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Witness Examination

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1 JUDGE SLAVIN: All right, everybody. Good  
2 evening. I hope everybody had a good holiday  
3 season. It's been six weeks since we have seen  
4 each other.

5 I call out of recess Bureau County Zoning  
6 Board of Appeals hearing on 111 sequential  
7 petitions, beginning with 25-06-16-1-CV, Braided  
8 Creek Wind, LLC's, request for Conditional Use  
9 Permits and Zoning Variances to construct and  
10 operate a wind energy conversion system in the  
11 county.

12 I note the presence tonight of the Chair  
13 of the ZBA, Mr. Welbers. I note Mr. Jensen is  
14 here, as is Mrs. Smith, Mr. Stutzke is here,  
15 Mr. Forristall is not.

16 Ms. Donarski, the Honorable Zoning  
17 Officer, is here, as is her assistant.

18 Mr. Barry is here with his entourage.

19 Our hardworking court reporter is here, as  
20 am I.

21 I see one, two, three, four, five, six,  
22 seven Interested Parties present, and one  
23 representative with Mr. Barry.

24 Okay. When we left off, I think I

1 remember -- well, my notes tell me -- I couldn't  
2 remember independently -- that Ms. Stetson was  
3 on the witness stand.

4 So, Ms. Stetson, you wish to continue  
5 testifying, I think, correct?

6 MS. STETSON: Yes.

7 JUDGE SLAVIN: You're carrying a large  
8 satchel, it looks like full of probably  
9 exhibits. If you have got those, why don't you  
10 pass those out now.

11 MS. STETSON: I am going to pass out -- I  
12 have different categories. I would like to pass  
13 out as I go so nobody gets confused.

14 JUDGE SLAVIN: Okay. Why don't you do the  
15 first category now.

16 Ms. Stetson, do you want to raise your  
17 right hand.

18 CONNIE STETSON,  
19 being first duly sworn, was examined and  
20 testified as follows:

21 JUDGE SLAVIN: Help you get started.  
22 State your name.

23 MS. STETSON: Connie Stetson.

24 JUDGE SLAVIN: And you live within the

1 footprint of the proposed WECS development?

2 MS. STETSON: Yes.

3 Ready?

4 JUDGE SLAVIN: I am.

5 (IP Exhibit Number 20 marked for  
6 identification.)

7 MS. STETSON: Okay. This is -- I'm  
8 calling this the power -- purchase power  
9 agreement -- hold on.

10 Leeward stated that the turbine purchase  
11 power agreement, the PPA, at Crescent Ridge was  
12 purchased by Amazon. Included in your packet,  
13 IP 20, on the first page, it says Amazon  
14 announces 14 new renewable projects. And it  
15 says that Amazon bought this as a corporate PPA.

16 It was signed in June '21. On the next  
17 page it states, Amazon announced it signed a PPA  
18 for the wind farm. This is done through a  
19 corporate PPA. When asked if the power of the  
20 proposed 58 turbines was purchased from Amazon  
21 or other companies, it was stated, "Not at this  
22 time."

23 Looking at the map on the next page, 3,  
24 the power could already be purchased from Amazon

1 as well. It states that the goal is to power a  
2 hundred percent of the company's activities with  
3 renewable energy by 2025, including four  
4 southwest Bureau County Townships: Mineral,  
5 Neponset, Macon and Concord. If it's not  
6 Amazon, Leeward did state that they were looking  
7 for a buyer; meaning, it is going to be a  
8 corporate PPA.

9 The definition for a corporate PPA is on  
10 Page 4 of IP 20. A power purchase agreement  
11 provides a hedge against price -- I'm sorry, I'm  
12 cold -- by locking in prices or constraining  
13 vio- -- the movement of the pricing. I'm sorry,  
14 I can't say that word right now. I'm cold.  
15 Within an anticipated pre- -- buyer's gain  
16 protection against future upward price  
17 movements.

18 The definition for a PPA is a long-term  
19 power contract usually between a customer and  
20 supplier. The customer agrees to buy power for  
21 a fixed cost over a designated period of time,  
22 usually 10 to 15 years. The supply usually  
23 includes renewables, helping businesses reduce  
24 their Scope 2 emissions.

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1           Large corporate sectors, such as  
2           construction and shipping, benefit from  
3           predictable energy costs that frees up capital  
4           for investment elsewhere.

5           I lost a page here. I'm sorry.

6           What this means is, this power from these  
7           turbines will not benefit anybody in Macon  
8           Township, Bureau County. It will not. If a  
9           corporate PPA --

10          JUDGE SLAVIN: Well, that's a speech.  
11          We're just talking about facts now. You want to  
12          make a speech, you know you will be able to at  
13          the end.

14          MS. STETSON: Well, this -- if the  
15          power --

16          JUDGE SLAVIN: No, that's --

17          MS. STETSON: When the power gets  
18          purchased by a corporate PPA, all the power goes  
19          to that corporation and not to the residents in  
20          the vicinity of the service.

21          JUDGE SLAVIN: You're testifying about  
22          Exhibit Number IP 20?

23          MS. STETSON: Yes, uh-huh.

24          So I'm just saying that they're looking

1 for a corporate PPA, and they stated that at the  
2 beginning of this hearing.

3 So is there any questions on this portion?

4 JUDGE SLAVIN: I'll run the questioning.  
5 Are you done with this exhibit?

6 MS. STETSON: Yes.

7 JUDGE SLAVIN: Okay. Next one.

8 (IP Exhibit Number 26 marked for  
9 identification.)

10 MS. DONARSKI: Connie, can I ask a  
11 question before we get -- mine is IP 26.

12 MS. STETSON: Yes.

13 MS. DONARSKI: Are we skipping 21?  
14 Because the last one was 20.

15 JUDGE SLAVIN: She doesn't have to do them  
16 in order.

17 MS. DONARSKI: Okay. I'm just asking.

18 MS. STETSON: Oh, I grabbed the wrong  
19 thing. I'm sorry.

20 MS. DONARSKI: That's all right. Thank  
21 you.

22 MS. STETSON: This one is, no letters were  
23 sent out to the Village of Buda.

24 JUDGE SLAVIN: What is "this one"? What

1 are we talking about?

2 MS. STETSON: The 1.5 radius.

3 JUDGE SLAVIN: Each of these -- the reason  
4 we number them is so we know what we're talking  
5 about.

6 MS. STETSON: We're looking at IP 26.

7 JUDGE SLAVIN: Okay.

8 MS. STETSON: And we have IP 27, 28 --

9 JUDGE SLAVIN: I understand that. When  
10 you say "this," we want to know what you're  
11 talking about.

12 MS. STETSON: No letters were sent out to  
13 the Village of Buda. The only notification the  
14 Village residents had for a special meeting was  
15 a posting on the window at the Village Hall.  
16 The special meeting was held on May 8th, 2025.

17 I scrolled through the informational Buda  
18 page. The mayor advised the Village on road  
19 work and animals roaming, burn piles, but  
20 nothing on this meeting on the wind turbines in  
21 the area.

22 JUDGE SLAVIN: I'm going to interrupt you  
23 for a minute.

24 MS. STETSON: I have IP 27.

1 JUDGE SLAVIN: I'm going to interrupt you  
2 for a second.

3 What does IP Number 26 represent?

4 MS. STETSON: That represents the area  
5 where the turbines are going within the mile and  
6 a half.

7 JUDGE SLAVIN: There, okay.

8 MS. STETSON: Okay. Then it also states  
9 there's two nonparticipating homes in that area.

10 (IP Exhibit Number 27 marked for  
11 identification.)

12 MS. STETSON: But if you go on to IP 27,  
13 this is the informational page, and there was  
14 nothing -- through this whole year of 2025,  
15 nothing in there about a meeting.

16 JUDGE SLAVIN: What is IP 27?

17 MS. STETSON: That is the informational  
18 page that she posts information on.

19 JUDGE SLAVIN: The informational page on  
20 what?

21 MS. STETSON: Buda.

22 JUDGE SLAVIN: So it's posted on the city  
23 hall door?

24 MS. STETSON: It's on Facebook.

1 JUDGE SLAVIN: There we go, okay.

2 MS. STETSON: I'm sorry.

3 JUDGE SLAVIN: So 27 is a Facebook page --

4 MS. STETSON: Yes, and anybody can --

5 JUDGE SLAVIN: -- of the Village of Buda's  
6 municipal information; is that right?

7 MS. STETSON: Yes, uh-huh. Yes, and on  
8 that -- on the Facebook page, nothing was  
9 mentioned all the way through the year about a  
10 meeting held. So you can look that up if you  
11 want.

12 The meeting -- the meeting minutes didn't  
13 show how many, if any, village residents  
14 attended, but it did outline payments --

15 JUDGE SLAVIN: Are you talking about a  
16 different exhibit now?

17 MS. STETSON: I'm talking about Exhibit  
18 Number 28.

19 JUDGE SLAVIN: Let's make sure we can all  
20 follow along by telling us when you start  
21 talking about a different exhibit.

22 MS. STETSON: I was just about to say  
23 that. I'm sorry.

24 JUDGE SLAVIN: Start with that so we can

1 get to the page.

2 (IP Exhibit Number 28 marked for  
3 identification.)

4 MS. STETSON: The meeting minutes show how  
5 many --

6 JUDGE SLAVIN: So Number 28 is what?

7 MS. STETSON: IP 28 is the minutes from  
8 May 8th, the meeting. It's also an agreement  
9 that was given to Buda through Braided Creek,  
10 and it also has messages between the mayor and  
11 Jared from Braided Creek. The meeting minutes  
12 didn't show how many, if any, village residents  
13 attended, but it outlined what the payments were  
14 going to be as a donation, as well as the  
15 Village Board's wish list for future projects.

16 Evidence of the waiver of the --

17 JUDGE SLAVIN: So on Page 3 of this  
18 Exhibit Number 28, what is that? It says "new  
19 message" at the top.

20 MS. STETSON: These are messages between  
21 Jared from Braided Creek, Leeward, and Lisa  
22 Aber, the mayor of Buda.

23 JUDGE SLAVIN: What are these, all the  
24 pages that follow?

1 MS. STETSON: We did a FOIA, and all the  
2 pages -- there's pages there that have all of  
3 her conversations between her and Jared.

4 JUDGE SLAVIN: What kind of medium were  
5 these messages on, if you know?

6 MS. STETSON: Her text messages.

7 JUDGE SLAVIN: Text messages?

8 MS. STETSON: Yes.

9 JUDGE SLAVIN: Okay. Anything else on  
10 Number 28?

11 MS. STETSON: No.

12 Let me -- the meeting minutes didn't show  
13 how many, or if any, village residents attended,  
14 but it outlined what the payments were going to  
15 be as a donation, as well as the Village Board's  
16 wish list for future projects. Evidence of the  
17 creek -- Braided Creek Wind, LLC, which is not  
18 registered in Illinois with the Village of Buda.  
19 Leeward Renewable Energy's name is not listed on  
20 the contract. Everything else is -- has  
21 Leeward's name on it except for this lease.

22 And you can see through this how much  
23 money that they're -- the moneys for future  
24 projects that Lisa put through, the Village

1 Board members to start the donation process as  
2 follows: \$25,000 per wind turbine, \$50,000 per  
3 wind turbine for the first year. And Jeff  
4 Bitting made a motion to approve the donations,  
5 and seconded by David Bowyer -- or Deb Bowyer.

