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1 JUDGE SLAVIN: All righty. Ladies and
2 gentlemen, I call out of recess the Lee County
3 Zoning Board of Appeals hearing on Petition
4 Number 21-P-1566, GSG Wind, LLC's, request for a
5 Special Use Permit to construct a wind energy
6 conversion system within Lee Center, Sublette
7 and West Brooklyn Townships.

8 In case you're somehow listening to this
9 but have lost the information, the meeting
10 that's being broadcast on Zoom, its ID is
11 915-3923-9154 and the password is 209840. And
12 if you want to not participate but still listen
13 and watch what's going on, you can do so on
14 YouTube. Go to www.youtube.com, type -- in the
15 search bar, type "Lee County IL," I-L, short for
16 Illinois, "Zoning Board of Appeals." Don't
17 worry about upper- or lowercase letters. Find
18 the session you -- session date you want, which
19 presumably is tonight, May 4th. Click on that
20 from the drop-down menu, and you should be
21 seeing and hearing us with a short time delay.

22 If any of this confuses you, if I have
23 confused you, and you want more information or
24 need it repeated, feel free to call Zoning

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 Officer Duffy's hotline, 815.973.3449. I'll
2 repeat that, 815.973.3449.

3 All right. As to -- this is technically
4 Session Number 3 for GSG Wind's application.

5 I note the presence in the courtroom of
6 the Chair of the Zoning Committee, Mr. Forster;
7 the Vice Chair, Mr. Buhrow; I note the presence
8 of Mr. Pratt and Mr. Meyer. Zoning Officer
9 Duffy is present. Alternative Energy
10 Coordinator, Alice, is present. Mr. Barry,
11 attorney for the Petitioner, is present with, I
12 think it's three of his representatives. Lee
13 County IT Department is present. Court reporter
14 is present, as is himself. That means we have
15 13 bodies in -- necessities in person.

16 I notice, from a quick view of the
17 courtroom, two folks are here that I will refer
18 to as Interested Parties. That means we have a
19 total of 15 people present in the courtroom.
20 There are no people back in the former jury
21 deliberation room.

22 On Zoom, what do we have here? Mr. Wells
23 is a Petitioner's rep. So we have --

24 Are you feeling better, Mr. Wells?

1 MR. WELLS: I am, yes. Thank you for
2 asking.

3 JUDGE SLAVIN: Good.

4 One person on Zoom, which is a
5 Petitioner's representative, and no others
6 appear on Zoom. So we have one person attending
7 by remote. That makes 16 folks present.

8 All right. Without further ado, I have
9 given my opening remarks back in April. The
10 last session was April 13th, the delay due to
11 scheduling matters. I notice someone else that
12 I'll call an Interested Party just walked into
13 the courtroom.

14 Are you all set? Okay.

15 So now we have 17 people, another
16 Interested Party, in person.

17 I was saying, I made my opening remarks,
18 set the ground rules, we talked about available
19 dates, which we'll do a little more at the end
20 of tonight. But that having been said, I think
21 we're ready for the Petitioner to produce its
22 evidence.

23 Mr. Barry, you may.

24 MR. BARRY: Thank you, Judge. I have

1 three witnesses I hope to present this evening.
2 And the first one of those, I'd like to call to
3 the stand at this time Mr. John Wycherley.

4 JUDGE SLAVIN: Mr. Wycherley, if you'll
5 stand up and raise your right hand for me,
6 please.

7 (John Wycherley was duly sworn.)

8 JUDGE SLAVIN: Have a seat up by me. Now,
9 this applies not only to you, but any other
10 people that testify. These microphones
11 practically have to be swallowed, and I mean it.
12 It's real easy to get away from them, but then
13 nobody can hear you. So I may have to remind
14 you, but it's just because I gotta.

15 JOHN WYCHERLEY,
16 having been duly sworn, was examined and
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. BARRY:

20 Q. Mr. Wycherley, could you please state your full
21 name for the record.

22 A. Yes. It's John Wycherley.

23 Q. And could you tell us a little bit about your
24 background, please.

1 A. My background is in renewable energy
2 development. I have been working in renewable
3 development for 15 years, and I have been with
4 Leeward for the past six years.

