

STATE OF ILLINOIS     )  
  )  
COUNTY OF BUREAU     )

In the Matter of the Petition  
  of

Braided Creek Wind, LLC  
Indiantown Township and Macon Township  
Bureau County, Illinois

Testimony of Witnesses  
Produced, Sworn and  
Examined on this 20th day  
of August, A.D., 2025,  
before the Bureau County  
Zoning Board of Appeals

Present:

Jim Forristall  
Shirley Ann Smith  
Mike Stutzke  
Barry Welbers, Chairman

Samantha Holt, Secretary  
Kristine Donarski, Zoning Enforcement Officer

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1 MR. WELBERS: We will end our recess right  
2 now. We have our Board member Troy Quest, who  
3 is not going to participate in this part of the  
4 hearing. Bill Jensen will, but not tonight. So  
5 he'll get caught up to speed.

6 We have two County Board members with us  
7 tonight, Keith Cain and August Block, that are  
8 going to kind of witness the proceedings and the  
9 goings on.

10 For anyone who needs anything, restroom  
11 facilities are down the hall. Lots of folks  
12 here.

13 And I am going to read something and  
14 transition this meeting over to Judge Slavin to  
15 facilitate, and so here it is.

16 We now convene the public hearing as to  
17 the Braided Creek Wind, LLC's, petitions for  
18 Conditional Uses to site and operate a  
19 commercial wind energy conversion system  
20 proposed to lay within Indiantown and Macon  
21 Townships here in Bureau County.

22 First, however, under our Rules, this body  
23 is permitted to engage the services of an  
24 independently-contracted facilitator to conduct

1 these proceedings. And now -- I will now  
2 entertain a motion to engage retired --

3 You still work, Judge.

4 -- anyway, Judge Tim Slavin as the  
5 facilitator for the evidentiary, argument,  
6 fact-finding and recommendation phrases --  
7 phases of this hearing.

8 So is there a motion to turn this over to  
9 Judge Slavin?

10 MR. STUTZKE: So moved.

11 MR. WELBERS: Second?

12 MS. SMITH: Second.

13 MR. WELBERS: All in favor.

14 (All those simultaneously  
15 responded.)

16 MR. WELBERS: Okay. So now we turn this  
17 over to Judge Slavin to facilitate our hearing.  
18 Judge, it's up to you.

19 JUDGE SLAVIN: Well, thank you,  
20 Mr. Chairman, members of the Bureau County ZBA.  
21 It's good to see you all. It's been months.

22 Welcome and good evening, everyone. I  
23 hope you're all well and, if you are an  
24 agribusiness person, enjoying this hot, humid,

1 wet summer. As for the rest of us, aaa (sound),  
2 well.

3 Anyway, my name is Tim Slavin, and I am a  
4 retired circuit judge engaged as an independent  
5 contractor to what is called facilitate this  
6 hearing. I have no adjudicatory  
7 responsibilities. I am not for or against any  
8 particular position. I am a neutral. I am  
9 here, however, hopefully to add some  
10 organization, efficiency and flow to these  
11 proceedings.

12 This is a hearing, not a roundtable  
13 discussion or an open mic meeting of some sort.  
14 It is something more like a trial with public  
15 participation as to Braided Creek Wind, LLC's,  
16 petitions for Conditional Use Permits and Zoning  
17 Variances to construct and operate a wind energy  
18 conversion system here in Bureau County.

19 The petitions are numbered, and I promise  
20 I'm only going to read this once, Numbers  
21 25-06-16-1CV; 25-06-16-2CV; 25-06-16-3CV;  
22 25-06-16-4CV, 25-06-16-5CV; 25-06-16-6CV;  
23 25-06-16-7CV; 25-06-16-8CV; 25-06-16-9CV;  
24 25-06-16-10CV; 25-06-16-11CV; 25-06-16-12CV;

1 25-06-16-13CV; 25-06-16-14CV; 25-06-16-15CV;  
2 25-06-16-16CV; 25-06-16-17CV; 25-06-16-18CV;  
3 25-06-16-19CV; 25-06-16-20CV; 25-06-16-21CV;  
4 25-06-16-22CV; 25-06-16-23CV; 25-06-16-24CV;  
5 25-06-16-25CV; 25-06-16-26CV; 25-06-16-27CV;  
6 25-06-16-28CV; 25-06-16-29CV; 25-06-16-30CV;  
7 25-06-16-31CV; 21-06-16-32CV, 25-06-16-33CV;  
8 25-06-16-34CV; 25-06-16-35CV; 25-06-16-36CV;  
9 25-06-16-37CV; 25-06-16-38CV; 25-06-16-39CV;  
10 25-06-16-40CV; 25-06-16-41CV; 25-06-16-42CV;  
11 25-06-16-43CV; 25-06-16-44CV; 25-06-16-45CV;  
12 25-06-16-46CV; 25-06-16-47CV; 25-06-16-48CV;  
13 25-06-16-49CV; 25-06-16-50CV; 25-06-16-51CV;  
14 25-06-16-52CV; 25-06-16-53CV; 25-06-16-54CV;  
15 25-06-16-55CV; 25-06-16-56CV; 25-06-16-57CV;  
16 25-06-16-58CV; 25-06-16-59C; 25-06-16-60C;  
17 25-06-16-61C; 25-06-16-62C; 25-06-16-63C;  
18 25-06-16-64C; 25-06-16-65C; 25-06-16-66C;  
19 25-06-16-67C; 25-06-16-68C; 25-06-16-69C;  
20 25-06-16-70C; 25-06-16-71C; 25-06-16-72C;  
21 25-06-16-73C; 25-06-16-74C; 25-06-16-75C;  
22 25-06-16-76C; 25-06-16-77C; 25-06-16-78C;  
23 25-06-16-79C; 25-06-16-80C; 25-06-16-81C;  
24 25-06-16-82C; 25-06-16-83C; 25-06-16-84C;

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In Totidem Verbis, LLC (ITV)

1 25-06-16-85C; 25-06-16-86C; 25-06-16-87C;  
2 25-06-16-88C; 26-06-16-89C; 25-06-16-90C;  
3 25-06-16-91C; 25-06-16-92C; 25-06-16-93C;  
4 25-06-16-94C; 25-06-16-95C; 25-06-16-96C;  
5 25-06-16-97C; 25-06-16-98C; 25-06-16-99C;  
6 25-06-16-100C; 25-06-16-101C; 25-06-16-102C;  
7 25-06-16-103C; 25-06-16-104C; 25-06-16-105C;  
8 25-06-16-106C; 25-06-16-107C; 25-06-16-108C;  
9 25-06-16-109C; 25-06-16-110C; and 25-06-16-111C.

10 That's the last time you have to listen to  
11 that.

12 I note the presence in the courtroom of  
13 the Chair of the Bureau County ZBA, Mr. Welbers;  
14 its members, Jim Forristall, Shirley Ann Smith  
15 and Mike Stutzke.

16 I note the presence of the Zoning Officer  
17 of Bureau County, Kris Donarski, and her able  
18 assistant Samantha.

19 I note the presence of three Petitioners'  
20 representatives and their attorney, Mr. Barry,  
21 the court reporter and myself.

22 I did not take an exact count, but from my  
23 vantage point I see approximately 40 Interested  
24 Parties here in the hearing room.

1           Most importantly, please know that all who  
2           so desire will absolutely be given an  
3           opportunity to be heard throughout these  
4           proceedings, but, for everyone's benefit, we  
5           will do so in as orderly and as efficiently of a  
6           manner as possible.

7           There are many possible reasons for  
8           anyone's appearance here this evening:

9           You could be a member of the public as a  
10          citizen and spectator. If so, welcome. We're  
11          glad you're here;

12          You could be folks who are referred to as  
13          "necessaries." That is your astute Bureau  
14          County Zoning Officer, Ms. Donarski, and her  
15          able assistant; your hardworking and  
16          practically-volunteer members of the Zoning  
17          Board of Appeals; our skilled court reporter,  
18          Callie; Mr. Barry, as attorney for the  
19          Petitioner; our sound person; and, of course,  
20          himself.

21          An Interested Party in this context does  
22          not necessarily mean someone who is for or  
23          against the requested Special Uses or Variances,  
24          but someone who wants to be heard. If you want

1 to be heard, you will initially fall into any  
2 one or more of three categories: you own  
3 property, reside, work or operate a business  
4 located within the footprint of the proposed  
5 Braided Creek WECS development; or

6 You own property, reside, work or operate  
7 a business in Bureau County; or

8 You are otherwise interested in these  
9 proceedings.

10 Within these categories, you have the  
11 opportunity to participate. Your participation  
12 can take the form of any one or more activities:

13 1, You may want to give testimony, or  
14 present a witness of your own. This means that  
15 you desire, under oath, to testify or have  
16 someone else testify as to facts relevant to the  
17 Board's eventual decision. That is not the time  
18 to describe your feelings or announce your  
19 opinion, but to aver and state facts, and you're  
20 subject to cross-examination. Everyone so  
21 wishing to will be given one opportunity to do  
22 so;

23 2, You may want to cross-examine one or  
24 more witnesses. But, please, that is just the

1 time to ask questions of a particular witness,  
2 not to argue with him or her or announce how you  
3 view things. Everyone so wishing to  
4 cross-examine will be given one opportunity to  
5 cross-examine each and every witness;

6 Or, 3, you want to make a closing  
7 statement or, as some might refer to it, a  
8 public comment. That is your opportunity to  
9 tell the Board how you feel or give them your  
10 opinion based on the facts adduced during the  
11 whole hearing process as to what their decision  
12 should be.

13 Everyone so wishing to give a closing  
14 statement will be given one opportunity to do  
15 so. Again, I promise, everyone will absolutely  
16 have a reasonable chance to be heard. However,  
17 we're going to make an attempt to do so in an  
18 orderly, organized and efficient and fair  
19 fashion.

20 But I do want to note that if your  
21 opportunity to participate in an activity comes  
22 up in a particular session and, for whatever  
23 reason, you are not present, there will not be  
24 an opportunity to retrace our steps. In other

1 words, we will not go backwards to a previous  
2 stage and thus delay the progress of events.

3 Written communication sent in advance of  
4 this hearing or any written material intended as  
5 something for the Board to consider is subject  
6 to Board Rule Article 5, Section 12, that eight  
7 copies must be provided. Any communications  
8 received that do not comply with this  
9 requirement may not be considered by the Board.

10 I will now review the chronological  
11 progress of the hearing. The burden of going  
12 forward rests on the Applicant, the Petitioner.  
13 So its attorney may make opening remarks.

14 Following that, the Applicant presents  
15 evidence, one witness or document at a time. I  
16 will place each witness under oath or  
17 affirmation. After each witness's direct  
18 testimony, Ms. Donarski, the ZBA, and then  
19 Interested Parties, by category, have the  
20 opportunity to cross-examine. And, again,  
21 please, I emphasize, this is only the time for  
22 questions directed to the witness testifying  
23 under oath.

24 Then following the Petitioner's evidence,

1 Interested Parties may present evidence, one  
2 witness or document at a time, and I will place  
3 each such witness under oath or affirmation.

4 After each Interested Party witness,  
5 Ms. Donarski, the ZBA, the Applicant, and other  
6 Interested Parties have the opportunity to  
7 cross-examine that Interested Party witness.

8 Rebuttal witnesses or documents may then  
9 be presented by the Applicant, the Petitioner,  
10 one at a time, followed by cross-examination by  
11 Ms. Donarski, the ZBA and Interested Parties,  
12 and around the horn we go again.

13 Lastly, the Applicant first, and then any  
14 Interested Parties, are given the opportunity  
15 for closing remarks or public comment. That is  
16 the time to tell the ZBA how you feel or what  
17 they should do and why you think they should do  
18 it.

19 Some sub rules. As you may have heard,  
20 each session has a time limit under the Zoning  
21 Board's Rules of two and one-half hours.  
22 However, we certainly don't want to cut off  
23 anybody right in the middle of something. So I  
24 will certainly make a reasonable effort to let

1 someone finish a particular stage when a time  
2 limit has been reached; or, if there is very  
3 little time remaining at the end of a stage, I  
4 may simply continue the session rather than  
5 starting on another stage. This is not a  
6 sprint; it's a marathon. So I have the  
7 discretion to call for short recesses.

8 Under the Board's Rules, I have the duty  
9 to rule on the admissibility of evidence. While  
10 the strict Judicial Rules of Evidence do not  
11 apply, I will exercise some equitable control of  
12 what is being presented, with or without an  
13 objection.

14 We do have a court reporter here  
15 throughout the proceedings taking down what is  
16 said. I ask all to be mindful of her job. She  
17 cannot take down two people talking at once.  
18 She cannot take down nodding heads or gestures.  
19 And while I know from experience how very  
20 skilled she is, there is a limit to how fast a  
21 person can talk, including me, and expect her to  
22 keep up.

23 Our Zoning Board of Appeals, these fine,  
24 hardworking, practically-volunteer lady and

1 gentlemen, act as finders of fact, much akin to  
2 a jury. In that role, their decisions during  
3 the last stage of the proceedings, findings of  
4 fact and recommendations, are based on the  
5 relevant provisions of the Bureau County  
6 Ordinance in light of the sworn testimony,  
7 admitted exhibits and closing statements/public  
8 comments they receive during the hearing  
9 process.

10 They are your friends, neighbors and  
11 fellow citizens of Bureau County. So please  
12 appreciate and respect their role as we move  
13 through the days and weeks and months ahead. I  
14 ask you not to put them in a compromised  
15 position by lobbying them or having  
16 extra-hearing conversations or correspondence  
17 until the entire hearing, including their  
18 decisions have been completed.

19 In fact, they are instructed to avoid  
20 these appearances of impropriety by politely  
21 telling an Interested Party something like, "I'm  
22 sorry, but I'm not allowed to discuss the matter  
23 until the ZBA's work of finding facts and making  
24 recommendations is completed."



1 scheduling was held off the  
2 record.)

3 JUDGE SLAVIN: Okay. So understanding  
4 that things change, people have emergencies,  
5 things come up, right now we have available  
6 dates of September 10, 29th and 30th;  
7 October 8th, 27th and 28th; December 8th.

8 We have maybes on November 5th, 12th;  
9 December 10th and 17th, partly because the  
10 Petitioners aren't sure they can make it on one  
11 of those dates, and then the other ones we only  
12 have, I think, three yeses on the ZBA, but  
13 that's -- that's without Mr. Jensen here. But  
14 of course, the problem is, in Bureau County, by  
15 Ordinance, a quorum of the ZBA has to be at  
16 least four. So we'll have to keep an eye on  
17 those dates.

18 All right. I'm done talking. I'm sure  
19 you're grateful for that.

20 Mr. Barry, would you like to make any  
21 opening remarks.

22 ATTORNEY BARRY: Yes, Judge.

23 JUDGE SLAVIN: You may.

24 ATTORNEY BARRY: Thank you, Judge Slavin.

1           Again, good evening. Good evening to you,  
2           Mr. Chairman, members of the Board,  
3           Ms. Donarski, Samantha, and to everyone else in  
4           the audience and Callie.

