many turbines
14 are put up, correct?

15 A. Correct.

16 Q. And there are none that exceed the nighttime
17 limits?

18 A. Correct.

19 Q. Okay. And how about nonparticipating, the same
20 question, are there any locations that exceed
21 the daytime sound level limits?

22 A. No.

23 Q. Or nighttime?

24 A. No.

1 Q. Okay. My next question, in your professional
2 capacity, do you think the Vestas V110 turbines,
3 the sound information you have, are they
4 generally about the same sound as the ones that
5 are there? Are they nosier? quieter? about the
6 same? What's your take on that, in general?

7 A. The same.

8 Q. The same, okay.

9 MS. DONARSKI: That's all my questions.
10 Thank you.

11 JUDGE SLAVIN: Okay. How about the ZBA.
12 Mr. Welbers?

13 EXAMINATION

14 BY MR. WELBERS:

15 Q. So it's your testimony that the sound that is
16 being emitted after the retrofit is going to be
17 no different than it is today? Is that what I
18 understand?

19 A. The overall sound level of the two turbines are
20 nearly identical. So if we look at the
21 A-weighted sound levels that -- which is the
22 most common metric, we're not seeing a
23 distinguishable difference. They are within
24 1 decibel of each other, and the threshold of a

1 perceptible difference is generally viewed as
2 3 decibels. So we're below that.

3 MR. WELBERS: Okay. All right. Thank
4 you.

5 JUDGE SLAVIN: Thank you.

6 Mr. Quest?

7 MR. QUEST: I have none.

8 JUDGE SLAVIN: Mr. Jensen?

9 MR. JENSEN: No questions.

10 JUDGE SLAVIN: Mrs. Smith?

11 MS. SMITH: I have one question.

12 EXAMINATION

13 BY MS. SMITH:

14 Q. Will there be another sound test after the
15 retrofit is completed?

16 A. I think -- well --

17 JUDGE SLAVIN: If you don't know the
18 answer, just say you don't know.

19 A. Yeah, what we've indicated is that we would
20 submit a report should there be any changes to
21 the approach here or programming. That would be
22 submitted prior to construction.

23 MS. SMITH: Okay.

24 JUDGE SLAVIN: Is that it, Mrs. Smith?

1 MS. SMITH: Thank you.

2 JUDGE SLAVIN: Mr. Stutzke?

3 MR. STUTZKE: No questions.

4 JUDGE SLAVIN: How about Interested
5 Parties, by a raise of your hand?

6 (No verbal response.)

7 JUDGE SLAVIN: All right. Thank you. You
8 can step down.

9 MR. C. MASSIE: We have to enter an
10 exhibit.

11 JUDGE SLAVIN: Yes, you do. And that
12 would be what you marked previously as?

13 MR. C. MASSIE: Exhibit 2.

14 JUDGE SLAVIN: Number 2. That's admitted.

15 MR. C. MASSIE: Just to clarify for the
16 ZBA, there was the first noise analysis that is
17 in the application.

18 JUDGE SLAVIN: So this is being
19 substituted for that one; is that correct?

20 MR. C. MASSIE: This is actually
21 supplementing that.

22 JUDGE SLAVIN: Supplementing.

23 MR. C. MASSIE: It is to be confusing.

24 But there is a 32-turbine in the application,

1 this is 35.

2 JUDGE SLAVIN: So the 32 is now
3 supplemented with the 35, to put in layman's
4 terms?

5 MR. C. MASSIE: Yes. Move to be admitted.

6 JUDGE SLAVIN: Admitted, and made part of
7 the application.

8 All right. Your next witness.

9 MR. C. MASSIE: We would like to call up
10 Ted Guertin. He's a shadow flicker expert.

11 JUDGE SLAVIN: Okay. Sir, want to raise
12 your right hand for me, please.

13 TED GUERTIN,
14 being first duly sworn, was examined and
15 testified as follows:

16 EXAMINATION

17 BY JUDGE SLAVIN:

18 Q. And I'll help you get started by stating your
19 name.

20 A. My name is Ted Guertin.

21 Q. Would you spell your last name for us.

22 A. Yes. It's G-U-E-R-T-I-N.

23 Q. T-I-N?

24 A. T-I-N, yes.

1 Q. And your business or occupation, Mr. Guertin?

2 A. I work for Tetra Tech as a senior air quality
3 meteorologist.

4 Q. Air quality?

5 A. Meteorologist.

6 Q. Meteorologist, okay.

7 And let's talk about your qualifications
8 to be an air quality meteorologist. After high
9 school, what's your education?

10 A. I have a Bachelor's and a Master's Degree in
11 Atmospheric Science.

12 Q. In what? I'm sorry.

13 A. Atmospheric Science.

14 Q. And both a master's and bachelor's, okay.

15 And how long have you been working for
16 Tetra Tech as an air quality meteorologist?

17 A. Sure. So I have over 35 years of experience as
18 an air quality consultant and about 19 years of
19 experience at Tetra Tech.

20 Q. So the other 16 was with other entities?

21 A. That's right.

22 Q. Are you a member of any air quality
23 meteorologist societies or organizations?

24 A. I am not.

1 Q. And would you just guess, you may not know
2 exactly, how many reports of this type for wind
3 development projects you have prepared?

4 A. Quite a few. So in my 19 years of experience
5 at Tetra Tech, I have been using the windPRO
6 model for most of those years to evaluate both
7 shadow flicker and simulations and various
8 aspects of onshore wind projects.

9 Q. Can you guess how many times, a good faith
10 guess?

11 A. Probably over 50.

12 Q. Okay. And did you perform an analysis at the
13 behest of Providence Heights Wind, LLC?

14 A. I did. I have conducted a shadow flicker
15 analysis and developed a report for that
16 project.

17 Q. Thank you.

18 Would you describe for us what methodology
19 you used -- before we get to the report itself,
20 what methodology you used for that report?

21 A. Sure. I used the windPRO model. The windPRO
22 model can calculate potential shadow flicker at
23 surrounding areas, including sensor receptors
24 and windPRO accounts for the dimensions of the

1 turbines, including the longer retrofit project,
2 turbine blades, along with the geometry of the
3 sun, the turbines' receptors.

4 The windPRO model has algorithms that can
5 calculate the exact sun position over the course
6 of a year and use the wind turbine dimensions
7 and the location data to calculate potential
8 shadow flicker at locations surrounding the
9 turbines.

10 Q. With regard to the windPRO program, is that the
11 standard of your profession?

12 A. Yes. There are other programs that can do
13 shadow flicker calculations, but windPRO is the
14 most widely used.

15 Q. The gold standard?

16 A. Yes. It's a Danish product. They have had
17 wind energy in Europe for longer than we have.
18 So that's where it was developed.