5 Q. And what is your position of employment with
6 Leeward Renewable Energy?

7 A. I'm the vice president in development, focusing
8 on wind development with Leeward.

9 Q. And what is your connection to the GSG Wind
10 Farm, the Petitioner this evening?

11 A. So GSG Wind Farm is a wind farm that's owned
12 and operated by Leeward Renewable Energy, and we
13 have operated it since 2007. And my
14 relationship with the project is, when I am
15 doing new developments or on a repower, I step
16 in on the redevelopment of those projects.

17 Q. Mr. Wycherley, do you have experience with
18 other wind farms in Illinois?

19 A. Yes. Leeward itself owns and operates four
20 wind farms here in the state. A few years back,
21 back in 2017, we permitted or re-permitted the
22 repowering of Mendota Hills and repowered that
23 in 2019, and I participated here on -- at that
24 time on that project.

1 Q. And Mendota Hills is also a wind project in Lee
2 County; is that correct?

3 A. That's correct, yeah. It's adjacent to GSG,
4 and I believe is one of the first wind farms in
5 the state and probably the first one to get
6 repowered as well.

7 Q. Thank you.

8 I understand you're going to give us an
9 overview of the GSG Wind Farm repower this
10 evening and that you have a PowerPoint
11 presentation to assist you in that regard; is
12 that correct?

13 A. Correct, yes.

14 MR. BARRY: All right. Can we ask the IT
15 department to please load the PowerPoint
16 presentation?

17 IT REPRESENTATIVE: There are two. Which
18 one are you --

19 MR. BARRY: This one is -- it should have
20 the words "GSG Wind Farm Repower" on the front
21 of.

22 IT REPRESENTATIVE: Okay. Both of them
23 do.

24 MR. BARRY: So it's the first one that you

1 put up.

2 IT REPRESENTATIVE: Okay.

3 MR. BARRY: Thank you.

4 JUDGE SLAVIN: Do you have hard copies?

5 MR. BARRY: No, I don't think we have hard
6 copies.

7 JUDGE SLAVIN: Okay.

8 MR. BARRY: I think I have one that I can
9 mark as an exhibit.

10 JUDGE SLAVIN: Okay. Yeah, that helps the
11 record.

12 MR. BARRY: Yeah, thank you.

13 THE WITNESS: Okay. So just moving on to
14 the second slide, please.

15 A. So Leeward Renewable Energy is a renewable
16 energy owner, operator and developer that's
17 headquartered in Dallas, Texas. The company has
18 regional offices in San Francisco, Chicago and
19 in Houston.

20 Leeward operates -- owns and operates 21
21 individual wind and solar assets across nine
22 different states in the U.S., and four of those
23 wind farms, as I mentioned, are in Illinois; two
24 here in Lee County and LaSalle, being both GSG

1 and Mendota Hills, and our Crescent Ridge Wind
2 Farm in Bureau and our Lone Tree Wind Farm in
3 Bureau.

4 Our total megawatts installed, megawatts
5 across the U.S., is just over 2,000 megawatts at
6 the moment, and, again, that's wind and solar.
7 We have just one solar project in operation in
8 Texas.

9 The side of the business that I work in is
10 on the development side, and we have over
11 17,000 megawatts of projects: wind, repowered
12 wind, solar and battery energy solar systems.

13 Next slide.

14 So a little bit about the GSG Repower
15 Project that we're discussing here tonight. The
16 project went into operation in 2007 and has a
17 total size of 80 megawatts. This 80 megawatts
18 straddles both counties, Lee and LaSalle. The
19 current approximate project area covers just
20 over 3,000 acres, 3,275. And as we go through
21 the potential of repowering it, we will likely
22 be reducing the overall agricultural -- reducing
23 the overall land use that's covered with wind
24 farm by 1 to 3 acres and returning that to

1 agricultural use. That will be defined a little
2 bit down the road, once final engineering comes,
3 but right now that's the indication.

4 The current project utilizes approximately
5 15 acres, from its current foot span of both the
6 turbines and the actual roads.

7 Its current interconnection into the
8 utilities of ComEd are across two
9 interconnections. One is at the Sublette point
10 of interconnection, which is where the majority
11 of the Lee County turbines connect into, and is
12 26 megawatts in total. The second interconnect
13 is down at the Mendota -- close to Mendota town.

14 The turbines are -- and facilities are
15 located on agricultural land, AG-1, which is the
16 existing project, and the majority of the new
17 repower proposal will sit on existing parcels.
18 I believe there's maybe two additional parcels
19 being brought into the new project.

