STATE OF ILLINOIS)
)
COUNTY OF BUREAU)

In the Matter of the Petition

of

Braided Creek Wind, LLC

Indiantown Township and Macon Township

Bureau County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 10th day
of September, A.D., 2025,
before the Bureau County
Zoning Board of Appeals

Present:

Bill Jensen
Jim Forristall
Shirley Ann Smith
Mike Stutzke
Barry Welbers, Chairman

Kristine Donarski, Zoning Enforcement Officer

INDEX

In Totidem Verbis, LLC (ITV)

INDEX (continued)

EXHIBITS

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: Well, good evening everyone. I call out of recess Bureau County Zoning Board of Appeals hearing on 111 sequential petitions, beginning with 25-06-16-1CV, Braided Creek Wind, LLC's, request for Conditional Use Permits and zoning Variations to construct and operate a wind energy conversion system in the county.

I note the presence in the hearing room this evening of four honorable ZBA members: Mr. Jensen, Mrs. Smith, Mr. Stutzke and Mr. Forristall.

I note the presence of Zoning Officer, Kris Donarski, and her assistant.

I note the presence of the Petitioner's attorney, Mr. Barry, and four of the Petitioner's reps, myself and, of course, our court reporter, Callie.

Looking out in the crowd, I think I identify five folks here who are Interested Parties.

And the only thing we haven't covered -- last time, Mr. Jensen, I'm not picking on you, but you couldn't be here, understandably. Do

In Totidem Verbis, LLC (ITV)

you know any more about your availability for the next, let's say, month or couple months, without disclosing too much?

MR. JENSEN: As far as I know, I'm okay.

JUDGE SLAVIN: Let me ask you particularly, September 29th and 30th?

MR. JENSEN: As far as I know.

JUDGE SLAVIN: Okay.

MR. JENSEN: It just depends on --

JUDGE SLAVIN: Your condition, I understand.

MR. JENSEN: Yup.

JUDGE SLAVIN: I also note Mr. Welbers, the Chair, Honorable Chair, just walked in. So we have a full complement of ZBA members.

When we left off a few weeks ago, the Petitioner was in the midst of the presenting its evidence -- Petitioners were in the midst of presenting their evidence.

And, Mr. Barry, you may continue.

ATTORNEY BARRY: Thank you, Judge.

Is this one on?

JUDGE SLAVIN: Is that one on?

ATTORNEY BARRY: There we go. Thank you.

In Totidem Verbis, LLC (ITV)

Thank you, Judge. At this time I would like to call Jared Zvonar.

JUDGE SLAVIN: Back to the stand.

ATTORNEY BARRY: Yes, for a few follow-up questions.

JUDGE SLAVIN: All right. The Slavin Rule is in effect, Mr. Zvonar. Want to raise your right hand?

The Slavin Rule is if more than 24 -- if you have slept overnight, then you have to take the oath again.

JARED ZVONAR,

being first duly sworn, was examined and testified as follows:

JUDGE SLAVIN: You may inquire.

ATTORNEY BARRY: Thank you.

EXAMINATION

BY ATTORNEY BARRY:

Q. Mr. Zvonar, can you remind everybody who you are?

A. Yes. I'm a development manager at Leeward Renewable Energy. My role is to manage projects from inception basically through the construction phase.

In Totidem Verbis, LLC (ITV)

Q. And can you state your name for the record.
A. It is Jared Zvonar.
Q. Can you spell it?
A. Yes. J-A-R-E-D, Z- as in zebra, V- as in Victor, O-N-A-R.
Q. Thank you.

Mr. Zvonar, does the project have a fully-executed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture?

A. Yes.
Q. And was that agreement signed by the Applicant on June 6th, 2025?
A. Yes.
Q. And was that agreement signed by the Department of Agriculture on July 2nd, 2025?
A. Yes.
Q. And have you presented a copy of that fully-executed agreement to Bureau County?
A. Yes.
Q. How did you submit it?
A. I provided a copy of that document to the Zoning Enforcement Officer.

ATTORNEY BARRY: And, Judge, at this time

In Totidem Verbis, LLC (ITV)

we have a number of copies, more than eight, of the fully-executed AIMA, and if necessary I would like to present that as part of the record.

JUDGE SLAVIN: Have you got it marked as something?

ATTORNEY BARRY: I do not.

JUDGE SLAVIN: Why don't you -- I have that we left off at PET 1. So I guess we'll call it PET 2.

ATTORNEY BARRY: Thank you. And where would you like me to bring the copies?

JUDGE SLAVIN: I would like one, the court reporter one, and then the ZBA one each, and Ms. Donarski, and that will do it.

ATTORNEY BARRY: Okay. If you'll let me write the exhibit number on them.

JUDGE SLAVIN: Absolutely.

(Petitioner's Exhibit Number 2 marked for identification.)

Q. (By Attorney Barry:) Mr. Zvonar, we talked about your -- the PowerPoint presentation you gave during the last session on August 20th.

Do you have eight copies of that

In Totidem Verbis, LLC (ITV)

PowerPoint presentation this evening?
A. Yes.
ATTORNEY BARRY: And I believe that was previously marked as Petitioner's Exhibit Number 1; is that correct, Judge?
JUDGE SLAVIN: Yes, sir.
ATTORNEY BARRY: Okay. So I'll pass those out at this time.
JUDGE SLAVIN: Great.
(Petitioner's Exhibit Number 1 marked for identification.)
Q. (By Attorney Barry:) Mr. Zvonar, are you familiar with the Bureau County Ordinance requirement that indicates that all equipment associated with a commercial wind energy facility must be new equipment?
A. Yes.
Q. Will the equipment for the proposed Braided Creek Wind Energy Project be new equipment?
A. Yes.
Q. And does that include the wind turbines?
A. Yes.
Q. Does that include the substation?
A. Yes.

In Totidem Verbis, LLC (ITV)

Q. Does that include the inverters?
A. Yes.
Q. Does that include the injunction boxes?
A. Yes.
Q. Does that include the cables?
A. Yes.
Q. So again, all of those items that I mentioned will be new?
A. Yes.
Q. As opposed to used, correct?
A. Correct.
Q. Thank you.
So I think at the last session there was a discussion about lighting at the proposed substation. Do you recall that?
A. I do.
Q. Will that lighting that will be deployed at the proposed project substation be downcast and shielded as well?
A. Yes.
Q. So that's a commitment that the Applicant is making, correct?
A. Yes, correct.
Q. Okay. This one is really getting into the

In Totidem Verbis, LLC (ITV)

weeds, but in some of the petitions there's a reference to, quote, associated infrastructure, end quote.

Can you explain what that term means?

A. Yeah. That language refers to junction boxes which might be located periodically along the collection line routes throughout the project site, as well as any unique engineering that might be associated with crossing underneath or around existing infrastructure in the area with those collection lines.

Ultimately, the necessity of that kind of infrastructure and the exact location of it is going to be -- it can't be determined until we actually have a finalized layout.

Q. Thank you.

One more question. I'm going to ask you a question about access roads because I think that subject might have come up last time.

How many access roads are planned for each wind turbine?

A. Each turbine right now is planned to have one access road, potentially fewer if turbines are able to share access roads.

In Totidem Verbis, LLC (ITV)

You can see in our site plan in Exhibit A that we proposed a number of additional access roads as alternates in case, for whatever reason, one route is better than another.

Q. So if the site plan shows more than one access road to a wind turbine, it's -- if there's more than one, one of those roads depicted on the site plan would be an alternate?

A. Correct.

ATTORNEY BARRY: Thank you, Mr. Zvonar.

Judge Slavin, that's all the questions I have for Mr. Zvonar.

JUDGE SLAVIN: All right. I have got one, just real quick, on the last one.

EXAMINATION

BY JUDGE SLAVIN:

Q. So another way to phrase it, Mr. Zvonar, is that at most there would be one access road per WTG?

A. Yes, that's correct.

JUDGE SLAVIN: Okay. Questions of this witness, just based on what he's testified this evening.

Ms. Donarski?

In Totidem Verbis, LLC (ITV)

MS. DONARSKI: I have none.
JUDGE SLAVIN: How about you, Mr. Welbers?
MR. WELBERS: No, sir.
JUDGE SLAVIN: Mr. Jensen?
MR. JENSEN: No questions.
JUDGE SLAVIN: Ms. Smith?
MS. SMITH: No.
JUDGE SLAVIN: Mr. Forristall?
MR. FORRISTALL: No.
JUDGE SLAVIN: Mr. Stutzke?
MR. STUTZKE: No, sir.
JUDGE SLAVIN: Interested Parties. And I'm going to say again, this is just the time for questions. You have to limit your questions to the testimony he's given this evening. The time to ask questions about what he testified about the last session is gone.

Just so we all don't get crosswise with everybody, I beg everybody to ask a question, one question at a time. He's here to answer your questions, if you have any. That's what I want you to do. But you -- rather than argue with him or tell him things, if you have got a question, just ask the question and one at a

In Totidem Verbis, LLC (ITV)

time.

I was telling Ms. Donarski earlier this evening, when I was a real young lawyer the guy that monitored me said, "Okay, it's time for your first trial." And it was a little bitty thing. He said, "This is what you're going to do. You're going to write out your questions ahead of time, and you're going to do that for every trial until I tell you that you can't, that you don't have to."

And that's the way to do it, folks. You have got a question, write it out and then ask him the question.

So, Interested Parties, by raising a hand -- and I'm not going to promise I'm going to see every hand the first time -- but if you have got a question, please raise your hand; one or more questions.

Whoever is raising your hand, want to step up to the podium? Last session the court reporter, understandably, couldn't hear folks way in the back, and we have changed that.

MS. STETSON: Can I ask you one question, Judge Slavin?

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: Yes.

MS. DONARSKI: Come up here.

MS. STETSON: I was just wondering --

JUDGE SLAVIN: First of all, start with your name. Remember, the record doesn't necessarily reflect who you are.

MS. STETSON: Connie Stetson.

Some of the questions at the last meeting, I don't think I spoke the way I should have, and I wanted to --

JUDGE SLAVIN: No, the time for that -- now we're just talking about his testimony tonight.

EXAMINATION

BY MS. STETSON:

Q. You said access roads. The one that we spoke of last time -- there was two of them on that hill, and then you said one of them was going to be, but you said the wrong direction. When I got home, it was on the wrong side.