5           My name is Kyle Barry. I'm an attorney  
6           with the law firm of McGuire Woods, LLP. I'm  
7           based in Springfield, Illinois, and I am here  
8           tonight representing the Applicant, Braided  
9           Creek Wind, LLC, which has submitted a  
10          Conditional Use Permit application -- actually,  
11          a series of Conditional Use Permit applications  
12          to construct, maintain and operate a  
13          147-megawatt, more or less, wind farm in Bureau  
14          County.

15          Now, the Applicant has submitted  
16          documents, reports, exhibits. You can see some  
17          of them on the table up here. They are rather  
18          voluminous. And those documents are designed to  
19          demonstrate that the project has -- or the  
20          Applicant has met the conditions necessary to  
21          receive a permit.

22          In addition to those documents, we intend  
23          to present a number of witnesses over the course  
24          of the next couple weeks, for sure. And those

1 witnesses, again, will speak about the reports  
2 in the application materials, the exhibits and  
3 some of the other documents, and they will  
4 intend -- they intend to speak, again, toward  
5 demonstrating that the evidence submitted is  
6 sufficient to -- for the Board to ultimately  
7 make a finding of fact and issue a  
8 recommendation to the County Board that the  
9 application materials are sufficient for  
10 granting a series of Conditional Use Permits.

11         Tonight we have one initial witness. This  
12 witness is the project developer -- the lead  
13 project developer for the proposed wind farm.  
14 His name is Jared. And he's going to give us  
15 sort of an overview of the project, background  
16 on his employer, and hopefully answer some other  
17 questions in general about the application and  
18 the proposed project.

19         So with that, I'm going to switch places  
20 with Jared and ask you to come up here. Jared  
21 will also be covering these materials through a  
22 slideshow presentation.

23         And while you're hooking that up, I'm  
24 going to go sit down, Jared, and again switch

1 places with you. If you would step up to the  
2 podium when you're ready.

3 JUDGE SLAVIN: Off the record.

4 (A discussion was held off  
5 the record.)

6 JUDGE SLAVIN: If you'll raise your right  
7 hand when you get settled, please.

8 JARED ZVONAR,  
9 being first duly sworn, was examined and  
10 testified as follows:

11 JUDGE SLAVIN: You may inquire, Counsel.

12 ATTORNEY BARRY: Thank you, Judge.

13 DIRECT EXAMINATION

14 BY MR. BARRY:

15 Q. Mr. Zvonar, could you please state your name  
16 for the record and spell it.

17 A. Yes. My name is Jared Zvonar. It is  
18 J-A-R-E-D, Z-V-O-N-A-R.

19 JUDGE SLAVIN: Would you do the last one  
20 again, please?

21 THE WITNESS: Yes. Z- as in zebra, V- as  
22 in Victor, O-N-A-R.

23 JUDGE SLAVIN: Thank you.

24 Q. (By Mr. Barry:) And can you tell us briefly

1 what your position of employment is?

2 A. Yes. I am a development manager at Leeward  
3 Renewable Energy. I lead the development of  
4 wind, solar and battery storage projects,  
5 basically starting from step zero all the way  
6 until when construction begins.

7 Q. And what's your connection to the proposed  
8 Braided Creek Wind Project?

9 A. I have been the lead developer for Braided  
10 Creek Wind for about two years now. The project  
11 has been in development since about 2019, and I  
12 have been taking over the role of lead developer  
13 over the last few years.

14 Q. And I understand you have, as I mentioned  
15 earlier, a PowerPoint presentation to provide  
16 tonight; is that correct?

17 A. Correct.

18 Q. All right. I would like -- at this time I  
19 would like to ask you to proceed through that  
20 PowerPoint.

21 A. Excellent. Thank you.

22 Firstly, thank you, Kris, and thank you,  
23 Judge Slavin, for scheduling and for your  
24 availability tonight for getting things all set

1 up. I want to thank the public as well for your  
2 participation here today.

3 We're presenting, as Kyle mentioned, on a  
4 Conditional Use Permit application for the  
5 Braided Creek Wind property. I'll be  
6 presenting, again as Kyle mentioned, a general  
7 overview of the project today, and later in the  
8 hearings we'll be doing more deep-diving into  
9 some of the studies that Kyle mentioned we  
10 provided in the binders on the table over here.

11 So briefly I want to give an overview of  
12 who we are as a company. We are Leeward  
13 Renewable Energy. We have been in business for  
14 about 25 years, owning and operating 30  
15 different renewable energy facilities across the  
16 country. Our headquarters is down in Dallas,  
17 Texas, but I'm located in Chicago, Illinois,  
18 with our Midwest regional team.

19 What sets Leeward apart from a lot of  
20 other companies that are in this industry is  
21 that we are a developer, owner and operator of  
22 renewable energy projects. There's a lot of  
23 companies out there that will just do one or two  
24 of those things; they'll develop a project and

1 flip to somebody else, or maybe they will own a  
2 project and contract it out to somebody else to  
3 operate it.

4 We do all three of those things. So what  
5 that means for us is that the commitments that  
6 we make to our landowners upfront, neighbors to  
7 the project, to county boards, county  
8 commissions, we have to own those commitments as  
9 we move through the operations of the project.

10 Briefly I want to highlight, we have four  
11 operating facilities in Northern Illinois. Our  
12 Mendota Hills Wind Project up in Lee County is  
13 actually the longest operating renewable energy  
14 project in the state of Illinois, having come  
15 online in 2003. Shortly after that, we  
16 commissioned our Crescent Ridge Wind Project in  
17 2005, which has been operating since then,  
18 including a repower effort in 2021, in 2020, as  
19 well as the Lone Tree Wind Project, which was  
20 initially constructed here in Bureau County in  
21 2021.

22 The project we're proposing here today is  
23 located directly next to those existing  
24 projects. We are looking to expand our

1 footprint here. We have been proud to call  
2 Bureau County home for 20 years. It's something  
3 that we put a lot of stock in as a company and  
4 something that we're looking forward to bringing  
5 an additional investment to this community that  
6 we have been a part of for so long already.

7 So briefly we would like to overview the  
8 process of what we're here for today for. We  
9 are pursuing a Conditional Use Permit for a wind  
10 farm of up to 147.2 megawatts. It will be  
11 located on approximately 9,000 acres of  
12 Agriculturally zoned land, the majority of which  
13 is in Macon and Indiantown Townships.  
14 Approximately 98 percent or more of that land  
15 will remain in agricultural production, as each  
16 wind turbine foundation takes up less than an  
17 acre in total.

18 The site is primarily split between the  
19 Kentville Road and Highway 40, south of Buda,  
20 southwest of Tiskilwa, and northwest of  
21 Bradford.

22 We chose this project location for a  
23 number of reasons, including primarily proximity  
24 to our existing project, as I mentioned before,

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1 and the availability of transmission  
2 infrastructure. You know, as more and more  
3 energy is demanded from the grid, more and more  
4 opportunities come up for us to plug into the  
5 grid and allow us to get these projects online.

6 Beyond that, we also look for buildable,  
7 contiguous area in spots where there is a good  
8 wind resource. Obviously you want to site these  
9 projects where the wind is blowing. So having  
10 been here for 20 years, we know that we check  
11 that box very easily. And so we have been  
12 working with local landowners, farmers and  
13 assembling a group -- assemblage of land here  
14 that will allow us to construct this project.

15 As part of the Conditional Use Permit  
16 application, we are additionally seeking four  
17 Variances to the Ordinance language. Firstly,  
18 for all the turbine locations we are requesting  
19 a deferral on our FAA determinations of No  
20 Hazards, so that we would submit those prior to  
21 construction rather than at the submittal of our  
22 Conditional Use Permit application.

23 We have already requested those from the  
24 FAA, and we are just currently experiencing some

1 delays that are outside of our control at their  
2 level. We cannot begin construction on the  
3 project until those are in hand.

4 We are additionally seeking two Variance  
5 requests for reductions of setbacks from platted  
6 rural subdivisions, as well as unincorporated  
7 platted communities for one turbine as well.

8 Lastly, for seven turbine locations we are  
9 requesting a Variance to reduce the setbacks  
10 from the Village of Buda, an unincorporated  
11 municipality located north of the project area.

12 I would like to note specifically that in  
13 addition to the setback productions we requested  
14 here, we are proposing a 50 percent increase in  
15 setbacks from nonparticipating homes over what  
16 Bureau County's requirements are and what the  
17 State of Illinois's requirements are.

18 Before moving further, I do want to  
19 emphasize that we have designed the project and  
20 we put together an application today with Bureau  
21 County's requirements in full view. The project  
22 will additionally continue to be developed and  
23 constructed with those requirements  
24 incorporated.

In Totidem Verbis, LLC (ITV)  
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In Totidem Verbis, LLC (ITV)

1           Our application goes into a lot more  
2 detail about the studies we have completed and  
3 the plans we have put together thus far for the  
4 project. As I mentioned before, today will be a  
5 brief overview and speaking to a number of the  
6 critical components of the project and the  
7 application, with additional details on those to  
8 come over the course of the hearings for this  
9 project.

10           As part of our CUP application, we have  
11 completed a number of studies listed here on the  
12 screen in compliance with the requirements from  
13 Bureau County, as well as from the State of  
14 Illinois. We'll have a number of subject matter  
15 experts, many of whom have worked here in Bureau  
16 County before, who are going to be here to talk  
17 through these studies in more detail and answer  
18 questions as necessary.

19           But on the whole, these studies show  
20 definitively that there will be no detrimental  
21 impacts to adjacent properties vis-à-vis  
22 excessive noise, flicker, property value  
23 impacts, or other items that we have heard some  
24 concerns about as we spoke in the community,

1 including communication interference and the  
2 like.

3 Once operational, this project will be  
4 providing reliable, clean and emission-free  
5 energy here in Bureau County. For this project  
6 in particular, we are proposing two turbine  
7 types. One is a GE model, which produces  
8 3.8 megawatts. One is a Vestas model, which  
9 produces 4.5 megawatts.

10 We have provided site plans and studies  
11 for both options, recognizing that we may go  
12 with either, pending our further discussions  
13 with some of those manufacturers for those  
14 turbines.

15 Q. (By Mr. Barry:) Mr. Zvonar, if I could ask a  
16 quick question.

17 So the project is proposing between 36 and  
18 42 wind generation machines, correct?

19 A. That is correct.

20 Q. Is the project proposing any other devices that  
21 generate or store electricity?

22 A. No. We are only proposing between 36 and 42  
23 turbines here.

24 The reason for that range of numbers is

1 because of the different size of the turbines  
2 that we are proposing here. As I mentioned, the  
3 GE turbine is 3.8 megawatts, and so we need to  
4 construct up to 42 in order to hit our target  
5 capacity of 147.2 megawatts.

6 The Vestas option is 4.5 megawatts. So  
7 being slightly larger, we only need to construct  
8 36 to get to that same level.

9 For all of our setback measurements, which  
10 are largely measured as a factor of the height  
11 of the turbine, we have conservatively assumed  
12 the Vestas model, the taller of the two. Even  
13 if we were to go with the GE model, ultimately  
14 we would be using those more conservative  
15 setbacks of the measurement.

16 Additionally, as I mentioned before, we  
17 are increasing the County and State requirements  
18 for setbacks from nonparticipating residences by  
19 50 percent in order to minimize the impact of  
20 the facility on our neighbors.

21 We are committing to minimum setbacks of  
22 1,767 feet, which is about six football fields,  
23 a little under that, for turbines in the  
24 project. And that figure is actually the

1 minimum setback distance. So most of the  
2 turbines will actually be even further away than  
3 that.

4 Additionally, we will be using aircraft  
5 detecting lighting systems for all the turbines  
6 within the project area, in compliance with  
7 Bureau County's Ordinance, if they are approved  
8 by the FAA for use in this project. What that  
9 means is that the lights on top of the towers  
10 will only turn on in low-light conditions, when  
11 there's actually a flight in the area.

12 Lastly, I want to note that we are  
13 continuing to coordinate with a number of key  
14 stakeholders in the project area, including  
15 Bureau County Soil and Water, the County and  
16 Township engineers, in order to plan drainage,  
17 to assess soil conditions, and to ensure that  
18 our site entrances are in compliance with the  
19 County requirements.

20 You can see here a screenshot of our site  
21 plan. I know it is pretty small, so I'll note  
22 that this screenshot is the exact same poster  
23 board that is over on the right -- or the left  
24 side of the room over here. That same site plan

1 can be found in the binders on the table over  
2 here. I'll talk through it briefly, but know  
3 that you'll be able to see it after the hearing  
4 as well.

5 We developed the site plan in partnership  
6 between myself, Leeward's engineering team, and  
7 the engineering team at Burns & McDonnell, one  
8 of our consultants who is working on the project  
9 as well.

10 The buildable area that we settled on in  
11 this project area was developed by layering in a  
12 number of different constraints. Those I  
13 usually categorize into three main buckets:  
14 firstly, setbacks; secondly, real estate  
15 constraints; and thirdly, engineering  
16 constraints.

17 On the setback side, as I mentioned, there  
18 are a number of setbacks required by the  
19 Ordinance from neighboring homes, neighboring  
20 structures, property lines, et cetera. We are  
21 increasing our setback from neighboring homes  
22 and structures by 50 percent. Those setbacks  
23 are shown as yellow circles on this screenshot  
24 here.

1 Q. (By Mr. Barry:) Okay. So just if we could  
2 pause for a second.

3 This document, the site plan shown on the  
4 screen, is very busy. There are a lot of  
5 different colors on it. I just want to focus,  
6 if we can, on the circles, and just if you could  
7 explain once again what those circles show.

8 A. Yes.

9 Each of those circles, the yellow circles  
10 in particular, which are located around red dots  
11 that represent houses in the project area, each  
12 of those circles represents a conservative three  
13 times tip height setback measured from the  
14 Vestas turbine.

15 That Vestas turbine is 589 feet tall. So  
16 each of those circles above nonparticipating  
17 homes is about 1770 feet in radius.

18 Q. So do those circles then show that the turbine  
19 locations will meet all required setbacks?

20 A. That is correct. Each of the turbines is sited  
21 outside of those circles, showing that it does  
22 comply with the County's requirements and  
23 setbacks.

24 Q. Maybe you can tell us what else is shown on the

1 site plan.

2 A. Sure.

3 Elsewhere you can see green, kind of light  
4 green, squares. Those represent the land that  
5 is participating in the project.

6 Additionally, you can see some purple  
7 areas as well spread out through there. Those  
8 are the platted rural subdivisions that I  
9 referred to earlier which we are requesting a  
10 setback reduction from.