20 Q. (By Mr. Barry:) Mr. Wycherley, there's a map
21 on the slide that's currently on the screen.
22 Can you describe the existing -- the location of
23 the existing GSG Wind Farm, please?

24 A. Sure. So what you're seeing here on the screen

1 is areas in Lee County that are host to
2 facilities as part of the GSG Wind Farm. So on
3 the very, very western edge are the parcels
4 where the actual Sublette substation are
5 located, and to the northwest are where the
6 Sublette turbines are connected, let's call them
7 the Sublette turbines. So everything that's
8 going west into the Sublette POI, point of
9 interconnection, are on that northwest side.

10 On the very southern part of the --
11 southeastern part of the map, that is where it's
12 host to some of the turbines that are connecting
13 down into the Mendota point of interconnection.

14 And the two parcels on the northeast are
15 where the current operations and maintenance
16 building are and a permanent met tower. So
17 basically the black areas on that screen are
18 where they are currently located and would be
19 incumbent upon new facilities, if they are going
20 to get passed.

21 Q. And so just to be more specific, the existing
22 project has wind turbines near Sublette and then
23 also wind turbines in the southern part of the
24 screen -- on the map that's on the screen; is

1 that correct?

2 A. Correct. The southern portion is right up
3 against the LaSalle and Lee County border.

4 Q. So there are two spots, two different areas,
5 with wind turbines on them, with some space in
6 between with no wind turbines, correct?

7 A. That is correct.

8 Q. Thank you.

9 A. The estimated construction timing for the GSG
10 Repower Project is likely to be March of 2023.
11 With the permitting and the analyses, we would
12 like to begin the removal of the existing
13 project in March and the installation of the new
14 project going from May. So we would like to see
15 it being -- overlapping for a short period but
16 essentially getting completed in 2023. That's
17 currently the best estimate.

18 Q. And if I could just ask one more follow-up
19 question. You might have covered this already,
20 but just to be clear, if the project is
21 repowered, the new turbines will be located
22 similarly in one of the black areas on the map,
23 correct?

24 A. That's correct. Largely in the same collection

1 of parcels -- actually, in the same collection
2 of parcels. I believe there's just one or two
3 additional parcels added.

4 Q. So in other words, if the project application
5 -- permit application is approved by the County,
6 the turbines will be located in the same general
7 vicinity in Lee County that the current turbines
8 are located, correct?

9 A. That is correct.

10 The estimated lifespan for the new
11 turbines, and how we would typically finance
12 this project, is over a 30-year period. So it's
13 just what's estimated for the new project.

14 Next slide.

15 Again, on the map it's geared to give a
16 representation of, you know, where kind of two
17 portions of the GSG Wind Farm is. On the
18 northwest side, which is highlighted in yellow,
19 that's where there's currently 13 turbines and
20 26 megawatts interconnecting to the Sublette
21 portion of the utility. And then the southern
22 portion, which straddles the Lee and LaSalle
23 County line, is where the 54 megawatts is
24 connecting down into Mendota.

1 Next slide.

2 So on this image we show the proposed
3 potential locations for wind turbines -- new
4 wind turbines in -- that would be located in
5 LaSalle County.

6 The overall project has, as presented,
7 45 locations, and there are potentially between
8 13 and 16 locations that will be identified and
9 located in Lee County in the same parcels as the
10 existing project.

11 So this just gives you a representation.
12 It's a little challenging to see, but you can
13 see the orange X's are all the potential
14 locations that have been identified. And what
15 our primary plan right now shows is a subset of
16 those locations, which would be our primary
17 design at the moment.

18 Q. What are the numbers associated with those, the
19 subset and the --

20 A. So subset -- actually, can I just get -- I left
21 my notes down there.

22 Q. Sure. The notebook?

23 A. Just the white page there.

24 Yeah, just to be clear, the turbines that

1 are identified, all the 45 locations across both
2 counties, there are 19 potential locations that
3 are located in Lee County -- that 19 currently
4 exists in Lee County, with 24 potential
5 locations identified on this map and in the
6 application.

7 All of those 24 locations, you'll see in
8 the next map -- which we can move on to the next
9 slide -- you'll see we have identified 16 most-
10 probable locations that are -- that consist of
11 our primary layout at the moment. And they are
12 a subset of the 24 potential locations that will
13 be sitting in Lee County if we're successful.