19 Q. Thank you.

20 Would you please describe to us, before
21 you get into your analysis, what assumptions
22 that you or that windPRO program made in doing
23 your analysis?

24 A. Sure. So inputs that go into the model include

1 the turbine dimensions and the locations,
2 obviously; the receptor locations, and by
3 receptors, I mean sets of locations like
4 residences; meteorological conditions, including
5 wind speed and wind direction; sunshine
6 probability.

7 There were some assumptions. Receptors
8 were modeled in greenhouse mode, which basically
9 means that it can receive flicker from any
10 direction, even though realistically houses have
11 windows on four sides. So greenhouse mode makes
12 that calculation a little bit more conservative.

13 Q. So the program pretends that everybody lives in
14 a glass house, so to speak?

15 A. Exactly.

16 And another assumption is that no
17 potential obstacles, like trees or barns or
18 other things that could intervene, they were not
19 considered in this analysis.

20 Q. Of course we all know that there are some days
21 the sun shines and some days it doesn't. If you
22 remember or know, what amount of sunshine did it
23 assume?

24 A. Well, it's based on historical sunshine

1 probability data from Peoria, which has a
2 National Weather Service Station, and it varies
3 by month. It's in the report that we have
4 provided. It can range anywhere from 38 percent
5 in December, which is your cloudiest month, up
6 to 67 percent in July, which is the sunniest
7 month.

8 Q. Thank you.

9 I'll ask you the same question as the last
10 gentleman. If you know or remember, how many
11 receptor residences did you -- were contained in
12 the model?

13 A. Yes, the number of receptors that we evaluated
14 for Providence Heights is 90. A total of 90
15 residential and community structures were
16 identified as occupied or potentially occupied.

17 Q. Okay. All right. With regard to the results
18 of your analysis, would you please describe your
19 results and your opinion?

20 A. Sure. Ten receptor locations had shadow
21 flicker -- initial shadow flicker results
22 greater than 30 hours per year. But in
23 accordance with the Zoning requirements and the
24 State rule, the project will commit to

1 operations curtailment to ensure that no
2 receptor has more than 30 hours per year of
3 shadow flicker.

4 Q. If you can, the ones that would exceed 30 hours
5 annually by your assessment, what is the --
6 what's the range of the excess?

7 A. Again, before curtailment, the initial
8 results --

9 Q. Yes, before curtailment.

10 A. -- show that they -- the maximum impact ranged
11 from 38 (sic) hours, 9 minutes, down to 32
12 hours, 20 minutes.

13 Q. So the worst receptor would receive eight more
14 hours than permitted and -- of the ones that
15 would receive more than 30, the worst would be
16 38 and the --

17 A. No, I'm sorry. If I said 38, I meant 58.

18 Q. Okay.

19 A. 58 hours and 9 minutes is the maximum impact
20 receptor.

21 Q. And the least would be 32?

22 A. Correct, of the top ten receptors.

23 Q. Just for those uninitiated, when you say
24 curtailment, would you describe what that means?

1 A. I mean, it basically means shutting down the
2 turbines.

3 JUDGE SLAVIN: I don't have any other
4 questions.

5 How about you, Mr. Massie?

6 MR. C. MASSIE: Yes.

7 EXAMINATION

8 BY MR. C. MASSIE:

9 Q. You provided an updated report?

10 A. I did.

11 Q. From the -- could you just quickly describe the
12 differences from the initial report that's in
13 the application to the amended -- or the revised
14 report?

15 A. Sure. The original report was based on a
16 32-turbine retrofit, and the updated report, the
17 October updated report, is based on a 35-turbine
18 retrofit project.

19 Q. Again, just that is the only difference?

20 A. That's the only difference.

21 MR. C. MASSIE: Just for the benefit of
22 the ZBA, this is -- Petitioner's Exhibit 3 is
23 the updated report.

24 JUDGE SLAVIN: Okay. Any other questions,

1 Mr. Massie?

2 MR. C. MASSIE: That's it.

3 JUDGE SLAVIN: Ms. Donarski?

4 MS. DONARSKI: I do.

5 EXAMINATION

6 BY MS. DONARSKI:

7 Q. On those top ten, where you said that the ones
8 that were over 30 hours, that they would be
9 curtailed, how is that curtailment done? How
10 can those people be assured that that will
11 happen?

12 A. Sure. So in the modeling, I know what turbines
13 are predicted to cause that shadow flicker at
14 that receptor. So we identify those turbines,
15 and then those turbines will basically track
16 shadow flicker at those receptors. The
17 receptors will be identified, the ones that are
18 identified to have potential shadow flicker
19 above 30 are identified; the turbines that could
20 potentially impact them are identified; and then
21 the operations of those turbines will be
22 curtailed to limit shadow flicker to no more
23 than 30 hours.

24 Q. The turbines being curtailed, is that

1 controlled by someone watching it or are they
2 programmed that way? Or how is that handled?

3 A. It is programmed. It's -- the way I understand
4 it is, again, it's programmed. They know the
5 geometry of the receptors, of the turbines and
6 the dimensions of the turbines. And like
7 windPRO, the software in the turbines know where
8 the sun is every hour of the year and know when
9 shadow flicker -- as long as it's sunny and
10 windy and the turbine is spinning, then they
11 would know when shadow flicker is occurring and
12 limit it to no more than 30 hours.

13 Q. Okay. So there -- they are kind of -- the
14 program monitors that and measures and keeps
15 track of how many hours, and then when it gets
16 to 30 then it turns off?

17 A. That's my understanding, yes.

18 MS. DONARSKI: Okay. Thank you very much.

19 JUDGE SLAVIN: Mr. Welbers?

20 EXAMINATION

21 BY MR. WELBERS:

22 Q. This is ultimately very similar to what is
23 happening now -- this is very similar to what's
24 happening now?

1 A. Yes. My understanding is that the existing
2 project has not raised any concerns with shadow
3 flicker. So I would say that the new project
4 will have bigger rotors and can expand the areas
5 somewhat of shadow flicker, but substantially
6 it's going to be very similar.

7 JUDGE SLAVIN: Is that it?

8 MR. WELBERS: That's it.

9 JUDGE SLAVIN: Mr. Quest?

10 MR. QUEST: I have none.

11 JUDGE SLAVIN: Mr. Jensen?

12 MR. JENSEN: No questions.

13 JUDGE SLAVIN: Mrs. Smith?

14 MS. SMITH: Yes. I need a little
15 clarification.

16 EXAMINATION

17 BY MS. SMITH:

18 Q. I was comparing the -- your chart. So you're
19 saying we have one, A21, 61 hours and 16
20 minutes?

21 A. Which chart?

22 Q. This is total time curtailed. This is in your
23 shadow flicker --

24 A. Okay. Yup.

1 Q. Is that correct, 61 hours and 16 minutes? Is
2 that what that's referring to? That's the
3 number --

4 A. So this is -- right. This is an estimate of
5 what the curtailment program would do, in terms
6 of curtailment of operations, to make sure that
7 those turbines -- that those receptors have no
8 more than 30 hours --

9 Q. Okay.

10 A. -- of shadow flicker.

11 Q. So that 61 hours and 16 minutes would be
12 reduced to 30 minutes and then that turbine
13 would not work anymore until --

14 A. No. So I think you're looking at the
15 curtailment program. That's really talking
16 about the operation of the turbines and how the
17 curtailment program would look.