11 You can additionally see, at the top of  
12 the screen, a setback shown from the Village of  
13 Buda. That is a 1.5-mile setback, and we are  
14 requesting a Variance to reduce that as well.

15 Q. And by the way, those platted rural  
16 subdivisions, are there actually residential  
17 developments constructed in those areas?

18 A. No. Those platted rural subdivisions right now  
19 are largely being farmed. And speaking to the  
20 landowners participating in the project, most of  
21 whom have owned their land for a number of  
22 years, they do not recognize any plans to  
23 develop those platted rural subdivisions any  
24 further. A lot of them were plats that were

1 laid out decades ago and were not moved forward,  
2 for one reason or another, but are still in the  
3 plat book.

4 Q. What about the communities that were laid out  
5 at one time?

6 A. Yes, that's a similar issue, the platted rural  
7 communities. There's one such community located  
8 on the eastern side of the project area, it is  
9 the planned town of Providence, which I  
10 understand was slated to be the county seat for  
11 Bureau County about 80 years ago.

12 Ultimately, they platted the area there,  
13 and in that instance they actually did the  
14 parcel subdivision as well. So you can see,  
15 when you look through the County GIS number,  
16 parcel lots where you might normally see houses  
17 in a small town.

18 In this case, they didn't move forward  
19 with any construction in that area. There are a  
20 couple homes, which again we are complying with  
21 the County's setback requirements for. But  
22 there's additionally that half a mile setback  
23 from the platted rural community for that area  
24 that we are requesting a Variance to reduce.

1 Q. And to be clear, the town of Providence never  
2 came to fruition?

3 A. That's correct.

4 Q. For better or worse.

5 MR. ZVONAR: So continuing to walk through  
6 some of the constraints that land us onto our  
7 site plan here and our buildable area. We  
8 talked through some of the setbacks as well.

9 Additionally, we look at real estate  
10 constraints as well. We look mainly at  
11 proximity and connectivity to participating  
12 landowners' properties. As I mentioned before,  
13 we are additionally looking for proximity and  
14 connectivity to our existing Crescent Ridge and  
15 Lone Tree Projects, and we are also laying out  
16 the turbine locations such that farming  
17 operations in the area can continue unimpeded  
18 while we are able to operate our project.

19 The last bucket of constraints that goes  
20 into settling on those turbine locations is  
21 engineering. We look pretty closely at the  
22 suitability of the soils. We'll do a desktop  
23 review on those areas. We completed that review  
24 already and cleared all these.

1           We have additionally conducted preliminary  
2 geotechnical surveys on about 20 percent of  
3 these locations, just to get a sense across the  
4 site of what soil conditions look like.

5           In this case, all the proposed spots we  
6 have here looked pretty good from a desktop  
7 perspective and from that preliminary  
8 perspective. As we continue to work through the  
9 development and the engineering of the project,  
10 we will take soil borings at each of those  
11 locations where we are planning turbines to  
12 ensure that we are in good shape for each of  
13 those locations.

14           This is the reason why we are proposing  
15 58 turbine locations, despite the fact that we  
16 are only going to build up to 42. As we kind of  
17 advance our way through the development, through  
18 engineering, we might find that a turbine site  
19 that looks good today may actually have some  
20 soil conditions that make it a little less  
21 suitable down the road. So we are able to pivot  
22 from that location to one of the locations that  
23 might be more suitable for us.

24           Additionally, on the engineering, we look

1 to avoid drain tiles as much as possible. We  
2 coordinate with our landowners to get a better  
3 sense of where the existing drain tiles are  
4 today.

5 We also take a look at desktop satellite  
6 imagery over the years to better understand  
7 where, especially, the main drain tiles are  
8 located and if we can avoid them in general.

9 As we continue progressing and development  
10 of the project, we'll do additional drain tile  
11 surveys and additional coordination with the  
12 landowners to get a better sense of exactly  
13 where those drain tiles are.

14 Each turbine site also includes a  
15 micrositing area of a couple hundred feet, so  
16 that if we are right on top of a tile, we are  
17 able to scoot the turbine off of it and ensure  
18 that we aren't damaging the drainage in the  
19 area.

20 Last few bullet points on engineering:

21 Access to those turbine locations, making  
22 sure we can get to them from public roadways;

23 Ensuring that the wind resource for that  
24 turbine location is particularly strong;

1           And lastly, avoiding FAA flight paths, FAA  
2 radars, Department of Defense radars, and  
3 communication routes that might be through the  
4 project area.

5           Once you layer in all these factors, the  
6 areas we can actually site a turbine reduce  
7 pretty significantly. So that's how we landed  
8 with our 58 potential locations here, all of  
9 which are in compliance with the County's  
10 Ordinance and with local and State requirements.

11 Q.   (By Mr. Barry:) So just to summarize that  
12 then, this site plan shows the land you have  
13 under lease, correct?

14 A.   That is correct.

15 Q.   And the areas where you could potentially put a  
16 wind turbine, correct?

17 A.   Correct.

18 Q.   But because of all the constraints you  
19 mentioned, those areas are limited by one reason  
20 or another, correct?

21 A.   That's correct.

22           In terms of timing, we would be looking at  
23 starting construction in this project as early  
24 as 2027 with some of the initial site work and

1 civil prep on the turbine sites and road sites,  
2 and the turbines are likely to be erected over  
3 the course of 2028.

4 We plan to operate the project for about  
5 30 years. During that period, we would see  
6 similar staffing requirements as our current  
7 sites have out there. Largely, we would be  
8 looking at relying on local labor on the site,  
9 with plant managers and turbine technicians  
10 available during work hours as well.

11 Outside of that, we have 24/7 monitoring  
12 from our headquarters down in Dallas to ensure  
13 that the project is operating safely and  
14 effectively.

15 I think most importantly it's relevant to  
16 note that this facility is a Conditional Use and  
17 it is a temporary use for the project. As the  
18 owner-operator of the facility, we are  
19 responsible under Illinois State Law and under  
20 the Bureau County Ordinance to fully  
21 decommission the project area at the end of the  
22 project's life and restore the land to the  
23 pre-construction conditions when the project  
24 reaches the end of its useful life.

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1           We will decommission the project in  
2           accordance with the decommissioning plan that we  
3           provided as part of our application here and we  
4           will be discussing in further detail at a later  
5           hearing date.

6           Additionally to that, per the County  
7           Ordinance and per State law, we will be fronting  
8           the cost of decommissioning the project at the  
9           beginning of the project's life in the form of  
10          financial security. That financial security  
11          will be made out in the County's name. So we  
12          can't touch it for any reason. And if for any  
13          reason we are unable to fulfill the obligations  
14          of decommissioning, the County is able to draw  
15          on that financial security to ensure that the  
16          project can be taken down safely.

17          Once those turbines are taken down,  
18          they'll largely go to a lot of our recycling  
19          partners that we have made across the industry.  
20          Generally 95 to 97 percent of the components in  
21          a turbine blade are recyclable, and the metal in  
22          the nacelles and the towers is as well.

23          We have worked through this process before  
24          here in Bureau County, actually. As I mentioned

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1 earlier, we repowered the Crescent Ridge project  
2 back in 2020/2021. The turbines from that  
3 project were taken down on the site,  
4 disassembled, and then taken to recycling  
5 facilities in the region.

6 Again, worth noting, the permit that we  
7 are seeking here today is conditional, and if we  
8 are not in compliance with any of the State or  
9 County requirements, the County can and should  
10 enforce this permit.

11 Beyond the clean, reliable and renewable  
12 energy, the project would come with significant  
13 benefits for the County and for the region.  
14 Namely, you will be seeing nearly 350 million in  
15 capital investment in the county, over 350 jobs  
16 brought to the county during construction, and  
17 \$48.8 million in property tax revenue that will  
18 be pulled from the project over the course of  
19 its 30-year life.

20 All these benefits comes with minimal  
21 strain on public resources. For example, the  
22 project won't need any additional police, won't  
23 need any additional streets or sanitation, no  
24 water service, et cetera, once the project is

1 operational.

2 Here you can see a breakdown of where that  
3 \$48.8 million in property tax revenue goes over  
4 the course of the project life. It averages to  
5 about \$1.6 million a year. We do not set the  
6 breakdown of where the property tax actually  
7 goes. Ultimately that's decided by State and  
8 local laws and millage rates for the parcels  
9 that we are planning to construct the project  
10 on.

11 All told, the project is going to provide  
12 a substantial increase over the current property  
13 tax revenue that is being pulled off of that  
14 land, without impacting the agricultural use  
15 that is ongoing in that area.

16 As long-term owner-operators, we'll be  
17 part of this community for the next 30 years.  
18 We have taken a number of steps to reach out to  
19 the community, and especially the groups we're  
20 going to be interacting with the project.

21 We have set up a website, phone number,  
22 email, all of which are publicly available for  
23 folks to reach out to us, as well as a Facebook  
24 page. We have been reaching out to a number of

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1 local organizations and a number of the  
2 neighbors adjacent to the project.

3 Over the course of the past few months, we  
4 have sent no fewer than three notices to folks  
5 who live in the project area, just to make them  
6 aware of the project and to invite them to a  
7 couple open houses that we held back in May of  
8 this year, where I was able to answer a lot of  
9 questions and address a lot of concerns that  
10 folks had.

11 We additionally have been reaching out to  
12 a number of the organizations who are going to  
13 interface for the project over the course of the  
14 development and into operations, including  
15 schools, including fire departments, Farm  
16 Bureau, 4H, et cetera, folks who are going to be  
17 impacted by the project in one way, shape or  
18 another.

19 Thus far, we have had great conversations  
20 with those folks about what the project will  
21 look like and what kind of benefits they'll  
22 bring to the community. We're looking forward  
23 to getting in touch with a handful of  
24 organizations who haven't yet responded to our

1 outreach. We are looking forward to talking to  
2 them and having those same conversations as  
3 well.

4 Now, having been in Bureau County for the  
5 past two decades, we have had a ton of great  
6 opportunities to reach out and provide  
7 assistance to a number of community  
8 organizations, charitable organizations and  
9 cultural cornerstones in the community.

10 We have had relationships with a lot of  
11 folks up here on the Board for a number of  
12 years, and we're looking forward to continuing  
13 those relationships for the Braided Creek  
14 Project once it's operational, as well as for  
15 our existing projects, Crescent Ridge and Lone  
16 Tree, as we continue to own and operate those  
17 over the course of their useful life.

18 And that's all for me. I want to thank  
19 you all for the time, and I do appreciate it.

20 JUDGE SLAVIN: Follow-up questions,  
21 Mr. Barry?

22 ATTORNEY BARRY: No. That concludes my  
23 questions at this time for the witness.

24 JUDGE SLAVIN: All right. Ms. Donarski,

1 questions?

2 MS. DONARSKI: I have one.

3 EXAMINATION

4 BY MS. DONARSKI:

5 Q. Jared, do you have a copy of this PowerPoint  
6 presentation that we can put into the record and  
7 label it as an exhibit?

8 A. Yes, I can provide one.

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

11 JUDGE SLAVIN: We should have eight  
12 copies, down the road.

13 MS. DONARSKI: Yeah, you can -- thank you.

14 JUDGE SLAVIN: Is that your only question?

15 MS. DONARSKI: Yes, that's my only  
16 question.

17 JUDGE SLAVIN: Mr. Welbers?

18 EXAMINATION

19 BY MR. WELBERS:

20 Q. Sir, you spoke about the -- on the  
21 decommissioning, everything being recyclable.  
22 You even mentioned that the blades were.

23 Tell me more about that.

24 A. Yeah, so the blades are largely composed of

1 fiberglass, right, and so when I say that 95 to  
2 98 percent figure for how much of those blades  
3 are recyclable, the bulk of that is fiberglass.  
4 That remaining 2 to 3 percent-ish is largely the  
5 adhesive that holds the blade together or the  
6 material that comes off the blade as they  
7 deconstruct it.

8 So once you are actually able to break  
9 down those blades into their component parts,  
10 the fiberglass is really useful in activities  
11 like concrete stabilizers, things like that.  
12 That's the biggest one, honestly, that the folks  
13 that we work with have been applying the  
14 fiberglass to, is stabilizing the concrete for  
15 use in other civil applications.

16 Q. They grind it and then they --

17 A. That's right.

18 Q. -- it gets added to concrete?

19 A. Exactly.

20 Q. I didn't know that.

21 MR. WELBERS: All right. You answered it.  
22 Thank you, sir.

23 THE WITNESS: Yes.

24 JUDGE SLAVIN: Mr. Stutzke?

## EXAMINATION

1  
2 BY MR. STUTZKE:

3 Q. What percentage of these turbines or materials  
4 are made here in the United States?

5 A. Percentage-wise, it will depend on which of the  
6 models we go with, as well as their  
7 manufacturing capabilities at the time that we  
8 move this project towards construction.

9 Generally speaking, our strategy as a  
10 company is to use American made products. The  
11 GE turbines, I believe, are largely constructed  
12 in Iowa. The Vestas turbines, I want to say the  
13 nacelles are from Mexico, but the bulk of the  
14 component parts are from Iowa and Louisiana, as  
15 well.

16 So as a percentage, I can't provide that  
17 at this time, but by and large they are American  
18 qualifying parts.

19 MR. STUTZKE: Thank you.

20 JUDGE SLAVIN: Mr. Forristall?

21 MR. FORRISTALL: (Shakes head.)

22 JUDGE SLAVIN: Mrs. Smith?

23 MS. SMITH: Yes, I have a couple  
24 questions.

## EXAMINATION

1  
2 BY MS. SMITH:

3 Q. Back to the recycling. How would you plan to  
4 take those turbines down?

5 A. It will depend on the exact circumstances at  
6 the time of how to best pull them down. There's  
7 a few ways to do it. I know that the method  
8 that we used to disassemble the turbines on  
9 Crescent Ridge was a blasting method, basically;  
10 setting charges at the base of the turbine and  
11 then toppling them in a safe direction away.

12 Q. You can still recycle them?

13 A. Yes.

14 Q. My second question is, I have been reading  
15 something about some of these blades being  
16 segmented, and some of your literature talked  
17 about it hadn't been approved yet but it was  
18 going to be in 2024.

19 Can you tell us a little bit about, like  
20 the GE blades, will they be segmented?

21 A. They will not.

22 Q. You're not going to be using, either way?

23 A. Correct.

24 We have seen, across the industry, some of

1 those two-part blades from GE being problematic  
2 and having cracking problems. I specifically  
3 worked with our engineers to choose a GE model  
4 that only has a single-piece blade for this  
5 project so we do not have that issue.

6 Q. So you would not have a cracking issue?  
7 Because Lone Tree has some problems with  
8 cracking blades.

9 A. Yes. In this case, we would not be using those  
10 blades that have the cracking issue.

11 Q. Okay. And then how will you determine -- and  
12 we're talking about -- you said when you  
13 determine.

14 What if we feel, perhaps, the Vestas is a  
15 better one and you decide you want to go with  
16 GE? I mean, how will those decisions be made?