6 It doesn't say anything about who was at  
7 the meeting except for Leeward and the Council  
8 people. So I don't -- having a meeting --  
9 special meeting stuck on a window apparently  
10 doesn't work.

11 And you go to the next page, and here is  
12 an agreement that hasn't been signed yet that  
13 states the same thing: Braided Creek Wind shall  
14 make an initial payment in the amount of \$50,000  
15 to recipient upon full execution of this  
16 agreement; Braided Creek shall make a payment in  
17 the amount of \$50,000 to recipients within 60  
18 days of the project; Braided Creek Wind shall  
19 make a payment for \$35,000 to recipient for each  
20 turbine located within the one and a half miles;  
21 and payment of 17,500 for each turbine located  
22 within one and a half miles for the Village  
23 boundary at the beginning of each sequential  
24 anniversary of this project.

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In Totidem Verbis, LLC (ITV)

1           They want to call it a donation. They got  
2 their way. She signed the waiver.

3           JUDGE SLAVIN: All right. You're giving a  
4 speech now. Let's stick to the exhibits.

5           MS. STETSON: Okay.

6           Then if you go through here -- well, let's  
7 see. There are nine turbines proposed within  
8 this 1.5 miles, per the map I have on IP 26,  
9 which is 8,460 feet from Buda, the closest being  
10 0.80 miles from the Village, per the minutes.  
11 And that is per the minutes. It states how  
12 close they are.

13           Buda had an Ordinance in place to stop the  
14 wind turbines coming within the one and a half  
15 miles from the previous mayor and the new mayor,  
16 and Council took that away without advising the  
17 Village of Buda.

18           There are two houses, nonparticipating,  
19 that were not advised of this meeting, and those  
20 two homes should have been notified because they  
21 are the ones that will be hurt the most.

22           Ron and Brenda Skaggs, which I see they  
23 are here tonight, have been at some of these  
24 meetings. They are one of the nonparticipating

1 landowners and have the log house with the pond.  
2 They are not in the village, and the mayor and  
3 the Council made a decision to put the wind  
4 turbines upon them without their knowledge.

5 After reading some of the text messages,  
6 just the mayor, not the Council, was concerned  
7 more about Mautino State Park than the people  
8 surrounding the village.

9 If you read through these text messages,  
10 go to August 21st -- well, if you go back.  
11 Let's see.

12 "Morning, Lisa. Just wanted to check in  
13 and make sure you all didn't have any questions  
14 in advance of tonight's meeting." That's Jared.

15 "I don't think we have any questions."

16 "Sounds good. Hoping to wrap the vote up  
17 tonight in that case. Let me know if anything  
18 comes up between now and 7 o'clock."

19 So here is a special meeting May 8th, but  
20 yet they have already had conversations.

21 "Sounds to me like if you would use the  
22 alternate and get farther away from Mautino's,  
23 some people wouldn't be as upset about this  
24 project. Just letting you know what I'm

1 hearing."

2 And this is the mayor only, not the  
3 Council.

4 He says, "Good flag and appreciate the  
5 heads up. Definitely a big point of discussion  
6 at last night's hearing. Ultimately I think  
7 it'll make more sense to use the alternates up  
8 there, assuming they don't have any fatal flaws  
9 with soils or access."

10 And she says, "Thanks. Mautino's is  
11 pretty important over here. We went to bat a  
12 few years back just to get it reopened and  
13 accessible."

14 He says, "Totally makes sense. I was glad  
15 to hear a couple folks ask good faith questions  
16 with legitimate concerns about Mautino's last  
17 night."

18 Must have been the Council, because  
19 there's no markings of who was at the meeting.

20 So here we go, she's more concerned about  
21 the park -- State park than she is --

22 JUDGE SLAVIN: You're making conclusions  
23 again. This exhibit speaks for itself.

24 MS. STETSON: Okay.

1 JUDGE SLAVIN: If you want to make a  
2 closing argument, that will be nights from now.

3 MS. STETSON: The decision to notify  
4 people within the one-and-a-half-mile radius of  
5 the wind turbines' installation should have been  
6 based on --

7 JUDGE SLAVIN: Are we talking about a  
8 different exhibit now?

9 MS. STETSON: Exhibit Number 29.

10 (IP Exhibit Number 29 marked for  
11 identification.)

12 JUDGE SLAVIN: And where is this from?

13 MS. STETSON: This is from Google, and  
14 it's from the U.S. Environmental Protection  
15 Agency, windconcerns.com, lumifyenergy.com, and  
16 Department of Energy.

17 The decision to notify people within the  
18 1.5-mile radius of a wind turbine installation  
19 should be based on the specific circumstances  
20 and potential impacts of the project.

21 Health Risks: If the wind turbines are  
22 expected to generate significant noise or other  
23 health risks, it is adversely (sic) to notify  
24 the community. This includes any potential

1 health risks, like drinking water violations and  
2 any other environmental concerns.

3 This is a concern. I'm sure you, as a ZBA  
4 member, have heard many stories about --

5 JUDGE SLAVIN: You're giving a speech  
6 again.

7 MS. STETSON: Okay.

8 JUDGE SLAVIN: Just stick to the exhibits  
9 or we're going to stop.

10 MS. STETSON: The people in the village  
11 and the people outside the village --

12 JUDGE SLAVIN: You're giving a speech.  
13 This is Exhibit 29. It speaks for itself.

14 MS. STETSON: All right. Property Values:  
15 Concerns about the property values may also  
16 necessitate notifications. If the installation  
17 of wind turbines is expected to affect the value  
18 of nearby properties, it is important to inform  
19 the community.

20 Community Impacts: The potential impact  
21 on the community, including noise, visual impact  
22 and other factors, should be considered. If the  
23 installation is likely to cause significant  
24 disturbances, is it important to inform the

1 community.

2 Which the community needs to hear pros and  
3 cons.

4 (IP Exhibit Number 30 marked for  
5 identification.)

6 MS. STETSON: Going to IP 30. It's  
7 "Conditional Use Can Be Denied."

8 JUDGE SLAVIN: What is IP Number 30?

9 MS. STETSON: It is the -- this is the --  
10 an Ordinance from the ZBA -- or from the Zoning  
11 Ordinance.

12 ATTORNEY BARRY: I'm going to --

13 JUDGE SLAVIN: That's not admissible.

14 MS. STETSON: This is from the Zoning  
15 Ordinance.

16 JUDGE SLAVIN: Right, and that will be  
17 considered when the Board makes its finding of  
18 fact and recommendations.

19 ATTORNEY BARRY: My objection is based on  
20 the arguments on the document, not the document  
21 itself.

22 JUDGE SLAVIN: Well, I have got an  
23 objection to the document.

24 MS. STETSON: And because of why?

1 JUDGE SLAVIN: I just told you why. That  
2 will be considered in fact-finding and  
3 recommendations. That's part of the Ordinance  
4 that the Board has to consider.

5 All right. Any more in this category?

6 MS. STETSON: Number 30 --

7 JUDGE SLAVIN: Say again.

8 MS. STETSON: Under IP 30 still.

9 JUDGE SLAVIN: Oh, okay. I thought you  
10 said IP 30, which was from the Bureau County  
11 Ordinance.

12 MS. STETSON: It's -- behind there, it's  
13 attached. There's another sheet attached.

14 JUDGE SLAVIN: Oh, okay.

15 MS. STETSON: Leeward is asking for a  
16 Variation to waive the conditional permit of No  
17 Hazard to Air Navigation from the FFA. The  
18 County Ordinance requires that the Applicant  
19 submit all determination of No Hazard to Air  
20 Navigation from the FAA at the time the  
21 Conditional Use Permit application was  
22 submitted.

23 ATTORNEY BARRY: I want to object to the  
24 characterization. Leeward is not seeking a

1 Variance to -- from the requirement. It's a  
2 question about the timing of the requirement.

3 MS. STETSON: It's in the --

4 JUDGE SLAVIN: Don't argue with him. I'm  
5 still --

6 MS. STETSON: This is --

7 JUDGE SLAVIN: What are we talking about,  
8 the top half of Number -- of Page 4?

9 MS. STETSON: Yes. This is on Petition  
10 Number 26, Turbine 26, they're asking for a  
11 Variation because they didn't have their  
12 paperwork all together before they did this  
13 Conditional Use Permit process.

14 JUDGE SLAVIN: So what is the top half of  
15 Page 4 of IP 30?

16 MS. STETSON: That is information from  
17 Turbine Number 26.

18 JUDGE SLAVIN: Well, turbines can't give  
19 information.

20 MS. STETSON: It's the application. T26,  
21 if you go through the application, there's a --  
22 and this is just --

23 JUDGE SLAVIN: Where did the top half of  
24 Page 4 of IP 30 -- what is that? It looks like

1 at the top it says, Petition Number 26. Owner,  
2 Rumbold and Kuhn.

3 MS. STETSON: Yes, that is for Turbine --

4 JUDGE SLAVIN: What is that? Is that a --

5 MS. STETSON: That is for Turbine 26.

6 JUDGE SLAVIN: -- parcel description?

7 MS. STETSON: That is a Variation they're  
8 asking on Turbine 26.

9 JUDGE SLAVIN: Where did this come from?

10 MS. STETSON: It came from the Variation  
11 pages that were filed.

12 JUDGE SLAVIN: They have already been  
13 filed. Number 30 is not admitted. We're not  
14 going to cloud up the record with duplicative  
15 things. So that -- any other --

16 MS. STETSON: Even though that --

17 JUDGE SLAVIN: Correct.

18 MS. STETSON: -- the Bureau County  
19 Ordinance states that they must submit with  
20 the Conditional --

21 JUDGE SLAVIN: I'll say it again, the  
22 Board considers that when they make their  
23 finding of fact and recommendations. They have  
24 to.

1 MS. STETSON: I'm just --

2 JUDGE SLAVIN: So next category.

3 (IP Exhibit Number 21 marked for  
4 identification.)

5 JUDGE SLAVIN: All right. The one I have  
6 on the top of the stack is IP Number 21; is that  
7 correct?

8 MS. STETSON: Yes.

9 JUDGE SLAVIN: And what is that?

10 MS. STETSON: That is an article -- just a  
11 second.

12 That is an article that states that there  
13 has been failures with wind turbines. It's an  
14 article published on March 12th, 2025.

15 JUDGE SLAVIN: From what? What medium?

16 MS. STETSON: Google.

17 JUDGE SLAVIN: So published on Google.

18 MS. STETSON: It's published through  
19 Sustainable Power News Editor. That's the  
20 author.

21 JUDGE SLAVIN: Do we know who that is?

22 MS. STETSON: It's a newspaper.

23 JUDGE SLAVIN: No, who the editor is.

24 MS. STETSON: No, I don't.

1 JUDGE SLAVIN: Okay.

2 MS. STETSON: Ameren Missouri's High  
3 Prairie Renewable Energy Center has shut down  
4 after three Vestas turbine collapses in 2024.  
5 The incidents occurred in April, August and  
6 November, with the latest collapse sending blade  
7 fragments scattering across the area. All  
8 turbines at the 400-MW facility spanning  
9 Adair and Schuyler Counties are offline for  
10 inspection. Ameren and Vestas are investigating  
11 potential causes, including manufacturing  
12 defects and weather conditions. The unusual  
13 series of failures raises significant concerns  
14 for the wind energy sector.