18 But in terms of the receptors and impacts,
19 I think that's the next table that you want to
20 look at, Table 3.

21 Q. I'm looking at Table 2, is the one I was
22 looking at.

23 A. Okay. Yup. So if you want to talk about
24 impacts, the impacts really are there in

1 Table 3.

2 Q. So what is Table 2 referring to then?

3 A. Table 2 is an estimate of likely curtailment
4 periods and how much the turbines would need to
5 be curtailed to ensure that 30 hours at the
6 receptors.

7 Q. Okay. So they would need -- that particular
8 one would need to be curtailed for 61 minutes
9 to --

10 A. 61 -- approximately 61 hours.

11 Q. Right. 61 hours to get to the 30 -- oh, got
12 it.

13 A. Of impact, yup.

14 Q. That was -- I needed clarification. That was a
15 little confusing.

16 A. Understandable.

17 MS. SMITH: Thank you.

18 THE WITNESS: You're welcome.

19 JUDGE SLAVIN: Mr. Stutzke?

20 MR. STUTZKE: No questions.

21 JUDGE SLAVIN: Okay. Interested Parties,
22 those folks that I have not called on already,
23 by raise of your hand?

24 (No verbal response.)

1 JUDGE SLAVIN: Want to wait a sufficient
2 time.

3 (No verbal response.)

4 JUDGE SLAVIN: Okay. Thank you.

5 MR. C. MASSIE: I think we have an
6 exhibit.

7 JUDGE SLAVIN: And I will supplement the
8 petition -- the application with Petitioner's
9 Exhibit Number 3, the new shadow flicker
10 analysis Mr. Guertin has done.

11 MR. C. MASSIE: I would like to call
12 Rhett, a wildlife expert for the wind project.

13 JUDGE SLAVIN: All right. Sir, would you
14 care to raise your right hand, please.

15 RHETT GOOD,
16 being first duly sworn, was examined and
17 testified as follows:

18 EXAMINATION

19 BY JUDGE SLAVIN:

20 Q. And if you would start with your name, please.

21 A. My name is Rhett Good.

22 Q. Rex?

23 A. Rhett, R-H-E-T-T.

24 Q. R-H-E-T-T. Sorry.

1 A. No worries.

2 Q. Good, G-O-O-D?

3 A. Yes.

4 Q. And what's your business or occupation,
5 Mr. Good?

6 A. I'm a principal biologist with Western
7 Ecosystems Technology, or WEST for short.

8 Q. What does principal mean?

9 A. Principal is the most senior level of wildlife
10 biologists at our company.

11 Q. Okay. And how long -- well, let's go
12 backwards.

13 What's your education past high school?

14 A. I received a Bachelor's Degree in Biology from
15 Ball State, and a Master's in Zoology from the
16 University of Wyoming.

17 Q. Did you say zoology or biology?

18 A. Zoology.

19 Q. And, I'm sorry, I wrote down the wrong thing.
20 A bachelor's in what?

21 A. In biology from Ball State.

22 Q. Okay. And how long have you been working
23 for -- working as a biologist in the workforce?

24 A. For 27 years.

1 Q. And how long for WEST?

2 A. 27 years.

3 Q. Okay. During your -- and were you engaged by
4 Providence Heights Wind, LLC, to do something
5 for them?

6 A. I was, yes.

7 Q. And what was the something?

8 A. I was asked to review the available information
9 and come here and talk about the agency
10 consultations and the wildlife that were
11 mentioned in those consultations.

12 Q. So engaged to do an environmental study; is
13 that fair?

14 A. Yeah, review of the available testimony and
15 give testimony today.

16 Q. And without knowing exactly, how many times
17 would you say you have done something similar
18 to -- for this -- something similar to this for
19 a renewable energy project?

20 A. I have completed, I think hundreds of different
21 monitoring studies over 27 years. I don't know
22 the exact number.

23 Q. Okay. And as a result of your engagement, you
24 prepared some kind of document; is that right?

1 A. No. I have just come here to discuss --

2 Q. Oh, okay.

3 A. -- the consultation --

4 Q. All right.

5 A. -- and answer questions.

6 Q. Okay. What information did you review to
7 discuss this?

8 A. Yes, I reviewed the Illinois DNR EcoCAT letter,
9 the U.S. Fish and Wildlife Service IPaC letter,
10 and then available public studies in the region
11 and across the country, and then data from
12 onsite that has been completed.

13 Q. When you say data from onsite, can you add a
14 little meat to that?

15 A. Sure. Yeah, so this site has been recording
16 fatalities that occur for the 16 years it's been
17 operating. So I reviewed the carcasses that
18 were found, I reviewed the -- there's a public
19 post-construction monitoring study from an
20 adjacent facility called Crescent Ridge. I
21 reviewed that study. Then I reviewed some
22 different surveys that have been completed
23 onsite. There was a bald eagle nest survey and
24 a bat study.

1 Q. All right. So have you formed any conclusions
2 from the information you have reviewed?

3 A. Yes.

4 Q. And what are those conclusions?

5 A. Yeah, so, you know, the project had been in
6 operation for approximately 16 years. Our best
7 predictor of risk is really past
8 post-construction monitoring studies, especially
9 when we have site-specific data.

10 So to date, you know, through 16 years of
11 monitoring onsite by Avangrid staff and then the
12 adjacent Crescent Ridge study, there are no
13 documented fatalities of endangered species or
14 eagles at those sites.

15 The project has committed to completing a
16 post-construction monitoring study that's
17 consistent with the Bureau County Zoning
18 Ordinance that will be a professional monitoring
19 study to confirm that after repower those same
20 results still apply. And if the project does
21 result in an impact to threatened or endangered
22 species, they have committed to coordinating
23 with the relevant Fish and Wildlife Agency.

24 Q. And that would be a post-operational study --

1 collection of data?

2 A. Yes, that's correct.

3 Q. Then you indicated that there's been no
4 recorded fatalities of an endangered species.
5 How about threatened?

6 A. No threatened or endangered species have been
7 recorded.

8 Q. When you talk about fatalities, would it be
9 fair for me to assume that means animals of
10 some -- in the animal kingdom?