17 A. For us, we're looking basically at the  
18 economics of the project and the safe operation  
19 of the project for the long term.

20 We purposefully designed our application  
21 such that both of them are fully in compliance  
22 with the requirements of the Ordinance and to  
23 give us a little of that flexibility as we move  
24 forward.

1           For us, if we were to only permit one of  
2           them, we would have a lot less leverage with the  
3           folks that we are actually purchasing those  
4           parts from. So it's more for us to have the  
5           optionality to choose both, at the end of the  
6           day.

7   Q.     But they will both be up to speed, as far as  
8           what you're requiring?

9   A.     That's correct, yeah.

10           We have designed the full site to be  
11           compliant with the Vestas model, which is the  
12           taller of the two. Even if we were to go with  
13           the GE model, which is smaller, we would still  
14           comply with the larger setbacks.

15   Q.     I understand.

16           MS. SMITH: Thank you. That's all.

17           JUDGE SLAVIN: I have a number of  
18           questions.

19                           EXAMINATION

20   BY JUDGE SLAVIN:

21   Q.     First of all, just out of curiosity, has  
22           nothing to do with the application, where did  
23           you get the name Braided Creek? Is there a  
24           Braided Creek in the area?

1 A. That's an excellent question. There is not a  
2 body of water named Braided Creek, but as we  
3 were kind of looking through some of the  
4 topography maps in the area, we noticed there  
5 are a few creeks that are kind of braiding in  
6 and out of each other.

7 Q. How many of each are there of a platted rural  
8 subdivision and an unincorporated platted  
9 community?

10 A. There are five platted rural subdivisions and  
11 one unincorporated platted community.

12 Q. When I read each of your applications, I came  
13 up with eight. I don't expect you to be able to  
14 explain that. But at one point were there  
15 eight?

16 A. No. The project area has had six in the  
17 general area for the full application.

18 Q. Okay. What attempts did you make to identify  
19 anyone who could act on behalf of any of those  
20 platted rural subdivisions or that  
21 unincorporated platted community?

22 A. We spoke firstly to the Zoning Enforcement  
23 Officer to talk through what those areas look  
24 like and how other folks, specifically other

1 wind generating facilities, have treated those  
2 in their applications as well.

3 Additionally, we spoke to our  
4 participating landowners who have such platted  
5 rural subdivisions or unincorporated platted  
6 communities on their land as well, and  
7 determined that none of them, to our knowledge,  
8 have an individual representative who is able to  
9 speak on behalf of them.

10 Q. So you didn't chase down whoever did the plat,  
11 but you talked to landowners on each of the five  
12 platted rural subdivisions and the one  
13 unincorporated platted community?

14 A. We talked to the landowners who are  
15 participating in the project who have such  
16 divisions on their property. A handful of them  
17 are outside of the project boundary, and we did  
18 not reach out to those folks, other than to  
19 notify them of the project being constructed in  
20 the area.

21 Q. So of the participating landowners, how many of  
22 them had a platted rural subdivision that you  
23 have talked to or the unincorporated platted  
24 community?

1 A. I believe it is four in total.

2 Q. So you didn't talk to one; is that right?

3 A. I believe that is correct, yes.

4 Q. Do you know which one you didn't speak with?

5 A. I am happy to identify that separately.

6 Q. Well, you have to do it on the witness stand.

7 A. Understood.

8 Q. If you want to retake the stand, that's fine.

9 As to the alternative WTG models, would  
10 there be any mixing or would -- once you start  
11 developing, would the project all be GE or all  
12 be Vestas, correct?

13 A. More likely than not, the project will be a  
14 hundred percent one or the other. There is the  
15 possibility that we may mix them if we are able  
16 to negotiate a better contract with our  
17 suppliers to that end.

18 If that is the case, I'll note that the  
19 turbines are close to the same height; the GE  
20 being 575 feet from base to tip, the Vestas  
21 being 589 feet from base to tip. Both are  
22 approximately the same color, an off-white  
23 color, and both would have blades rotating the  
24 same counterclockwise direction.

1 Q. When you talked about the security for the  
2 decommissioning, what form would that security  
3 take? Cash? Bond? Letter of credit?

4 A. Per the AIMA, the Agricultural Impact  
5 Mitigation Agreement, executed by the State of  
6 Illinois, we plan on posting a letter of credit.

7 Q. From what financial institution, do you know?

8 A. I do not know at this time.

9 Q. Would you agree that -- you said you wouldn't  
10 require any extra public services. Would you  
11 agree, however, that if there's an emergency at  
12 a construction site or during operation, not  
13 that it would be a burden, but it would require  
14 public services in the terms of emergency  
15 response, correct?

16 A. Yes, that is correct. We started outreach to  
17 the Buda Fire Department, which would be the  
18 primary emergency response unit in the area. We  
19 provided them our emergency action plan that we  
20 have in place right now at Crescent Ridge and  
21 Lone Tree and talked through that with them. We  
22 intend to continue that relationship as we go  
23 forward through development and into operations.

24 Q. Does anyone own Leeward Energy, or is it the

1 top of the heap of the entities?

2 A. We are owned by the Ontario Municipal Employees  
3 Retirement Service, or OMERS. It is a Canadian  
4 pension fund. Basically they manage the  
5 pensions of municipal employees of Ontario.

6 They're looking for long-term, steady  
7 investments, and renewable projects, being  
8 operational for 30 years, fit that bill for  
9 them.

10 Q. Would you say that name again?

11 A. Yeah. The Ontario Municipal Employees  
12 Retirement Service.

13 Q. This project is then -- would not then be for  
14 sale once constructed; is that correct?

15 A. That is correct. We develop, own and operate  
16 our projects typically.

17 Q. Where is Braided Creek Wind, LLC, incorporated?

18 A. It is incorporated in Dallas, Texas.

19 Q. That's also in Dallas?

20 A. Yes, sir.

21 Q. All right. Does Braided Creek Wind, LLC,  
22 promise to defend, indemnify and hold harmless  
23 Bureau County and its appointed and elected  
24 officials, employees, volunteers, attorneys and

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

19 A. Yes.

20 Q. Does the -- on behalf of the developer, do you  
21 agree to be bound by all representations made in  
22 your application materials and statements made  
23 under oath by any of your witnesses, and to  
24 obligate and document the same binding

1 provisions to any purchasers, assigns or  
2 successors in interest?

3 A. Yes.

4 Q. When filling construction jobs and later  
5 permanent jobs, will preference be given to the  
6 local labor market?

7 A. Yes. Generally speaking, our EPC and  
8 construction partners are able to find more  
9 competitive, economically efficient staffing  
10 close to the project area.

11 Ultimately the final decisions on  
12 construction and staffing will be made by our  
13 construction partners as we get a bit closer to  
14 construction.

15 Q. Is the website about which you spoke and the  
16 Facebook page about which you spoke, is that  
17 specific to Braided Creek?

18 A. Yes.

19 Q. The application reads that Braided Creek held  
20 multiple open houses.

21 I saw two dates in there. Were there more  
22 than two?

23 A. There were two dates in total.

24 Q. When and where, if you remember?

1 A. Yes. They were May 20th and May 22nd of this  
2 year, I believe. Both were held at our  
3 operations facility at the Crescent Ridge and  
4 Lone Tree Wind Farms.

5 Q. How did you advertise that?

6 A. I apologize, could you re- --

7 Q. Sure.

8 How did you advertise that?

9 A. Oh, thank you.

10 We sent mailed notices to folks who live  
11 in and around the project area, adhering to the  
12 same notice requirements that the County  
13 requires for this hearing. We additionally had  
14 one-on-one conversations with folks in the  
15 project area around the time of the -- or prior  
16 to the public hearings to let them know that the  
17 public hearings were occurring.

18 Q. And this may be a little picky. The  
19 application reads that the alternative WTG  
20 locations would be refined during detailed  
21 design.

22 Refined sounds to me like very -- like  
23 micrositeing, as opposed to selected.

24 When you say refined, do you mean just

1           microsited?

2   A.    When I say refined, I mean initially selected,  
3           and then subsequently, when we have our final  
4           locations, we'll be performing that micrositing  
5           work.

6   Q.    When, in the progress of events that you see  
7           moving forward, would the detailed design be  
8           cemented?

9   A.    We would be looking at nailing that down over  
10           the course of 2016, after the permitting work  
11           here is complete. That's when we would have a  
12           favorable recommendation.

13   Q.    How did you calculate the number of 39  
14           full-time direct and indirect or induced jobs  
15           during operation?

16   A.    That figure is from our economic impact  
17           analysis which was provided by our expert, Dave  
18           Loomis, who will be here to speak a little more  
19           on that.

20           I'm not an economist or an expert on that  
21           level, so I'll defer to him to address that  
22           question.

23   Q.    Will the outside wall of all nonparticipating  
24           residents be beyond three times the maximum

1 blade tip of the Vestas model?

2 A. Yes, that's correct.

3 Q. Are there any boundary lines of any  
4 nonparticipating property within 1.1 times the  
5 height of the Vestas model?

6 A. No.

7 Q. In your application, it reads that there's 41  
8 landowners, but on Page 2-2 it reads 45  
9 landowners.

10 What's the -- can you explain the  
11 discrepancy?

12 A. It should be corrected to 45 landowners.

13 Q. In the application, you noted public roads,  
14 permanent and temporary, improvement.

15 Would that be included in the road use  
16 agreement or separately contracted?

17 A. We understand those to be part of the road use  
18 agreement, and that document is still in  
19 discussion with the County and the County's  
20 attorney at this time.

21 Q. Okay. Where, more particularly, is the point  
22 of interconnection on the Wyanet-Walnut Road?

23 A. It is on the Wyanet-Walnut, I believe  
24 approximately a half a mile north of the

1 Kentville Road. I have the coordinates written  
2 down here, if that would be useful.

3 Q. One-half mile north of what?

4 A. The Kentville Road.

5 Q. Kentville.

6 Your application talks about, of course,  
7 the temporary staging area. How would that area  
8 be secured?

9 A. We typically do not install fencing in those  
10 staging areas as we construct the projects. If  
11 our EPC construction partners or our  
12 manufacturing partners decide that they would  
13 like a fence there, then we would look at  
14 installing one.

15 Ultimately though, we would be securing  
16 the temporary trailers in that area just through  
17 standard door locks.

18 Q. So at the moment, no security is planned beyond  
19 locking vehicles?

20 A. That's correct.

21 Q. I did not see a fully-executed AIMA agreement.

22 Do you now have that? And can you before  
23 the next hearing have your attorney submit at  
24 least eight copies of that?

1 A. Yes, we can do that.

2 Q. If you know, what, if any, action, pursuant to  
3 65 ILCS 5/11-13-26, have been taken by the Buda  
4 Village Board as to its mile and a half  
5 jurisdiction?

6 A. The Village of Buda has opted not to enforce  
7 the 1.5-mile setback from their town border.

8 Q. And do you know if -- is that in -- do you have  
9 that in writing?

10 A. I believe they provided notice of that to the  
11 Zoning Enforcement Officer.

12 Q. Okay. What will be the volume and type of  
13 traffic during construction and then during the  
14 operation?

15 A. At maximum, during construction there will be  
16 approximately 350 construction workers on site,  
17 all of whom will be based primarily at our  
18 laydown area. Over the course of construction,  
19 there will be deliveries of heavy equipment to  
20 each turbine site at certain periods throughout  
21 construction.

22 Once the project is operational, we expect  
23 minimal traffic.

24 Q. Well, 350 workers, does that mean you're

1 thinking there will be 350 personal vehicles  
2 driving to work?

3 A. That is correct, yes.

4 Q. Where would they park?

5 A. They would be parking at the laydown yard area.

6 Q. That's big enough?

7 A. Correct, yes.

8 Q. And again, I know you don't know exactly, but  
9 can you give you an idea of how many, I think  
10 you mentioned delivery vehicles, trucks,  
11 flatbeds, vans there would be during  
12 construction?

13 A. I can't provide a figure over the course of the  
14 full construction period, just that those  
15 deliveries would be centered around mostly when  
16 the turbine components are being delivered and  
17 when any high-voltage components are being  
18 delivered.

19 Q. How many would you guess total?

20 A. Total, I would say potentially 200 loads of  
21 cement.

22 Q. 200 loads of cement. Then --

23 A. Oh, as well as deliveries for each portion of  
24 each turbine tower itself. Those towers are

1 segmented into three to four sections. As well  
2 as deliveries for each of the blades on the  
3 towers and deliveries for the nacelles on top of  
4 the towers as well.

5 Q. If you could do mental math.

6 A. Let me pull out my calculator for that one.

7 Q. Well, the max number of turbines would be what?

8 A. 42.

9 Q. 42. So each blade takes -- that's three, four  
10 sections, that's seven.

11 A. So approximately 300.

12 Q. But they would be staged, so they wouldn't  
13 all -- they wouldn't all come at one time,  
14 correct?

15 A. That's correct.

16 Q. How can Braided Creek ensure that no hazardous  
17 or toxic substances would be released during  
18 construction or operation?

19 A. We will be preparing a spill prevention control  
20 and countermeasure plan for both construction  
21 and operation. They will be followed to comply  
22 with 40 CFR 112, and ensure that there are no  
23 hazardous or toxic substances released.

24 Q. You said the blade's towers and -- would be --

1 even if they were mixed and matched, they would  
2 be off-white and turning in a counterclockwise  
3 direction, right?

4 A. That's correct.

5 Q. Rotating.

6 Other than the FAA requirements, what, if  
7 any, other lighting would be within the project  
8 after construction is finished, after you begin  
9 operations?

10 A. After construction is finished, the only  
11 permanent lighting in the project would be in  
12 the substation area, just to ensure that it's  
13 kept well lit and safe over the course of  
14 operations.

15 Q. So when you say well lit, it would be --

16 A. Downward-facing lights.

17 Q. Downward-facing, but pretty -- a lot of lumens?

18 A. Yes.

19 That substation is intentionally located  
20 very far away from any neighboring homes.

21 Q. I was going to ask you -- and this is not a  
22 criticism, it's just hard to read that site plan  
23 with so much detail in it -- where is the  
24 substation --

1 A. The substation --

2 Q. -- proposed?

3 A. It will be located in the southeast corner of  
4 the project area, about a half a mile south of  
5 the Wyanet-Walnut -- or, sorry, of the Kentville  
6 Road on, I believe it's 1300 E Street.

7 Q. Have you coordinated the grievance management  
8 and stakeholder plan with the County?

9 A. We have based our grievance management and  
10 stakeholder plan on the plans that we have  
11 instituted on our operating sites existing  
12 already.

13 Q. No, have you coordinated with the County,  
14 either Ms. Donarski or someone else?

15 A. Yes, I believe the operating projects' plans  
16 were coordinated with the County at the time  
17 that they were installed.