15 After experiencing three separate turbine  
16 collapses in 2024, the High Prairie Renewable  
17 Energy Center in Missouri has temporarily shut  
18 down operations. The 400-megawatt wind farm,  
19 owned by Ameren Missouri, began operations in  
20 2020 and spans Adair and Schuyler Counties.

21 The first turbine collapse occurred on  
22 April 29th, 2024, when the entire top of a  
23 turbine fell to the ground. The second incident  
24 happened August 25th, 2024, followed by a third

1 collapse on November 1, 2024. In the most  
2 recent incident, witnesses reported that the  
3 blades fell first, with two of them shattering.  
4 The base then bent and collapsed on itself.  
5 Nearby residents heard a loud boom, and debris  
6 scattered across the surrounding area.

7 A trio of catastrophic turbine failures  
8 has rocked the High Prairie facility, with  
9 falling blades and collapsing towers shocking  
10 nearly every -- nearby residents.

11 No injuries have been reported in any of  
12 these three incidents. Ameren Missouri quickly  
13 enacted its emergency response plan after these.  
14 The company secured surrounding areas and took  
15 the entire facility offline for assignment. All  
16 Vestas turbines in both counties have been shut  
17 down while thorough inspections take place.

18 The exact causes of these collapses --  
19 okay.

20 The exact causes of these collapses remain  
21 under investigation. Experts are examining  
22 potential manufacturing defects, weather  
23 conditions and maintenance records. Vestas, the  
24 turbine manufacture, is working with Ameren to

1 determine why these failures occurred. Each  
2 modern wind turbine typically features 210-foot  
3 blades and stands on towers reaching 320 feet  
4 high, making structurally integratedly prominent  
5 for safe concern -- operations (as said) --  
6 paramount for safe operation.

7 These incidents have raised serious  
8 concerns with the renewable energy industry.  
9 They highlight the need for enhanced safety  
10 measures, improved manufacturing quality and  
11 better monitoring technologies. Modern systems  
12 now use sensor-based monitoring technologies to  
13 track critical parameters like vibration and  
14 temperature for early detection of potential  
15 failures. The collapse may represent a setback  
16 for renewable energy expansion plans in the  
17 region. Local farmers have expressed worry  
18 about agricultural disruptions as debris from  
19 turbine failures could impact crop harvesting  
20 and livestock operations.

21 Do you want me to read on or go to the  
22 next one?

23 Here's one, Page 3 of IP 21. For the  
24 second time this year, a wind turbine is --

1       okay. That goes -- for the -- down below, it  
2       says, High Prairie Renewable Wind Energy, at the  
3       center of the accidents.

4               It also states that accidents in wind  
5       energy sectors are not limited to the Vestas  
6       only. Leading manufacturers, such as the  
7       Siemens G-A-M-E-S-A and the General Electric --  
8       and I believe the Vestas and the General  
9       Electric were the ones that were put on the file  
10      paper -- also experienced various accidents in  
11      the past. For instance, in 2019, the Siemens  
12      G-A-M-E-S-A wind turbine blades was shattered in  
13      Germany, meanwhile, GE wind turbines was  
14      collapsed in Oklahoma. Such failures and  
15      incidents highlight the need for more strength  
16      and safety measures for the entire wind sector.

17                               (Exhibit Number 22 marked for  
18                               identification.)

19               MS. STETSON: Go to IP 22.

20               This is from Morgan Legal Corporation from  
21      Houston, Texas, December 4, 2024, and it's a  
22      Google search, "The Type of Accidents Wind  
23      Turbines Cause." This is an insurance company,  
24      I do believe.

1           As a controversial topic, while some claim  
2           that they are a clean and effective (sic) energy  
3           source, others assert that they are dangerous  
4           and ineffective. One well-kept secret is the  
5           number of accidents and tragedies caused by wind  
6           turbines. Major component failures, such as  
7           structural failures and tower collapses, is a  
8           significant cause of these accidents.

9           Many reported collapsing wind turbines,  
10          blades flying off, workers and general public  
11          being injured and fatal accidents. Of the  
12          fatalities, 67 were wind energy industry direct  
13          supporter staff or small turbine operators, and  
14          32 were public fatalities, incidents involving  
15          flying blades, where parts of the turbine blades  
16          break off and become airborne, pose serious  
17          safety hazards to nearby residents.

18          While the debate over the E-F-F-I-C-A-C-Y  
19          of wind turbines rages on, it is important to be  
20          aware of the potential danger they pose.

21          Mechanical failure in wind turbines is a  
22          significant concern in the wind industry, as it  
23          can lead to catastrophic wind turbine accidents.  
24          One of the most common causes of mechanical

1 failure is blade failure, which can result in  
2 whole blades or pieces of blades being thrown  
3 from the turbines. This can cause significant  
4 damage to the surrounding area and pose a risk  
5 to human health. According to the Caithness  
6 Windfarm Information Forum, blade failure is the  
7 second most common cause of wind turbine  
8 accidents, accounting for 15 percent of all  
9 reported accidents. Poor maintenance and poor  
10 quality control are also major contributors to  
11 mechanical failures in wind turbines.

12 Electrical failures in wind turbines.  
13 Electrical failure is another significant risk  
14 associated with wind turbines. Electrical  
15 failures can cause fires, which can spread  
16 quickly and cause significant damage to the  
17 turbine and surrounding area. According to the  
18 National Fire Protection Association, electrical  
19 failure is a leading cause of wind turbine  
20 fires. Lightning strikes are also a major cause  
21 of electrical failure in wind turbines, as they  
22 can cause significant damage to the turbine's  
23 electrical systems.

24 Ice throws and wind turbines. While the

1 number of accidents caused by wind turbines is  
2 relatively low, one type of accident that seems  
3 more common is ice throw. Ice throws occur when  
4 large chunks of ice are thrown from the turbine  
5 blades and land on nearby homes, businesses or  
6 people.

7 There have been several reports of ice  
8 throws in recent years, and the problem is  
9 getting worse as more and more turbines are  
10 built in cold climates.

11 In one incident, a piece of ice thrown  
12 from a turbine smashed through the windshield of  
13 a car driving past the turbine. Fortunately,  
14 the driver was not injured.

15 In another incident, a man was walking  
16 near a wind farm when he was hit in the head by  
17 a piece of ice thrown from the wind turbine, the  
18 turbine blade. The man suffered a serious  
19 concussion and was hospitalized.

20 Wind turbine fires. Wind turbine fires  
21 are another type of accident that occurs, posing  
22 a significant fire risk to the turbine and  
23 surrounding area. These fires usually start  
24 when the turbine's gearbox overheats and can

1 cause extensive damage to the turbine and  
2 surrounding area.

3 At Piet De Witt Farm in the Netherlands, a  
4 fire that started in a turbine's gearbox spread  
5 to the rest of the turbine, causing over  
6 1 billion -- \$1 million in damage. In Texas, a  
7 fire that began in the turbine's gearbox spread  
8 to the nearby forest, burning over 200 hectares  
9 of land. That's 2.47 acres.

10 While wind farm -- wind turbine fires are  
11 not as common as other types of accidents, they  
12 are damaging and costly. Fire accidents are the  
13 second most common cause of wind turbine  
14 incidents, highlighting the need for proper  
15 maintenance and fire prevention measures. This  
16 is why it is important for turbine operators to  
17 regulate, inspect and maintain their turbines to  
18 reduce the risk of a fire. Operators should  
19 also have a plan for dealing with the fire if  
20 one does occur.

21 Blade flying off. Another type of  
22 accident that can occur is when a turbine blade  
23 comes flying off, resulting in dangerous blade  
24 pieces that can cause extensive damage. This

1 can happen for a variety of reasons, including  
2 severe weather, improper maintenance or  
3 manufacturing defects.

4 When a turbine blade comes flying off, it  
5 can cause extensive damage to nearby homes,  
6 businesses and people.

7 In New York, there was an incident of wind  
8 turbine blades flying off, smashing a car, and  
9 an illuminated billboard. In another  
10 accident -- incident, a turbine blade flew off  
11 and hit a man walking nearby, and the man  
12 suffered serious injuries and was again  
13 hospitalized.

14 Exploding turbines. One of the most  
15 dangerous types of accidents that can occur is  
16 an exploding turbine. This usually happens when  
17 the turbine's gearbox overheats and causes a  
18 fire that spreads to the turbine's blades. When  
19 the blades explode, they can fly off and cause  
20 damage to nearby homes, businesses or people.

21 In one incident, an exploding turbine cost  
22 \$1 million in damage to a nearby home.  
23 Fortunately, no one was injured in this  
24 incident.

1           Leaking mineral oil. Sometimes turbines  
2           leak mineral oil, and this happens as hoses fail  
3           and maintenance is not performed at a regular  
4           schedule or simply with age.

5           Climate change and environmental damage.  
6           Wind turbines are often seen as an  
7           environmental-friendly source of renewable  
8           energy, but they can also have negative  
9           environmental impacts. One of the most  
10          significant environmental concerns associated  
11          with the wind turbines is the risk of bird  
12          deaths. According to the U.S. Fish and  
13          Wildlife, hundreds of thousands of birds are  
14          killed each year by wind turbines. Climate  
15          change is also a major concern, and it is -- it  
16          can cause more frequent and severe weather  
17          events, such as storms and high winds, which can  
18          damage wind turbines and cause accidents. The  
19          development of new wind projects must take into  
20          account the potential environmental impacts and  
21          strive to minimize them. Environmental groups,  
22          such as Scotland Against Spin, are working to  
23          raise awareness about the potential risks  
24          associated with wind turbines and promote more

1 sustainable and reasonable (sic) development of  
2 wind.

3 This is Scotland Against Spin.

4 JUDGE SLAVIN: What is "this"?

5 (IP Exhibit Number 23 marked for  
6 identification.)

7 MS. STETSON: This next, IP Number 23,  
8 this is a summary of wind turbine accident data  
9 to March 31st, 2025.

10 The table includes all documented cases of  
11 wind turbine-related accidents and incidents  
12 which could be found and confirmed through press  
13 reports, official information releases, up to  
14 the 31st of March of 2025.

15 Scotland Against Spin believes that this  
16 -- I'm going to spell it -- C-O-M-P-E-N-D-I-U-M  
17 of accident information may be the most  
18 comprehensive available anywhere.

19 Number of accidents, 5,818.

20 Fatal accidents, 180.

21 Please note, there are more fatalities  
22 than accidents, as some accidents have caused  
23 multiple fatalities.

24 Of the 246 fatalities:

1           149 were wind industry and direct support  
2 workers (divers, construction, maintenance,  
3 engineers, et cetera), or small turbine  
4 owner/operators;

5           A hundred were public fatalities,  
6 including workers not directly dependent on the  
7 wind industry (transport workers, ecologists).

8           Human injury, 672 accidents regarding  
9 human injuries are documented. Since inclusion  
10 of the SafetyOn data from 2020, this is now the  
11 most common type of accident in wind industry.

12           Please note, there are more injuries than  
13 accidents, as some accidents have caused  
14 multiple injuries.

15           During the accidents, 621 wind industry or  
16 construction/maintenance workers were injured,  
17 and the further -- and a further 88 members of  
18 the public or workers not directly dependent on  
19 the wind industry (firefighters, transport  
20 workers, fishermen) were also injured. Eleven  
21 of these injuries to members of the public were  
22 in the UK.

23           Page 2 of this report. Human health.  
24 Since 2012, 235 incidents of wind turbines

1 impacting upon human health are recorded.