11 A. Yes, and I'm referring to birds and bats.

12 Q. How about other animals?

13 A. No, no other animals are duly impacted.

14 Q. Did you review any studies with regard to any
15 botanical threatened or endangered species?

16 A. I did review the Fish and Wildlife Service
17 letter, and the two plant species that they
18 mentioned. They mentioned the eastern prairie
19 fringed orchid and the current false aster.

20 There's really no suitable habitat for
21 either species. The Fish and Wildlife Service
22 just identifies projects that are within the
23 ranges of those species. But, you know, there's
24 no potential habitat for those species, so

1 there's no expectation it will occur on the
2 site.

3 Q. How do you reach the opinion that there is no
4 suitable habitat? In other words, what did you
5 do to determine that?

6 A. Right. Well, the turbines occur in tilled
7 agriculture. And so, you know, the current
8 false aster only really occurs in the
9 floodplains of the Illinois River. Those are
10 not in the site.

11 The other species only occurs in remnant
12 native prairies, which are incredibly rare in
13 Illinois. All the turbines are in tilled
14 agriculture.

15 Q. Okay. Did you reach any other opinions or
16 conclusions from what you reviewed?

17 A. No. I mean, the existing data suggests there
18 have been no documented fatalities on site or
19 the adjacent facility. Those are the best
20 predictors of risk we have for a project.

21 The project's committed to a
22 post-construction monitoring study. And if any
23 of those species are found, they will coordinate
24 with the relevant agencies.

1 JUDGE SLAVIN: Okay. Questions,
2 Mr. Massie?

3 MR. C. MASSIE: None.

4 JUDGE SLAVIN: Ms. Donarski?

5 MS. DONARSKI: Yeah, I have a couple
6 questions for you.

7 EXAMINATION

8 BY MS. DONARSKI:

9 Q. Do you -- when is this study done? Is it done
10 during the repowering process? After the
11 repowering process is completed? before? How
12 does that all fit together?

13 A. Good question. So the study will be completed
14 after the project has been repowered and
15 operation has began. It will involve systemic
16 searches for bird and bat carcasses and then,
17 you know, an estimation of how many actually
18 occurred on site.

19 Q. Okay. And do you know, when they repower a
20 project like this, do they work after dark or do
21 they only work during daylight hours? Do you
22 have any idea? If you don't know, that's a fair
23 answer.

24 A. You mean do the turbines operate during the

1 nighttime?

2 Q. No. Do the -- let me try to -- I'll just tell
3 you what I'm trying to ask. At night when it's
4 being repowered, do you know if the workmen work
5 on repowering turbines after dark or do they
6 only do it during daylight hours? Do you have
7 any idea of that?

8 A. You know, that I don't know.

9 Q. Okay.

10 A. Yeah, I would have to refer to --

11 Q. The reason I'm asking is, like, do they have
12 lighted -- like, the laydown yards, are they
13 lighted? Does that draw in certain species to
14 the lights, or not really?

15 A. Good question.

16 I do not believe the laydown yards are
17 lighted, but I'll defer to Jeff on that one --

18 Q. Okay.

19 A. -- but yeah.

20 Q. But you would make sure that you had all the
21 appropriate permits and that everything was done
22 according to IDNR regulations?

23 A. Yes, that's correct.

24 MS. DONARSKI: Okay. Thank you.

1 JUDGE SLAVIN: Thank you.

2 Mr. Welbers?

3 MR. WELBERS: No.

4 JUDGE SLAVIN: Questions?

5 MR. WELBERS: No.

6 JUDGE SLAVIN: Mr. Quest?

7 EXAMINATION

8 BY MR. QUEST:

9 Q. So in the event that you would see an increase
10 in animals, what would a potential resolution
11 be? If they are already there and working and
12 it starts creating, you know, more deaths, what
13 would a possible resolution be to that?

14 A. Good question. You know, the available studies
15 in this -- you know, at the adjacent facility
16 suggests the impacts shouldn't be significant.

17 But, you know, there are tools available
18 to, in particular, reduce bat mortality.
19 Curtailment has been used to -- you know, it's
20 widely used to reduce bat mortality. There's
21 other technologies that have been used less
22 commonly, but curtailment is the most commonly
23 used form of mortality reduction.

24 Q. So you would see a certain time of the day or

1 night that would be more, I guess, the
2 possibility would be higher for mortality?

3 A. Certainly, yeah, I think there are certain
4 types of curtailment when you can focus it when
5 risk is highest, and that is -- has been used at
6 other facilities, yes.

7 MR. QUEST: Okay. That's all I have.

8 JUDGE SLAVIN: Mr. Jensen?

9 MR. JENSEN: No questions.

10 JUDGE SLAVIN: Mrs. Smith?

11 MS. SMITH: Yes.

12 EXAMINATION

13 BY MS. SMITH:

14 Q. I would like to refer you to the Natural
15 Resources letter dated April 30th, 2024. Page
16 2, regarding the black-billed cuckoo, Indiana
17 bat, northern long-eared bat and upland
18 sandpiper.

19 I'll just read this: The Department
20 recommends that the County require the project
21 proponent to curtail wind turbine operations
22 below wind speeds of 6.9 meters per second from
23 sunset to sunrise between July 15 and October 15
24 to avoid the unlawful take of State-listed bats

1 and birds and to minimize mortality of all bat
2 species. When turbines should be feathered,
3 minimal rotations during these curtailment
4 events.

5 Will this happen?

6 A. So the project --

7 Q. Will they stipulate to this, that that will
8 happen?

9 A. Right, good question.

10 So the project is -- you know, believes
11 that there have been none found to site on date,
12 over 16 years of monitoring. You know,
13 therefore they are proposing to curtail, but not
14 to the levels outlined by the DNR, to a lower
15 level, because of the lack of fatalities on
16 site. But then they are also proposing to do a
17 study. And if these species are found, then
18 they will coordinate with the agencies.

19 But, you know, the project is not
20 proposing to curtail up to 6.9 meters per second
21 because of lack of fatalities through 16 years.

22 Q. Even though they are recommending that that be
23 done?

24 A. That's correct. So yeah, the project -- the

1 DNR doesn't have access to the available studies
2 that Avangrid has completed on site, and so --
3 but the project has committed to do the study.
4 And if something is found, then they coordinate
5 directly with the agencies. But the available
6 data suggests no fatalities have occurred to
7 date.

8 Q. So do I understand that you're saying that your
9 studies are more accurate than the State?

10 A. You know, the State will take into account
11 site-specific data. That hasn't been done to
12 date. But yes, I mean, the site has completed
13 monitoring. They don't believe that fatalities
14 have been documented but, you know, they're
15 willing to monitor it. If they find something
16 after repower, then they're willing to
17 coordinate with the agencies, you know, further
18 on this project.