Do you know what direction that hill -- that that access road would be?

A. I apologize, I don't.

Q. And you had mentioned also about the trees.

In Totidem Verbis, LLC (ITV)

How many trees are you going to tear down on that? Because there's a whole row of trees --

JUDGE SLAVIN: Now you're telling him things. Just, how many trees --

Q. (By Ms. Stetson:) Well, how many trees are you going to tear down?

A. It will depend on the ultimate access road location. At this point, we can't determine.

Q. Is it going to be on Nielsens' or Rumbolds' side?

A. That's also to be determined as we, kind of, select those final turbine locations and access road locations.

Q. I just want you to be aware that --

JUDGE SLAVIN: Don't tell him. You have got to ask him.

Q. (By Ms. Stetson:) Are you aware --

JUDGE SLAVIN: There you go.

Q. (By Ms. Stetson:) -- that there are eagles that are around that area?

A. I'm not aware one way or another. Ultimately, we're going to have an expert testifying on avian studies later in the hearing process.

Q. Who is speaking tonight?

In Totidem Verbis, LLC (ITV)

A. Tonight it will be myself and two of our representatives from a firm called Burns & Mac -- or Burns & McDonnell, who has been working on the project. One of them will be focusing on shadow flicker, decommissioning and our engineer certificate requirements in the Ordinance. The other will be focusing more on wetlands, cultural, and some of the ecology questions that are required in the Ordinance.

Q. Could you let me know or could -- do you know when the wildlife people will be here?

A. At this time we are planning for either the next hearing or the following one. Most likely the next hearing.

Q. What about the communications, when are they going to testify?

A. I think also the next hearing, but we are still kind of working through the scheduling on that.

JUDGE SLAVIN: Just so the record is clear, there's not a separate hearing. This is all one hearing; it's sessions.

MS. STETSON: Sessions.

JUDGE SLAVIN: And I'm not trying to be picky, but there is a difference.

In Totidem Verbis, LLC (ITV)

MS. STETSON: Sessions, okay. Thank you.

JUDGE SLAVIN: All right. Any other Interested Parties? If you have a question of this witness based on what he's testified to tonight, please raise your hand.

(No verbal response.)

JUDGE SLAVIN: All right. You may step down/walk away.

THE WITNESS: Thank you.

JUDGE SLAVIN: You may continue, Mr. Barry.

ATTORNEY BARRY: Thank you, Judge. The next witness will be Aaron Anderson.

JUDGE SLAVIN: Mr. Anderson, do you want to raise your right hand, please.

AARON ANDERSON,

being first duly sworn, was examined and testified as follows:

JUDGE SLAVIN: You may inquire.

ATTORNEY BARRY: Thank you.

EXAMINATION

BY ATTORNEY BARRY:

Q. Mr. Anderson, could you please state your name for the record.

In Totidem Verbis, LLC (ITV)

A. It's Aaron, A-A-R-O-N, Anderson, A-N-D-E-R-S-O-N.
Q. And maybe you could move to the -- I understand you have a PowerPoint presentation, correct?
A. I do.
Q. Could you move to the next slide, please.
Thank you.
Could you please tell us about your background and do an introduction, as the slide indicates?
A. Sure.
So I work for a firm called Burns & McDonnell, where I'm the senior managing director of Energy Advisory, which is our power consulting team. I have been with the company approximately 18 years, spending the entirety of my time there working in the wind industry.
In terms of education, I have got undergraduate degrees in physics and mechanical engineering, and a Master's degree in engineering management. I am a licensed professional engineer in multiple states, including the state of Illinois.
In terms of the content that we'll discuss

In Totidem Verbis, LLC (ITV)

this evening around shadow flicker and decommissioning, I have supported more than 200 wind projects in my career, more than a hundred shadow flicker studies and dozens of decommissioning estimates, including many in the state of Illinois.

Q. And have you provided consulting advice or work on projects -- wind projects in Bureau County?

A. I have. I've -- it's nice to see you all again. I've been here several times in the past, including Crescent Ridge and Big Sky.

Q. And so I take it you are familiar with the Braided Creek Wind Energy Project?

A. I am.

Q. And again, can you explain to us what work you have done in connection with the project and what you're going to testify about tonight?

A. Sure.

So my team prepared the shadow flicker study, which is Appendix M to the application; the decommissioning plan, which is Appendix P to the application; and the engineer's certificate, which I, unfortunately, don't have the exhibit number for.

In Totidem Verbis, LLC (ITV)

Q. All right. Well, I think you have the clicker, as my dad calls it. So I'll ask you proceed through your PowerPoint when you're ready.

A. Great. My dad calls it a clicker as well.

So I will begin by talking about the shadow flicker studies, again, Appendix M to the application. Let's begin with a quick overview of shadow flicker itself. For whatever it's worth, the things that I'm going to talk about, if you were here for any of the previous hearings that I participated in, approach a methodology exactly the same. So this will hopefully sound very familiar.

So shadow flicker occurs when a wind turbine blade passes in front of the sun and creates a shadow. What's really important for shadow flicker is that at least four things have to be true in order for shadow flicker to appear:

One, the sun has to be shining. If there is no sun, there can be no shadow;

The turbine must be in operation, is thing number two, requirement number two. If the turbine is not spinning, if it's standing still,

In Totidem Verbis, LLC (ITV)

then it is just a shadow, it is not shadow flicker;

Requirement number three is, between the turbine and whatever direction that the shadow is being cast there can be no obstructions in the way that would block a shadow, no different than any other shadow that would be cast;

And the receptor. So in this case, an occupied residence or a community building has to be in the line of sight of that turbine and the shadow that's being cast.

What you'll see and what we'll show you is that shadow flicker is very predictable, and it's very common during certain times of the year and certain times of day. Where it's most prevalent is either early in the morning or late in the evening, when the sun is really low on the horizon, or during certain seasons, in particular the springtime and the fall.

That's not to say it can't happen at other times of day, but when the sun is directly overhead, the shadow can't go as far, so it's very uncommon to see that happen at an occupied residence.

In Totidem Verbis, LLC (ITV)

The same is true during the summer and during the winter. Just because of the geometry of the sun in that season, flicker is less likely to occur at those times.

As we began the study, we took into account both Federal, State and local requirements. So as was the same the last time I was here, shadow flicker is not regulated at the Federal level. It is mandated at the State level according to this Illinois Statute, which is very consistent with what your County Ordinance requires here in Bureau County.

Which, to paraphrase, is that at any occupied residence or a home where people are living or an occupied community building, where those are nonparticipating in the project, that shadow flicker must be limited to 30 hours per year, both at the State and the County level.

To model flicker, we used a program called WindPro. WindPro is the industry standard for doing these analyses. The way that WindPro works is, it takes into consideration all of the turbines, all of the terrain, all of the homes, and it models the position of the sun over every

In Totidem Verbis, LLC (ITV)

individual minute of the year and aggregates any flicker that would accrue at every single point where it happens to accrue. So we will see, for every receptor over the course of the year, exactly how many flicker would occur.

Within WindPro, or the software that we use, there are a number of inputs. Some of the more critical ones are here. We modeled two layouts. Those layouts include two different turbine models: one was a General Electric turbine, one was a Vestas wind turbine.

Important to note is in the GE layout, the General Electric layout, we have modeled 50, 5-0, wind turbines. We are expecting that to be very conservative because eight of those turbine positions are alternates. So we do not expect to build all 50 in that layout.

Similarly, in the Vestas layout of 44, there are eight alternate positions within that one as well. Meaning, those alternate positions that may not be constructed, we have allowed flicker to accrue, meaning the total aggregated amount would be higher, meaning the result should be conservative compared to what we'll

In Totidem Verbis, LLC (ITV)

actually see in practice.

Within the project area, we have modeled 468 occupied residences or community buildings. For each of those, we have modeled those with a setting in WindPro called greenhouse mode, which is another example of conservatism. What greenhouse mode means is, we modeled each home as having a window on every single side; meaning that shadow flicker, regardless of where it's coming from, can accrue at the home, which is the most conservative approach that we can take to this.

The last few things you'll see there on the screen in terms of key inputs, one is obstacles. So this -- examples would be barns, silos, hedge rows, trees, anything that would block shadow from getting from the turbine to the home. We have disregarded all of those, which is the most conservative approach we could take. In practice, if a hedge row were to exist, that could block shadows from reaching the home.

We have modeled the actual terrain at the site using data from the USGS. So that if

In Totidem Verbis, LLC (ITV)

turbines are sitting up high or low relative to a receptor, that's taken into account.

And then we have modeled the distance that those shadows can propagate. The industry standard for this is 10 rotor diameters. So by example, the Vestas turbines have a rotor diameter -- meaning blade tip to blade tip -- of 163 meters. We have multiplied that by 10. So 1,630 meters, or just north of a mile, is how long we have allowed the shadows to go.

Any distance further than that, the assumption is that the light diffuses and the shadows are imperceptible. Again, a very conservative assumption.

With those inputs, we start to get results. All of those are aggregated within the software platform, and we are able to present them both numerically and graphically.

This is an example of a graphical presentation of shadow flicker. What you'll see is the wind turbine there in the middle, and it creates what we call a butterfly shape. The significance of that is that flicker is not equal in all directions.

In Totidem Verbis, LLC (ITV)

You'll notice that those contour lines -- the red, yellow, blue -- are more significant to the northeast, the northwest, the southeast and southwest. The reason for that is that when the sun rises in the southeast, for example, physics tells us that the shadow will be cast to the northwest. If it rises in the southeast, you cannot have a shadow to the southeast. It's not physically possible.

So that butterfly shape is taken into account, and it makes the positions of the turbines really critical.

What we'll also see is that that causes a lot of variation that has all been taken into account with where the position of that turbine is relative to the receptor, and that being close to the turbine is not necessarily the only requirement for flicker to occur. It's the position of it relative to the sun.

The other way that we see it graphically is what we call the calendar. So in the back of the report, if you have got it, in Appendix E, as in echo, you'll see one of these individual calendars for every single receptor, all 468

In Totidem Verbis, LLC (ITV)

that we have modeled.