18 Q. Does the site plan show the location of the  
19 transformers?

20 A. The site plan does not show the location of  
21 transformers.

22           Depending on the turbine model that we  
23 select, the GE model has pad-mounted  
24 transformers, which would be at the base of the

1 wind turbines. The Vestas model has a  
2 nacelle-mounted transformer. So it would be at  
3 the top of the turbine.

4 Beyond that, the only other transformers  
5 that would be in the project would be within the  
6 footprint of our substation area.

7 Q. Is there only one temporary laydown yard?

8 A. We are proposing two options. Likely we will  
9 land on only using one, but we wanted to afford  
10 flexibility as well.

11 Q. Are both of them shown on the site plan?

12 A. Yes. One is located in the center of the site  
13 plan. The other is located on the eastern side  
14 of the project area, directly north and east of  
15 the substation.

16 Q. What would be the components in that laydown  
17 yard?

18 A. The laydown yard would be consisting of largely  
19 temporary structures. It will be used as  
20 offices for the construction crew. There will  
21 additionally be a gravel area for parking and  
22 laydown and a driveway entrance into that  
23 laydown yard area, the gravel area being used  
24 for equipment storage and for parking, as

1 mentioned before.

2 Q. I'm sure some folks in the room would like to  
3 hear about the construction and deconstruction  
4 of that laydown yard.

5 A. The laydown yard is typically the first  
6 component that we do construct once we actually  
7 kick off construction for the full project.

8 That laydown yard area largely is  
9 comprised of a gravel pad. So there will be  
10 shipments of gravel coming into those areas in  
11 order to establish that, as well as those  
12 temporary trailers that I mentioned would be  
13 delivered at that time as well.

14 Q. What would you do with any earth that was  
15 moved?

16 A. For the laydown yard?

17 Q. Yes.

18 A. We intend to work with landowners who will be  
19 hosting laydown yards on their property.

20 Pending the exact agreements that we  
21 strike with those landowners, we would be  
22 sequestering the topsoil and, once the laydown  
23 yard -- or once construction is complete and the  
24 laydown yard is decommissioned and removed,

1 spreading that topsoil back over that same area,  
2 ensuring that it goes back to agricultural  
3 production if the landowner wishes it to be.

4 Q. In one part of the application, the laydown  
5 yard is described as approximately 15 acres, in  
6 another one it alleges up to 20 acres.

7 Which would it be?

8 A. Those areas would be potentially up to  
9 20 acres, but we believe they will ultimately  
10 land at approximately 15 acres, hence the  
11 differing numbers there.

12 Q. Just so I've got it clear in my mind, the  
13 substation is the point of interconnection,  
14 correct? No?

15 A. Not quite.

16 The substation that we would be  
17 constructing here is our project substation, and  
18 it would basically be taking in the collection  
19 lines from each of the turbines and then  
20 stepping it up to transmission voltage, at which  
21 time we would be carrying that energy from our  
22 project substation to the existing Ameren Bureau  
23 County 138 kV substation that we had mentioned  
24 before on the Wyanet-Walnut Road.

1 Q. Is the O and M building that you'll eventually  
2 have, is that shown on the site plan?

3 A. It is shown on the site plan, and it is  
4 actually the existing O and M building that we  
5 have been using for the Crescent Ridge and Lone  
6 Tree Project.

7 Q. I said eight, but looking at my notes, I show  
8 from your -- from your petitions, the following  
9 either -- the following platted entities:  
10 School Trustees Sub of Section 16-15;  
11 Providence; Unnamed Section 32-16-7 and 5-15-7;  
12 another unnamed subdivision; subdivision of the  
13 west one-half of the northwest one-quarter  
14 Section 9-15-7; the west one-half of the  
15 southeast one-quarter of Section 17; and a  
16 subdivision of the north -- of the north 12  
17 Section 20-15-7.

18 That's an unfair question.

19 Do you know which one of those is wrong?

20 A. Those, I believe --

21 Q. Probably an unnamed subdivision, do you think?

22 A. I believe so, yes. I believe that would be one  
23 of the named ones there.

24 I do have the full names of those

1 subdivisions, if you would like me to read those  
2 into the record.

3 Q. Yeah, I would love that.

4 A. We provided the abbreviated --

5 Q. Not metes and bounds though.

6 A. Sure. No, it's largely similar to what you  
7 just provided.

8 Those subdivisions are plat of Lots 1  
9 through 4; the south one-half of Section  
10 32-16-7; and Lots 5 through 13, Section 5-15-7;  
11 subdivision of the west one-half of the  
12 northwest quarter of Section 9-15-7; School  
13 Trustees Sub of Section 16-15-7; Sub of east  
14 one-half of southeast one-quarter of Section  
15 17-15-7; and plat of Lots 1 through 8, west  
16 one-half, southeast one-quarter Section 17, and  
17 Sub of north one-half Section 20-15-7; and  
18 lastly, Providence, parentheses, original town,  
19 plat of surplus land.

20 Q. Do you have the date on which any one or more  
21 of those subdivisions or communities were  
22 platted or filed with the recorder?

23 A. We do not have the exact dates that those were  
24 filed.

1 Q. Can you tell the ZBA your reasons for  
2 requesting turbine setback Variances?

3 A. By reducing our setbacks to the boundaries of  
4 those platted rural subdivisions or unplatted  
5 rural communities, which, again, do not have any  
6 active plans for redevelopment that we're aware  
7 of, we are able to increase our design  
8 flexibility for the project and be able to  
9 voluntarily increase those setbacks from  
10 nonparticipating homes and residences.

11 After discussing with folks kind of around  
12 the project area about what their preferences  
13 were for how the project will be designed, we  
14 believe that this design better reflects the  
15 desires of those folks who live in that area.

16 Q. If you know, on what date did Braided Creek  
17 file its request for the FAA aeronautical study?

18 A. It was May 7th of 2025.

19 Q. Would there be any communication lines between  
20 WTGs and any devices?

21 A. We would be installing communication lines in  
22 the same locations as the collection lines, and  
23 so those are shown as just collection lines on  
24 the site plan. They would be hosting both.

1 Q. So you're saying that on the site plan, the  
2 collection lines and the communication lines are  
3 in the same place?

4 A. Yes.

5 Q. Okay. And again, it's just difficult to read.  
6 The site plan, where is it shown the property  
7 lines of properties adjacent to any proposed WTG  
8 site?

9 A. Those lines are shown in, I believe it's a  
10 dotted light blue. They are a little bit easier  
11 to see in the binders on the individual site  
12 plan pages for each petition.

13 Q. Would all equipment -- would you commit that  
14 all equipment used in the development of the  
15 project would be new and not used?

16 A. Yes.

17 Q. Did you -- is one of your petitions for that  
18 substation? And does it have a PIN number?

19 A. Yes. I believe that is Number 109, and the PIN  
20 Number is 21-32-300-001.

21 Q. Wow. You remembered that? That's impressive.

22 A. It's an important parcel.

23 Q. Where in the application, if you know, does it  
24 fulfill the requirement that signage, including

1 anything on the tower or nacelle, will comply  
2 with other County Ordinances pertaining to  
3 signage?

4 A. I believe it is Section 6 that discusses that  
5 commitment and confirms that we will fulfill the  
6 County's requirements to that end.

7 Q. Where in the decommissioning plan does it  
8 indicate that it is prepared by a professional  
9 engineer, bearing his or her seal and dated, not  
10 just submitted by an engineering firm?

11 A. I don't believe that it is stated in the  
12 decommissioning plan, but the plan was prepared  
13 by Aaron Anderson, a witness who we will be  
14 providing in a future hearing to discuss the  
15 decommissioning plan, who is a licensed  
16 professional engineer.

17 Q. So it doesn't comply with the State Statute, by  
18 bearing his seal and signature?

19 A. Given that it is a preliminary decommissioning  
20 plan at this time, it does not.

21 Q. And again, you know, my eyes can skip over  
22 something. Where in the decommissioning plan  
23 does it recognize the Ordinance-driven  
24 obligation to complete deconstruction and

1 restoration within 18 months, if you know?

2 A. I don't know, off the top of my head, that it  
3 is in the decommissioning plan, but I do know  
4 that it is in -- a requirement of the AIMA that  
5 we have executed with the State of Illinois.

6 Q. Are there any meteorological towers planned?

7 A. No.

8 Q. Where, if you -- does the decommissioning plan  
9 acknowledge, as the Ordinance requires, that the  
10 County is granted the right of entry onto the  
11 facility, pursuant to reasonable notice, to  
12 effect or complete decommissioning, including  
13 the right to seek injunctive relief to effect or  
14 complete decommissioning, as well as the  
15 County's right to seek reimbursement from the  
16 facility owner for decommissioning costs in  
17 excess of the amount deposited in escrow, and to  
18 file a lien against any real estate owned by the  
19 facility owner or in which the facility owner  
20 has an interest for the amount of the excess,  
21 and to take all steps allowed by law to enforce  
22 the lien?

23 A. I'm not sure if that is stated directly in the  
24 decommissioning plan, but we will comply with

1 that requirement to the extent that it is laid  
2 out in the AIMA as well.

3 Q. Would there be any materials or products that  
4 decompose by detonation included -- involved  
5 during construction or operation of the proposed  
6 project?

7 A. Not in the construction or operation of this  
8 project.

9 Q. Would the project produce any glare or heat --

10 A. No.

11 Q. -- during construction or operation?

12 A. No.

13 Q. Would the proposed project produce any odor  
14 during construction or operation?

15 A. No.

16 Q. Bureau County Ordinance requires Braided Creek  
17 to submit certificates of design compliance that  
18 equipment manufacturers have obtained from  
19 Underwriters Laboratories, Det Norske Veritas,  
20 Germanischer Lloyd Wind Energy, or another  
21 similar internationally recognized organization  
22 that provides certification for wind towers.

23 Did Braided Creek submit that for the GE  
24 models, the Vestas model, or the substation?

1 A. We have submitted turbine technical reports  
2 from Det Norske Veritas for both the GE and the  
3 Vestas turbines, both of which can be found in  
4 Appendix D of the application.

5 We have not yet made a final selection as  
6 to which equipment we're going to be installing  
7 in the substation, so we have not yet pulled  
8 those reports for that equipment yet.

9 Q. So the answer to the question is, there are no  
10 certificates of design compliance yet?

11 A. Correct.

12 Q. For the turbines or the substation; is that  
13 correct?

14 A. I believe the turbine technical reports, I  
15 believe, show that they are compliant with the  
16 area. We have confirmed the same with our  
17 engineers as well.

18 Q. How about transformers?

19 A. Those have not yet been selected, the exact  
20 models.

21 JUDGE SLAVIN: Okay. That fulfills my  
22 laundry list.

23 Okay. Folks, Interested Parties, anyone  
24 have questions of this witness who lives within

1 the footprint of Braided Creek Development? If  
2 so, raise your right hand and ask away.

3 I see one hand. You're going to have to  
4 keep your voice up. I know. Or come up to a  
5 mic, if you would like.

6 MS. STETSON: No, that's okay.

7 EXAMINATION

8 BY MS. STETSON:

9 Q. How did you determine who got letters to come  
10 to this meeting tonight?

11 A. We worked with the -- with Kris, the Zoning  
12 Officer, as well as the County GIS department to  
13 pull a list of the addresses for folks from tax  
14 records here, and determined from there the  
15 folks that live within, I believe, two parcels  
16 of the project boundary, and sent about 425  
17 letters out to the folks who live in the project  
18 area.

19 Q. Did any letters go into the village of Buda?

20 A. I don't believe letters went into the village  
21 of Buda because the village of Buda, I believe,  
22 is outside of the notice distance required by  
23 the County.

24 Q. What about -- you said that the mayor didn't go

1 by the Ordinance, their Ordinance that they had  
2 in place.

3 How close are these turbines going to be  
4 to Buda?

5 A. The closest turbine location we are proposing  
6 to Buda is about 0.86 miles away. In total, we  
7 are proposing up to seven within that mile and a  
8 half range, most of which are larger than a mile  
9 away.

10 As I mentioned before, we'll continue to  
11 narrow down the engineering on those sites and  
12 ultimately select likely fewer than seven.

13 Q. Is there any way you can move those somewhere  
14 else, all of them, to the mile and a half?

15 A. Unfortunately, no, not at this time.

16 Q. Did you ask the houses that are within that,  
17 between the town and where these turbines are,  
18 if they wanted them there?

19 A. We -- this is part of the enhanced setback  
20 commitments that we have made, at the end of the  
21 day here, is to make sure that we are minimizing  
22 the impact to neighboring homes around the  
23 project. By increasing setbacks, again  
24 50 percent above what the County requires, we

1 think that sufficiently addresses a lot of those  
2 concerns.

3 Q. This mile and a half has been on the records,  
4 it's in the Planning Commission book, and it's  
5 been there for years.

6 JUDGE SLAVIN: Now you're telling him  
7 things. I'm not trying to be difficult.

8 MS. STETSON: I'm sorry.

9 JUDGE SLAVIN: He's the one under oath.  
10 Just ask him questions.

11 Q. (By Ms. Stetson:) Let me figure out how to  
12 word that.

13 So the mayor had that -- the Ordinance,  
14 how did she -- how did you talk her out of  
15 signing that? How did you talk her out of that  
16 Ordinance that they had in place?

17 A. The Ordinance is at the County level rather  
18 than at the town level. And so we -- I  
19 specifically, I met with the Village Board in  
20 Buda over the course of a number of publicly-  
21 noticed and publicly-open meetings over the  
22 course of April through August of this year to  
23 talk through what the project will look like and  
24 the kind of benefits that it will bring to the

1 community.

2 By being able to site some of those  
3 turbines within the vicinity of Buda, it  
4 increases the likelihood that the number of --  
5 the taxing jurisdictions in Buda, including the  
6 Buda Fire Department, Mason Memorial Library,  
7 and the Bureau Valley School District will be  
8 receiving more of that property tax revenue that  
9 will be coming off the project during  
10 operations.

11 Q. So did you pay them off? Did you pay off  
12 anybody in Buda?

13 A. No. We have not signed any agreements.

14 (Multiple audience members  
15 simultaneously spoke.)

16 ATTORNEY BARRY: Objection.

17 JUDGE SLAVIN: Come on, folks. Come on.  
18 I said we're going to do this in a civilized  
19 manner, period. It's not an open house.

20 Q. (By Ms. Stetson:) Do you know if the mayor and  
21 the council got together with the community and  
22 asked their opinions?

23 A. Yeah, every meeting that I held with the Board  
24 was a public meeting that had a public notice as

1 well.

2 Q. But did the mayor have a meeting to ask what  
3 the community wanted?

4 A. I'm unaware if the mayor held a separate  
5 meeting with anyone to that end.

6 I do know, again, that all those meetings  
7 were public and open, to be attended by members  
8 of the public.

9 Q. Did you tell the mayor that her Ordinance was  
10 no good?

11 A. No.

12 Q. But you said it didn't comply because it was  
13 the -- the County was in control of it and not  
14 their town? You said that?