19 MS. SMITH: Okay. Thank you.

20 JUDGE SLAVIN: Mr. Stutzke?

21 MR. STUTZKE: No questions.

22 JUDGE SLAVIN: Interested Parties? Yes.

23 MS. STETSON: Connie Stetson.

24 EXAMINATION

1 BY MS. STETSON:

2 Q. How do you know -- what did you say how you
3 find out that things have been killed? How do
4 you know that again?

5 A. Sure. So Avangrid has a system where they
6 train their onsite technicians to record
7 carcasses that they come across as they're doing
8 their operations -- operational -- you know,
9 when they're working on the wind turbines. And
10 then they also, I believe for a year or two,
11 have some standardized searches of roads and
12 pads at the site.

13 Q. Do you know how often they go to the site?

14 A. You know, they are on site -- I don't know how
15 often they are visiting each turbine, no, but
16 they have been there for 16 years.

17 Q. How many times per year do they go to these
18 sites?

19 A. You know, I would defer to the site manager,
20 he's here today, to answer that question. He's
21 much more familiar with how often they go to
22 each turbine.

23 There was a study of an adjacent facility,
24 and I believe that frequency was every five

1 days. They completed a search at turbines at
2 the adjacent Crescent Ridge project and found no
3 threatened or endangered species.

4 Q. Okay. I went down that road last Thursday, and
5 people were picking corn. There was a farmer
6 picking the corn around --

7 JUDGE SLAVIN: You're telling him things.

8 MS. STETSON: I'm just trying to get to
9 the question.

10 Q. (By Ms. Stetson:) So things pop up when the
11 combine goes by, and there's a -- this happened
12 to my husband. There's a --

13 JUDGE SLAVIN: You're telling him things.
14 Just ask him a question.

15 Q. (By Ms. Stetson:) A dead opossum --

16 JUDGE SLAVIN: Are you aware that when a
17 combine goes by --

18 Q. (By Ms. Stetson:) Then all the sudden there's
19 a dead opossum or a dead whatever from the
20 turbine?

21 JUDGE SLAVIN: Are you -- I'm going to
22 help you out. Are you aware that it's not until
23 a crop is picked that you may --

24 MS. STETSON: Find --

1 JUDGE SLAVIN: -- a person may view --

2 MS. STETSON: A dead carcass.

3 JUDGE SLAVIN: Well, don't interrupt me if
4 I am helping you, please.

5 MS. STETSON: I'm sorry.

6 JUDGE SLAVIN: She can't take down two
7 people talking at once.

8 A. I mean, that's a good question. So after
9 harvest, they're much more visible in the
10 cropland.

11 You know, during the growing season,
12 things that land on the road or pad are visible
13 but less visible in a standing cornfield.

14 Q. (By Ms. Stetson:) Well, there -- because all
15 the sudden there's vultures, like (sound) to
16 these, and pretty soon --

17 JUDGE SLAVIN: Connie, you have got to
18 stop telling him things. Just ask him a
19 question. This is not --

20 Q. (By Ms. Stetson:) There may not be a carcass
21 left over --

22 JUDGE SLAVIN: What happens is, it turns
23 into a round table if you do that. This is a
24 hearing. It's not a roundtable discussion. If

1 you want to talk to somebody, go out to the bar
2 and have a beer and talk to them. This is a
3 hearing.

4 A. I think I know the question you're trying to
5 ask. And so I think you're trying to ask, like,
6 how do you account for a coyote --

7 Q. (By Ms. Stetson:) Yes.

8 A. -- who might remove a carcass?

9 So the professional monitoring studies
10 actually test that to see how often carcasses
11 are removed, and they account for that in their
12 fatality estimates.

13 So that was done at the adjacent facility,
14 where they completed that sort of assessment.

15 Q. So you really don't have a good count, because
16 the carcass could have been taken away from a
17 coyote?

18 A. That's the case with every wind monitoring
19 study, but those sorts of things are accounted
20 for in the final fatality estimate for a
21 professional monitoring study. So that's the
22 type of study that we complete after the
23 project's been built to determine if fatalities
24 are occurring on site. So you'll have an

1 estimate how often that occurs and you'll adjust
2 the estimate for that.

3 MS. STETSON: I'm done.

4 JUDGE SLAVIN: Okay. Any other folks, by
5 raise of the hand, Interested Parties?

6 (No verbal response.)

7 JUDGE SLAVIN: You had a follow-up,
8 Ms. Donarski?

9 MS. DONARSKI: I do. I have a follow-up
10 question.

11 EXAMINATION

12 BY MS. DONARSKI:

13 Q. In your professional role, are you aware of the
14 black-billed cuckoo being documented as living
15 or being in the footprint of the Providence
16 Heights Project?

17 A. A good question. I -- I did not find any
18 observations of the black-billed cuckoo within
19 the project in the reports I reviewed.

20 Q. Okay. What about the Indiana bat or the
21 northern long-eared bat?

22 A. The DNR does note that there is the presence --
23 Indiana bat has been noted in the vicinity of
24 the project area. They note that none of the

1 other species have. But Indiana bat they note
2 has, but there have been no fatalities found.

3 Q. What about the upland sandpiper?

4 A. Yeah, I came across no records within the
5 project area of the upland sandpiper.

6 Q. Are these birds -- never mind. Thank you.

7 JUDGE SLAVIN: I have one quick follow-up.

8 EXAMINATION

9 BY JUDGE SLAVIN:

10 Q. And I have heard it before and I know the
11 answer, but it's for everybody's edification.

12 You used the terms curtailment and
13 feathering. Can you describe the difference?

14 A. Okay. Yes, good question. They are one -- I'm
15 a biologist, I'm not an engineer, so I use them
16 interchangeably, basically to mean to reduce the
17 operation of the turbine to low wind speeds
18 when -- you know, when bats are most active.

19 Q. And which is that, curtailment or feathering?

20 A. Both. Both achieve the same objectives.

21 JUDGE SLAVIN: Okay. Thank you. You may
22 step down or stand down, step away.

23 How about we take a break here for ten
24 minutes? Let's start again at -- well, we'll

1 try at 25 after 7:00.

2 (A recess was taken at 7:17 p.m.
3 and proceedings resumed at
4 7:28 p.m.)

5 JUDGE SLAVIN: Okay, ladies and gents.

6 Ball is still in your court, Mr. Massie.

7 MR. C. MASSIE: We would like to call Mike
8 MaRous, a property valuation expert.

9 MICHAEL MaROUS,
10 being first duly sworn, was examined and
11 testified as follows:

12 JUDGE SLAVIN: Have a stand.

13 EXAMINATION

14 BY JUDGE SLAVIN:

15 Q. I'll help you get started. Please state your
16 name.

17 A. Michael S. MaRous.

18 Q. And, Mr. MaRous, what's your business or
19 occupation?

20 A. I am a professional real estate appraiser, a
21 real estate consultant.

22 Q. And what is your education after high school?

23 A. I attended and graduated from the University of
24 Illinois with a bachelor's in the School of

1 Finance, with a specialization in urban land
2 economics; and then immediately worked on
3 professional appraisal designations, of which I
4 had to take significant class work and gained
5 experience. As part of it, I was awarded the
6 SRA designation, the MAI designation, the CRE
7 designation. I'm licensed at the highest level
8 of appraisal, general certification, I think in
9 six or seven states.