I chose an example at random here. What you'll see is, along the bottom X axis are months, January through the end of the year, and upon the Y axis is time of day, so from sunrise in the morning to sunset in the evening.

This particular receptor, H10, hotel 10, has shadow flicker occurring at two times of the year. One is in March, and the reason you see it a bit staggered there is daylight savings time, and the other one is in the month of October. This is very typical. This is late afternoon flicker happening between, say, 5:00 and 5:30 in the afternoon in the month of March, and roughly the same in the month of October, but only during those two very specific periods.

So when we talk about flicker occurring, it's important to realize that the majority of the time, regardless of the amount of flicker that accrues at a given home, the majority of the time it's blank, there is no flicker that's occurring. It's only during these very specific and limited times of day and times of year.

The last item of note on shadow flicker

In Totidem Verbis, LLC (ITV)

is, after we have done all that, it's important to have results. So what I have shown you here are the two layouts that we have considered. The first row are the GE turbines. The second row are the Vestas turbines.

Second-from-the-right column shows you the number of participating receptors. So of the 468, eight of the participating receptors in the GE layout have more than 30 hours per year of flicker; six in the Vestas layout. In both the GE and Vestas layout, there are six in the unmitigated scenario, which I'll explain in just a moment -- there are six nonparticipating receptors in either situation where shadow flicker unmitigated is above 30 hours per year.

What's great about shadow flicker is that even when it occurs, it is predictable. So it can be mitigated. There are a number of ways to do that, from considering all of the things that we have excluded in the model, like trees and vegetation and hedge rows, barns and buildings, et cetera, to modifying turbine operation.

What I want to emphasize though is that the Ordinance and the Statute require 30 hours

In Totidem Verbis, LLC (ITV)

per year. This is unmitigated. The Applicant will ensure that at these nonparticipating receptors that shadow flicker remains below the mandated 30 hours per year.

Q. (By Attorney Barry:) Okay. Mr. Anderson, if you could keep that slide up. I have some questions here. Let's break it down.

As you just indicated, your study, which is a model, right, because the turbines aren't there yet, correct?

A. Yes.

Q. So you have to deploy a model to examine the potentiality of shadow flicker, correct?

A. Correct.

Q. And so the study you did that deploys the model shows that there are six receptors that will experience more than 30 hours per year of shadow flicker, correct?

A. That are nonparticipating, yes.

Q. Nonparticipating, yes.

And those are residences?

A. Yes.

Q. Okay. So I think, as you also just indicated, the project will not be allowed to exceed

In Totidem Verbis, LLC (ITV)

30 hours a year of flicker on those six residences, nonparticipating residences, correct?

A. Yes.

Q. So what is the Applicant supposed to do, since it shows more than 30 hours? Can you give some examples, please?

A. Sure. So examples could be modifying how a turbine is operated. So you'll recall from this slide that when flicker occurs is very predictable.

So if we know that we are in a period where -- in a nonparticipating receptor with more than 30, that we are coming up on one of those times where we start to exceed 30, we could, for example, curtail operation of a turbine to keep it below 30.

There are a number of options here that I have listed on the bottom that we have seen implemented in the past. That's just one example.

Q. Okay. And so essentially then you can shut down the turbine for the period when the shadow flicker is predicted, correct?

In Totidem Verbis, LLC (ITV)

A. Yes.
Q. To eliminate shadow flicker on a particular day?
A. Yes.
Q. But there are other ways to avoid shadow flicker that you covered, correct?
A. Correct.
Q. So would another way potentially be slightly moving the turbine?
A. Yes.
Q. And so that's a possibility as well?
A. Absolutely.
Q. Okay. But bottom line is, the project will not be able to produce more than 30 hours of shadow flicker on an annual basis for those six residences, correct?
A. Correct.
Q. And in your opinion, is the project capable of doing that without significant effort?
A. Yes.
Q. All right. How do we know that the shadow flicker is occurring once the project is operational?
A. The operations staff will have all of this

In Totidem Verbis, LLC (ITV)

information and the models that were produced and will know exactly when and where shadows could occur and will monitor that from -- or as an operations team and keep tabs on it.

Q. And is that difficult to do?

A. No. It's very simple.

Q. Can you explain to me how it's done?

A. Sure. It can be as basic as a pencil and a notepad and taking note of when they're occurring. I have seen more sophisticated programs that people have implemented for tracking. It all depends on the operator.

But those become means and methods at some point. They all end in the same result.

Q. And the result is keeping more than 30 hours per year of shadow flicker on any particular receptor, correct?

A. Correct.

Q. Okay. Thank you. Please continue.

A. Okay. That was shadow flicker. Let's talk about decommissioning, which is Appendix P to the application.

We put together a decommissioning plan and decommissioning cost estimate. The purpose of

each was to estimate what the cost would be to remove the project, in accordance with the Ordinance and the AIMA, at the end of its useful life, whenever that happens to be, and return the site to effectively a preconstruction-type condition, or as it looks today.

Similar to the shadow flicker study, we evaluated two layouts, one for GE and one for Vestas, and took into account both Federal, State and local requirements.

Similar to shadow flicker, there is no Federal requirement related to decommissioning. This is always at either a State, local or none-of-the-above level.

In this case, at the State level, we are controlled by the AIMA, the Agricultural Impact Mitigation Agreement. And at the County level, of course the Ordinance. Both of which require that all equipment, structures and other improvements above grade be removed, and all of the same to a depth of 5 feet below grade be removed at end of the useful life of the project.

To do this, we took the anticipated layout

In Totidem Verbis, LLC (ITV)

for the project and proposed design and we plugged it into a model. This is a model that we developed internally over the last 20 years or so and have used across hundreds of estimates, just like this, throughout the wind industry.

What that does is, takes into account all of the equipment, all of the labor, all of the materials, all of the hauling, everything else that goes into removing the project, and puts a cost to it so that we can do a buildup and determine what the total will be.

Burns & Mac didn't build this on our own. We have consulted with demolition contractors from across the country as we put these estimates together and have continually refined it after each one of these estimates that we put together.

There are a number -- just like flicker, a number of inputs that go into these models. First, around labor and equipment, we use an index called RS Means, which is an industry standard for construction cost estimates, just like this, and we true those up to a local site

In Totidem Verbis, LLC (ITV)

index. Meaning, we take the cost within RS Means and we index those to a local amount, so that local labor rates, equipment rates, et cetera are all taken into consideration and it is as specific to this area as possible.

We call local landfills, and we determine their ability to take the debris and other materials that we get rid of and receive fees for what that would cost from them to accept that material. We build all of those into the estimate.

And we also account for salvage. So there is a significant amount of steel, aluminum, copper within the turbines and other equipment that support these projects. We account for those based on a 12-month rolling average from the American Metals Market. And account for the total weight that will be salvaged and back out the cost to get that to a local hub, in this case Chicago, for salvaging those materials.

There are a number of other more general assumptions that come into play. I already mentioned that anything related to the project less than or equal to 5 feet below grade will be

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removed. Anything above grade -- structures, equipment, other improvements -- will be removed.

Anything that we can't recycle or reuse will be taken to a landfill or other proper disposal facility. Any of our steel, copper, aluminum will be transported to a salvage facility for recycling. And any disturbed areas, so, for example, if we have to remove something from the ground, we'll backfill that, fine grade it and seed it to return it back to, again, preexisting condition.

Two other items of note. Everything that we consider here in terms of equipment, we have not evaluated any level of resale. So for example, a wind turbine, a transformer, et cetera at the end of the useful life of this project would still have an operating life left in some of those units. Meaning, it would be possible to resell it to another developer, another vendor, et cetera.

We have not considered any of that. We have assumed it's all disposed of properly. So that makes the model more conservative, because

In Totidem Verbis, LLC (ITV)

these values have not been accounted for.

We have also built in owner indirects; meaning, costs for the Applicant in this case to manage the decommissioning and the construction effort that happens to oversee the engineering and other costs that are going to occur on top of all of the removal that will be happening at that time.

All right. And then all of that comes together in terms of a result, and we have broken this down in three categories for the two different layouts. So the first row of the table is the GE layout. The second row of the table is the Vestas layout.

We have a gross cost, which is the total amount of labor, equipment, materials, et cetera, that are required for each of those.

We have a credit that applies for scrap. So that's all of the steel, copper, aluminum, and the values that are assigned to those.

And then a net cost, which is gross, minus scrap, that would come into play.

So for the GE layout, approximately $900,000 would be the total net cost to

In Totidem Verbis, LLC (ITV)

decommission the facility. For the Vestas layout, approximately $45,000.

The reason for the significant disparity comes into play with salvage value, on top of the fact that there are less turbines. So within the Vestas layout, you have fewer turbines. Fewer turbines means fewer pads, fewer roads, fewer things to remove. So the cost becomes less.

The Vestas turbines, because of how they have been designed by that manufacturer, have significantly more salvageable material -- steel, copper, aluminum -- so the biggest disparity between the two comes into play with salvage value. That's why the net cost becomes so different from one turbine to the next.

That's decommissioning.

All right. The last thing I'll speak to you about is the engineer's certificate. Just one slide on this one.

We prepare the engineer's certificate because it is required by the Ordinance. What the Ordinance requires is that a certification that the tower and foundation design is

In Totidem Verbis, LLC (ITV)

compatible with and appropriate for each tower proposed to be installed, and that the specific soils at the site can support the apparatus, given local soil and climatic conditions.

So we have reviewed the two turbine layouts. We have reviewed the structural design of those turbines. We have reviewed the wind resource; meaning, how hard and how often the wind is blowing on that site and how compatible each of these turbine models are.

It's important to note that not every turbine model is suitable for every location. Different wind flow regimes can affect the turbine selection. So we have accounted for that.

And we have looked at, for the last part of that Ordinance requirement, the anticipated foundation design. So as is typical for a project that is this early, a final foundation design has not been prepared. However, our expectation is that that foundation design will be a typical spread footing concrete foundation that has been used thousands of times successfully in the wind industry; that that

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design will account for geotechnical conditions, climatic conditions, wind flow, and other local parameters.

Assuming that those things are true, which we cannot anticipate a scenario that they wouldn't be because we have never seen those not be correct, then we have made the certification that these turbines are suitable for this site and have, therefore, provided their certificate within the application.

Q. (By Attorney Barry:) And so you provided an engineer's certificate that was included in the application materials, correct?