2 Since 2012, human health incidents and  
3 adverse impact upon human health have been  
4 included. These were previously filed under  
5 "miscellaneous," but we believe that they  
6 deserve a category of their own. Incidents  
7 include reports of ill-health and effects due to  
8 turbine noise, shadow flicker, et cetera. Such  
9 reports are predicted to increase significantly  
10 as turbines are increasingly approved and built  
11 in unsuitable locations, close to people's  
12 homes.

13 Authorities in France appear to have taken  
14 the lead in the fight for residents' health and  
15 human rights over those for "environmental  
16 benefits." In 2024, two separate French courts  
17 have recently successfully ruled against the  
18 noise nuisance and human health impacts from two  
19 wind projects, in favor of residents' rights.  
20 Recently, in Ireland a separate similar ruling  
21 was made. Hopefully these will set precedence  
22 which will roll out across other countries.

23 Blade failure is the second most common  
24 accident type in the wind industry, and the most

1 common cause of accidents at operational wind  
2 turbine sites. "Blade failure" can arise from a  
3 number of possible sources, and results in  
4 either whole blades or pieces of blade being  
5 thrown from the turbine. A total of 553  
6 separate incidences were found.

7 Pieces of blade are documented as  
8 traveling up to one mile. In Germany, blade  
9 pieces have gone through the roof and walls of  
10 nearby buildings. This is why we believe that  
11 there should be a minimum distance of at least  
12 2 kilometers, which is 6,561 feet, between  
13 turbines and occupied housing or work places, in  
14 order to adequately address public safety and  
15 other issues, including noise and shadow  
16 flicker.

17 Fire is the third most common accident  
18 cause in wind turbine accidents and the second  
19 most common cause of accidents at wind turbine  
20 sites. Fire can arise from a number of sources,  
21 and some turbine types seem more prone to fire  
22 than others. A total of 504 fire incidents were  
23 found.

24 The biggest problem with turbine fires is

1 that, because of the turbine's height, the fire  
2 brigade can do little but watch it burn itself  
3 out. While this may be acceptable in reasonably  
4 still conditions, in a storm it means burning  
5 debris being scattered over a wide area, with  
6 obvious consequences. In dry weather there is  
7 obviously a wider-area fire risk, especially for  
8 those constructed in or close to forest areas  
9 and/or close to housing or work places. Five  
10 fire accidents have badly burned wind industry  
11 workers.

12 Structure failure. From the data  
13 obtained, this is the fifth most common accident  
14 at operational wind turbine sites, with 281  
15 instances found. "Structural failure" is  
16 assumed to be a major component failure under  
17 conditions which components should be designed  
18 and with -- to withstand. This mainly concerns  
19 storm damage to turbines and tower collapse.  
20 However, poor quality control, lack of  
21 maintenance and component failure can also be  
22 responsible.

23 While structural failure is far more  
24 damaging and more expensive than blade failure,

1 the accident consequences and the risk to human  
2 health are most likely lower, as risks are  
3 confined to within a relatively short distance  
4 of the turbine. However, as smaller turbines  
5 are now being placed on and around buildings,  
6 including schools, the accident frequency is  
7 expected to rise.

8 Ice throw. 47 reports of ice throw were  
9 found. Some are multiple incidents. These are  
10 listed here unless they have caused human  
11 injury, in which case they are included in the  
12 "human injury" above.

13 Ice throw has been reported to 140 meters.  
14 That's 459 feet. Some Canadian turbine sites  
15 have warning signs posted asking people to stay  
16 at least 305 meters -- that's a thousand feet --  
17 from turbines during icy conditions.

18 There are indeed only a very small  
19 fraction of actual incidences. A report  
20 published in 2003 reported 880 icing events  
21 between 1990 and 2003 in Germany alone.  
22 33 percent of these were in the lowlands and on  
23 the coastline.

24 Additionally, one report listed for 2005

1 includes 94 separate incidences of ice throw,  
2 and two reports from 2006 include a further 27  
3 such incidences. The 2014 entry refers to  
4 multiple YouTube videos and confirmation that  
5 ice sensors do not work.

6 Transport. There have been 296 reported  
7 accidents, including a turbine base section  
8 going through a building in December of 2024,  
9 killing two people and injuring three others; a  
10 45-meter turbine section ramming through a house  
11 while being transported; a transporter knocking  
12 a utility pole through a restaurant; and various  
13 turbine parts falling off and blocking major  
14 highways. Transport fatalities and human  
15 injuries are included separately. Most  
16 accidents involve turbine sections falling from  
17 transporters, though turbine sections have also  
18 been lost at sea, along with a 50 M barge.  
19 Transport is the single biggest cause of public  
20 fatalities and injuries.

21 Environmental damage, including bird  
22 deaths. For technology -- for a technology  
23 which is supposed to be environmentally  
24 friendly, environmental accidents and incidents

1 are the third most common type of accident at  
2 operational wind turbine sites. 457 cases of  
3 environmental damage have been reported.  
4 Deaths, however, are known to be far higher. At  
5 the Altamont Pass Wind Farm alone, 2400  
6 protected golden eagles have been killed in 20  
7 years, and about 10,000 protected raptors. In  
8 Germany, 32 protected white tailed eagles were  
9 found dead, killed by wind turbines, and a total  
10 of 158 dead sea eagles were found between 2002  
11 and 2019 as victims of collisions with wind  
12 turbines. In Australia, 22 critically  
13 endangered Tasmanian eagles were killed by a  
14 single wind farm. Further detailed information  
15 can be found, and there's a website you can look  
16 all this stuff up at.

17 Up to 1 million bats are estimated to be  
18 killed annually by turbines across Canada and  
19 the United States. 1.4 million bird fatalities  
20 per annum are estimated if the U.S. reaches its  
21 20 percent target for wind generation. Between  
22 2 million and 4 million birds and bats are  
23 estimated to be killed annually by wind turbines  
24 in Spain alone. 1500 birds are estimated to be

1 killed per year by the MacArthur Wind Farm in  
2 Australia, 500 of which are raptors.

3 Also included are 36 reported whale deaths  
4 of the New York/New Jersey shore in December  
5 2022 through June of 2023, attributed to  
6 offshore wind turbine construction operations.  
7 The effects of microplastics upon humans and our  
8 food chain, from disintegrating wind turbine  
9 blades, has also started to appear as a  
10 recurring topic.

11 Recently, significant environmental  
12 pollution has occurred along the eastern  
13 seaboard of the U.S., from a disintegrating  
14 offshore wind blade. Actual environmental  
15 damage to the coast, sea life and the seabed  
16 will only become apparent with time.

17 Environmental damage to the surrounding  
18 area from turbine fires and plastic pollution  
19 from disintegrating blades are becoming more  
20 acknowledged by environmental groups and by the  
21 press.

22 Miscellaneous. 2,593 miscellaneous  
23 incidents are also present in the data, the  
24 majority from SafetyOn data since 2020. Those

1 not from SafetyOn data include planning  
2 breaches, bribery, breaches of consent and  
3 others not able to be easily attributed to other  
4 categories. Component or mechanical failure has  
5 been reported here if there has been no  
6 consequential structural damage. Also included  
7 are lack of maintenance, electrical failure (not  
8 led to fire or electrocution). Construction and  
9 construction support accidents are also  
10 included, also lightning strikes when a strike  
11 has not resulted in blade damage or fire. A  
12 separate 1996 report quotes that 393 reports of  
13 lightning strikes from 1992 to 1995 in Germany  
14 alone, 124 of those direct to the turbine, the  
15 rest are to electrical distribution network.

16 Data limitations. The data in the  
17 detailed table attached -- and there's a table  
18 down here -- is by no means fully comprehensive.  
19 We believe that what is attached is only the  
20 "tip of the iceberg" in terms of numbers of  
21 accidents and their frequency. Indeed, on  
22 March 11th, 2011, the Daily Telegraph reported  
23 that RenewableUK confirmed that there had been  
24 1500 wind turbine accidents and incidents in the

1 UK alone in the previous five years. In July  
2 2019, EnergyVoice and the Press and Journal  
3 reported a total of 81 cases where workers had  
4 been injured on the UK's wind farms since 2014.  
5 Our data has only 15 of these.

6 In February of 2021, the industry  
7 publication Wind Power Engineering and  
8 Development admitted to 865 offshore accidents  
9 during 2019, and only four of these -- we only  
10 have four of these. In the 13th of August 2018  
11 publication of the Power Technology, the article  
12 reports 737 incidents were reported from UK  
13 offshore wind farms during 2016 alone, with the  
14 majority occurring during operations rather than  
15 development. 44 percent of medical emergencies  
16 were turbine related. In comparison, only four  
17 UK offshore incidents are listed in our data,  
18 equivalent to 0.5 percent.

19 The SafetyOn data highlights is a far more  
20 truthful picture of safety at UK onshore wind  
21 facilities. This data has now been added to the  
22 SAS -- that's your Scotland Against Spin --  
23 data, showing a far higher number of incidents  
24 over the past four years. The real number of

1 incidents is actually far higher, as only  
2 incidents reported by the press are included in  
3 for UK offshore facilities and for the rest of  
4 the world.

5 Incidents above "requiring first aid or  
6 worse" are now included under "human injury,"  
7 with those numbers assumed to represent wind  
8 industry workers and not members of the public.  
9 The "others" reported above are not specific and  
10 so are now included under "miscellaneous"  
11 incidents.

12 The SAS data does, however, give an  
13 excellent cross-section of types of accidents  
14 which can and do occur and their consequences.  
15 With few exceptions, before about 1997 only data  
16 of fatal accidents has been found.

17 Inclusion of the SafetyOn data from 2020  
18 shows a marked increase of incidents below. It  
19 should be borne in mind that the real number of  
20 incidents is far higher, and so we are only  
21 beginning to see the true number of incidents  
22 involved.

23 There's a chart.

24 Some countries are finally accepting that

1 industrial wind turbines can cause significant  
2 public health and safety risks. In June of  
3 2014, a report of the Finnish Ministry of Health  
4 called for a minimum distance of 2 kilometers,  
5 which is 6,561 feet, from houses by concluding  
6 that "The actors of development of wind energy  
7 should understand that no economic or political  
8 objective must not prevail over the well-being  
9 and health of individuals." In 2016, Bavaria  
10 passed legislation requiring a minimum of  
11 2 kilometers distance between wind turbines and  
12 homes, and Ireland is considering a similar  
13 measure. In 2023, Buffalo County, Nebraska,  
14 voted to have a three-mile separation distance  
15 between wind turbines and churches, hospitals  
16 and agricultural residential property, and a  
17 five-mile separation distance between wind  
18 turbines and villages and towns.

19 Our data clearly shows that blade failure  
20 is the most common accident with wind turbines,  
21 closely followed by fire. This is in agreement  
22 with the GCube, the largest provider of  
23 insurance to renewable energy schemes. In June  
24 of 2015, the wind industry's own publication

1 "WindPower Monthly" published an article  
2 confirming that "Annual blade failures estimated  
3 at around 3,800," based on the GCube  
4 information. A GCube survey in 2013 reported  
5 that the most common type of accident was indeed  
6 blade failure, and that the two most common  
7 causes of accidents are fire and poor  
8 maintenance. A further GCube report in November  
9 2015 stated that there are an average of 50 wind  
10 turbine fires per year, and this remains  
11 unchanged in the latest 2018 GCube publication.