10 Q. Okay. Very good.

11 I think, though, we better flesh out -- I
12 mean, I know the acronyms and you know exactly
13 what they mean, but would you tell me what
14 certifications you hold again and what the
15 acronyms mean?

16 A. Yes. The -- so the general certified is the
17 licensure -- the highest level of appraisal
18 licensure in the state of Illinois, and it
19 requires educational training, coursework,
20 passing classes and having experience rated.

21 The first designation is the SRA
22 designation, which is the senior residential
23 appraiser. Probably the most important one is
24 the MAI designation, which there is 4,000 of us

1 in the world. It's highest form of real estate
2 valuation, and involves passing seven or eight
3 classes, a couple theses, a comprehensive
4 examination and peer review.

5 I also hold --

6 Q. What does MAI stand for?

7 A. Member Appraisal Institute.

8 Q. Member Appraisal Institute.

9 A. And then the counselor of real estate is
10 invitation only to the highest level of real
11 estate consultants, and generally a third are
12 probably MAIs, and then there's land use
13 attorneys, PhDs, professors at major
14 universities.

15 Q. And what was that designation?

16 A. CRE, counselor of real estate.

17 Q. Okay. And how long -- well, let me ask you
18 this: Have you been engaged by Providence
19 Heights Wind, LLC, to do something for them?

20 A. Correct, I have.

21 Q. What have you been engaged to do?

22 A. I have been engaged to analyze the components
23 of the project, to visit the footprint, look at
24 the technical specifications, and then do what's

1 called a real estate value impact analysis, of
2 which I did, and submitted a 200-plus-page
3 report summarizing my findings.

4 Q. And if you don't know exactly, that's
5 understandable, but approximately how many of
6 these have you done for renewable energy
7 projects?

8 A. Probably over 120 throughout the U.S.,
9 predominantly in the Midwest and the highest
10 percentage in the state of Illinois.

11 Q. All right. In general terms -- just start with
12 generalities. In general terms, what
13 methodology do you use to arrive at your
14 conclusion?

15 A. First, understand the project. And you heard
16 some of the technical aspects of it last
17 Thursday night and tonight, including the shadow
18 flicker, the sound, the ADLS, the setbacks, the
19 tip height. Then go physically -- we'll do
20 research on comparable sales, residential
21 farmettes, small rural residential properties,
22 because this is in a rural area.

23 Also look at rural sales of land value,
24 look at published studies on that, and then go

1 out and physically visit these comparables and
2 physically visit the site, which I have done.

3 And then from that, we look at the
4 demographics of the area. We look at the trend
5 of development. In this situation, we have the
6 benefit of an approximately 14-, 15-year-old
7 existing wind project that's been there, to look
8 at what's happened and that impact on the
9 economy.

10 We look at the economics of this, the jobs
11 created during the construction, the permanent
12 jobs, and then the revenue generated by the new
13 taxes and also the revenue that goes in to the
14 property owners that are participating.

15 From that, we look at, Are there stress on
16 the services? Are there students going to be
17 added? Are there going to be additional
18 municipal services? And this generally is
19 really no stress on the services. So it's a
20 positive economic impact.

21 Then we look at what's called a matched
22 pair, and we look at an area to find sales of
23 residential properties that are proximate to a
24 turbine and similar properties. When I say

1 "similar," similar age, similar demand, similar
2 building size, similar lot size, similar
3 modernization, hopefully a gravel road compared
4 to another gravel road, a paved road compared to
5 a paved road, and see if there's any -- after
6 adjustments, if there's any impact based on the
7 proximity to the turbines.

8 I think I have 150 -- I haven't put that
9 many in this report -- of these matched pairs.
10 That conclusion, there was no negative impact
11 when properly done.

12 The other thing is, we look at peer-
13 reviewed studies to see what some of these that
14 have considered mass amounts of data, and look
15 to see for properties such as the subject in a
16 rural area, has there been a diminution in
17 value.

18 Again, there's certain people that don't
19 like them. But mine is not a taste test, it's
20 looking at economic value impact. And again, no
21 negative impact there.

22 The economics, obviously there's a
23 positive benefit to the community. You're
24 taking very little agricultural use out, you're

1 helping provide income back into the ag
2 community, and able to basically keep some of
3 these generational farms in the family.

4 The other thing I have been doing since we
5 started this is, I contact the assessors in
6 every county in the state that has an active
7 wind project to see if there have been formal
8 tax appeals filed with specific allegations that
9 there's been a negative impact on value and
10 evidence has been provided.

11 I've probably covered, I think about 125
12 assessors throughout the Midwest. The ones in
13 Illinois probably over a million acres. And
14 it's interesting, the people, before they come
15 in, there's complaints; the Board members are
16 concerned; the assessors watch it, they track
17 the sales; and there's been no formal tax
18 appeals given.

19 The assessors, every one, find that
20 there's no negative impacts. So they are not
21 assessing these properties any differently than
22 they are a similar property, let's say, two
23 miles away.

24 Clearly, you know, we kind of tracked the

1 trends in the wind world and, you know, the "new
2 is less" turbines, bigger turbines, greater
3 heights.

4 These proposed heights are actually quite
5 modest. Where the new turbines are well over
6 600 feet, these are 437 feet.

7 The ADLS, to me, is a benefit. It's
8 coming out. The setbacks are good.

9 So in general, my report looks at all
10 these factors based on my experience. With
11 every impact -- we look at noise, we look at
12 truck traffic, we look at smell, we look at
13 stress on the community, we look at
14 aesthetics -- and when I blend all this in,
15 based on my experience of appraising for
16 probably 50 public body clients, appraising over
17 12,000 properties, I find no negative impact
18 based on the proposed repowering of this
19 project.

20 Q. And that's your opinion, is that there's no
21 negative impact -- this would have no negative
22 impact; is that correct?

23 A. That's correct.

24 JUDGE SLAVIN: Okay. Based on my

1 questions, questions, Ms. Donarski?

2 MS. DONARSKI: Oh, sorry.

3 JUDGE SLAVIN: Where did she go?

4 MS. DONARSKI: Right here. I do have a
5 question. Sorry, I was having a coughing
6 attack.

7 EXAMINATION

8 BY MS. DONARSKI:

9 Q. On your report on Page 6 -- do you have your
10 report in front of you?

11 A. I do.

12 Q. I just had some question about your statistics.
13 On each of these areas -- you have, like,
14 Tiskilwa, Bradford, Buda, townships, Bureau
15 County as a whole. What is meant by the number
16 of vacant housing units in 2024?