A. Yes.

Q. And was that engineering certificate included as Appendix O?

A. Yes.

Q. And did you sign the certificate?

A. I did sign the certificate.

Q. And again, that certificate communicates that the proposed wind turbines are suitable for the -- generally speaking, for the soil and the locations that the turbines are proposed for in this project, correct?

In Totidem Verbis, LLC (ITV)

A. Correct, provided that as the design progresses that those other considerations are taken into account, which any engineering firm in the industry would do.
Q. Thank you.
I would like you to -- unless you have more to cover on the engineer's certificate, I would like you to skip back to the first topic, shadow flicker, and one of the slides that showed the minutes.
That one right there. Thank you. The modeling results.
So earlier you stated that it's pretty easy to monitor whether shadow flicker is occurring by the O and M staff, correct?
A. Yes.
Q. But does that require someone to go out and stand by the receptors to observe the shadow flicker in person?
A. It does not.
Q. And can you explain why it doesn't require someone to actually observe it with their eyeballs?
A. Sure.

In Totidem Verbis, LLC (ITV)

So the first thing that the operations team would determine is, is today, whatever day that we're talking about, anecdotally, is today a day that shadow flicker could occur? Is the turbine operating? Is the sun even shining? Are any of those four things that I told you on the very first slide, are they true?

If so, they know geometrically that flicker can only occur at a given time, in a given season. So, for example, there would be no necessity in this scenario to pay any attention from 6:00 a.m. until approximately 5:00 p.m., because geometrically shadow flicker cannot occur at this receptor.

But provided those other things are true -- the turbine is operating, the sun is out, the wind is blowing, et cetera -- the operator would know that today is a day that flicker can occur, they would add a note to the ledger of "this many minutes have occurred on this day," and they would continue to keep that ledger over the period where shadow flicker can happen.

Q. But how would they know how many minutes of

flicker occurred that day without going to the receptor and visiting -- going to its location and observing?

A. They would generally make a conservative assumption that the full breadth of this blob, so to speak, that represents the turbine causing flicker, that the full breadth of that is happening.

So if this model said 30 minutes could happen on this particular day, if those conditions are true, they would assume 30 minutes are happening. Could it be less? Of course. Would that make it conservative? Of course.

But that's the general assumption they would make.

Q. So if I were working at the O and M building, I could -- it looks like there's some shadow flicker, according to this particular receptor, that might occur during early March; is that correct?

A. Yes.

Q. And so I could identify that day in early March and, for example, look to see whether it's sunny

In Totidem Verbis, LLC (ITV)

in the -- during the evening on that particular day, correct?

A. Correct.

Q. And I could take your results here from your study for this particular reception -- receptor, and I would -- if it's sunny that day, at that particular time, I would simply log the number of minutes that your study predicts on that day, correct?

A. Sunny and the turbine is operating, yes.

Q. Excellent point. Thank you.

I assume then I could do that for -- I think earlier you said your report includes a similar graph for every receptor that was examined as part of the project?

A. It does.

ATTORNEY BARRY: Okay. Thank you.

Judge, I don't think I have any more questions for the witness at this time.

JUDGE SLAVIN: All right.

Ms. Donarski, any questions?

MS. DONARSKI: I do have some questions.

EXAMINATION

BY MS. DONARSKI:

Q. First of all, Aaron, do you have a copy of this PowerPoint presentation that you're going to put in the record as an exhibit?
A. Yes.
Q. Okay. That was my first question.
Okay. I was trying to write and listen at the same time, so did I hear you say that shadow flicker is more likely to occur in the spring and fall and less likely in winter and summer?
A. Yes.
Q. Okay. I just wanted to go over that.
So in that -- in your study, how -- about the regulated turbine operation, you said that was one of the possibilities that they could mitigate if it was more than 30 hours. How is that done?
A. So the -- a turbine works through simple aerodynamics. Just like an airplane when wind passes over the blade, it creates -- or over the wing, it creates lift. The exact same thing happens on a wind turbine.
The reason I tell you that is, if it's determined that we want to turn the turbine off for a period of time, they simply rotate the

In Totidem Verbis, LLC (ITV)

blade and the turbine will stop spinning because no more lift can occur. Effectively instantaneously, no more than a second or two, the turbine can go from full speed to full stop and they could cease operation. And they can do that remotely from the operations building.

Q. And is there a person that's monitoring, or is this, like, monitored by AI? Or how does that work?

A. Yeah, there is software that can be used, but we have a number of clients who have done this with a person, where they keep track.

The important thing to note is that it's above 30. In most cases when we have a receptor that's nonparticipating above 30, generally it's only a handful of hours. So we're not watching for an additional 30, 50, hundred hours per year. We're watching for three or five or ten at most.

Q. Okay. So on your list of -- on your chart in Section M, you do have some participating and nonparticipating -- like, it tells the receptor name, and whether they're participating or nonparticipating, and then the proposed duration

In Totidem Verbis, LLC (ITV)

for both layouts.

Do the nonparticipating property owners or receptors, are they aware that they are in an area where they could get more than 30 hours of shadow flicker?

A. They would have access to the report in terms of additional conversation on that order.

Q. Okay. So if someone had a question on which receptor name or number they were, how would they determine that to say, "Oh, my house is Receptor 25," or whatever? How would you know that? How is that determined?

A. Yeah, so we intentionally, for privacy, don't list all of the names in the report, but they could contact the Applicant and determine their exact receptor number.

Q. Okay. That's all mine on the shadow flicker for right now.

On the decommissioning section of that, how are the wind turbines proposed to be removed? Would that be a crane method or a tilt-fall method, or what kind of method are you looking at for those figures?

A. Great question. We are assuming a crane will

In Totidem Verbis, LLC (ITV)

come in and disassemble those piece by piece, which is the most conservative way.

When other projects have been decommissioned, we have seen both a felling method, where it's effectively cut at the bottom and allowed to fall, or the crane method. The crane method is a bit more predictable but a bit more expensive.

So that's why we assume that one within our report, for a more conservative estimate.

Q. Okay. Now, how is the foundation removal? What method is used? Is it blasted or dug out? Or how does that work?

A. Yeah, generally they have dug out around the pedestal, that you can see sticking up through the soil, usually 6 inches or so of concrete there at the very top. So they would excavate a bit around that, and then generally use a dozer or a combination of a dozer and hot saws and other things to rip that down to at least 5 feet.

Q. So on those cost estimates, does the -- were, like, the cost of the personnel to run that equipment and the dozers and the diggers and

In Totidem Verbis, LLC (ITV)

whatever you would need, is that included in there or is that additional, on top of this?

A. All included.

Q. Okay. So when the company is proposing the decommissioning amount, are they proposing the gross cost or the net cost?

A. The net cost.

Q. So how does that work, when the cost of scrap is so volatile and changes, fluctuates so much --

A. Sure.

Q. -- how is that covered?

A. So I believe over the life of the project that this study is revisited periodically and then those numbers are accounted for. That's exactly the reason that we don't use a spot price from the most recent month. We use a rolling average from the previous year.

So if and when this study were to be updated, those numbers could be accounted for at that time.

Q. Okay. That's my questions on the decommissioning.

On the engineer's certificate, so when is

In Totidem Verbis, LLC (ITV)

that final foundation design determined?
A. Generally anywhere from a couple of months to multiple months prior to construction starting. Foundations are typically one of the first things that happen, so it will be very early in the process.

I believe foundation designs are ongoing right now. In terms of exact timing, I'm not aware. But prior to breaking ground.

Q. So is there more than one type of foundation that's typically used in a project of this size, depending on the soil types?
A. There can be. Generally they're not drastically different designs or shapes, per se. They are different sizes.

So if you were in an area with high groundwater or weak soil, you may have a wider foundation than an area that was much better for those things.

But in terms of shape and configuration, generally the same throughout.

Q. And approximately -- is there, like, an average size, like an average width for spread foot foundation in soil types like we have here in

In Totidem Verbis, LLC (ITV)

Bureau County?

A. Yeah, so we -- it will vary a lot by the turbine model because of how large and heavy that they are.

We have generally seen -- so you'll have a round concrete pedestal at the top. Those are -- that's the part you can see up above the soil. Those are usually anywhere from 16 to 20 feet in diameter. That's usually 4 or 5 feet tall, that cylinder.

And then when you get to the bottom, it becomes more of an octagon shape and spreads out. That can be anywhere from 60 to 80 feet in most cases. So if soils were weak, it's probably on the upper end. If soils are strong, maybe a little bit lower.

Q. Okay. And then how deep typically do they go for those?

A. Again, it varies a bit. I can't recall seeing one deeper than 12. Usually on the order of 10 or 11. But in the 10- to 12-foot range total height.

Q. In some other projects in our area, they have used a different type of foundation that's,

In Totidem Verbis, LLC (ITV)

like, maybe 30 feet deep or something like that.
A. Yes.
Q. Is there the possibility of having to use that, depending on soil types in this project?
A. It could be. That would generally require the presence of more rock to be present, for those to be practical. So it's not impossible, but I would say it's unlikely.

MS. DONARSKI: Okay. That's my questions. Thank you.

JUDGE SLAVIN: Mr. Welbers?

MR. JENSEN: No, sir.

JUDGE SLAVIN: Mr. Jensen?

MR. JENSEN: No questions.

JUDGE SLAVIN: Mrs. Smith?

MS. SMITH: Yes, I do have some.

EXAMINATION

BY MS. SMITH:

Q. Starting out with the shadow flicker --

JUDGE SLAVIN: Ms. Smith, would you talk into the mic?

MS. SMITH: I'm sorry.

JUDGE SLAVIN: That's okay. It's hard, I know.

In Totidem Verbis, LLC (ITV)

MS. SMITH: Can you hear me okay?

JUDGE SLAVIN: Yes, I can.

MS. SMITH: Usually I speak very loudly.

Q. (By Ms. Smith:) When conducting your meetings with the communities prior to a project -- I know you have several with the people that live in the communities -- do you discuss anything about the shadow flickers, the possibility, how it works, so that people have some kind of an idea what shadow flicker even is or how it could affect them?

A. Yeah, I can't speak to that in this case because we did ours from a desktop basis. So we didn't speak to community members as part of this study, which is typical in my experience. That would have come through the Applicant, any of those conversations.