12 Summary of wind turbine accidents. Okay.  
13 The 50 fires per year is over double the  
14 reported data below, further underpinning that  
15 data presented here may only be the "tip of the  
16 iceberg." Turbine fire prevention company  
17 FireTrace International estimates that  
18 91 percent of wind turbine fires go unreported.

19 The 2018 GCube report also notes the  
20 following:

21 Wind turbine fires are greatly outnumbered  
22 by problems relating to blades and gearboxes;

23 Failure of operators to undertake  
24 sufficient due diligence through maintenance

1 checks is of increasing concern;

2 Operating wind farms out with their design  
3 parameters has been noted as a significant  
4 contributor to the fires.

5 ATTORNEY BARRY: Judge, I don't know if  
6 now is the appropriate --

7 MS. STETSON: This turbine accident  
8 summary is available online.

9 ATTORNEY BARRY: I'm sorry, I thought she  
10 was finished with the document.

11 MS. STETSON: This turbine access summary  
12 is available online. There is a 334-page report  
13 outlining each accident, spells out what type,  
14 where and what happened to these people. And  
15 there is a website there. It says "Resources."  
16 I'm not printing 334 pages, when they have a  
17 summary here stating it. This is global data.

18 For 15 years prior to June 2021, this data  
19 has been collected and reported by the Caithness  
20 Windfarm Information Forum. We gratefully  
21 acknowledge the time and effort spent gathering  
22 the data and hope that we can continue their  
23 good work and keep reporting these statistics on  
24 a quarterly basis.

1           That is IP 23.

2           ATTORNEY BARRY: And, Judge, my question  
3 for you is, should I -- would you like me to  
4 hold my objections to the proposed exhibits  
5 until later, do it in one shot, or should I do  
6 it now?

7           JUDGE SLAVIN: Yes, if you can remember.

8           ATTORNEY BARRY: Sure, thank you.

9           MS. STETSON: He doesn't like that.

10           There was a question from the Leeward  
11 attorney at the last meeting of the hearing on a  
12 letter that was written by the committeemen. In  
13 the letter, we learned that the Braided Creek  
14 parent company is a foreign-owned and will have  
15 full access of our national power grid. Our  
16 nation's power grid security must be considered.

17                   (IP Exhibit Number 24 marked for  
18                   identification.)

19           MS. STETSON: IP 24, it's the DNV, and  
20 this information came --

21           JUDGE SLAVIN: What is the DNV?

22           MS. STETSON: It stands for -- I'm going  
23 to spell it. It's D-E-T, Det, N-O-R-S-K-E,  
24 V-E-R-I-T-A-S. This is the company they use for

1 their information, because the DNV -- this  
2 information came from the filing paper. And it  
3 says here, and their DNV report, and this  
4 information came from a web page, it's on the  
5 third page, Cyber Security Attack and  
6 Resolution. Vestas experienced a cyber attack  
7 event in November 2021. The attack affected  
8 some of Vestas' internal information technology  
9 infrastructure.

10 This can -- and this is through their  
11 reports. It can happen. How many times have we  
12 had our computers taken down at home? at work?  
13 They say they fixed it, but, again, they try  
14 to -- they can get into your system anyway.

15 So the question to me was, can -- do you  
16 think that we can turn the power off? Well --

17 JUDGE SLAVIN: That's a speech. Let's  
18 stick to your exhibits.

19 MS. STETSON: When the turbine is  
20 purchased, the manufacturer has all the  
21 specifications on the turbine. If the turbine  
22 can be turned on and off by the owner, then the  
23 turbine can be turned on and off by the  
24 manufacturer.

1           If you look at the page, the first page  
2           and the second page of this DNV, IP 24, the  
3           object of the review is to provide an  
4           independent assessment of this turbine platform  
5           and associated strengths and risks.

6           If you look at them, especially on Page 2  
7           of this, the demographics is confidential, the  
8           certificates are confidential, the cold  
9           performance is confidential, the technical  
10          documentation is confidential, the grid  
11          interconnection is confidential, wind turbine  
12          generating system is confidential, the turbine  
13          performance review is confidential.

14          How are we supposed to know if these are  
15          safe?

16          And I have the definition for the -- I  
17          think that's all I have.

18                   (IP Exhibit Number 25 marked for  
19                   identification.)

20          MS. STETSON:   And it states here that --

21          JUDGE SLAVIN:   States where?

22          MS. STETSON:   On IP 25, it -- from the  
23          Vestas website, Vestas wind turbines are  
24          manufactured in several locations, including

1 plants in Denmark, Germany, the Netherlands,  
2 Taiwan, India, Italy, Romania, the United  
3 Kingdom, Spain, Sweden, Norway, Australia,  
4 China, Brazil, Poland.

5 So you're talking these manufactures -- if  
6 it's manufactured in one of these towns, and if  
7 Leeward can turn them on and off, the  
8 specifications are through the manufacturer, the  
9 manufacturer can turn them off.

10 And it states that, from Wikipedia, the  
11 majority of the wind turbines come from China.  
12 In 2022, Chinese manufacturers supplied nearly  
13 60 percent of installed capacity worldwide in  
14 wind power generation. Additionally, China  
15 accounts for 56 percent of the installed wind  
16 capacity with wind turbines, more than any other  
17 country. This dominance is attributed to  
18 China's vast wind energy resources and its  
19 significant role in the global wind turbine  
20 market.

21 That ends this one. Is there any  
22 questions?

23 JUDGE SLAVIN: I'm going to say it  
24 again --

1 MS. STETSON: I'm sorry.

2 JUDGE SLAVIN: Look --

3 MS. STETSON: I know, I know. I'm sorry.

4 31.

5 (IP Exhibit Number 31 marked for  
6 identification.)

7 MS. STETSON: Okay. IP 31, David Meyer of  
8 Comsearch, paid by Leeward, didn't speak about  
9 the railroads noted in his information that --

10 JUDGE SLAVIN: What is IP Number 31?

11 MS. STETSON: This came from the filing  
12 from the Comsearch area in the book.

13 JUDGE SLAVIN: You mean in the application  
14 binder filed by Braided Wind --

15 MS. STETSON: Yes.

16 JUDGE SLAVIN: -- or Braided Creek?

17 MS. STETSON: Yes.

18 He didn't mention anything about the  
19 railroads, but you notice that there's Union  
20 Pacific and BNSF railroad company on here.

21 It says here that this information was  
22 obtained through the information turned in to  
23 the file.

24 Okay. If you look -- and I don't have a

1 copy of this because it's already on file.  
2 Exhibit PET 10, this information wasn't put in  
3 that, about the railroads. They are both -- the  
4 railroads are both listed.

5 This report does not state that the  
6 turbines were moved based on aerial photos.  
7 There has not been any communication with Union  
8 Pacific and BNSF --

9 JUDGE SLAVIN: Where are we now? I'm  
10 lost.

11 MS. STETSON: I'm just --

12 JUDGE SLAVIN: Are you giving a speech?  
13 I'm going to tell you again, we are going to  
14 stick to the evidence.

15 MS. STETSON: Okay.

16 JUDGE SLAVIN: All right. You can give a  
17 speech later. You know that.

18 MS. STETSON: Yes, I do.

19 So what that is, is this was not included  
20 in the report that David Meyer --

21 JUDGE SLAVIN: Which is not included in  
22 what report?

23 MS. STETSON: This page that I have handed  
24 out.

1 JUDGE SLAVIN: IP Number 31?

2 MS. STETSON: Yes, uh-huh.

3 JUDGE SLAVIN: Okay.

4 MS. STETSON: It was not handed out. I'm  
5 just stating that it's there.

6 (IP Exhibit Number 32 marked for  
7 identification.)

8 MS. STETSON: And the next one is IP 32.  
9 This is Amtrak. It states all the facts for  
10 2024. It's a fact sheet from Amtrak, which is  
11 from the Illinois website.

12 I counted five sets of tracks. And if you  
13 go back to the very last page of this report,  
14 IP 32, there's a map of all the railroads that  
15 are in the area of Illinois. You can see that  
16 there's a map that goes to -- through Kewanee,  
17 Princeton. Kewanee, that way. That's the  
18 California Zephyr.

19 Looking at the data, there are  
20 approximately 871,170 passengers that travel on  
21 the Carl Sandburg Illinois Zephyr.

22 How I got that total is the -- of  
23 passengers is, I took the 4,355,850, divided  
24 that by the five tracks, and that's how I came

1 up with 871,170 passengers per track. This is  
2 an approximate.

3 I asked the Leeward lawyer and the project  
4 manager, Jared, in front of Judge Slavin, if  
5 they could contact the radiofrequency  
6 interference, and they both -- and study and  
7 both railroads, and I was told by the project  
8 manager, Jared, that it wasn't required.

9 This should be required.

10 But this shows that with all the danger I  
11 just put through about wind turbines --

12 JUDGE SLAVIN: You have got a speech  
13 again.

14 MS. STETSON: This proves that it could  
15 hurt and injure --

16 JUDGE SLAVIN: You're making a speech  
17 again. Stop it.

18 MS. STETSON: Okay. All right.

19 871,170 people could be injured by  
20 turbines.

21 ATTORNEY BARRY: Do I get to -- I mean, at  
22 some point I'm going to need to start making my  
23 arguments while she's making them.

24 JUDGE SLAVIN: That's why we're stopping

1 both of you.

2 ATTORNEY BARRY: I agree.

3 JUDGE SLAVIN: You have got to stick to  
4 facts.

5 MS. STETSON: Facts is, there's 871 --  
6 871,170 passengers that go down the railroad.

7 (IP Exhibit Number 33 marked for  
8 identification.)

9 MS. STETSON: Wind turbines can cause --  
10 this is IP Number 33. This is where I got all  
11 the information from, Google webpage and the  
12 Meteorcomm report.

13 Wind turbines can cause electromagnetic  
14 interference that affects communication systems,  
15 radar, and other electronic devices.

16 JUDGE SLAVIN: You must be on Number 33  
17 now?

18 MS. STETSON: Yes.

19 This interference can disrupt  
20 communication between transmitters and  
21 receivers.

22 Diffraction and reflection, the physical  
23 structure of wind turbines, including their  
24 towers and rotating blades, can obstruct,

1 reflect or retract electromagnetic waves. This  
2 can lead to signal distortion or loss,  
3 particularly the telecommunications and radar  
4 systems.

5 Scattering. The rotary blades can scatter  
6 signals, causing the receiver to pick up  
7 multiple signals simultaneously, which may  
8 result in delayed or distorted signals.

9 Telecommunications. Wind turbines can  
10 disrupt signals used in mobile communications,  
11 television broadcasts, and other electronic  
12 systems. The degree of interference depends on  
13 factors such as the turbine's location relative  
14 to the transmitter and receiver, the  
15 characteristics of the rotor blades, and the  
16 frequency of the signals.

17 Radar systems. Wind turbines can create  
18 clutter in radar systems, complicating the  
19 detection of airborne targets and affecting  
20 weather forecasting. This is particularly  
21 critical for air traffic control and defense  
22 applications.

23 Electromagnetic inference is any type of  
24 interference that can potentially disrupt,

1 degrade or interfere with the effective  
2 performance of an electronic device. Modern  
3 society is dependent on the use of devices that  
4 utilize electromagnetic energy, such as power  
5 and communication networks, electrified railways  
6 and computer networks. During the generation,  
7 transmission and utilization of electromagnetic  
8 energy, the devices generate electromagnetic  
9 disturbance that can interfere with the normal  
10 operation of other systems.