17 A. That is just based on public statistics. We
18 use a site to do business and we also look at
19 the National Association of Realtors
20 information, and that's where it comes from. We
21 don't go out and count vacant houses.

22 Q. Okay. So is that in the county, as a whole, or
23 within -- like, the one where it says townships,
24 is it general data that's gathered? You didn't

1 go around in Indiantown Township and Milo
2 Township and count houses, is what you're
3 saying?

4 A. No, but it's published data that we research
5 the data and then put it in, yes.

6 Q. Okay. Are some of those, like, abandoned homes
7 that are non-livable or those are all livable
8 homes? Or you don't know?

9 A. Well, livable to one is not livable to another.

10 Q. That's true.

11 A. I think a certain portion of them probably are
12 not technically habitable.

13 Q. Okay.

14 A. Others, sometimes property owners, you know,
15 may have a house in Iowa and they have a farm
16 here with a farmette and they leave it vacant on
17 purpose or somebody passed away and the family
18 members haven't done anything with it.

19 MS. DONARSKI: Okay. Thank you very much.

20 THE WITNESS: Yes.

21 JUDGE SLAVIN: Thank you.

22 Mr. Welbers?

23 MR. WELBERS: No, I have no questions.

24 JUDGE SLAVIN: Mr. Quest?

1 MR. QUEST: No questions.

2 JUDGE SLAVIN: Mr. Jensen?

3 MR. JENSEN: No questions.

4 JUDGE SLAVIN: Mrs. Smith?

5 MS. SMITH: No questions.

6 JUDGE SLAVIN: And, Mr. Stutzke?

7 MR. STUTZKE: No questions.

8 JUDGE SLAVIN: How about Interested
9 Parties here? Got a question, raise your hand.

10 (No verbal response.)

11 JUDGE SLAVIN: Looks like there's no
12 questions. You may step down.

13 THE WITNESS: Thank you.

14 JUDGE SLAVIN: Or walk away.

15 Mr. Massie, further evidence?

16 MR. C. MASSIE: That is the end of our
17 evidence. We admit this binder.

18 JUDGE SLAVIN: I will, first of all,
19 include all of the new reports into the
20 application binder. Which you have marked
21 previously, is that correct, Petitioner's 1?

22 MR. C. MASSIE: Yes, that's correct.

23 JUDGE SLAVIN: And then, having done that,
24 I will admit Petitioner's 1, I have already done

1 5 and 6, and I admit 7.

2 Any other evidence, Mr. Massie?

3 MR. C. MASSIE: No.

4 JUDGE SLAVIN: Okay. I'm going to do
5 this. Mrs. Donarski said, because of the input
6 she requested from governmental bodies which is
7 not yet complete, she's not ready to testify.

8 So how about Interested Parties, those of
9 you in here who would like to testify -- be put
10 under oath and testify?

11 Okay. Come on up. Want to raise your
12 right hand, please.

13 CONNIE STETSON,
14 being first duly sworn, was examined and
15 testified as follows:

16 EXAMINATION

17 BY JUDGE SLAVIN:

18 Q. All right. State your name.

19 A. My name is Connie Stetson, S-T-E-T-S-O-N.

20 Q. And, Ms. Stetson, I don't expect you to tell
21 your address, but in what township in Bureau
22 County do you live?

23 A. I live in Macon.

24 Q. Okay. And where is that in relation to the

1 proposed retrofit -- this proposed retrofit
2 project?

3 A. I live on 1050 North Avenue, and there's some
4 on 1000 North Avenue, and it's about five miles
5 from my house, but I can see them right out my
6 window.

7 Q. So in your estimate, the nearest WTG to you
8 would be about five miles away?

9 A. I think so. Very clear.

10 Q. And that's your residence?

11 A. Yes.

12 Q. Okay. At the residence, with whom do you live?

13 A. My husband.

14 Q. Any kids left there?

15 A. No.

16 Q. Are you at home how many -- how many hours a
17 day would you -- not counting sleeping hours,
18 how many hours a day would you say you're at
19 home?

20 A. Well, I'm retired. So I'm home quite a bit
21 now.

22 JUDGE SLAVIN: All right. I'm going to
23 let you take it from there, and you -- this is a
24 tough -- this is a tough line to draw, and I

1 understand it is.

2 MS. STETSON: I know.

3 JUDGE SLAVIN: Facts. Now is not the time
4 for speeches. There will be a time for closing
5 arguments down the road on other days.

6 MS. STETSON: I have copies that I want to
7 hand out. You said I needed eight copies?

8 JUDGE SLAVIN: Yes, please.

9 If you want to hand me one, and then hand
10 Ms. Donarski the other ones you have got. Are
11 they all marked? I'm going to call them --
12 Ms. Donarski, I'll call this IP Number 1. Or
13 you all can mark that IP, stands for Interested
14 Party, Number 1.

15 MS. STETSON: I'm concerned about the way
16 the towers look, the oil that is going down
17 there.

18 I went down that direction last Thursday.
19 There's 80 gallons of oil that are -- that's in
20 there. And if you consider a gallon of milk,
21 think about 80 of those sitting there. That's
22 how much oil is in one turbine.

23 So these have been -- then it was stated
24 that these have been leaking for about six

1 years. And they said that there's no -- they
2 can't estimate how much is in the ground or
3 there's no -- not enough information to say that
4 there is oil in the -- but the turbines look
5 terrible.

6 So I -- with the pictures, first of all --
7 well, let's go to the pictures first.

8 JUDGE SLAVIN: So you're referring to your
9 IP Number 1.

10 MS. STETSON: I'm looking at the pictures.

11 JUDGE SLAVIN: In IP Number 1; is that
12 correct? The exhibit marked IP 1?

13 MS. STETSON: There's pictures.

14 JUDGE SLAVIN: Is that correct?

15 MS. STETSON: I guess. Is that what you
16 want to call it?

17 JUDGE SLAVIN: Why don't you mark those
18 IP 1, then the record will reflect we all know
19 what we're talking about.

20 MS. STETSON: Okay. So here's the
21 pictures.

22 Q. (By Judge Slavin:) On Page 2 --

23 A. Page 2.

24

1 Q. -- of IP 1 -- you're interrupting me -- are two
2 photos; is that correct?

3 A. Yes.

4 Q. What do those photos depict?

5 A. The oil that has been traveling down the
6 turbine, and then there's oil on the blades
7 themselves.

8 Q. Do those photos truly and accurately represent
9 what you saw on those turbines last Thursday?

10 A. I took these pictures last Thursday.

11 Q. You didn't answer my question.

12 A. Yes.

13 Q. Listen to my question, please.

14 A. Yes.

15 Q. Do those pictures truly and accurately
16 represent what you saw last Thursday?

17 A. Yes.

18 Q. Okay.

19 A. And I have more pictures, if you want me to
20 distribute them. But I only printed two.
21 Because I wanted to show that they do go down
22 the blade of the turbine. So this is oil that
23 you don't know where it's going.