Q. Okay. So it's a possibility that they have been spoken to or they know about it, but you're not able to testify to that?

A. Correct.

Q. Going to the information that you folks provided to us in Subsection M, I guess it is. I was looking through the different ones that

In Totidem Verbis, LLC (ITV)

you have shadow flickers, nonparticipating and participating, starting with C2, Revision 0.

A. Yes.

Q. Okay. H36, I believe it is, nonparticipating, 30. The shadow flicker duration though would be 41.45 before mitigated; is that correct?

A. At receptor H36?

Q. H36, regarding GE.

A. In the GE layout, correct --

Q. Okay.

A. -- the unmitigated duration would be 41.45 hours.

Q. And 36.55 for the Vestas?

A. Yes, ma'am.

Q. But those people don't know anything about that because -- I mean, how do they know that's going to happen? They are nonparticipating, correct?

A. Could you -- they are nonparticipating. Could you rephrase the question?

Q. These people are nonparticipating, they haven't had any connection with the project or anything, and you're going to come in and have a unit there, and they may have this shadow flicker and they don't know anything about it.

In Totidem Verbis, LLC (ITV)

How do they become aware that there's a possibility that that's going to happen so that they would know what's going on?

A. I see.

I think that's similar to the question that was asked a bit ago, where we provided the duration for every single receptor --

Q. I understand.

A. -- without name.

Q. I understand.

A. So if they are curious about which one correlates to their home, the best course would likely be to contact the Applicant. They should already have access to this report, however.

Q. And do you feel that everyone that receives that information is going to know what this is all about and how it works?

A. I --

Q. They aren't involved, I mean --

A. I can't speak to -- yeah.

Q. Okay. Why is there no information given to the participating, the same? I mean, there is one in here, let's see --

JUDGE SLAVIN: Well, let's ask one

In Totidem Verbis, LLC (ITV)

question at a time.

MS. SMITH: I'm sorry. That's what I was referring to. I'm trying to see which one I was speaking to.

Q. (By Ms. Smith:) H132 is participating, 73.32 minutes would be the duration of the shadow flicker, and when it's mitigated it would still be the same.

Then the duration for -- this was for the GE.

And the duration for the other unit would be 7.20. I don't understand that.

A. Sure. So that's likely a function of the number of different turbines. So you'll recall that we modeled 44 turbines in the Vestas layout and 50 in the GE. So it would make sense that the GE would have the potential for more flicker to occur because there are more turbines potentially causing it.

So this one would have an additional turbine nearby in the GE layout that the Vestas layout may not have.

Q. Okay. I understand that.

So the bigger diameter Vestas, they're

In Totidem Verbis, LLC (ITV)

going to throw a shadow that's wider and it's also going to be a longer shadow.

So is that all taken into consideration, that someone farther away is going to have -- be involved with that shadow?

A. It is.

I would note that it won't be wider. The blade width is effectively the same on both of those machines. The blade length is longer on the Vestas. So the length of the shadow could be longer, but the width of the shadow itself is basically the same.

In either case, we have modeled both in exactly that way. So it is accounted for.

Q. So I'm not quite sure I understand. So the Vestas models have -- they are a bigger unit?

A. They have longer blade.

Q. Their blades are longer?

A. Yes.

Q. And that doesn't account for the longer shadow, or it does?

A. It does. Yes, we have accounted for that.

Q. It does account for the longer shadow?

A. Yes.

In Totidem Verbis, LLC (ITV)

It was only the width I was referring to that's a bit different.
Q. Okay. So if a participating person has issues with the shadow flicker, how do they go about -- because, you know, you're working with nonparticipating, and there's nothing changed on your charts with the participating ones. How do they go about getting that correct with them?
A. I'm not sure what I --
Q. How do they go about getting it mitigated?
A. If they wanted to mitigate or just be aware or receive information, those would be conversations with the Applicant.
Q. So everything comes with the Applicant. You're not aware, all right.
Going to the decommissioning, have you ever decommissioned a project?
A. Personally I haven't, but I --
Q. Has the company -- are you aware if the company has decommissioned the project?
A. Our company does not physically perform the construction act, but we have prepared many of these estimates, including in Illinois and including projects that have been

In Totidem Verbis, LLC (ITV)

decommissioned.

For example, we did the estimate for Mendota, for Crescent Ridge, for a number of others.

Q. Why have you made the decision, with regard to decommissioning, not to use the imploding system that we have seen used around here on occasion? Why would you not use that?

A. Are you talking about how they --

Q. Decommission.

A. -- knock the turbine itself down?

Q. The turbine down, right.

A. I see.

Because we feel that the approach with the crane is more costly and conservative. So we wanted to model the more conservative economics.

Q. I see. I follow you. All right.

MS. SMITH: I think that's all I have. Thank you very much.

THE WITNESS: You're welcome.

JUDGE SLAVIN: Mr. Forristall?

EXAMINATION

BY MR. FORRISTALL:

Q. Does the direction of the wind --

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: Microphone. The people in back can't hear you unless you --

Q. (By Mr. Forristall:) Does the direction of the wind affect the flicker? So say most of it comes out of the west. I mean, if it's coming out of the south or the north, does the blade -- or the turbine turn?

A. Yes.

Q. Okay. And that's how?

A. We have accounted for that in the form of the wind rows for the site.

So I forget the exact numbers, but for example, in a site like this what we would generally see is that the prevailing wind direction -- and there's normally two, let's say southwest and northeast -- that it would come from those directions an overwhelming majority of the time; 70 percent, let's say.

But we have modeled, based on actual data from a neighboring site, what direction those have come from historically and taken that into account here.

MR. FORRISTALL: Okay. Thank you.

JUDGE SLAVIN: You have to tell me when

In Totidem Verbis, LLC (ITV)

you're finished. I can't guess when you're finished.

MR. FORRISTALL: I'm sorry. I'm done.

JUDGE SLAVIN: Mr. Stutzke?

MR. STUTZKE: Nothing, thank you.

JUDGE SLAVIN: All right. I have got just a couple.

EXAMINATION

BY JUDGE SLAVIN:

Q. If you know, do participant property owners in their lease have a provision for dealing with shadow flicker?

A. I have not read the leases.

Q. All right. Going to your engineering certificate, if you would, for a moment. Thank you.

I can't see from here, and I don't have a copy of your PowerPoint yet. Is that certificate dated?

A. It is. It's not shown on that slide, but the date that we submitted was June 2nd --

Q. I don't care about the date you submitted it.

Is that engineer's certificate dated?

A. Yes.

In Totidem Verbis, LLC (ITV)

Q. And where?
A. It is dated on the first page and on the seal that you can see.
Q. So you're not displaying the one that's --
A. This is just a snippet of a three-page document.
Q. Okay. Thank you.
And that's not sealed by you, but by another professional engineer; is that correct?
A. Correct.
Q. And that certificate just deals with foundation, design and vis-a-vis the turbine that would be placed on it; is that correct?
A. We have considered both the turbine equipment and the foundation.
Q. All right. How about the State Statute that the Ordinance refers to requiring an engineering seal on engineering studies, is that available for the decommissioning plan?
A. It will be. So the -- I will be --
Q. Is it on the decommissioning plan?
A. Not currently.
Q. Okay. Is it on the shadow flicker plan?
A. No.

In Totidem Verbis, LLC (ITV)

Q. Okay. And -- okay. Thank you.

And the last question is this: Following up on Mr. Barry's questions, when you're talking about the O and M employees dealing with the shadow -- the actual shadow flicker on any -- at any given time -- let's take a step back.

Would you agree that it's scientific methodology, when you're going to do a project, to predict the outcome based on some formula? Would you agree with that? That's the first step you take; is that correct?

A. Yes.

Q. Then in real life, you test that, right?

A. Yes.

Q. So would you agree that the WindPro modeling is, in effect, the first step? You are predicting the result?

A. With the clarification that the modeling has been verified by both us and the vendor of that software.

Q. Okay. Understanding that, why is there not a real-life test of that modeling?

A. Because when we verify something like noise, it's a fairly short, concise, prescriptive test

In Totidem Verbis, LLC (ITV)

that can be done in a handful of days, for example.

To verify shadow flicker would take on site presence over an entire calendar year at numerous locations. So that level of verification for a result that we have already demonstrated confidence in would not be practical, in my opinion.

JUDGE SLAVIN: Okay. Interested Parties?

I saw the gentleman in the checkered shirt with his hand raised first. Why don't you step up.

And everybody, I'll just remind you, please start with your name and spell your surname for us before you even begin.

MR. SASH: Bob Sash, S-A-S-H.

EXAMINATION

BY MR. SASH:

Q. Did I understand your testimony to essentially say that if I decide at sometime in the future to build a home on my land that I would not be protected by this 30-minute -- or 30-hour-a-year flicker prohibition?

A. I didn't speak to that.

In Totidem Verbis, LLC (ITV)

Q. You implied --

JUDGE SLAVIN: Now you're telling him things. It's tough. I understand it's tough.

Q. (By Mr. Sash:) So what is the answer?

A. The answer is, I didn't speak to or imply that that would be the case.

Q. Would it be the case? If I build a home on my land --

JUDGE SLAVIN: Just stop right there. You asked a good question: Would it be the case?

A. This result is based on what exists today. So in terms of what happens in the future and how those are modeled, I can't speak to.

Q. (By Mr. Sash:) So I'm prohibited from ever being protected by that State Statute if I decide I want to build a home on property that I have held for 20 years with the intention of building a home there?

A. No, that is not what I said. I said that this study doesn't consider what may or may not be built in the future.

Q. Do you know the law?

ATTORNEY BARRY: Objection to the extent it calls for a legal conclusion.

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: This gentleman is not testifying as an expert in law, Mr. Sash.

MR. SASH: Okay. Thank you.

JUDGE SLAVIN: Yes. I see a hand raised in the back. I think it's Ms. Stetson.

EXAMINATION

BY MS. STETSON:

Q. Could you tell me how far the flicker goes again? It's hard to hear with the air conditioner back here.

A. Sure.

So we take the rotor diameter. So in the case of a Vestas turbine, the rotor diameter tip to tip is 163 meters, we multiply that by 10, and that's the distance that we allow it to go, 1,630 meters. That is approximately 5,300 feet. A little more than a mile.