15 A. Yes.

16 Q. But you told her that?

17 A. I believe the mayor understands the zoning  
18 hierarchy of Buda vis-à-vis the County as well.

19 I apologize, I'm not sure if I am  
20 answering your question adequately here.

21 Q. Well, I remember when they put that --

22 JUDGE SLAVIN: You're telling him things.

23 Q. (By Ms. Stetson:) Okay. They put that  
24 Ordinance in simply because they didn't want

1 these, with a different mayor at that time.

2 Are you aware of that?

3 JUDGE SLAVIN: You can testify to that  
4 when --

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

6 A. I'm aware that that specific provision of a  
7 mile and a half setback is outlined in the  
8 County Ordinance. I'm not aware if Buda has a  
9 local Ordinance that specifies that.

10 My understanding is that Lee County  
11 administers Buda's zoning on behalf of the town.

12 Q. I have some questions on this map. On the map,  
13 you have placements that say T and then you have  
14 some that say A. But when you look in the  
15 descriptions, there's no A's.

16 Like, if you --

17 JUDGE SLAVIN: So what does -- just ask  
18 him, So what does A mean?

19 Q. (By Ms. Stetson:) What does A mean?

20 A. The A turbine locations are the locations we  
21 have initially designated as alternates.

22 Ultimately, as I mentioned before, we  
23 would only be constructing somewhere between 36  
24 and 42. So you'll notice T1 through T42 are

1 T's, and then A43 through A58 are those  
2 potential alternates.

3 Those alternates might change as we work  
4 through our continued design engineering, but at  
5 this time those are the ones we're proposing.

6 Q. So on this map, there's a section up here  
7 that's got T35, T5, A51, A56. So there's four  
8 of them clumped up there.

9 How many do you see being there?

10 A. Is that the northwest corner?

11 Q. I'm not a directions person.

12 AUDIENCE MEMBER: Yes.

13 Q. (By Ms. Stetson:) Okay. Yes.

14 A. In that area, I would expect probably two of  
15 those, potentially three, to be constructed.

16 We generally don't like to site the  
17 turbines really close to one another because  
18 they'll have what's called waking effects, where  
19 the wind coming off of one turbine will impact  
20 the performance of another turbine nearby. So  
21 we'll spread those out and ultimately probably  
22 only build two to three in that area.

23 Q. Who's purchasing electricity from this project?

24 A. We haven't yet entered into a power purchase

1 agreement. At the end of the day, we are going  
2 to be looking primarily at contracting with the  
3 local utilities or, alternatively, with a  
4 commercial and industrial user, somebody like  
5 Verizon or Amazon or Walmart, somebody like that  
6 who is a large user of power.

7 Q. Amazon is Crescent Ridge; is that correct?

8 A. I believe that's correct, yes.

9 Q. So is -- so none of this electricity actually  
10 is going to go to the people that live around  
11 here? It could go back to Amazon?

12 A. At the end of the day, the way the power  
13 purchase agreements function is, basically we  
14 are putting electrons into the pool of the power  
15 grid. And so Amazon is somewhere else around  
16 the pool with a straw, sucking out. The exact  
17 same number of electrons that we are putting in  
18 on our end, they're talking out on their end.

19 In terms of where the actual electrons  
20 will go, I can basically guarantee that, given  
21 the proximity of this wind farm to Princeton and  
22 within Bureau County, that the electrons that  
23 are produced on site are going to be used in  
24 Bureau County. But the actual structure of the

1 power purchase agreement just works a little bit  
2 differently than that.

3 Q. Is it similar to the solar gardens that they  
4 have coming up, where people knock on your door  
5 and say, Hey, do you want to cut 10 percent off  
6 your Ameren bill, so you sign up for this?

7 A. Uhm --

8 Q. Is this very similar to, like, an Amazon --

9 JUDGE SLAVIN: Well, one question at a  
10 time. You asked a question, that's fair enough.

11 Q. (By Ms. Stetson:) Is that similar to what  
12 Amazon does?

13 A. No. Typically those will be, I believe,  
14 largely behind-the-meter deals. Those, like,  
15 door-to-door-type agreements, where you opt for  
16 a different renewable energy provider on your  
17 energy bills, those are largely serviced by what  
18 we call community-scale projects, which are  
19 generally smaller.

20 This would be interconnecting on the bulk  
21 power grid and would be, if contracted with the  
22 utility, fundamentally on the back end of that  
23 process.

24 Q. Do you have a communications study done?

1 A. Yes, we conducted a communications study that  
2 we included in our applications here.

3 I'm not a communications expert, so I  
4 can't speak to it a ton, beyond saying that the  
5 study shows there would be no impacts to  
6 communications as a result of constructing the  
7 project. But we will have a communications  
8 expert who prepared the study here to testify at  
9 a later hearing.

10 Q. Is that study available online?

11 A. I don't believe we have uploaded it to our  
12 website, but I can.

13 Q. Are you aware of the railroad interference that  
14 could happen?

15 A. I'm aware that we are in the vicinity of the  
16 Union Pacific Railroad that cuts through the  
17 project area. I'm also aware that we are in  
18 compliance with the Ordinance-required setbacks  
19 from that railroad.

20 Q. It's 1.2 miles though.

21 A. The Ordinance, I believe, requires 1.1 times  
22 tip height of the turbine.

23 Q. Not according to --

24 JUDGE SLAVIN: You're telling him things.

1 I'm not trying to be difficult.

2 MS. STETSON: I'm sorry.

3 JUDGE SLAVIN: Just ask him a question.

4 You're not under oath; he is.

5 MS. STETSON: I know.

6 Q. (By Ms. Stetson:) Did you know that the  
7 National Transportation Safety Board recommends  
8 a minimum setback distance of 1.2 miles from  
9 railroads and highways? Are you aware of that?

10 A. No, I was not.

11 Q. Are you aware that the Secretary of  
12 Transportation, Sean Duffy, said the same thing,  
13 that the last administration put Green New Deals  
14 in charge -- before the safety of the people?

15 MR. BARRY: Object to the form of the  
16 question, Your Honor.

17 JUDGE SLAVIN: Try and ask it in a little  
18 different way. I'll help you, if you need.

19 Are you aware of the former Secretary  
20 of -- what did you say Transportation?

21 MS. STETSON: No.

22 Q. (By Ms. Stetson:) Are you aware that the  
23 Transportation -- Secretary of Transportation,  
24 Sean Duffy, also stated that 1.2 miles from the

1 railroad or highway was put into effect on  
2 July 29th, I believe -- 25th or 29th, something  
3 like that. Are you aware of that?

4 A. No, I was not aware.

5 At the end of the day, we are complying  
6 with the setbacks that are required by Bureau  
7 County and which, in turn, are based on the  
8 setback required by the State of Illinois.

9 Q. This would be federal. Are you aware of that?

10 A. Yes.

11 Q. Okay. So the National Transportation Safety  
12 Board states the same thing. Did you know that?  
13 The 1.2 miles. And that's federal. Federal  
14 takes over State.

15 JUDGE SLAVIN: You're telling him things.

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

17 JUDGE SLAVIN: There you go.

18 A. Yes, I'm aware.

19 At the end of the day, we are going to be  
20 complying with the requirements set forth by the  
21 County rather than the recommendations set forth  
22 at the State level -- or the federal level, I  
23 apologize.

24 Q. So you're saying -- you just stated

1 "recommendations."

2 So you do know about it, because that's  
3 exactly what Sean Duffy had said and the -- it's  
4 recommended. So you knew about it.

5 A. No, I believe you used the term  
6 "recommendations" just a minute ago.

7 Q. So are you aware how many people travel on the  
8 Amtrak that goes on the BNSF track there, the  
9 railroad? Are you aware of how many people go  
10 up and down that on a daily -- or let's just say  
11 2024, do you know how many people went up and  
12 down that railroad in the Amtrak?

13 A. No, I'm not.

14 Q. About 3 million.

15 JUDGE SLAVIN: You're telling him things  
16 again. You asked him a question, Are you aware,  
17 and he said no.

18 Q. (By Ms. Stetson:) So are you --

19 JUDGE SLAVIN: You can testify yourself  
20 when your time comes.

21 MS. STETSON: I will.

22 Q. (By Ms. Stetson:) So do you want to be  
23 responsible for accidents that occur because of  
24 communication problems?

1 JUDGE SLAVIN: That's argumentative.

2 ATTORNEY BARRY: And it presumes facts not  
3 in evidence.

4 Q. (By Ms. Stetson:) So you're willing to put  
5 turbines up over the safety of the people?

6 ATTORNEY BARRY: Again, object to the form  
7 of the question. There's no foundation that  
8 they're going to create problems with safety.

9 JUDGE SLAVIN: Sustained.

10 You can make that argument when it comes  
11 time for public comment.

12 Q. (By Ms. Stetson:) There are two sets of tracks  
13 there. You're aware of that?

14 A. Yes.

15 Q. And the highway?

16 A. State Highway 40?

17 Q. Yes.

18 A. Yes.

19 Q. So if you look at that, the 1.2 miles, those  
20 turbines are -- none of them can be put up. Are  
21 you aware of that?

22 ATTORNEY BARRY: Object to the form of the  
23 question. Again, it --

24 JUDGE SLAVIN: Overruled. Overruled.

1 MS. STETSON: I have no other questions.

2 MS. ROSE: I have one question. Could you  
3 tell me --

4 JUDGE SLAVIN: Whoa, whoa, whoa.  
5 You have to tell me when you're finished.

6 MS. STETSON: I think I'm finished for  
7 now.

8 JUDGE SLAVIN: I don't know if I asked for  
9 your name.

10 MS. STETSON: Connie Stetson.

11 JUDGE SLAVIN: Okay. Thank you.

12 MS. STETSON: And I'm going to be about a  
13 quarter mile down the road from this.

14 JUDGE SLAVIN: Somebody else living in the  
15 footprint?

16 You have got your hand raised. Help me  
17 start with your name.

18 Ms. Rose: Laura Rose.

19 JUDGE SLAVIN: And, Laura, in relative  
20 terms, where do you live within the project?

21 MS. ROSE: Within a quarter mile.

22 JUDGE SLAVIN: Okay. Ask away.

23 EXAMINATION

24 BY MS. ROSE:

1 Q. I just have one question. What is the square  
2 miles of your footprint?

3 A. I don't know the square miles, off the top of  
4 my head.

5 The footprint is 9,000 acres though.

6 Q. 9,000 acres.

7 MS. ROSE: Okay. Thank you.

8 JUDGE SLAVIN: Any other folks living in  
9 the footprint with questions?

10 (No verbal response.)

11 JUDGE SLAVIN: Okay. How about folks who  
12 own a business within the footprint of the  
13 proposed Braided Creek development?

14 AUDIENCE MEMBER: This lady raised her  
15 hand.

16 JUDGE SLAVIN: I didn't see you. I'm  
17 sorry.

18 MS. NIELSEN: My name is Emily. I grew  
19 up --

20 JUDGE SLAVIN: What's your last name,  
21 Emily?

22 MS. NIELSEN: Nielsen.

23 JUDGE SLAVIN: Would you spell it for the  
24 court reporter?

1 MS. NIELSEN: N-I-E-L-S-E-N.

2 JUDGE SLAVIN: Okay. Go ahead, ask away.

3 EXAMINATION

4 BY MS. NIELSEN:

5 Q. Have you conducted any mental health studies  
6 surrounding these turbines and people living  
7 around them?

8 A. No, we have not. We believe the evidence is  
9 pretty clear through the NIH and a number of  
10 other research institutions, looked at over 60  
11 peer-reviewed articles, and shown that when  
12 sited properly wind turbines are not related to  
13 adverse health effects.

14 Q. Really?

15 JUDGE SLAVIN: You have to tell me when  
16 you're finished asking questions.

17 MS. NIELSEN: Sorry.

18 Q. (By Ms. Nielsen:) When you go to a door and  
19 you talk to people, you know, whether or not  
20 they want a turbine on their property, how do  
21 you know if they are of sound mind, especially  
22 if they are over the age of 90, and can make  
23 decisions for themselves when you approach these  
24 people?

1 A. Yeah, at the end of the day, I encourage folks  
2 that we talk with to make sure that they get a  
3 lawyer, as well, to review any documentation  
4 that they are going to sign, at the end of the  
5 day.

6 I'm not compelling anybody to sign  
7 anything, at the end of the day, as well.  
8 Ultimately, I'm a firm believer in property  
9 rights and the ability for folks to make sound  
10 decisions about what they want to do with their  
11 own property as well.

12 MS. NIELSEN: No further questions.

13 JUDGE SLAVIN: Yes, sir.

14 MR. BROMME: Steve Bromme. I live across  
15 from where Tower 5 would be, I guess.

16 JUDGE SLAVIN: Would you spell your last  
17 name for the court reporter.

18 MR. BROMME: B-R-O-M-M-E.

19 JUDGE SLAVIN: Thanks. Go ahead.

20 EXAMINATION

21 BY MR. BROMME:

22 Q. So you stated that there -- as long as the  
23 turbines are sited properly, that there's no  
24 medical or mental issues.

1           The term "sited properly," that varies  
2           from state to state, county to county. It  
3           varies --

4           JUDGE SLAVIN: You're telling him things  
5           again.

6           Does that vary from state to state?

7 Q.       (By Mr. Bromme:) Yeah, does it?

8 A.       Yes, it does.

9 Q.       All right. So then we don't know whether these  
10         are sited properly or not then; is that correct?

11 A.       We have designed the project to comply with  
12         Bureau County's requirements, which match the  
13         State of Illinois' requirements as well. We  
14         have exceeded those by 50 percent.

15 Q.       But still, is the State of Illinois'  
16         requirements acceptable? I mean, how do you  
17         know? Because it varies so much from state to  
18         state, country to country.

19 A.       This is part of the reason why we wanted to  
20         commit to those, and setbacks as well, just to  
21         be extra conservative about concerns exactly  
22         like this as well.

23 Q.       But that's not as conservative as countries  
24         that do --

1 JUDGE SLAVIN: You're telling him things.

2 MR. BROMME: I'm sorry.

3 JUDGE SLAVIN: Look, the reason is, we're  
4 not going to start a bunch of arguments here.  
5 He's under oath. You ask him a question.