14 We expect between 13 and 16 turbines to
15 replace the existing machines in Lee.

16 Q. And I think the subset you refer to is --
17 represents how many -- that subset is the
18 current plan. And how many turbines would --
19 does that represent?

20 A. That currently represents 13 of the 24
21 potential locations. And the application, I
22 believe, states a maximum of 16 locations in Lee
23 County.

24 Q. So if things go according to that plan, the

1 project would end up with 13 turbines in Lee
2 County, correct?

3 A. Yes, reducing down from the current 19 turbines
4 that are currently there.

5 Q. But the maximum number of turbines,
6 specifically with the repower in Lee County, I
7 think you said would be 16, correct?

8 A. That's the maximum that we have requested, yes.

9 Q. So in the end, there will be fewer turbines in
10 Lee County if the project is repowered, correct?

11 A. That is correct, yes.

12 And again, just to be clear, this is a
13 zoomed-in image where you can see the red dots,
14 which are the property locations on the most
15 northwestern portion of the project in Lee
16 County.

17 And the next image is a representation --
18 you can go to the next slide -- that same
19 representation but for the parcels that are
20 adjacent to the LaSalle County.

21 Next slide.

22 So this is just some of the actual
23 development items on the project. As I
24 mentioned, the project has two kinds of

1 interconnection agreements. So it connects into
2 the ComEd substation in Sublette and connects to
3 the site by an underground cable just to the
4 northeast of Mendota town.

5 Throughout the project, we have done many
6 wind energy studies and conducted many studies
7 on the project that will feed into the design
8 and redesign of the project. We -- as was
9 submitted with the report, there is met
10 turbines, albeit they are bigger, and the
11 redesign of the project is showing no potential
12 impact on communications. So we are not
13 anticipating interference on the communication
14 towers in the project area.

15 From an archaeological standpoint, the one
16 thing on a lot of the repowers, we have
17 redesigned in a method, in a way to reutilize as
18 many of the turbines and reduce, if possible,
19 new agricultural land. So from an
20 archaeological standpoint, we depend initially
21 on the old studies of where the turbines are
22 found initially. And once the final layout and
23 design is completed, newly-disturbed areas will
24 be ground-surveyed for any archaeological

1 impacts at that time.

2 From the land use and setbacks standpoint,
3 again, the Ordinance is descriptive here in Lee
4 County, and all setbacks that are required by
5 Lee County have been modified and designed into
6 the project.

7 The agricultural impact mitigation
8 agreement has been executed by the project and
9 with the IDOA, and the complaint resolution
10 hotline, 1-800 hotline, has been created and
11 will be active to report after and during
12 construction of the project, if and when we get
13 there.

14 MR. BARRY: Next slide, please.

15 A. So additional environmental reports and
16 considerations that have been conducted as part
17 of the redesign of the project, we have
18 conducted consultation with both the IDNR and
19 U.S. Fish and Wildlife Service, and taken
20 commentary from both of those sets of meetings
21 into our redesign of the project.

22 The project has completed site
23 characterization reports, wetland
24 determinations, raptor nest surveys throughout

1 the predesign. When the wind project -- as the
2 project currently is, it is in operation under
3 compliance with the bird and bat conservation
4 strategy. So ultimately will the new repower
5 project, if and when it gets into construction
6 and operation of the new project.

7 As the design of the project, you'll
8 notice that we have, you know, identified a
9 prime layout. We have more locations
10 identified, but in order to analyze the noise
11 and shadow flicker, we identified all we felt
12 are most likely and most defined project designs
13 to complete both noise and shadow flicker
14 studies, and both of those have been included in
15 our application package to the County.

16 Under the current Ordinance, there's
17 decommissioning requirements. We have completed
18 a decommissioning study, and that was with the
19 actual application. We will obviously comply
20 with that study and any decommissioning
21 agreement that gets entered into with the County
22 at the time the project gets decommissioned.
23 And that's, to be clear, if the new repower
24 plant would come into place.

1 Q. And a witness -- an additional witness will be
2 testifying about the decommissioning plan,
3 correct?

4 A. That's correct.

5 Q. And then we'll have additional witnesses
6 testifying about the noise study and the shadow
7 flicker analysis as well, correct?

8 A. That's correct, yes.

9 Q. And I am not sure if you mentioned the property
10 value assessment yet, but we'll have an
11 additional witness testifying about that report
12 this evening as well, correct?