Q. So over -- you're stating over a mile flicker?

A. I'm not saying it will occur. I'm saying that's how far we conservatively model.

We don't expect the shadow to actually propagate that far. It's just a conservative view.

Q. So are you aware that Buda let the turbines

In Totidem Verbis, LLC (ITV)

come within the mile and a half? Are you aware of that? And the -- and are you aware that --

JUDGE SLAVIN: One at a time.

Q. (By Ms. Stetson:) Okay. Are you aware of that?

A. Am I aware that turbines are within a mile and a half of a home?

Q. Buda.

A. Oh, yes.

Q. Okay. I believe -- are you aware it's approximately 0.8 miles? Like, real close. Are you aware how close it is?

A. I don't know the distance from that town to the nearest turbine.

Q. Are you aware that there's two homes in the middle there between the turbines and the town and -- this flicker --

Do you believe that this flicker would affect the people in Buda, since it's over a mile of flicker?

A. So there were two questions, one about the homes. If there are homes within that --

Q. Nonparticipating homes.

JUDGE SLAVIN: Don't interrupt him. You

In Totidem Verbis, LLC (ITV)

asked a question. Don't interrupt him, please.
A. If there are homes within the 10 rotor diameter buffer, we have modeled those, including those two.

In terms of affecting the town, whether Buda or anywhere else, if it goes further than 10 rotor diameters from a turbine, we are not including any flicker effects from those machines on those residences. Because the light diffuses, it's not perceptible, you can't see it anymore, there is no shadow at that point.

Q. (By Ms. Stetson:) Do you know who the nonparticipating landowners are that this is going to affect?
A. We know in our report which ones are listed as nonparticipating, and that can be found in the table of the report.
Q. Exactly. But do you know who they are?
A. Do I know them personally?
Q. No. Do you know the names?
A. Not offhand, but the Applicant does.
Q. So the Applicant could give me a copy of who this is going to affect? Because I do believe -- do you believe it will be --

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: Just ask a question.
MS. STETSON: Okay.
JUDGE SLAVIN: You're telling him things again.
MS. STETSON: I'm sorry.
JUDGE SLAVIN: Just ask a question.
MS. STETSON: I'm sorry.
JUDGE SLAVIN: It's all right.
A. I don't know what receptor number your home is, ma'am, so I couldn't say.
JUDGE SLAVIN: She didn't ask about her home. You answered the question.
Let's start over. Ask the question.
Q. (By Ms. Stetson:) Are you aware that I will be one of them, and are you aware that this gentleman behind me will be another that will be affected by this flicker?
A. No.
Q. Well, I'm telling you that we will be.
JUDGE SLAVIN: Well, don't tell him anything. Just a question.
Q. (By Ms. Stetson:) So can we get a list of the people that this is going to affect?
A. I would have to defer the question to the

In Totidem Verbis, LLC (ITV)

Applicant, because I -- I don't have that, and I don't have the ability to share that information if I did.

Q. So can you ask the Applicant to give us a copy? The nonparticipating, can they send us a copy?

A. I think that that would be left to any Interested Parties that would want it, to make that ask.

Q. So I can ask them now?

JUDGE SLAVIN: He's --

A. I can't speak for them. I'm a third party. I'm here presenting these results. In terms of what they do or don't do, I can't speak to.

Q. (By Ms. Stetson:) Are you aware that there was no meeting with the community to discuss the flicker or the turbines?

A. No.

Q. There was none.

JUDGE SLAVIN: You're telling him things again.

Q. (By Ms. Stetson:) Do you know the only reason we knew about this is through the ZBA --

JUDGE SLAVIN: You're telling him things again.

In Totidem Verbis, LLC (ITV)

Q. (By Ms. Stetson:) Are you aware that the only reason we found out about these turbines in our area is through the Zoning Office sending us the pamphlet? Are you aware of that?
A. No.
Q. So you do understand that the community did not know?
A. I don't -- I don't know how to speak to that, ma'am.
Q. How are the complaints handled again?
A. I'm not aware. I'm not sure in this case how complaints would be handled.
Q. How can a nonparticipating landowner complain about flicker to this company?
A. During operation, while it's happening?
Q. During the flicker.
A. So presumably through the Zoning Board or through the County or to the Applicant themselves.
Q. Is there any way that these can be turned away from the homes so there would not be flicker to the nonparticipating?
A. That's not what the Ordinance requires.
JUDGE SLAVIN: That's not the question.

In Totidem Verbis, LLC (ITV)

Answer the question, please.
A. Can they be turned? Yes.
Q. (By Ms. Stetson:) When?
A. At any minute.
Q. So --
A. They follow the wind.
Q. So you can turn them so they can never flicker on a house?
A. What you're asking for is that they never operate, and at that point you've just got -- you have got yard art.
Q. So you're -- are you stating that it's okay for the nonparticipating to get these shadow flickers?
A. I'm not stating what is or isn't okay. I'm only sharing the results and what's possible with the machines.
Q. So you're saying that the nonparticipating landowners have to put up with them?
A. I'm saying that according to these results, we will comply with the Ordinance -- that the Applicant will comply with the Ordinance.
Q. So you're saying that you're not going to help the people that live in this area?

In Totidem Verbis, LLC (ITV)

A. That's not what I'm saying.
Q. It kind of sounds like it.
JUDGE SLAVIN: Don't tell him things. Please stop that.
MS. STETSON: I'm sorry.
Q. (By Ms. Stetson:) A question about the 30 hours. You had -- how did you state that, that it's going to be a person controlling that, the 30-hour count?
A. That one potential way that it could be monitored is by a human being.
Q. What's the other?
A. There are ways ranging from a human being to software they can use.
Q. How often does a human being go around and check that?
A. We talked about that. It's not necessary to go around and check. They would have the calendars, that they would know when flicker could occur and could monitor that way.
MS. STETSON: I think that's all I have.
JUDGE SLAVIN: Okay. Thank you.
Any other Interested Parties?
Orange shirt I saw first.

In Totidem Verbis, LLC (ITV)

MR. BROMME: Me?

JUDGE SLAVIN: That's orange, or salmon.

Start with your name, and spell your last name, please.

MR. BROMME: Steve, and then B-R-O-M-M-E, Bromme.

EXAMINATION

BY MR. BROMME:

Q. I just had a couple questions on the decommissioning. I may not have heard, but were the costs on today's dollars?

A. Yes.

Q. Okay. So shouldn't you have put a factor in there for inflation and everything else that goes on in the next 20 years?

A. So we present them in current dollars because we don't have a proverbial crystal ball to see where those numbers could go up or down, whether labor market or equipment market or anything else. So we present current 2025 numbers and let those stand on their own.

Q. Well, if you do that then how do you know how accurate your estimate is? Because --

JUDGE SLAVIN: Don't say "because."

In Totidem Verbis, LLC (ITV)

That's a good question, just leave it at that.
A. So we know the accuracy of the estimate because we've seen the estimate implemented and projects decommissioned that result in an actual cost that was in line with our estimate.
Q. (By Mr. Bromme:) How long has your company been making these estimates?
A. Two decades or more.
Q. So your company has actually seen -- because you had said that you had not been involved with any decommissioning, I believe I heard?
A. I have been in -- the question was whether I have physically torn down a turbine. I have not. But I have been involved in the decommissioning of multiple projects.
Q. Okay. I guess that was my question. I misunderstood what you said.
MR. BROMME: Thank you. That's all I had.
THE WITNESS: You're welcome.
JUDGE SLAVIN: Anybody else, hand raised? Come on up, black shirt.
Start with your name and spell your last name, please.
MR. HAWKINS: Craig Hawkins,

In Totidem Verbis, LLC (ITV)

H-A-W-K-I-N-S.

EXAMINATION

BY MR. HAWKINS:

Q. You said you can model the shadow flicker. So would it not be more courteous to let these nonparticipating residents know ahead of time, instead of letting them search out on a website that they don't know about to find out about it?

A. I can't speak to how the information has been conveyed to participants or nonparticipants, but I can say that in terms of every receptor, when we expect it to happen is in the report and available to anyone who wants to go take a look at it.

Q. Would you recommend to the Applicant that they not place turbines where it will cause shadow flicker to nonparticipating people's homes?

A. My job is not to recommend turbine locations, but to model the results of the locations they have selected.

Q. Talking about decommissioning, there was about a $6.1 million value on each one, depending on which turbines you use. And the gentleman who just asked a question about what our value of

In Totidem Verbis, LLC (ITV)

our dollar is today compared to what it will be in the future, do you know what the current project length is before decommissioning the project?

A. Yeah, they haven't assigned a life to the project, although typically those are a minimum of 20 years or more.

Q. Could they be up to 30 to 50 years, that we heard in the last meeting?

A. It's possible.

Q. Have you -- since you have went through other projects, do you know approximately how long a project like this usually lasts so you can determine how long this one will?

A. Most of the projects that have been decommissioned were decommissioned between, let's say, 10 and 15 years of operation because machines got bigger or more efficient or there was just some commercial reason to do so.

So most of the projects that this has been considered for haven't actually gone that full duration.

Q. When you say "decommissioning," are you talking about the entire field of the wind towers or

In Totidem Verbis, LLC (ITV)

just one?
A. When I'm talking about decommissioning in this sense, I'm talking about removing all of the wind turbines and the substation and the O and M building, et cetera.
Q. Do you know -- you mentioned that the 6.1 million might be changed in the future because of inflation.
A. I mentioned that these estimates can be revised in the future and updated every so often.
Q. Do you know what the current amount is that will be placed in some type of escrow to the County for the decommissioning currently? Is it that 6.1?
A. No, it would be the net cost, is the financial assurance that's being discussed.
Q. So is the County responsible for the teardown and transporting the materials to recycling after the decommissioning?
A. There's no expectation, regardless of where that cost lands, that the County is doing any of that. The Applicant is bearing that risk and expects to be the one to tear down the project.
Q. I was under the impression that the --

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: You're telling him things.

MR. HAWKINS: Sorry.

Q. (By Mr. Hawkins:) Will there not be moneys given to the County for decommissioning?

A. They are set aside as an assurance for a scenario where the Applicant could not fulfill that obligation, but that does not mean the Applicant does not intend to fulfill that obligation.