6 MR. BROMME: I'm sorry.

7 MS. NIELSEN: He's never done this.

8 JUDGE SLAVIN: I know, but I'm not going  
9 to let it get out of hand either.

10 MR. BROMME: All right. So I'll bring  
11 that up at a later time. Thank you.

12 JUDGE SLAVIN: Anybody else in the  
13 footprint?

14 I saw your hand back there in the orange  
15 and black first.

16 State your name and --

17 MR. SKAGGS: Ron Skaggs. I live at the  
18 edge of Buda.

19 JUDGE SLAVIN: You have got to keep your  
20 voice up and not talk quite so fast.

21 Ron?

22 MR. SKAGGS: Skaggs.

23 JUDGE SLAVIN: S-K-A-G-G-S?

24 MR. SKAGGS: I live at the edge of Buda.

1 JUDGE SLAVIN: At the edge of what?

2 MR. SKAGGS: Buda. South edge of Buda.

3 JUDGE SLAVIN: Did you hear him, Callie?

4 COURT REPORTER: I heard "south edge of  
5 Buda," and then he trailed off.

6 JUDGE SLAVIN: We can't understand you.  
7 You have got to either stand up or come closer.  
8 You live where?

9 MR. SKAGGS: South edge of Buda, west side  
10 of the road.

11 EXAMINATION

12 BY MR. SKAGGS:

13 Q. I was wondering if there's been any  
14 electromagnetic interference? Due to lots of  
15 things, birth defects, cancer, those kind of  
16 things that we all know come from these turbines  
17 and generators and --

18 JUDGE SLAVIN: That's one question. Are  
19 you aware of any electromagnetic --

20 MR. SKAGGS: Interference.

21 JUDGE SLAVIN: -- interference or health  
22 issues?

23 MR. SKAGGS: It's been proven all over.

24 JUDGE SLAVIN: You're telling him things.

1 Just ask him a question.

2 Q. (By Mr. Skaggs:) That's the question, have you  
3 done any studies on that, any of these wind  
4 towers anywhere?

5 A. We're unaware of any connections between wind  
6 projects and detrimental health effects.

7 At the end of the day, we have been  
8 operating Lone Tree and Crescent Ridge for 20  
9 years in the same area, and I don't believe I  
10 have heard a complaint from anyone who has been  
11 able to definitively point out that a health  
12 defect that they have had has been caused by our  
13 project being sited here.

14 Q. Well, I don't believe any of that.

15 JUDGE SLAVIN: All right. Let's keep  
16 that --

17 Q. (By Mr. Skaggs:) Okay. We're going to go with  
18 another question here.

19 How much -- what's a wind turbine, a  
20 generator, weigh? And then propellers, what do  
21 they weigh?

22 A. Depends on the model. In this case --

23 Q. You don't have to be exact. A thousand pounds?  
24 A hundred thousand?

1 JUDGE SLAVIN: You're interrupting him.

2 You asked him a question. Let him answer.

3 A. Each weigh a couple tons. They are pretty  
4 heavy, but that's part of the reason why there's  
5 so much thought that goes into the engineering  
6 of these as well and why we take so much care in  
7 choosing the final locations of those turbines.

8 Q. Have you seen any videos of what a tornado does  
9 to one of these turbines and how far it goes?  
10 They are 1700 feet --

11 JUDGE SLAVIN: Now you're telling him  
12 things.

13 Have you seen any videos that show what a  
14 tornado does to one of these WTGs?

15 Q. (By Mr. Skaggs:) How far they would carry,  
16 have you seen any videos on that --

17 JUDGE SLAVIN: I just asked him for you.

18 A. Yeah, at the end of the day, the turbines are  
19 rated for --

20 JUDGE SLAVIN: Have you seen any videos  
21 showing what a tornado does to a WTG?

22 THE WITNESS: Yes, I have seen those  
23 videos.

24 At the end of the day, the turbines are

1 rated for hurricane force winds, and there are a  
2 number of operational things we can do to make  
3 sure that we're minimizing damage to the  
4 turbines and to the surrounding areas as well,  
5 including feathering the blades and hitting the  
6 brakes, basically, on the turbines as they spin.

7 Q. (By Mr. Skaggs:) Do you want your family in  
8 the path of this thing 1700 feet away?

9 JUDGE SLAVIN: That's argumentative. He's  
10 not -- this is not his personal project.

11 Q. (By Mr. Skaggs:) All right. Are you willing  
12 to sacrifice that? That's a question.

13 1700 feet is not enough.

14 JUDGE SLAVIN: That's -- okay, you're  
15 telling him things again. Let's ask a question.

16 Q. (By Mr. Skaggs:) So the National  
17 Transportation Board, these rules, 1.2 miles,  
18 why can't you guys adhere to these things?  
19 Why's there always got to be a Variance or  
20 somebody has to have something different?

21 A. The Variances we're requesting are not for  
22 setbacks from homes or any adjacent structures  
23 like that. They are just for, again, those  
24 areas that are, to our knowledge, not being

1 developed for any reason.

2 Q. There's a reason for that. One of them is  
3 because they get hit by tornados.

4 JUDGE SLAVIN: You're giving a speech.  
5 Any more questions of him?

6 MS. STETSON: Yes.

7 JUDGE SLAVIN: Not you. Trying to give  
8 Mr. Skaggs a chance.

9 Q. (By Mr. Skaggs:) Let's get down to how much  
10 government subsidies are -- how much money from  
11 the government do you get from each one of these  
12 towers, to build these towers? Our money,  
13 everybody in the room.

14 JUDGE SLAVIN: Just ask one question at a  
15 time. How much money do you get?

16 Q. (By Mr. Skaggs:) Subsidies.

17 A. At the end of the day, there isn't a cent of  
18 tax dollars that are set aside to be paying for  
19 renewable energy projects.

20 The tax incentives that we intend to  
21 leverage for the project are reductions on the  
22 overall cost of the equipment, to make it more  
23 economically competitive for us to purchase  
24 equipment from the United States.

1 Q. Is there a number on that?

2 A. Yeah, approximately 30 percent.

3 Q. 30 percent of what?

4 A. The total cost of those components.

5 Q. We were told -- I guess I have to ask a  
6 question.

7 Our taxes are supposed to be lowered by  
8 bringing those turbines in. So far, our taxes  
9 went up about 14 percent.

10 JUDGE SLAVIN: Now you're telling him  
11 things.

12 Do you know why the taxes went up  
13 14 percent?

14 Q. (By Mr. Skaggs:) Why did our taxes go up?

15 JUDGE SLAVIN: Look, I'm asking the  
16 question for you.

17 Q. (By Mr. Skaggs:) That's my question. Why did  
18 our taxes go up instead of down?

19 A. At the end of the day --

20 Q. You're getting all these hundreds of thousands  
21 of dollars.

22 A. At the end of the day, I don't set the tax  
23 rates for the County. The County, the State and  
24 the Township sets those themselves.

1           So I can't speak really to what the  
2 millage rates are going to be on the property  
3 and to what the property tax rates in the area  
4 are going to be. All I can speak to is the  
5 property tax increase that the Township and the  
6 County are going to see as a result of this  
7 project being constructed.

8           MR. SKAGGS: Thank you.

9           JUDGE SLAVIN: Other folks living in the  
10 footprint?

11           Yup, you've got your hand raised, the gray  
12 shirt.

13           MS. KERBS: Mary Beth Kerbs, and I'm a  
14 nonparticipating resident, but it looks like  
15 we're going to have a couple to the south of us  
16 and one to the north of us.

17           JUDGE SLAVIN: Would you spell your last  
18 name for the court reporter.

19           MS. KERBS: K-E-R-B-S.

20           JUDGE SLAVIN: Thank you.

21   EXAMINATION

22 BY MS. KERBS:

23 Q. It looks like you mentioned that the distance  
24 setback from a nonparticipating resident is

1 greater than what's required to hopefully  
2 minimize things like sound or, you know,  
3 flashing, stuff like that.

4 If there is problems with things like  
5 sound after the fact, is there any recourse for  
6 someone who is a nonparticipating resident? Or  
7 is it pretty much you're doing what you can to  
8 minimize that, but if there's a problem later --

9 JUDGE SLAVIN: That's a relevant question.  
10 Why don't you just stop with, Is there any  
11 recourse?

12 Q. (By Ms. Kerbs:) Is there any recourse if there  
13 is a problem with sound or anything after the  
14 fact?

15 A. Yeah, as I kind of mentioned in the  
16 presentation, it's a Conditional Use Permit for  
17 us. And so if we are not complying with the  
18 permit or the conditions of the permit, then the  
19 County will enforce that permit.

20 So what that process would look like if  
21 there is a situation where we aren't complying  
22 with our permit, you go to the County and have  
23 that discussion with them. The County would  
24 confer with us, and we would have that

1 discussion, in total, to make sure that going  
2 forward we are in compliance. And if we're able  
3 to do that, then we're able to operate the  
4 project.

5 Q. So if you're complying with the distance that  
6 you need to comply with and there is any type of  
7 issue, that's just the way it is; is that  
8 correct?

9 A. No. We are able to adjust the operation of the  
10 project as well.

11 Q. Okay.

12 A. I think we'll be having a shadow flicker expert  
13 here to talk through the study that we prepared  
14 for both layouts of the project, to work through  
15 this a little more.

16 For that one in particular, what we're  
17 able to do is basically stop the blades from  
18 spinning for X amount of time in order to make  
19 sure that we are in compliance with the  
20 requirements of the County.

21 MS. KERBS: That's my only question.

22 JUDGE SLAVIN: Anybody else? I think I  
23 was on owns a business.

24 (No verbal response.)

1 JUDGE SLAVIN: How about owns property  
2 within the footprint but may not live there?

3 MR. RANDAZZO: I got one. I got a  
4 question here.

5 JUDGE SLAVIN: Okay. Which one do you fit  
6 in?

7 MR. RANDAZZO: Resident of Buda, whatever  
8 that falls into. I live --

9 JUDGE SLAVIN: Okay. State your name.

10 MR. RANDAZZO: Lou Randazzo,  
11 R-A-N-D-A-Z-Z-O.

12 JUDGE SLAVIN: Thank you.

13 MR. RANDAZZO: I live in Buda, right off  
14 of Route 40.

15 EXAMINATION

16 BY MR. RANDAZZO:

17 Q. Has LRE set any money aside to repair Route 40  
18 due to the usage of the oversized loads that  
19 will be coming down that way, as Route 40 will  
20 be the main highway being used?

21 A. Route 40 is one of the routes that we can use  
22 to access the project area. You can also access  
23 it via the Kentville Road, and the Kentville is  
24 actually how we accessed the area to construct

1 our Crescent Ridge and Lone Tree Projects.

2 So I think, given that precedent, we will  
3 most likely use primarily the Kentville Road as  
4 our access route. That said, we will be  
5 entering into a road use agreement with the  
6 County and with the Townships to ensure that we  
7 are building up the roads to the extent that  
8 they need to be in order for us to carry those  
9 heavy loads to the project area.

10 As part of that, we will be needing to set  
11 aside financial security at the time that we  
12 start construction in order to make sure that we  
13 are preparing the roads or prepping the roads  
14 such that they can handle that.

15 MR. RANDAZZO: Thank you. No further  
16 questions.

17 JUDGE SLAVIN: Anybody else who owns  
18 property within the footprint? May not live  
19 there.

20 Yes, sir. State your name.

21 MR. ARNOLD: Dale Arnold. I own property  
22 in the footprint.

23 JUDGE SLAVIN: A-R-N-O-L-D.

24 MR. ARNOLD: A-R-N-O-L-D.

1 JUDGE SLAVIN: Thank you.

2 EXAMINATION

3 BY MR. ARNOLD:

4 Q. Where you have the public right-of-ways marked  
5 on the map, are those also going to be for  
6 transmission lines?

7 A. Are you referring to the collection line routes  
8 on the map?

9 Q. Yes.

10 A. Yeah, those will be just for underground  
11 collection lines.

12 Q. It's only underground?

13 A. That's correct.

14 There is a section of the site plan which  
15 shows an overhead high voltage line that is  
16 located on the southeast portion of the project  
17 area. It runs east from our project substation,  
18 which I mentioned before is about half a mile  
19 south on the Kentville, from 1300 E.

20 It will run east until it meets our Lone  
21 Tree Project and the transmission line that we  
22 have constructed for that project, at which  
23 point it will turn north and head towards that  
24 Ameren substation on the Wyanet-Walnut.

1 Q. How deep will the lines be?

2 A. Approximately 5 feet. That will depend a bit  
3 on the site conditions as to exactly how those  
4 will be laid out.

5 MR. ARNOLD: Thank you.

6 THE WITNESS: Yup.

7 JUDGE SLAVIN: Any other questions from  
8 you, sir, Mr. Arnold?

9 MR. ARNOLD: No. Thank you.

10 JUDGE SLAVIN: Other folks -- let's see,  
11 where am I -- that own property within the  
12 footprint have a question?

13 (No verbal response.)

14 JUDGE SLAVIN: How about folks who are  
15 just -- not in the footprint, but a resident of  
16 Bureau County have a question?

17 Yes, ma'am.

18 MS. BOELENS: My name is Linda Boelens. I  
19 live over in Sheffield.

20 JUDGE SLAVIN: B-O-H-L-I-N?

21 MS. BOELENS: B-O-E-L-E-N-S. S, as in  
22 Sam.

23 JUDGE SLAVIN: Okay. Thank you.

24 EXAMINATION

1 BY MS. BOELEN:

2 Q. I just have a question again about your  
3 company. Are you out of Canada?

4 A. Our funding and ownership is from Canada, but  
5 our company is headquartered in Dallas. We have  
6 regional offices in Dallas, Houston, Chicago.

7 Q. But your main headquarters is in Canada?

8 A. No. Our main headquarters is Dallas.

9 Q. So where does Canada come into this?

10 A. Yeah, our funding comes from OMERS, the Ontario  
11 Municipal Employees Retirement Service, and so  
12 that is the connection to Canada there.

13 Q. They want to invest money, is that what you're  
14 talking about?

15 A. I apologize, could you repeat that?

16 Q. Organizations that are just investing money  
17 into your company, and they'll come out of  
18 Canada?

19 A. That's exactly correct, yes.

20 Q. I have another quick question. How soon are  
21 you going to know where the parts are coming  
22 from and whether they're coming from the  
23 American side or whether they're coming from  
24 another outside country?

1 A. I believe we will -- right now we're looking at  
2 executing the Turbine Service Agreement, which  
3 is the main document that sets out the specific  
4 turbine models that we'll be using here.  
5 Sometime in the middle of next year-ish is when  
6 we will be focused on that.

7 Q. Next year. So you won't know until next year?

8 A. That's right.

9           Until then, our strategy, as with all of  
10 our projects, is to source as much of it in the  
11 US as possible. That insulates us from a lot of  
12 tariff risks and ensures we can lock in some of  
13 the benefits that I mentioned earlier on tax  
14 credits.

15 Q. Then I have another question for you. How much  
16 concrete do you have to lay in the ground to put  
17 one of those things up?

18 A. It depends on the type of foundation that you  
19 end up using. If you use a traditional  
20 foundation, it's a pretty substantial amount of  
21 concrete.