13 A. That's correct, on the property value
14 assessment and on the environmental side
15 tonight. And both the shadow flicker analysis
16 and noise, those also will be completed in
17 accordance with the requirements of the
18 Ordinance.

19 Decommissioning of the existing project,
20 there was a report that was conducted by Sargent
21 & Lundy, a Chicago-based engineering firm, that
22 completed a decommissioning study which
23 identified the methodologies of how we would
24 propose to decommission the existing turbines

1 that are currently in there, and detailed
2 information is part of the application on how
3 the existing project would get decommissioned.

4 One of the items that has changed between
5 the new Ordinance and the old Ordinance, there
6 was a requirement in the old Ordinance to remove
7 cables that were within 4 foot of the ground.
8 As part of the reuse methodology, on the new
9 project we are proposing to reuse as much of the
10 existing facility that is still in good
11 operative use. So we are seeking to reuse part
12 of that existing facility, not take it out of
13 the ground.

14 The other portion, we are requesting to
15 leave the cables in the ground. From our past
16 experience on other projects, removing that
17 cable is not -- it's not suitable for both
18 landowners or the owner/operator, and a lot of
19 it comes back to landowners that have already
20 installed tile for the last 15 years that
21 crosses the existing cable and it is more
22 destructive to remove that cable at this point.

23 So part of the process will be to reuse as
24 much as possible and the balance will be to

1 terminate below the ground level and leave it in
2 situ.

3 MR. BARRY: And for the record, Judge, I
4 just want to point out that that request for a
5 Variance can be found in Section 3.9.1 of the
6 permit application.

7 JUDGE SLAVIN: Thank you.

8 Q. (By Mr. Barry:) Mr. Wycherley, you mentioned
9 the landowners. Has the project spoken with the
10 landowners about their opinion on whether the
11 existing cable should be reused or left in the
12 ground?

13 A. Yes. Right now and, you know, as we go through
14 the more detailed design and identify what
15 cables are being used and not reused, we will
16 have further details on that. Landowners have
17 been consistent across previous projects I have
18 worked on here in Lee and now this project as
19 well that taking out those cables are more
20 disruptive to especially tile than leaving them
21 there.

22 Q. Thanks.

23 A. So, next slide.

24 So just going through some of the benefits

1 of this potential repower. You know, as we all
2 know, it's -- you know, there will be a lot of
3 work going into some of these developments, and
4 the actual construction and build-out of them
5 actually happens in quite a short period of
6 time. So it is an intensive labor period of
7 construction.

8 A project of this size will likely see
9 approximately 160 jobs occur at the site,
10 between the decommissioning and the rebuilding
11 of the project. And again, as mentioned
12 previously, it would occur in the time period
13 across March, April through the end of the year.
14 So approximately ten months.

15 The local investment of a project of this
16 size to repower would be approximately a
17 \$140 million investment by Leeward into the
18 project. And so a few key strings of income
19 both for the County but also for the local
20 landowners and the population locally.

21 A large benefit for repowers really is the
22 increased efficiency in technology today. While
23 these projects are built to, you know, stay
24 operating for 20, 25 years, and this project

1 obviously is -- has not operated for that long,
2 it's just come to a point that the efficiency of
3 the new technology and new turbines are actually
4 outdoing the old turbines and is just an
5 economic analysis really that puts it as the
6 best thing to do for the project, which is, you
7 know, a similar analysis and similar situation
8 to what we had a couple years back in the
9 Mendota Hills repower.

10 So really, you know, you have increased
11 capacity both at the project level but also at
12 the turbine level. So its efficiency, we can
13 get more out of the project from an install
14 capacity and more out of it from purely just an
15 energy perspective from the bigger generators
16 and larger components.

17 From a farming and real estate
18 perspective, it does reduce the physical impact
19 from an agricultural standpoint just purely due
20 to the reduction in number of turbines, really.
21 As mentioned, there are currently 19 turbines
22 that exist in Lee County, with the repower
23 potentially being between 13 and 16 turbines.
24 Right now we plan on there being 13.

1 Again, you know, the newer technology --
2 certainly wind has been around for many decades
3 now with renewable wind, renewable generation,
4 and the newer turbines are, you know, more
5 efficient and a better known technology,
6 extended life periods out beyond the engineered
7 life of 20, 25 and 30 years. So we expect the
8 wind farms to be operating that long.