Q. So does the Applicant control those moneys or the County?

A. It would depend on the form that they took and how those moneys were set aside, but they are set aside at that point as an assurance.

So for an example, it could take the form of a letter of credit to demonstrate that those moneys are available. The Applicant doesn't have the ability at their own discretion to just go change or otherwise modify that LC if that were to happen.

Q. But they could update that at the decommissioning time?

A. They --

Q. The amount.

In Totidem Verbis, LLC (ITV)

A. Uhm. . .
Q. When they find out how much it's actually going to cost 20 years down the road.
A. If we were 20 years from now and ready to decommission the project, yes, is the answer, they could. Frankly, I'm not sure why they would though. Because that money is there as a backup, so to speak.

The company would be responsible for tearing down and decommissioning the project, regardless of what that cost was and what financial assurance was set aside.

Q. Okay. So that account given to the County is only for a backup and not used for the actual teardown?
A. I don't believe there's any expectation that the County goes and writes the check. I believe that money is held in case, under some unexpected circumstance, they had to write the check.
Q. Is it in some kind of trust then with both parties?
A. I think they're still discussing what that assurance will look like. I don't know the

In Totidem Verbis, LLC (ITV)

form.
Q. Understood.
MR. HAWKINS: Thank you very much.
THE WITNESS: You're welcome.
JUDGE SLAVIN: Thank you.
Other Interested Parties, by raise of your hand.
(No verbal response.)
JUDGE SLAVIN: Seeing none, you may step -- walk away/step down.
Want to re -- redirect real quick?
ATTORNEY BARRY: I have a couple quick follow-up questions.
EXAMINATION
BY ATTORNEY BARRY:
Q. Mr. Anderson, does the decommissioning plan that you discussed here tonight that's part of the application comply with the Wind Energy Siting Ordinance provisions in the Bureau County Zoning Code?
A. It does.
Q. Does the decommissioning plan that you discussed here tonight comply with the Agricultural Impact Mitigation Agreement that

In Totidem Verbis, LLC (ITV)

was referred to earlier this evening?
A. It does.
Q. Now, you mentioned the Crescent Ridge Wind Project earlier, correct?
A. Yes.
Q. Where is that project located? What county is it in?
A. Bureau County.
Q. Was Burns & McDonnell involved in the repower and decommissioning portions of that project?
A. Yes.
Q. Were you involved and did you play some role in connection with the repower and decommissioning portions of that Crescent Ridge Wind Project?
A. Yes.
Q. Are you -- if you know the answer to this, were wind turbines and wind turbine locations fully decommissioned as part of the Crescent Ridge repower?
A. I believe so, yes.
Q. And again, that was done here in Bureau County, correct?
A. Yes.
ATTORNEY BARRY: That's all I have at this

In Totidem Verbis, LLC (ITV)

time, Mr. Anderson.

I would like to ask that Mr. Anderson's PowerPoint presentation be entered into the record, and I have --

JUDGE SLAVIN: Done. I hope you have eight copies.

ATTORNEY BARRY: I do.

And I believe that would be Petitioner's Exhibit Number 3; is that correct?

JUDGE SLAVIN: I think you're right, but let me check my list, please.

(Petitioner's Exhibit Number 3 marked for identification.)

JUDGE SLAVIN: And you may step down/walk away, Mr. Anderson.

THE WITNESS: Thank you.

JUDGE SLAVIN: Got them all handed out?

ATTORNEY BARRY: Not quite.

JUDGE SLAVIN: All right. Let's take ten minutes. We'll resume at approximately 20 to 8:00; 7:40.

(A recess was taken at 7:30 p.m. and proceedings resumed at 7:40 p.m.)

In Totidem Verbis, LLC (ITV)

JUDGE SLAVIN: Everybody return to your places.

All right. Mr. Barry, you may continue.

ATTORNEY BARRY: Thank you.

At this time I would like to ask Evan Markowitz to step up to the hot seat, or hot stand.

JUDGE SLAVIN: Okay. Mr. Markowitz, want to raise your right hand.

EVAN MARKOWITZ,

being first duly sworn, was examined and testified as follows:

JUDGE SLAVIN: You may inquire, Counsel.

ATTORNEY BARRY: Thank you.

EXAMINATION

BY ATTORNEY BARRY:

Q. Good evening, Mr. Markowitz. Could you please state your name for the record.

A. Evan Markowitz, E-V-A-N, M-A-R-K-O-W-I-T-Z.

Q. And can you tell us who you work for?

A. I work for Burns & McDonnell Engineering Company.

Q. What is your --

JUDGE SLAVIN: Want to keep your voice up

In Totidem Verbis, LLC (ITV)

for us, please? I know it's easy to do, and that microphone is not all that sensitive, but -- you don't have to swallow it, but you have to stay close to it.

A. Burns & McDonnell Engineering Company, Incorporated.

ATTORNEY BARRY: Of course right on cue the air conditioning kicked on.

JUDGE SLAVIN: The air conditioning came on.

Q. (By Attorney Barry:) What is your position with Burns & McDonnell?

A. I am a project manager and a section manager in our Natural and Cultural Resources Department.

Q. And are you familiar with the Braided Creek Wind Project?

A. I am.

Q. Can you tell us a little bit about your background before we get into Braided Creek?

A. Yes. I hold a BS in ecology and evolutionary biology, and a Master's in environmental engineering. I have worked in the environmental consulting -- sorry.

I have worked in the environmental

consulting field, doing natural resources assessments and permitting, for over 18 years here in Illinois.

And I have been a project manager in pre-construction surveys and permitting for renewable energy projects, including wind projects, within Illinois and the surrounding states.

Q. And so have you consulted in connection with wind energy projects previously?

A. Correct.

Q. And on how many occasions?

A. Three projects in Illinois, and six or seven projects total.

Q. Okay. Thank you.

And again, are you familiar with the Braided Creek Wind Energy Project?

A. I am.

Q. And what did -- what connection do you have to the Braided Creek Wind Energy Project?

A. My team was scoped with conducting the desktop wetlands, archeology and architectural studies, as well as desktop stormwater permitting.

JUDGE SLAVIN: I didn't hear the last

In Totidem Verbis, LLC (ITV)

thing.

THE WITNESS: A desktop for stormwater permitting.

Q. (By Attorney Barry:) Okay. So do you have a PowerPoint presentation?

A. I do.

Q. Could you please take us through that at this time?

A. Sure will. Thank you.

As I have stated, we have completed desktop studies. We did a desktop wetlands and stream assessment, as well as desktop protected species review and a cultural review, which included review of archeology and architectural data. Part of those, too, for protected species and cultural consisted of consultations.

I'll mention also that field studies will be conducted to confirm these desktop results.

Q. And will Burns & McDonnell be conducting those field studies?

A. That is my understanding.

Agency consultations, how were these completed? U.S. Fish and Wildlife Service were completed for federally-listed species. It was

In Totidem Verbis, LLC (ITV)

conducted through the Information for Planning and Consultation, the IPaC, which is a website on Fish and Wildlife Services' web page.

We initiated this consultation, along with the others, to comply with the Ordinance for this. Through the IPaC, we were able to obtain an official species list, is what Fish and Wildlife calls it, which is a list of protected federally-threatened endangered species that have a potential to occur within the vicinity of the project, as well as species that may be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

It is my understanding that another consultant is conducting an avian impact study for this project.

Consultation for State-listed threatened and endangered species was conducted through the Illinois Department of Natural Resources, the Ecological Compliance Assessment Tool, EcoCAT.

For both the EcoCAT and the IPaC, those are both web based. So we enter information about the project, including the physical

location of it, and submit that and we get back a database report.

Q. So you submit information online to U.S. Fish and Wildlife Service and you get a report back, correct?

A. Correct. As I mentioned, we get the official species list through the IPaC.

Q. And the same -- similar approach for the EcoCAT with IDNR; is that correct?

A. Yes. They don't have a specific name for it, but it will list the protected species or habitats or lands.

Q. And again, the information is inputted into the Assessment Tool for the Illinois Department of Natural Resources and you get information back, correct?

A. Correct. They are pretty much web-based systems, where you draw a polygon around your limits of disturbance where your project area is, and I would imagine it goes back to their database and pulls the information from the database, their known elements of occurrence within the project area, as well as the vicinity of it.

In Totidem Verbis, LLC (ITV)

Q. Now, I think you mentioned earlier that you did some of these studies in order to comply with the County's Zoning Ordinance, correct?
A. Correct.
Q. And I guess I'll specifically ask whether your studies were designed to comply with the ecological requirements, or some of them, in, I believe, it's Subsection 6 of the Wind Energy Siting Ordinance?
A. Yes, it was.
An Agricultural Resources Desktop Review was conducted through the Illinois Department of Natural Resources as well, the State Historic Preservation Office, a licensed archeologist that had access to the State's database was used, and the initiated consultation with the SHPO Office.
Q. Similarly, was that consultation designed to comply with Subsection 7 in the Wind Energy Siting Ordinance with the title of "Historic Resources Preservation"?
A. It was.
I'll mention that both the EcoCAT and SHPO consultations are also required to comply with

In Totidem Verbis, LLC (ITV)

the State Construction General Stormwater Permit.

So the desktop review for wetlands helped us understand where potential wetlands and surface waters are, and therefore the project was able to be sited where no infrastructure or facilities are located within potential wetlands or streams. I'll reiterate that field surveys will be conducted, and those field results do supercede the desktop review.

Any cabling proposed for this project will be bored under streams to avoid impacts, and the project is -- will be constructed in compliance with U.S. Army Corps and IDNR permit processes.

Q. And is it fair to say, as far as you are aware, that your wetlands study was used to inform the siting or the proposed siting of the wind turbines and other infrastructure for the project?

A. That is my understanding, yes.

Q. And again, that's because you don't want to put objects on areas that are wet; is that right?

A. You can put things where objects are wet; however, that triggers permitting. That's an

In Totidem Verbis, LLC (ITV)

impact to an environmental resource. Any way that you can avoid or minimize that is a benefit to the environment.

All right. So our SHPO approval process. So as I mentioned, a licensed archeologist accessed the State database. They summarize the information of known surveys or records of occurrence within the project in the vicinity of the project and initiated consultation with the SHPO in May.