22 Q. And that would be how much, sir?

23 A. I believe it is -- no, I apologize, I can't say  
24 specifically for this project here exactly, only

1           because the foundation types vary quite a bit  
2           across the project site, and we're looking at  
3           using some other foundation types as well which  
4           might suit some of the wetter soils a little bit  
5           better. We know some of the soils around here  
6           are pretty wet.

7                        So unfortunately, I can't provide you a  
8           firm number on that at this time.

9   Q.    Currently, because you don't know what kind of  
10        foundations you are going to be using, you don't  
11        know how much cement would have to be dropped  
12        into the ground?

13   A.    That is correct, yes.

14   Q.    When would you have that information?

15   A.    I mentioned, I think during the presentation,  
16        that a lot of our engineering is going to be  
17        solidified over the course of 2026. So it's  
18        over that time that we would make that  
19        determination.

20   Q.    So that would be currently then, until next  
21        year, that we find out how much concrete would  
22        have to be dropped into the ground?

23   A.    That's right. Again, also dependent upon which  
24        of those turbine locations that we land on, at

1 the end of the day, too. That is driving some  
2 of that uncertainty for now.

3 MS. BOELENS: Thank you, sir. I have no  
4 more questions.

5 JUDGE SLAVIN: Other folks who are just a  
6 resident of Bureau County with a question?

7 Yes, sir.

8 MR. HAWKINS: Craig Hawkins.

9 JUDGE SLAVIN: Like it sounds,  
10 H-A-W-K-I-N-S?

11 MR. HAWKINS: Yes.

12 EXAMINATION

13 BY MR. HAWKINS:

14 Q. What is the closest distance that they will be  
15 to Mautino State Park?

16 A. Right now I believe the closest turbine to  
17 Mautino State Park is a little over a half a  
18 mile away.

19 We are consulting with IDNR and the  
20 US Fish and Wildlife Service to talk through  
21 exactly what the wildlife impacts are of the  
22 project and how we can minimize them, and the  
23 Mautino State Wildlife Area will be part of that  
24 discussion as well.

1 Q. Thank you. That was part of my question.

2 How many will be in that area?

3 A. That area, on the site plan we are showing four  
4 turbines there. This is actually the same area  
5 that the folks over there had mentioned as well,  
6 on the northwest corner of our project.

7 Ultimately, I expect somewhere between two  
8 and three to be constructed in that area when  
9 it's all said and done.

10 Q. Are any in line with the entrance of the State  
11 park that comes off the Buda blacktop?

12 A. Not that I am aware of.

13 Can you elaborate what you mean by in line  
14 with the entrance?

15 Q. I was thinking of the aesthetics of the  
16 entrance of the park and how that would affect  
17 visitors that are coming in and leaving the  
18 park.

19 A. I understand, okay.

20 Yeah, I believe certainly the closest  
21 turbines there would be visible as you were  
22 exiting the park as well, knowing that you would  
23 be coming south onto the blacktop. Right?

24 Q. Yes.

1 A. So as it stands now, yes, you would be able to  
2 see them from the exit of the park.

3 Part of the, again, increased setbacks  
4 that we committed to, we're trying to mitigate  
5 that as much as possible.

6 Q. And you said that was a half mile?

7 A. Correct.

8 Q. What did you say that the studies were that  
9 were being done for the park or talks with the  
10 park?

11 A. We have started discussions with the Illinois  
12 DNR and the US Fish and Wildlife Service. We  
13 have additionally been pursuing avian studies  
14 across the project area for the past, I believe,  
15 year and eight months now. Those are slated to  
16 be wrapped up in the beginning of 2016 as well.

17 Those will inform, those discussions as we  
18 kind of walk through with IDNR and with US Fish  
19 and Wildlife Service, what they want the project  
20 to look like as well.

21 MR. HAWKINS: Thank you. That's all.

22 JUDGE SLAVIN: Yes.

23 MS. STETSON: I have a question about  
24 Mautino as well.

1 JUDGE SLAVIN: Go ahead. I'm trying to  
2 give everybody just one chance, but go ahead.

3 MS. STETSON: I'm sorry.

4 EXAMINATION

5 BY MS. STETSON:

6 Q. Are you aware that there's eagles around that  
7 area, around Buda blacktop, the road 650 East,  
8 the 1050 North, for those turbines T35, T5, A51,  
9 A56, T39 and T27? Are you aware that there's  
10 eagles that are from Mautino Park that fly over  
11 that whole area a lot?

12 A. This is part of the avian study that I just  
13 mentioned a couple moments ago, is surveying to  
14 see exactly what raptor nests are in the area  
15 and seeking to better understand exactly what  
16 kind of species are there.

17 I think once that study is complete, we  
18 will be taking that further into account as we  
19 design and select those final locations for the  
20 turbines.

21 Q. Are you aware that -- this is eagles again --  
22 there's a pair, a male and female eagle, along  
23 with their two eaglettes, along the tree lines  
24 there that you see and they're flying now all

1 around this area? I'm just going to let -- I  
2 just want to know --

3 JUDGE SLAVIN: Are you aware --

4 Q. (By Ms. Stetson:) -- are you protecting the  
5 eagles in this area? Because there are a lot.

6 A. Yeah, and certainly same story there as well,  
7 this will be something that comes up in our  
8 avian and raptor survey.

9 Ultimately, protecting those endangered  
10 species is hugely important to us, knowing that  
11 it is a requirement, I believe both at the State  
12 level and at the federal level, to ensure that  
13 we aren't impacting those species negatively.

14 Ultimately, the risk of bird strikes as a  
15 result of wind farms is much lower than it is  
16 for other forms of generation out there. In  
17 fact, skyscrapers and tall buildings are even a  
18 much larger risk to bird populations than wind  
19 farms.

20 For that reason, the Audubon Society has  
21 come out actually in support of wind farms. You  
22 know, despite being maybe the largest bird  
23 conservation organization in the United States,  
24 they do support wind turbines, recognizing that

1 the downstream impacts of wind farms on the  
2 environment to those habitats for endangered  
3 species like that are a net positive.

4 Q. Well, wind turbines -- you're aware that wind  
5 turbines go around and buildings are like this  
6 (gesturing)? Eagles fly and they get hit by  
7 those things. You are aware of that?

8 A. Yes.

9 Q. Okay. Are you taking any trees down around  
10 that -- those three turbines that you say that  
11 could possibly kill these eagles, are you taking  
12 trees down in that area?

13 ATTORNEY BARRY: Objection. He didn't say  
14 anything about killing birds.

15 JUDGE SLAVIN: I agree, he didn't say  
16 anything about killing birds.

17 Q. (By Ms. Stetson:) Could possibly kill eagles.

18 JUDGE SLAVIN: Are you taking any trees  
19 down around the turbines that are near Mautino  
20 area -- Park?

21 THE WITNESS: At this time there would be  
22 only very limited tree-clearing expected,  
23 potentially just clearing one or two trees in  
24 order to make room for our access road to get

1 back to that area. And that tree-clearing would  
2 also need to comply with IDNR requirements and  
3 US Fish and Wildlife Service requirements for  
4 maintaining bat habitats.

5 Functionally, that means that we need to  
6 wait until the months between, I believe, the  
7 end of October and March to actually do any  
8 tree-clearing, of which, again, would be  
9 extremely limited.

10 Q. (By Ms. Stetson:) Are you -- just a minute.

11 If you -- are you -- if you take these  
12 trees down, you're taking away the habitat for  
13 these animals.

14 JUDGE SLAVIN: You're telling him things.

15 If you take these trees down, are you  
16 taking away habitat for these animals?

17 Q. (By Ms. Stetson:) Yes, and birds.

18 A. No. We ultimately need to survey all those  
19 areas. Again, with the Raptor and Avian Survey  
20 I mentioned before, any trees we take down, we  
21 need to make sure those are clear of species,  
22 and especially those endangered species, prior  
23 to taking those down.

24 Q. Question on the driveways there, because it

1 looks like from the map that there's two  
2 driveways there on 650 East, and it looks like  
3 you're going to be taking a lot of trees down  
4 there.

5 JUDGE SLAVIN: Now you're telling him  
6 things again. Just ask a question, Connie.

7 MS. STETSON: I'm sorry. I'm not a  
8 lawyer.

9 JUDGE SLAVIN: I know, but you can prepare  
10 before you come. Just write out a question.

11 I'm going to help you out. In  
12 constructing the roads shown on the site plan,  
13 will there be any trees being taken down.

14 MS. STETSON: For the driveways.

15 JUDGE SLAVIN: No, I'm asking the question  
16 for you.

17 THE WITNESS: Firstly, I want to break  
18 that question down in the first part, which was  
19 about the two driveways in that area.

20 On the site plan, we proposed two  
21 driveways there, but ultimately we will almost  
22 certainly only construct one of them. We only  
23 really need access via one route to get to the  
24 turbine anyway.

1           So one of the factors that's going into  
2           deciding which of those routes is the preferred  
3           route to actually access that turbine beyond if  
4           there are other turbines constructed in that  
5           area is going to be which one of them is the  
6           path of least resistance for us, and which one  
7           is going to be easier to construct, which one is  
8           going to require the minimal amount of  
9           disturbance to the area in general.

10           So it is something that we will be taking  
11           into account as we finalize those engineering  
12           designs.

13 Q.       (By Ms. Stetson:) Are you aware that there's a  
14           big hill there you come up and you go down, kind  
15           of like, and that's where your drive is; is that  
16           correct?

17 A.       Yes.

18 Q.       Which side of that hill is it going to be on?  
19           Because a car comes --

20           JUDGE SLAVIN: Which side of the hill is  
21           it going to be on? Just end right there.

22 A.       I believe it is on the west side of that hill,  
23           if I am recalling correctly.

24           Ultimately, all the driveways that we

1 install are going to have to be approved by the  
2 Township or County engineers, and so we won't be  
3 constructing anything here that is out of  
4 compliance with the requirements that the County  
5 sets forth.

6 Q. (By Ms. Stetson:) Are you aware that country  
7 roads, people kind of just use the whole road  
8 there and all the sudden you have to fly over?

9 A. Yes.

10 Q. You're very aware of that?

11 Do you believe that that is a safe site?

12 A. Ultimately, it will be up to the engineers to  
13 decide, at the end of the day.

14 We proposed that for now because we think  
15 that it has the potential to be a good access  
16 road location for that site. But if the County  
17 engineers determine down the road that it is not  
18 a safe place to be siting a driveway, then we  
19 would be looking at the other option to access  
20 that area.

21 MS. STETSON: That's all I have right now.

22 JUDGE SLAVIN: Yes, Mr. Skaggs? Question?

23 EXAMINATION

24 BY MR. SKAGGS:

1 Q. For these generators you were talking about  
2 putting up, are they the leakproof model or like  
3 all the rest of them that are leaking oil? And  
4 do you agree the oil --

5 JUDGE SLAVIN: Wait a minute. That's two  
6 questions. I'm going to ask the question for  
7 you.

8 Will these nacelles leak any oil?

9 THE WITNESS: Our operating site out there  
10 is not leaking oil, firstly. That is the  
11 Providence Heights project that does have that  
12 issue with its turbines. I understand that  
13 they're working to correct that now, but that is  
14 not our site that is leaking oil.

15 That is certainly something that is  
16 important to us, both in terms of keeping the  
17 project operating effectively and also keeping  
18 it in line with the expectations of the County.  
19 So our sites out there have entirely clean  
20 turbines.

21 Q. Are you aware that to the southwest there's  
22 probably a hundred-plus over there, and every  
23 damn one of them leaked at one point or another?  
24 And do you agree that oil is a hazardous

1 material?

2 A. I do agree that when treated improperly, oil is  
3 a hazardous material. That is partly why we are  
4 implementing our spill prevention control plan,  
5 at the end of the day, in order to ensure that  
6 we aren't releasing any harmful substances into  
7 the environment.

8 Again, I want to emphasize that it's of  
9 utmost important to us to keep our project  
10 operating cleanly and effectively. That's  
11 something we have done pretty successfully here  
12 for the last 20 years. That is also something  
13 that I expect we are going to be able to do  
14 going forward, if and when this project is  
15 constructed, as well.

16 JUDGE SLAVIN: I guess that's all.

17 MS. NIELSEN: One more.

18 JUDGE SLAVIN: Yes.

19 EXAMINATION

20 BY MS. NIELSEN:

21 Q. When the property owner passes away and the  
22 inheritor does not want a turbine while said  
23 construction is going on, what happens to that?

24 A. Ultimately the agreement, the lease agreement

1       that we enter into with the landowners, it runs  
2       with the land. So whoever does inherit the land  
3       or purchase the land -- we have already had two  
4       of our landowners see a benefit from having the  
5       lease on their property and seeing their sales  
6       increase by being able to sell land that has a  
7       lease on it.

8               Ultimately, that lease will pass to the  
9       subsequent owner of the property, if it is a  
10      family inheriting it or if it is somebody  
11      purchasing it. Obviously it is in our best  
12      interest to have a good relationship with the  
13      folks that are going to be in our project. So  
14      if we encounter a situation like that, that's  
15      one where I would encourage to sit down and talk  
16      through it and just have that conversation.

17             MS. NIELSEN: Thank you.

18             JUDGE SLAVIN: Last chance. I think I  
19      have run through everybody.

20             Any other Interested Parties we haven't  
21      touched on, questions?

22                     (No verbal response.)

23             JUDGE SLAVIN: All right. Would you like  
24      any redirect, Mr. Barry?

1 ATTORNEY BARRY: No, thank you.

2 I do have a housekeeping question.

3 JUDGE SLAVIN: Fine.

4 You may step down.

5 Yes, sir?

6 ATTORNEY BARRY: I think Ms. Donarski  
7 covered this, but I would like to ask to enter  
8 the PowerPoint into the record as evidence. I  
9 don't know if I have eight copies, but I think I  
10 have got seven.

11 JUDGE SLAVIN: I told everybody eight, and  
12 you can bring them next time. And I  
13 traditionally have just waited until you're done  
14 and admitted all the exhibits. So if that's  
15 okay with you?

16 ATTORNEY BARRY: Oh, by all means. I'm  
17 happy to wait.

18 JUDGE SLAVIN: All right. I'll call this  
19 session -- then I'll put this session in recess  
20 until Wednesday, September 10th, beginning at --

21 Help me, Ms. Donarski. 6:00?

22 MS. DONARSKI: 6:00 p.m.

23 JUDGE SLAVIN: -- 6:00 p.m.

24 Here at the Moose Lodge, right?

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MS. DONARSKI: Correct.

JUDGE SLAVIN: Repeat, September 10th,  
6 o'clock, here at the Moose Lodge. Be here or  
be square.

Have a good rest of the night and next  
couple weeks, everybody.

(The hearing was concluded at  
10:05 p.m.)

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Now on this 20th day of August, A.D., 2025, I  
do signify that the foregoing testimony was given  
before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,  
Zoning Enforcement Officer

-----  
*Callie S. Bodmer*

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