24 And I have been presented with

1 different -- two different windmill companies,
2 one was RWE and Leeward, and so there's a
3 statement here about tenants assume
4 responsibility for the agreement -- for and
5 agrees to comply with all environmental laws
6 applicable to tenant's use of the property, all
7 remediation, and other requirements, as well as
8 all consequences of existence of hazardous
9 material located on or released on, from, or
10 onto to the property by the tenant.

11 Q. From what are you reading?

12 A. I am -- this is in a contract that I got from
13 RWE and --

14 Q. So what's this got to do with Providence
15 Heights?

16 A. Well, I figured that they're all about the
17 same.

18 Q. All right.

19 A. Because I got --

20 Q. But you have not reviewed anything from
21 Providence Heights, correct?

22 A. No, but I also --

23 Q. Is that correct?

24 A. Yes.

1 I also got one from Leeward, which is
2 another wind turbine, and it has the same
3 stipulation in there. So I'm assuming that
4 they're about the same.

5 So what I'm getting at is, you have got --
6 you don't know how much oil has been coming out
7 of these things for the last six years. So if
8 there's a gallon -- at least a gallon out of
9 there every year, times six, you're looking --
10 six -- that's 36 turbines, that's 216 gallons of
11 oil.

12 And then at the end -- then I was trying
13 to think of how the -- the oil that goes around
14 on the blades. So this last page is considered
15 with ice that gets put on there and how it's
16 thrown. And so my thinking is, if ice can be
17 thrown that far, the oil from these things can
18 be thrown just as far.

19 So I have written down here, the common
20 safety distance rule is 1.5 times the sum of the
21 hub height and rotor diameter. This is ice can
22 be thrown.

23 So the maximum throw distance is 350
24 meters, which is 1,148 feet. And ice pieces

1 have been found at 68 percent of that, which is
2 471.24 feet. So if you take ice out of that
3 equation and put oil, that oil is being thrown
4 on those fields.

5 This is my problem with these things, is I
6 believe that there should be some soil tests
7 being done to make sure that there is no
8 contamination to the soil. And I'm just
9 wondering if we can put a stipulation into --

10 JUDGE SLAVIN: No, that's a speech. We
11 have got to stick to facts. You are under oath.

12 MS. STETSON: This is just information I
13 have gotten off the internet. Anybody can get
14 on the internet and get this information.

15 But that's my -- that is what I'm trying
16 to say is, I feel that if ice can be thrown that
17 far --

18 JUDGE SLAVIN: Now is not the time to
19 announce your feelings. I'm not trying to be
20 difficult. This is just the evidentiary phase
21 now.

22 MS. STETSON: Okay. I believe oil can be
23 thrown that far.

24 JUDGE SLAVIN: Okay. Anything else?

1 MS. STETSON: No.

2 JUDGE SLAVIN: Questions, Ms. Donarski?

3 MS. DONARSKI: I have none.

4 JUDGE SLAVIN: Mr. Welbers?

5 MR. WELBERS: No, I have none.

6 JUDGE SLAVIN: Mr. Quest?

7 MR. QUEST: I have none.

8 JUDGE SLAVIN: Mr. Jensen?

9 MR. JENSEN: Not at this time.

10 JUDGE SLAVIN: Mrs. Smith?

11 MS. SMITH: I have one question.

12 EXAMINATION

13 BY MS. SMITH:

14 Q. Connie, have you had or heard any complaints in
15 the farming community with regard to farmers
16 finding, you know, problems with their soil,
17 with the way the crops are growing, or seeing
18 some --

19 A. No, but I'm saying that the windmill companies
20 are responsible for that. So no.

21 Q. But you have not heard anything from --

22 A. No.

23 Q. And no communication or anything from any of
24 the people around?

1 A. But I just -- no.

2 Q. Any of the participants?

3 A. No.

4 MS. SMITH: Okay. Thank you.

5 MS. STETSON: I just feel that there's
6 oil; it's got to be somewhere.

7 JUDGE SLAVIN: Mr. Stutzke?

8 EXAMINATION

9 BY MR. STUTZKE:

10 Q. So that I understand you correctly, what you're
11 saying is that you know of no complaint from any
12 landowner that has a wind turbine on their
13 property?

14 A. Not at this time.

15 MR. STUTZKE: Okay. Thank you.

16 MS. STETSON: I'm just going by the
17 pictures of what these look like.

18 JUDGE SLAVIN: Interested Parties -- other
19 Interested Parties other than Mrs. Stetson?

20 (No verbal response.)

21 JUDGE SLAVIN: I'm sorry. Messrs. Massie?

22 MR. M. MASSIE: I think in this context,
23 we don't think we will, but if we could have
24 just a moment?

1 JUDGE SLAVIN: Sure, absolutely.

2 MR. M. MASSIE: May we step out?

3 JUDGE SLAVIN: Sure.

4 You can be at ease, too, Ms. Stetson.

5 We're in recess for five minutes.

6 (A recess was taken at 7:53 p.m.

7 and proceedings resumed at

8 7:54 p.m.)

9 MR. C. MASSIE: Thank you, Ms. Stetson.

10 We don't have any questions.

11 JUDGE SLAVIN: Okay. You may stand down.

12 Any other Interested Parties wish to
13 testify? Last chance. The window is closing,
14 quickly.

15 (No verbal response.)

16 JUDGE SLAVIN: All right. I see no hands
17 raised for any other Interested Parties that
18 want to testify.

19 I have been trying to explain the
20 logistical problem we have, and I won't go
21 through it again, but now we have -- unless you
22 have any further evidence, Messrs. Massie?

23 MR. C. MASSIE: No.

24 JUDGE SLAVIN: No Interested Parties, and

1 Ms. Donarski indicates she won't be ready
2 tomorrow night. That means that the next -- and
3 I want to double-check to make sure you are
4 available on the 13th; the 13th of November.
5 I'm sorry.

6 (A scheduling discussion was held
7 off the record.)

8 JUDGE SLAVIN: All right. Then I recess
9 this until 6:00 p.m., here again at the Moose
10 Lodge on Euclid Avenue in Princeton, 6:00 p.m.,
11 on Wednesday, November 13th. Everybody have a
12 great three weeks. Hope the great autumn
13 weather continues.

14 (The hearing was recessed at
15 7:56 p.m.)

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1 Now on this 21st day of October, A.D., 2024, I
2 do signify that the foregoing testimony was given
3 before the Bureau County Zoning Board of Appeals.
4
5
6
7

8 Barry Welbers, Chairman
9
10
11

12 Kristine Donarski,
13 Zoning Administrator
14
15

16 -----
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