SHPO provided a response to that letter in June and requested Phase 1 field surveys. The Applicant will conduct the Phase 1 archeological surveys and a Historic Resource Review for structures within two miles, consistent with the requirements of State SHPO.

These reports will be submitted to the SHPO, and the SHPO will complete their review and issue an approval letter or a request for additional studies. As I mentioned, this approval is required for the State Construction Stormwater Permit.

Natural Resources Protection. So this is our general NPDES Permit for stormwater

In Totidem Verbis, LLC (ITV)

discharges for construction site activities. As part of that, a SWPPP, stormwater pollution prevention plan, will be developed for the project and referenced during construction to minimize stormwater runoff and avoid negative impacts to water quality.

As I mentioned, the permit, ILR 10, will be applied for prior to the start of construction, and dust suppression or the appropriate BMPs will be implemented during construction as needed.

An environmental compliance representative from the Applicant will be on site during construction to ensure that the project is complying with the SWPPP and permit conditions, as well as the AIMA.

That's it.

ATTORNEY BARRY: So, Judge, I don't have any more questions for the witness at this time.

I would ask that the witness's PowerPoint be entered into evidence as Petitioner's Number 4.

JUDGE SLAVIN: If you have eight copies, that will be done.

In Totidem Verbis, LLC (ITV)

ATTORNEY BARRY: I do.

(Petitioner's Exhibit Number 4 marked for identification.)

JUDGE SLAVIN: And you may inquire, Ms. Donarski.

EXAMINATION

BY MS. DONARSKI:

Q. Hi. I have a number of questions for you.

About the -- first of all, I'm looking at Appendix H, the Illinois SHPO consultation letter that's in our application.

Are you familiar with that letter?

A. I'm familiar with the letter, yes.

Q. Okay. In that letter, in the second paragraph, it says, "If your project will use federal loans or grants, needs federal agency permits or is on federal property, then your project must be reviewed by us pursuant to the National Historic Preservation Act of 1966 as amended."

Is this going to have a national survey or a national review, as well as a State review?

A. So you're asking whether a Section 106 level survey would be required for this project?

Q. Yes.

In Totidem Verbis, LLC (ITV)

A. It is my understanding at this time that no federal permits are being triggered from this project; therefore, Section 106 would not be followed.

Q. Okay. In the next paragraph of that same letter that was submitted, it says, "Projects" -- excuse me.

"Portions of the project area have a high probability of containing significant archaeological resources. Accordingly, a Phase 1 archaeological survey to locate, identify and record all archaeological resources within this zone, as well as the location of known sites, at a legal minimum, pursuant to Section 6 of the Act will be required."

Is your company going to follow that recommendation -- or that requirement that there is a Phase 1 archaeological survey?

A. Yes, I believe I stated that, that a Phase 1 archaeological survey will be completed.

Q. Okay. I just wanted to make sure that I have that covered on there.

Okay. You had mentioned in the -- about the avian impact study was going to be

In Totidem Verbis, LLC (ITV)

completed by another company.

Do you know when that will be completed?

A. I do not, and I'll defer to the Applicant.

Q. Okay. I have another question -- some more questions. I've got to switch to another section here.

On the -- this would be on the EcoCAT review.

A. Yes.

Q. In there they talk about the State-owned land, Mautino State Fish and Wildlife Area.

Are you familiar with that?

A. Yes.

Q. There was a recommendation in here that the Department recommends a 1-mile linear setback from any IDNR owned, managed and leased property.

Do you know that this project will comply with that recommendation?

A. So currently, right now, that was their initial letter back to us. Consultation is ongoing with IDNR to better understand their rationale for putting on a 1-mile buffer from that State land. We have not been able to get into contact with

In Totidem Verbis, LLC (ITV)

IDNR, despite multiple attempts to contact the project manager who issued that letter to us.

But it is our intent to continue consultation with the IDNR and ultimately follow any recommendations from the IDNR.

Q. Okay. And so on the State threatened or endangered species -- the Black Nose shiner, the Black-billed cuckoo, the Indiana bat, the Northern Long-eared bat, and the Upland Sandpiper -- the recommendation is in here that the County require that the project curtail wind turbine operations below speeds of 6.9 meters per second from sunset to sunrise between July 16th and October 15th to avoid unlawful take of State-listed birds and bats and minimize morality of all bat species.

Does your company plan to follow that recommendation by IDNR?

A. It is my understanding that the Applicant will follow that recommendation.

Q. Okay. And if they cannot be implemented, is your company going to seek an incidental take authorization for those species that would require that?

In Totidem Verbis, LLC (ITV)

A. So consultation is ongoing. We will see how that goes when we better understand things.

Ultimately, if an incidental take permit is required to comply with recommendations, I could see that being an option, yes.

But I -- consultation is ongoing at this time --

Q. Okay.

A. -- so I can't commit to that.

Q. How long does that process usually take? Is there an average time? Are you aware of that?

A. I'm not aware of an average time. As I mentioned, we have made multiple attempts to contact an IDNR project manager. We will continue to do so.

Q. Okay. On your IPaC resource list, on the IPaC from the U.S. Fish and Wildlife Service, I noticed that it talks about some different types of species in there: mammals, birds, plants, eagles.

Is that an ongoing process too, of determining what is actually in there?

A. Correct. This was just a desktop review to initiate consultation. Consultation is ongoing.

Q. And then is that done prior to the construction? Or how does that fit into the big piece once that consultation is finished?
A. Generally that consultation is completed prior to construction.
Q. And is that something then that is supplied to the County so that we have access to that? How does that information become available to the County and to the public who have concerns about the species in their vicinity?
A. I believe, it's my understanding, that the Applicant would provide that.

MS. DONARSKI: Okay. Thank you very much.

JUDGE SLAVIN: Mr. Welbers?

MR. WELBERS: I have nothing, sir.

JUDGE SLAVIN: Mr. Jensen?

MR. JENSEN: No questions.

JUDGE SLAVIN: Mrs. Smith?

MS. SMITH: No. Ms. Donarski covered it.

JUDGE SLAVIN: Mr. Forristall?

MR. FORRISTALL: No, sir.

JUDGE SLAVIN: Mr. Stutzke?

MR. STUTZKE: No, sir.

JUDGE SLAVIN: I don't think I have any.

In Totidem Verbis, LLC (ITV)

Interested Parties, by raise of your hand.

Connie, come on up.

MS. STETSON: Connie Stetson.

EXAMINATION

BY MS. STETSON:

Q. Could you go into the IDNR letter more thoroughly, about the mile --

A. How so?

Q. -- that they are saying from Mautino?

A. So the IDNR recommended a 1-mile setback. As I mentioned, we have tried to follow up consultation with them to better understand their reasoning for that 1 mile.

Q. Are you aware that there's a lot of eagles around that area?

A. I'm aware that eagles were included in the IPaC official species list that came out.

Q. Are you also aware that there's Walnut Grove Woodland along Road 940 that is just south of Mautino about a mile and a half? Are you aware --

JUDGE SLAVIN: Just stop right there. That's a question.

Q. (By Ms. Stetson:) Okay. Are you aware of

that?
A. Yes, I have seen -- I have heard of it, yes.
Q. Are you aware that from Mautino, birds, eagles, have been flying to the woodland? It's their line. That is how they go. I --
JUDGE SLAVIN: Are you -- now you're starting -- just end with a question mark.
Q. (By Ms. Stetson:) Are you aware that that could be their flight pattern around that area?
A. I am not aware. There is an avian impact study ongoing.
Q. So you talked -- let's see.
The species review, what species are you speaking of? You said that the species review, you had to do yet? That's including the birds -- is that including the birds?
A. So the species that are listed on the IPaC, those are protected species. So those would be the species that would be under our review.
Q. You don't have a list of those?
A. The migratory birds, I do not recall off the top of my head.
The Federally-listed species, yes. Northern Long-eared Bat, Indiana Bat, Decurrent

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False Aster, Eastern Prairie Fringe Orchid. And the State-listed, I believe it's the Black Nose shiner.

Q. Are you aware that there could be four turbines in the path from Mautino to the Walnut Grove? There would be four turbines. Are you aware of that?

A. Yes, I have seen the layout.

Q. And what will you do when it's too late and the eagles start dying?

A. I cannot speak to that. I understand there is an ongoing avian impact study.

Q. Is there any possible way I can get a copy of the letter from IDNR that states the mile? Because --

A. I believe that's included in the application, which is available to the public.

Q. Okay. I will call Kris in the morning.

MS. STETSON: I believe that's all I have right now. Thank you.

JUDGE SLAVIN: Thank you.

Any other Interested Parties, by raise of your hand, questions?

(No verbal response.)

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JUDGE SLAVIN: All right. You may walk away/step down. I really don't know what to say.

Well, do you have any other evidence this evening, Mr. Barry?

ATTORNEY BARRY: No. We have no additional witnesses ready to testify at this time.

JUDGE SLAVIN: I understand. You wouldn't know how long this was going to last.

So that having been said, I'm not going to start something other than your evidence until you finish that.

We will recess until 6 o'clock, here at the Moose Lodge.

Right, Ms. Donarski?

MS. DONARSKI: Yes.

JUDGE SLAVIN: On Monday, September 29th.

I just want to check. Mr. Welbers, that's okay?

MR. WELBERS: Yes.

JUDGE SLAVIN: Mr. Jensen, as far as you know, that's okay at the present, right?

MR. JENSEN: Right.

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JUDGE SLAVIN: Mrs. Smith, yes?
MS. SMITH: Yes, as far as I know.
JUDGE SLAVIN: Mr. Stutzke, yes?
MR. STUTZKE: Yes.
JUDGE SLAVIN: Mr. Forristall, yes?
MR. FORRISTALL: Yes.
JUDGE SLAVIN: Callie, you're okay?
COURT REPORTER: Yes.
JUDGE SLAVIN: All right. See everybody, 6 o'clock, Monday, September 29th, here at the Moose Lodge.

(The hearing was recessed at 8:09 p.m.)

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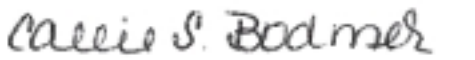
Now on this 10th day of September, A.D., 2025, I do signify that the foregoing testimony was given before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,
Zoning Enforcement Officer



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