11 Wind turbines can potentially disrupt  
12 electromagnetic signals used in  
13 telecommunications, navigation and radar  
14 systems. The degree and nature of the  
15 interference will depend on:

16 The location of the turbine between  
17 receiver and transmitter;

18 Characteristics of the rotor blades;

19 Characteristics of the receiver;

20 Signal frequency;

21 The radio wave propagation in the local  
22 atmosphere.

23 Interference can be produced by three  
24 elements of a wind turbine: tower, rotating

1 blades and generator. Tower and blades may  
2 obstruct, reflect or refract the electromagnetic  
3 waves.

4 (IP Exhibit Number 34 marked for  
5 identification.)

6 MS. STETSON: Here is the report that I  
7 had put through, it's IP Number 34, "Meteorcomm,  
8 Powering the Digital Railroad Network." This  
9 report is from the USDOT, on highways and  
10 railroads.

11 Page 7 of the report, results show that a  
12 wind farm deployment could potentially obstruct  
13 radio communication links and/or degrade radio  
14 RF signal reception by means of lowering signal  
15 to noise ratio through several mechanisms and  
16 factors, such as diffraction, scattering and  
17 wind farm density, distance and speed.

18 Zone 4, we're in Zone 4, 1.2 miles from  
19 railroad tracks, on the chart.

20 Go to Page 14 of this report, and it talks  
21 about the scattering.

22 Page 16 talks about the diffraction,  
23 clutter and near-field effects.

24 And if you go to the map that was provided

1 to us, you can see that A56, A27, A34, A26, A50,  
2 T12, T31, A49, A46 are very close to each other  
3 and are the closest to the railroads, causing  
4 the wind turbine problems.

5 Page 18 of this report, electromagnetic  
6 interference. Wind turbine components can  
7 generate electromagnetic radiation that  
8 interferes with radio spectrum. Such components  
9 can cause the following mechanisms:

10 Micro-arcing caused by stator/rotor  
11 commutator interface;

12 Macro-arcing caused by aging and hardware  
13 breakdown;

14 Wide band EMI caused by conflagration  
15 during catastrophic failure.

16 It goes on to other problems.

17 Wind farm blade materials can influence  
18 the scatter.

19 Page 35 of this report, results from field  
20 testing and modeling show that the wind farm  
21 interference does exist. When the wind farm is  
22 co-located or deployed in very close vicinity to  
23 PTC, positive train control, railroad tracks  
24 (and the associated positive train control

1 radiofrequency coverage for train control) wind  
2 farm interference signal level is high enough to  
3 impact the PTC RF signal integrity and could  
4 potentially cause degradation in PTC operation.

5 (IP Exhibit Number 35 marked for  
6 identification.)

7 MS. STETSON: IP Number 35, this is  
8 Secretary Sean Duffy's letter.

9 President Trump's Transportation Secretary  
10 Sean Duffy: Biden-Buttigieg Ignored the Dangers  
11 of Wind Turbines Near Railroads and Highways,  
12 Put Climate Religion Ahead of Safety.

13 Washington, D.C., U.S. Transportation  
14 Secretary Sean Duffy announced the Department of  
15 Transportation (USDOT) will restore safety  
16 recommendations previously overruled by the  
17 Biden-Buttigieg administration for wind turbines  
18 built near highways and railroads.

19 Secretary Duffy and his team recently  
20 discovered that Biden-Buttigieg overruled a  
21 safety recommendation for dozens of wind energy  
22 projects despite concerns that turbines can  
23 interfere with radio spectrum frequencies  
24 critical to safety:

1 "Joe Biden and Pete Buttigieg put climate  
2 religion ahead of safety, blatantly ignoring  
3 engineers who warned of the danger of  
4 constructing wind turbines near railroads and  
5 highways. That's why I'm immediately  
6 implementing a higher standard of safety. What  
7 the past administration did is a shame, but it's  
8 a pattern for Biden and Buttigieg. They  
9 invested over \$80 billion on DEI and the Green  
10 New Deal while safety was ignored," said U.S.  
11 Transportation Secretary Sean P. Duffy.

12 The information USDOT has compiled raises  
13 serious questions. In addition to conducting a  
14 department-wide review, Secretary Duffy is  
15 calling for Congress to investigate.

16 Sean Duffy, USDOT, will now recommend a  
17 minimum 1.2-mile setback for turbines built near  
18 highways and railroads following a recent  
19 report.

20 And I just -- that report is right -- is  
21 what I talked about earlier.

22 "Wind farm deployment could potentially  
23 obstruct radio communication links and/or  
24 degrades radio RF signal reception by means of

1 lowering signal-to-noise ratio through several  
2 mechanisms and factors such as diffraction,  
3 scattering and wind farm density, distance."

4 In 2023, the Biden-Buttigieg USDOT found  
5 one wind farm proposal close to high-speed  
6 passenger and freight rail infrastructure that  
7 fell within the "one-to-three-mile boundary...  
8 may be problematic for train communications in  
9 this area and present an undue risk."

10 In 2024, the Biden-Buttigieg USDOT  
11 subsequently "withdraws its previous  
12 recommendations of a setback for this project."  
13 No explanation was provided for this change.

14 In total, 33 projects have been uncovered  
15 where the original safety recommendations was  
16 rescinded.

17 Secretary Duffy's USDOT is launching a  
18 study to collect additional data to inform  
19 safety guidelines for wind turbines built near  
20 critical transportation infrastructure that use  
21 radiofrequency safety systems. Further, the  
22 Federal Aviation Administration will thoroughly  
23 evaluate proposed wind turbines to ensure that  
24 they do not pose a danger to aviation, including

1 new market entrants like Advanced Air Mobility.

2 USDOT will provide feedback on windmill  
3 siting through the National Telecommunications  
4 and Information Administration Interdepartment  
5 Radio Advisory Committee Frequency Assignment  
6 Subcommittee.

7 (IP Exhibit Number 36 marked for  
8 identification.)

9 MS. STETSON: IP Number 36. The United  
10 States Department of Transportation has  
11 announced --

12 JUDGE SLAVIN: What is IP 36?

13 MS. STETSON: It is from Google, Industry  
14 News, published July 30th of 2025.

15 The United States Department of  
16 Transportation has announced that it will  
17 reinstate and review safety guidance concerning  
18 the siting of wind turbines near highways and  
19 railways. The Department stated that the review  
20 will focus on potential interference from  
21 turbines with radiofrequencies used to transport  
22 safety systems.

23 The decision follows an internal review of  
24 past cases in which earlier recommendations for

1 turbine setbacks were withdrawn. According to  
2 the USDOT, 33 projects have been identified  
3 where initial safety recommendations were later  
4 rescinded. A minimum setback distance of  
5 1.2 miles from railroad and highway  
6 infrastructure will now be recommended while  
7 additional data are gathered. The USDOT also  
8 plans to conduct a broader study to update  
9 guidelines on turbine placement near transport  
10 systems that depend on radiofrequency  
11 communication.

12 The Department said that future reviews  
13 will include collaboration with the Federal  
14 Aviation Administration to assess potential  
15 risks to aviation and emerging technologies.  
16 Feedback on turbine siting will be coordinated  
17 with the National Telecommunications and  
18 Information Administration's advisory committee  
19 on radiofrequencies.

20 (IP Exhibit Number 37 marked for  
21 identification.)

22 MS. STETSON: IP 37 is the Bureau County  
23 Ordinance.

24 JUDGE SLAVIN: Is this another attempt to

1 admit part of the Bureau County Ordinance?

2 MS. STETSON: It just tells --

3 JUDGE SLAVIN: Is this another attempt to  
4 admit a portion of the Bureau County Ordinance?

5 MS. STETSON: Yes.

6 JUDGE SLAVIN: That's not admissible.  
7 That's what the ZBA does.

8 MS. STETSON: Well, it's just a  
9 reminder --

10 JUDGE SLAVIN: That's what the ZBA does.

11 I think we have reached a good time for a  
12 break. Ten minutes. Yeah, 20 of. Twelve  
13 minutes.

14 (A recess was taken at 7:28 p.m.  
15 and proceedings resumed at  
16 7:40 p.m.)

17 JUDGE SLAVIN: All right. We're back.

18 I'm trying to think my way through this.  
19 Mr. Barry, we have some, probably about 20 --  
20 about 20 exhibits, I'm thinking. If you want to  
21 cross-examine Ms. Stetson, maybe we ought to do  
22 it -- we ought to parse it out and do it a  
23 little bit at a time.

24 ATTORNEY BARRY: I mean, I haven't had a

1 chance to digest all these. So I would prefer  
2 to do it all at once, probably on a different  
3 day, if that's okay?

4 JUDGE SLAVIN: Then you had suggested  
5 making comments about the admissibility -- your  
6 arguments on the admissibility of any one or  
7 more. Let's just save that for the same time.

8 ATTORNEY BARRY: I'm sorry?

9 JUDGE SLAVIN: Let's just save that for  
10 the next time.

11 ATTORNEY BARRY: That's fine.

12 JUDGE SLAVIN: The next housekeeping  
13 chore, before I forget, which I'm perfectly  
14 capable of doing, I just want to check on  
15 Monday, which is the 26th, I think.

16 MS. SMITH: Yes, it is.

17 JUDGE SLAVIN: I'm just checking -- I know  
18 you have already given answers, but,  
19 Mr. Welbers, are you okay, Monday the 26th?

20 MR. WELBERS: Yes, it is.

21 JUDGE SLAVIN: Mr. Jensen?

22 MR. JENSEN: Yes.

23 JUDGE SLAVIN: Mrs. Smith?

24 MS. SMITH: Yes.

1 JUDGE SLAVIN: Mr. Stutzke?

2 MR. STUTZKE: Yes.

3 JUDGE SLAVIN: And we don't know about Jim  
4 Forristall.

5 MS. DONARSKI: Mr. Forristall is not  
6 available on the 26th.

7 JUDGE SLAVIN: So that makes it highly  
8 important you all are.

9 Okay with you, Mr. Barry?

10 ATTORNEY BARRY: Yes.

11 JUDGE SLAVIN: Ms. Donarski?

12 MS. DONARSKI: Yes.

13 JUDGE SLAVIN: Callie?

14 COURT REPORTER: Yes.

15 JUDGE SLAVIN: And I'm okay.

16 All right. Let's launch in -- let's go  
17 back to where we were, and the ball is back in  
18 your court, Ms. Stetson.

19 MS. STETSON: IP Number 38, correct?

20 JUDGE SLAVIN: Yes.

21 (IP Exhibit Number 38 marked for  
22 identification.)

23 MS. STETSON: This is information on the  
24 distance. I put that there for you all to see

1           how far things -- how far these should -- are  
2           being as close to homes and whatnot.

3           Then it's the concrete.

4           JUDGE SLAVIN: Close to your home?

5           MS. STETSON: Any home. It's the  
6           distance -- the tip height, it is usually 1.1  
7           times or 2.2 times. Some of the ordinances  
8           state that. This is just -- just for reference,  
9           because I had to keep looking it up. It's just  
10          for reference.

11          And the concrete, the next one, source is  
12          Vesta, DNV, concretecaptain.com, Green Business,  
13          and that's a Google search.

14          The concrete used in a 4.5-megawatt wind  
15          turbine foundation is a critical component to  
16          the turbine's stability and performance. The  
17          foundation typically requires 25,000 to  
18          30 tons -- 30,000 tons of cement, which  
19          translates to approximately 900 cubic yards of  
20          concrete.