9 Q. (By Mr. Barry:) So, Mr. Wycherley, referring
10 to this -- to the numbers on the slide up on the
11 screen, I'm no math genius, but there are 19
12 turbines that are currently operating in Lee
13 County. Under the current set of plans, there
14 would be 13 turbines, if the project is
15 repowered, is that correct?

16 A. That's correct.

17 Q. So that would end up -- you would end up with
18 six fewer turbines than are out in the field
19 now, correct?

20 A. Yes.

21 Q. But if those plans change, you're still going
22 to end up with at least three fewer turbines, or
23 16 maximum, under the repower, correct?

24 A. Correct, yup.

1 Next slide, please.

2 So one of the benefits that I mentioned
3 from the County's perspective is in terms of the
4 Lee County property tax. This graph essentially
5 shows the property taxes that have been paid by
6 -- directly to Lee County by the project entity
7 since its operations began in 2007.

8 (Whereupon Charles Boonstra
9 entered the proceedings.)

10 A. So you're seeing the initial year right up to
11 2023 being 3.76 million, by the time from 2008
12 to 2023. So as the assets depreciate, the
13 revenue into the county does also depreciate.

14 From the County's perspective, obviously
15 that asset base goes right back up again. And
16 in this current plan, we do intend to build a
17 project with a larger capacity. So you'll see
18 the actual proposed potential revenue that's
19 coming from the project, you know, probably
20 coming the year -- full calendar year post-
21 repower, seeing a big step change in proposed
22 taxes to the County.

23 And obviously, again, this is just Lee
24 County. So when you think of approximately

1 50 percent being Lee and 50 percent being in
2 LaSalle, you can almost double these values.

3 Q. And, Mr. Wycherley, is it your understanding
4 that these numbers associated with the repower
5 are driven by the required assessment under
6 State statute; is that correct?

7 A. That's correct.

8 So, again, the proposed property taxes,
9 obviously after the step change, once the
10 repower would be conducted, again, would be
11 for -- you know, taking an estimate of 25 years,
12 it would be approximately \$11 million to the
13 County.

14 Now, obviously if the repower does not
15 occur, we would obviously continue to operate
16 the project and continue to pay our taxes. But
17 as you see in the graph, its revenue to the
18 County is obviously depreciating down and will
19 continue to depreciate.

20 Q. But if the project is repowered, from a
21 depreciation standpoint essentially the project
22 will have to start over, correct?

23 A. Correct, yes, and that's what the graph shows.
24 Basically almost 2.5 to 3 times what the

1 property tax will be on its last year.

2 Q. And just so I'm clear, when I say start over, I
3 mean in year one the project will not be able to
4 take any depreciation because the machines will
5 be considered brand-new, correct?

6 A. That is correct.

7 THE WITNESS: That concludes the
8 presentation.

9 MR. BARRY: All right. Judge, at this
10 time I don't have any further questions for
11 Mr. Wycherley.

12 JUDGE SLAVIN: All right. So let's begin.
13 Mr. Boonstra, any questions?

14 STATE'S ATTORNEY BOONSTRA: No, sir.
15 Thank you, sir.

16 JUDGE SLAVIN: Mrs. Duffy?

17 MS. DUFFY: Nothing at the moment.

18 JUDGE SLAVIN: Ms. Henkel?

19 MS. HENKEL: Nothing at this time.

20 JUDGE SLAVIN: Board members.
21 Mr. Forster?

22 MR. FORSTER: One question.

23 EXAMINATION

24 BY MR. FORSTER:

1 Q. Are those new turbines that you would be
2 looking at much taller than the ones that you
3 have had before?

4 A. Good question. Yes, they are. So the
5 existing -- if you can imagine the existing
6 tower height of the existing turbines, I believe
7 is around 80 meters. It's, I think, 78 meters.
8 The new towers would be up to 105 meters where
9 the hub would sit.

10 And in reference to the blade rotor
11 diameter, the rotors that are currently out on
12 the project are 87-meter rotor diameters, and I
13 believe the primary layout that has been
14 proposed -- even though there has been
15 potentially five different turbine types,
16 different turbine options, proposed in the
17 application, the primary one we're showing in
18 the application is a 140-meter rotor diameter.
19 So, yes, it is considerably higher.