21          The measurements and dimensions of the  
22          base may vary significantly based on the  
23          turbine's height, capacity and soil.

24          Excavation is typically done to create a

1 hole approximately 10 to 20 feet deep, 60 to  
2 90 feet in diameter (depends on the size of the  
3 turbine -- the bigger the wind turbine and the  
4 soil it's installed on determines the depth and  
5 the diameter).

6 So I just put that down as a reference so  
7 everyone can see what -- how much stuff goes  
8 into a turbine.

9 Then a definition of a wetland. Source is  
10 from the U.S. -- this is IP 39.

11 (IP Exhibit Number 39 marked for  
12 identification.)

13 JUDGE SLAVIN: Number 38 is just your --

14 MS. STETSON: This is calculations I'm  
15 going to use in some of my --

16 JUDGE SLAVIN: All right.

17 MS. STETSON: Then wetlands, this is  
18 sourced from the U.S. Environmental Protection  
19 Agency/searched on Google.

20 Flood Zone A is what this is, and there's  
21 a map of Coal Creek, and it states it's Flood  
22 Zone A, that's attached to this, and there's a  
23 definition of Flood Zone A.

24 A wetland is defined as an area where

1 water covers the soil or is present at or near  
2 the surface for varying periods of time. They  
3 are characterized by the presence of water,  
4 hydric soils and hydrophytic vegetation,  
5 creating unique ecosystems that support a  
6 specialized assemblage of plants, animals and  
7 microbes. Wetlands play a crucial role in our  
8 ecosystems, acting as a bridge between  
9 terrestrial and aquatic environments.

10 JUDGE SLAVIN: Gary, can you -- your  
11 tapping is kind of disconcerting. Thanks.

12 MS. STETSON: A flood zone is designated  
13 on a FEMA flood map, and it specifically  
14 indicates regions that have a 1 percent annual  
15 chance of flooding; meaning, there is a  
16 26 percent chance of flooding occurring over the  
17 life of 30 years. These areas are typically  
18 identified through approximate methods, and they  
19 do not have established Base Flood Evaluations,  
20 which means the exact depth of flooding is not  
21 determined.

22 Flood zones are hazardous due to several  
23 factors that increase the likelihood of flooding  
24 and potential damage. These factors include:

1           Areas near lakes, rivers and streams are  
2 more prone to flooding due to the presence of  
3 water bodies that can lead to rapid water  
4 accumulations;

5           Inadequate drainage causes water to back  
6 up and leads to flooding.

7           JUDGE SLAVIN: Are we on Number 40 or 39?

8           MS. STETSON: 39.

9           JUDGE SLAVIN: Okay.

10          MS. STETSON: Intensive, heavy rainfall  
11 overwhelms streams and leads to flooding.

12          Again, attached to this is Coal Creek, and  
13 it's considered Zone A.

14          What happens if you put -- what happens if  
15 you made a 10-by-20-foot-deep hole, 60 by  
16 90 feet in diameter, and put approximately  
17 9,900 cubic yards of concrete, which comes to  
18 25,000 to 30,000 tons of -- in a flood zone and  
19 wetlands during heavy rain?

20          The definition for wetlands and soils is,  
21 the concrete will divert the water in different  
22 directions, causing more problems with proximity  
23 of the wind turbine area and the adjoining  
24 properties.

1 I went off what Turbine 39, and the Water  
2 and Soil Conservation --

3 JUDGE SLAVIN: Are we now switching to  
4 Number 40?

5 MS. STETSON: Number 40.

6 (IP Exhibit Number 40 marked for  
7 identification.)

8 MS. STETSON: The Soil and Water  
9 Conservation has that big -- it was too big for  
10 me to print on my printer. So what I did is, I  
11 wrote down for Turbine 39 of what was on that  
12 report.

13 JUDGE SLAVIN: So this is something that's  
14 already been admitted?

15 MS. STETSON: Yes.

16 JUDGE SLAVIN: We're not going to admit  
17 again.

18 MS. STETSON: Right, but --

19 JUDGE SLAVIN: No, it's not admitted.  
20 Period. We're not going to keep duplicating  
21 things.

22 MS. STETSON: Okay. So Turbine 39 is  
23 located in wetlands. The summary of the Soil  
24 and Water Conservation is --

1 JUDGE SLAVIN: I'm not admitting it. You  
2 may not testify about it. It's already in  
3 evidence.

4 MS. STETSON: The land adjacent to this  
5 turbine is Stetson-owned family -- which my  
6 husband farms.

7 JUDGE SLAVIN: You can say that, sure.

8 MS. STETSON: The Stetson family has put  
9 Stetson tile work and money into this section,  
10 and after an intensive rain in 2019 and 2020  
11 there was -- and if you place a turbine and put  
12 that much concrete in something, it's just going  
13 to cause more problems around the turbine and  
14 the adjacent farmland.

15 It states that there are several wetlands  
16 on this location. There are unplanted areas due  
17 to excess water, and vegetation has grown in  
18 those areas. Most of the parcel slopes toward  
19 the ravine, wetlands, and most of the soils near  
20 the site are the slight risk of erosion. The  
21 river line is a tributary to Coal Creek.

22 I guess you're not going to put this all  
23 in, but it states that Turbine 39 is wetlands  
24 and floodplains. It's very limited. 72 percent

1 of the soils are Very Limited.

2 JUDGE SLAVIN: When the time comes for  
3 argument, you can talk about that, but it's  
4 already been admitted. It's part of the record.  
5 We're not going to keep going over the same  
6 thing. Move on.

7 MS. STETSON: Turbines considered in the  
8 wetlands, there's 13 turbines, 28 turbines are  
9 considered in the wetlands.

10 JUDGE SLAVIN: What are we dealing with  
11 now?

12 MS. STETSON: I am going to the map,  
13 Number 41.

14 JUDGE SLAVIN: Okay.

15 (IP Exhibit Number 41 marked for  
16 identification.)

17 JUDGE SLAVIN: Map, 41, all right.

18 MS. STETSON: I put a map explanation  
19 here.

20 JUDGE SLAVIN: What's the map of?

21 MS. STETSON: This is the map of the area  
22 where the T35, T5, T51, A56, A27, T34, T26 and  
23 T50 are in. They are all within the mile linear  
24 of Mautino State Wildlife.

1 Walnut Grove is down at the very bottom.  
2 It's this blue area right here. It's at the  
3 very bottom. That's where Walnut Grove is.

4 T39 is right there, close to Walnut Grove.  
5 If you look at Walnut Grove behind the map, it  
6 states Walnut Grove is seven acres, it's used  
7 for hiking, wildlife, observation, environmental  
8 education. Habitat is oak hickory and savanna  
9 woodlands. And then it just tells you what the  
10 area is about.

11 JUDGE SLAVIN: Wasn't this already  
12 admitted? Wasn't this already seen?

13 MS. STETSON: No.

14 JUDGE SLAVIN: Okay. I'll believe you.

15 MS. STETSON: And then we have the IDNR  
16 letter that states --

17 JUDGE SLAVIN: This was admitted, right?

18 MS. STETSON: Yes.

19 JUDGE SLAVIN: Okay. I'm taking that  
20 part, those two pages, off the back of 41.

21 MS. STETSON: Again, I --

22 JUDGE SLAVIN: Don't say "again." The two  
23 pages are off.

24 Now, look --

1 MS. STETSON: I understand.

2 JUDGE SLAVIN: If you want to -- when it  
3 comes time for argument, if you want to argue  
4 the evidence, which includes that, you can. But  
5 I'm not going to keep papering things, doubling  
6 up.

7 MS. STETSON: So I can't -- okay. The  
8 IDNR mentions the mile linear of Mautino State  
9 Wildlife --

10 JUDGE SLAVIN: I'll say it one more  
11 time --

12 MS. STETSON: Okay. According to Terry  
13 VanDeWalle --

14 JUDGE SLAVIN: You're making an argument.  
15 Let's get to the evidence. 42 is the next  
16 thing.

17 (IP Exhibit Number 42 marked for  
18 identification.)

19 MS. STETSON: This is the evidence that  
20 Terry VanDeWalle put in. Eagles have been  
21 spotted flying from Mautino area to Walnut Grove  
22 Woodland area --

23 ATTORNEY BARRY: That's part of  
24 Mr. VanDeWalle's PowerPoint presentation. So

1 it's already in, Judge.

2 JUDGE SLAVIN: Is this from -- directly  
3 from what Mr. VanDeWalle submitted?

4 MS. STETSON: Yes, but it --

5 JUDGE SLAVIN: It's not admitted.

6 MS. STETSON: So you don't want me to say  
7 anything about the eagles or anything on this  
8 report?

9 JUDGE SLAVIN: It's already in evidence.  
10 We have heard about it.

11 Now, when it comes time to argue, you can  
12 argue about it. That's part of your closing/  
13 public comments/arguments. We're just talking  
14 about evidence now. That's why you're under  
15 oath.

16 And I'm not going to keep making the  
17 record bigger and bigger by duplicating things  
18 that are already in the evidence.

19 MS. STETSON: Well, I called the Bradley  
20 Hayes on the IDNR letter, I called and asked  
21 him, because when the guy came -- and I believe  
22 he's here -- Evan Markowitz -- regarding the  
23 IDNR, stated that he was in consultation with  
24 the IDNR to try to get the mile -- one mile

1 linear taken from the report. And this Bradley  
2 Hayes said no one has called him at all. So he  
3 gave me a name, Craig McKee -- McPeak, from the  
4 federal office, and he stated that he hasn't  
5 heard anything either.

6 And if you look at the report that was  
7 given, it's stated No Consultation right on the  
8 report. So I don't know what that meant when he  
9 was saying that.

10 ATTORNEY BARRY: For the record, Judge,  
11 Evan Markowitz is not present this evening.

12 MS. STETSON: Okay. I guess I got the  
13 wrong guy over there.

14 (IP Exhibit Number 43 marked for  
15 identification.)

16 JUDGE SLAVIN: I think we're on Number 43.  
17 What is it?

18 MS. STETSON: 43 is a letter, wind energy  
19 company pleads guilty after at least 150  
20 eagles --

21 JUDGE SLAVIN: That's a letter -- it  
22 appears to me that it's an article from the  
23 Associated Press.

24 MS. STETSON: Right, it is.

1 JUDGE SLAVIN: Then it's not a letter,  
2 right?

3 MS. STETSON: Right. It's an article from  
4 April 7th, 2022, by the Associated Press.

5 A subsidiary of one of the largest U.S.  
6 providers of renewable energy pleaded guilty to  
7 criminal charges and was ordered to pay over  
8 \$8 million in fines and restitution after at  
9 least 150 eagles were killed at its wind farms  
10 in eight states, federal prosecutors said.

11 NextEra Energy subsidiary ESI Energy was  
12 also sentenced to five years probation after  
13 being charged with three counts of violating a  
14 migrating -- the Migratory Bird Treaty Act  
15 during a court appearance in Cheyenne, Wyoming.  
16 The charges arose from the deaths of nine eagles  
17 at three wind farms in Wyoming and New Mexico.

18 In addition to those deaths, the company  
19 acknowledged the deaths of golden and bald  
20 eagles at 50 wind farms affiliated with ESI and  
21 NextEra since 2012, prosecutors said. Birds  
22 were killed in eight states: Wyoming,  
23 California, New Mexico, North Dakota, Colorado,  
24 Michigan, Arizona, and Illinois.

1           NextEra, based in Juno Beach, Florida,  
2           bills itself as the largest utility company by  
3           market value. It has more than 100 wind farms  
4           in the U.S. and Canada and also generates  
5           natural gas, nuclear and solar power.

6           Almost all of the eagles killed in the  
7           NextEra subsidiary's facilities were struck by  
8           the blades of wind turbines, prosecutors said.  
9           Some turbines killed multiple eagles, and  
10          because the carcasses are not always found,  
11          officials said the number killed were likely  
12          higher than the 150 cited in court documents.

13          Prosecutors said the company's failure to  
14          take steps to protect eagles or to obtain  
15          permits to kill the birds gave it an advantage  
16          over competitors that did such -- that take such  
17          steps, even as ESI and other NextEra affiliates  
18          received hundreds of millions of dollars in  
19          federal tax credits from the wind power that  
20          they produced.

21          NextEra spokesperson Steven Stengel said  
22          the company didn't seek permits because it  
23          believes the law didn't require them for  
24          initially -- unintentional bird deaths. The

1 company said its guilty plea will resolve all  
2 allegations over past fatalities and allow it to  
3 move forward.

4 This just states, and I can go on and read  
5 it, but that birds can get killed by these;  
6 eagles.

7 That's 43.

8 (IP Exhibit Number 44 marked for  
9 identification.)

10 MS. STETSON: Then apparently I can't --  
11 in the stipulation on IP Number 44, the  
12 stipulation --

13 JUDGE SLAVIN: Is this part of the record  
14 already?

15 MS. STETSON: Yes, it is.

16 JUDGE SLAVIN: Well, then nope.

17 MS. STETSON: Then it states "the  
18 Ordinance," and I guess I can't put that  
19 through?

20 JUDGE SLAVIN: You make it sound like  
21 somehow I'm preventing you to do something.  
22 It's already part of the record. The law of  
23 Bureau County is, in a trial you don't admit the  
24 law.

1 MS. STETSON: Here we go again.

2 (IP Exhibit Number 45 marked for  
3 identification.)

4 MS. STETSON: Well, here's the letter from  
5 the Historical -- deputy state historical  
6 preservation officer. Apparently I can't read  
7 that?

8 JUDGE SLAVIN: Is this part of the record?

9 MS. STETSON: Yes.

10 JUDGE SLAVIN: Well, no.

11 MS. STETSON: In the letter it states that  
12 federal agencies are going to be used for this  
13 project.

14 JUDGE SLAVIN: That's an argument. You  
15 can make your argument when the time comes for  
16 public comments at the end.

17 MS. STETSON: Okay.

18 The permits that are required on Page 2 of  
19 IP 45, they'll need to get a Federal Aviation  
20 Administration, it's a U.S. Federal  
21 Government --

22 JUDGE SLAVIN: Where is this from?

23 MS. STETSON: This is from --

24 ATTORNEY BARRY: It says Bureau County

1 Ordinance, Page 45.

2 JUDGE SLAVIN: Well, that's not -- that's  
3 part of the Ordinance.

4 MS. STETSON: This is just stating that  
5 they're going to have to use federal  
6 government --

7 JUDGE SLAVIN: Right. Part of the  
8 Ordinance. Yes.

9 MS. STETSON: And on Page 4-1 of this one,  
10 it's federal regulatory standards, this is from  
11 the -- their website, Leeward's website, of  
12 papers that they have submitted, and it states  
13 the U.S. Army Corps of Engineers. It's the  
14 Clean Water Act, Section 404 permit. They say  
15 it was not expected but it was recommended by  
16 the Soil and Water Conservation.

17 The U.S. Fish and Wildlife Service  
18 consultation completed information for planning  
19 and a desktop review -- okay. The federal --

20 ATTORNEY BARRY: Judge, this is a document  
21 from the application.

22 MS. STETSON: Yes.

23 JUDGE SLAVIN: Is this in the application?  
24 Is it of the record?

1 MS. STETSON: It's just showing that there  
2 is federal --

3 JUDGE SLAVIN: That was not a -- that's  
4 not my question. Is this in the record?

5 MS. STETSON: I got it off their website.

6 JUDGE SLAVIN: You got it off the website.  
7 Mr. Barry, is it in the application or  
8 not?

9 MS. STETSON: This is from their website.

10 ATTORNEY BARRY: It says, "Braided Creek  
11 will obtain all the necessary permits and  
12 shall" --

13 JUDGE SLAVIN: I see what it says. Is it  
14 in the application?

15 ATTORNEY BARRY: I believe so.

16 JUDGE SLAVIN: Show me, please.

17 ATTORNEY BARRY: I mean, I -- it's just  
18 two pages. I'm not sure it's worth the time.

19 JUDGE SLAVIN: Well, fine, you're the one  
20 making the objection.

21 ATTORNEY BARRY: I withdraw.

22 JUDGE SLAVIN: Okay. Then this is what  
23 I'm going to do, I'm going to take the first two  
24 pages off what's marked IP Number 45, and the

1 page that starts "4.0 Federal Regulatory  
2 Standards," I'm going to mark that IP Number 45.

3 MS. STETSON: This just shows that there's  
4 federal government agencies that they are going  
5 to use. The Federal Aviation, that's FAA, and  
6 the U.S. Army Corps and the U.S. Environmental  
7 Protection, that's all federal. So they will be  
8 using federal.

9 And it states right here that they are  
10 using them, on the second page. The U.S. Army  
11 Corps of Engineers, the U.S. Fish and Wildlife  
12 Service, Federal Aviation Administration,  
13 National Telecommunications and Information  
14 Administration, U.S. Department of Agriculture,  
15 and U.S. Environmental -- those are all federal  
16 companies, and they will be using federal -- so  
17 they would have to get more information from the  
18 historical site.

19 ATTORNEY BARRY: That's an argument. I  
20 object to the legal conclusion. I also want to  
21 state that it's completely wrong.

22 JUDGE SLAVIN: We'll just keep going.

23 (IP Exhibit Number 46 marked for  
24 identification.)

1 MS. STETSON: This is a conversation I had  
2 with Jared. I asked him for -- well, "This is  
3 Connie Stetson. I'm looking over the shadow  
4 flicker analysis. I would like the  
5 participating and nonparticipating names that  
6 belong to the receptor name for the following."

7 And he gave me a call and said that he  
8 could not give me that information because it's  
9 private, confidential. And I believe every  
10 landowner should have an opportunity --

11 JUDGE SLAVIN: What you believe is an  
12 argument.

13 MS. STETSON: And the nonparticipating  
14 landowners need to know before --

15 JUDGE SLAVIN: You're making an argument.  
16 What's 46?

17 MS. STETSON: That is the conversation I  
18 had with Mr. Jared --

19 JUDGE SLAVIN: It appears to be a piece of  
20 paper.

21 MS. STETSON: It's a -- what I did was, I  
22 put it in an email -- or text for him. I just  
23 pasted it here.

24 JUDGE SLAVIN: What is Number 46?

1 MS. STETSON: IP 46 is -- I sent this to  
2 Jared on text.

3 JUDGE SLAVIN: Text?

4 MS. STETSON: A text, yes.

5 JUDGE SLAVIN: Okay. So Number 46 is a  
6 text to Jared?

7 MS. STETSON: And he would not give me the  
8 names of any of these, and I do believe that  
9 I -- never mind.

10 (IP Exhibit Number 47 marked for  
11 identification.)

12 MS. SMITH: Connie, I didn't get one.

13 MS. STETSON: I'm sorry.

14 MS. SMITH: Thank you. Just skipped me.  
15 That's okay.

16 MS. STETSON: IP 47 is from the U.S.  
17 Department of Energy.

18 Department of Energy Releases Report on  
19 Evaluating U.S. Grid Reliability and Security.  
20 The Department of Energy warns that blackouts  
21 could increase by 100 percent in 2030 if the  
22 U.S. continues to shutter reliable power sources  
23 and fails to add additional firm capacity.

24 If you turn the page, the analysis reveals

1 that existing generation retirements and delays  
2 in adding new firm capacity, driven by the  
3 radical green agenda of past administrations,  
4 will lead to a surge in power outages and a  
5 growing mismatch between electricity demand and  
6 supply, particularly from artificial  
7 intelligence-driven data center growth,  
8 threatening America's energy security.

9 (IP Exhibit Number 48 marked for  
10 identification.)

11 MS. STETSON: IP 48. My testimony last  
12 time, six weeks ago, I talked about the AFIDA  
13 report, the agricultural foreign report, and I  
14 stated that I would get you the 2024 report when  
15 it came out. Well, it came out this week. I  
16 printed this right before I got here.

17 We have no Leeward in here stating that  
18 Crescent Ridge is here or Braided Creek. So  
19 they have not fulfilled the agreements on the  
20 AFIDA, USDA, and I just wanted to make sure you  
21 got this on your record.

22 ATTORNEY BARRY: And that's an argument.  
23 And, again, I object to the legal conclusion.

24 MS. STETSON: Is your name on there?

1 JUDGE SLAVIN: Sustained.

2 I'm going to say again, you just say what  
3 48 is. You save the argument. I mean, the  
4 production of evidence is for this. You build  
5 the evidence so that when the end of the hearing  
6 comes and you stand up and you give your speech,  
7 you can say, "You should do this because you saw  
8 Exhibit Number 48," and, "You should do this  
9 because."

10 You don't stand there and make an  
11 argument. You can't cross-examine an argument,  
12 period.

13 So what's IP 48?

14 MS. STETSON: It's the AFIDA report.

15 JUDGE SLAVIN: What's AFIDA?

16 MS. STETSON: It's agricultural foreign  
17 data information that is collected through the  
18 federal government, USDA. In my testimony --

19 JUDGE SLAVIN: So Agriculture Foreign --  
20 what's "I" stand for? Information, probably?

21 MS. STETSON: I'm going to try to get you  
22 the exact name.

23 Laura, do you -- can you get the name?

24 JUDGE SLAVIN: No, just -- if you don't

1 know, it's hard to admit something you don't  
2 even know what it is.

3 MS. STETSON: I do. It's the USDA Farm  
4 Security Act to protect the U.S. farmland,  
5 federal programs from foreign adversaries. This  
6 is a foreign -- they are supposed to --

7 JUDGE SLAVIN: Not what they -- AFIDA  
8 stands for what?

9 Look, she's the witness. If she doesn't  
10 know what it stands for, it makes it harder to  
11 believe she knows what she's talking about. I  
12 don't care what it is --

13 MS. STETSON: It's called Agriculture  
14 Foreign Investment -- Agricultural Foreign  
15 Investment Disclosure Act of 1978. I just  
16 printed this off right before I came.

17 JUDGE SLAVIN: Okay. Next.

18 MS. STETSON: And that's all I have.

19 JUDGE SLAVIN: Too late to start cross-  
20 examination; it just simply is.

21 See everybody Monday night, 6 o'clock. Be  
22 here or be square. 6 o'clock here, Moose Lodge,  
23 Monday, January 26th. Everybody have a --  
24 everybody stay warm this weekend.

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(The hearing was recessed at  
8:15 p.m.)

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Now on this 22nd day of January, A.D.,  
2026, 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

Callie S. Bodmer  
Certified Shorthand Reporter  
Registered Professional Reporter  
IL License No. 084-004489  
P.O. Box 381  
Dixon, Illinois 61021