20 Q. Okay. So are any of these -- are you going to
21 use the same foundation on any of these?

22 A. No, that's not the plan right now.

23 MR. FORSTER: Okay. All right. That's
24 all I have.

1 JUDGE SLAVIN: Mr. Buhrow?

2 MR. BUHROW: Yes.

3 EXAMINATION

4 BY MR. BUHROW:

5 Q. Following up on Mr. Forster's question, our
6 setbacks are based, I think, on height. Did you
7 calculate whether the setbacks are going to
8 change any with the increased height of the new
9 turbines?

10 A. Yes, the setbacks do change, and they are
11 predominately based on overall tip height, and,
12 you know, we are complying with the setback
13 requirements within the Ordinance.

14 Q. What was the size of the current turbines as
15 far as the output?

16 A. 2 megawatt. Each turbine has a maximum
17 capacity of 2 megawatt.

18 Q. And the new ones are planned to be what?

19 A. The new ones range, from the primary layout,
20 the primary turbine, I believe, is 3.4 to 3.6.

21 Q. 3.4?

22 A. Correct.

23 And I believe the maximum turbine, that
24 option that we have in there, is a 4.5-megawatt.

1 Again, that's stated very clearly in the
2 application.

3 Q. Is there any of that size currently being used
4 in Illinois yet, that you know of?

5 A. I really think -- I'd love to say yes. I don't
6 know -- I can't confirm. Actually, I can almost
7 say for certain that in -- here in Lee County, I
8 believe, the recent project that was put in
9 place is maybe a 5.6-megawatt generator. But,
10 again, I can't confirm that but I think that's
11 correct.

12 Q. Okay. Let's see. Oh, so are you -- with
13 reducing the numbers -- so are you going to be
14 able to put more power on the grid or are they
15 restricting you to the same power?

16 A. So the maximum export currently that the
17 project has is 80 megawatts, and that's the
18 maximum we will still put onto the grid.

19 Now, we are able to install more capacity.
20 So, you know, from our property taxes, from
21 landowner perspective, both of those will be
22 paid based on the installed megawatt capacity of
23 the machines combined, which will be more than
24 what the export will be. But the export will be

1 limited at what the current 80 megawatts is, if
2 that makes sense. It's almost -- you can
3 slightly overload, but the limit is at 80.

4 Q. You mentioned about the buried wires
5 connecting. You're going to use some of the old
6 buried wire where it's feasible then?

7 A. That's correct.

8 Q. Now, is that going to be big enough wire to
9 handle the increased size of the generators
10 then, the wire that was previously there?

11 A. Depending on the circuits. So predominately,
12 yes, because essentially we're not taking out
13 any more power, in terms of max power, than the
14 existing project was. So most likely the
15 home-run cables that are going back to the main
16 substations are likely the ones to get reused.
17 And probably the turbine, the strings between
18 the turbines, are likely just to get -- to get,
19 you know, installed new.

20 MR. BUHROW: Okay. I think that's all.
21 Thank you.

22 JUDGE SLAVIN: Mr. Meyer?

23 EXAMINATION

24 BY MR. MEYER:

1 Q. Could you spell your last name for me?

2 A. Yeah. It's Wycherley, W-Y-C-H-E-R-L-E-Y.

3 Q. Thank you.

4 Potentially there will be six less
5 turbines in Lee County. How would those
6 landowners or participants be compensated that
7 would be losing their turbines?

8 A. So because -- because the turbines are getting
9 larger, what we're -- what we're attempting to
10 do with the layout and design is, we're trying
11 to maintain the existing megawatt capacity
12 that's on the primary landowner to stay as close
13 to the existing one as possible.

14 So really, when you think about it, we're
15 taking out 80 megawatts, but we're installing
16 slightly more than the 80 megawatts with less
17 machines. So some landowners actually will have
18 less turbines with an equal amount of megawatts.
19 So they'll essentially just have more farming
20 ground with the same return basically.

21 Q. It will be hard to fit that puzzle together so
22 that everybody ends up the same.

23 A. It is, yeah.

24 Q. How big around are the current concrete

1 foundations that are going to be taken out?

2 A. I don't know that exact number, off the top of
3 my head.

4 Q. Okay.

5 A. If you want an estimate, I would say it's
6 50 foot wide.

7 Q. How many of the current turbines are still
8 serviceable or still in operation?

9 A. All 40 turbines are currently in operation and
10 will continue that way until it's -- until the
11 point where we decide to repower it.

12 Q. And maybe you're not the person to ask, because
13 there's going to be somebody to talk about the
14 decommissioning?

15 MR. BARRY: Yes.

16 MR. MEYER: Okay. No other questions
17 right now.

18 JUDGE SLAVIN: Mr. Pratt?

19 MR. PRATT: Most of them have been asked
20 already.

21 EXAMINATION

22 BY MR. PRATT:

23 Q. So you just said a minute ago to Rex's
24 question, 40 turbines?

1 A. Across both counties. So the entire project is
2 40 turbines.

3 Q. Yeah, you keep throwing out LaSalle County.
4 We're not concerned with LaSalle County. It
5 just confuses me.

6 A. Sorry. Okay. Well, in that instance, you
7 know, currently 19 turbines sit in Lee County.

8 Q. Nineteen in Lee County?

9 A. Currently, yeah.

10 Q. And you want to go back to either 13 to 16,
11 correct?

12 A. Correct.

13 Q. Why don't you know yet?

14 A. I don't know because it will depend on which
15 turbine I end up contracting on, and the size of
16 those turbines are different from each other.
17 As I mentioned, some are between 3.4, some are
18 4.5. So if it's a 4.5, it's likely to be
19 considered less turbines.

20 Q. When is that decision made?

21 A. My best estimate would be between July and
22 September of this year.

23 Q. So why 24 potential locations?

24 A. As we complete -- as we complete any of the

1 rest of the permitting and the rest of the
2 diligence, the studies, the analysis that will
3 come into the engineering of the project, we
4 will identify what's the best project scenario,
5 be it 13, be it 16.

6 Q. So at some point we'll know which ones you
7 choose?

8 A. Absolutely. I mean, at building permit stage
9 we would specifically be saying what turbine
10 locations, but we're giving what we feel is the
11 best estimate right now. If I was told I had to
12 build it tomorrow morning, I'm giving the 13 to
13 16 locations that I think I would build.

14 Q. Okay. These cables that you talked about using
15 or un-using, how will the zoning office or
16 anybody know which ones you use or don't use?
17 Will we have an accounting of that? When I say
18 "we," the zoning office or zoning officer.

19 A. We will supply IFC drawings with our permit
20 application, which will essentially, you know,
21 show from turbine to turbine, and within that
22 will be identified what cables are being reused
23 essentially.

24 MR. PRATT: Okay. No further questions.

1 JUDGE SLAVIN: Before I get to Interested
2 Parties, I have a number of questions. Some of
3 them I just didn't quite understand.

4 EXAMINATION

5 BY JUDGE SLAVIN:

6 Q. So can we go back to Slide 2, please? I think
7 it's 2.

8 Okay. Let's go to 3. Yeah.

9 Mr. Wycherley, when you say the project -- the
10 project area consists of 3,275 acres, would
11 you -- can you expand a little bit by what you
12 mean, that the area includes 3275?

13 A. The parcels that the project sits on.

14 Q. So that's the total parcels, okay.

15 A. Correct.

16 Q. Do you -- and then you said the current project
17 impacts 15 acres. I understand what that is.

18 A. Yeah.

19 Q. How many acres would the proposed -- in the
20 best-case scenario, the propose repower impact?
21 So you're saying you take away one to three. So
22 that would be --

23 A. Approximately is 12 --

24 Q. -- 12 to 14?

1 A. Yeah.

2 Q. Okay. Thank you.

3 All right. Were there any landowners --
4 you said the -- let me ask a preface question.

5 When you say you want to reuse the cable,
6 I think everybody -- I hope everybody
7 understands that. The cable that you wouldn't
8 be reusing, would that be decommissioned and
9 removed?

10 A. It would be decommissioned and in situ -- left
11 in situ.

12 Q. Okay.

13 A. So as not to remove it, yes.

14 Q. So you're asking for a Variance to not only
15 reuse cable for the repower but to leave cable
16 for the -- for what you're not going to use?

17 A. Correct, yeah.

18 Q. Okay. Were there any landowners --

19 MS. DUFFY: Judge, I can't hear you.

20 JUDGE SLAVIN: Sorry.

21 Q. (By Judge Slavin:) Were there any landowners
22 who -- you said they were consistent about
23 preferring that they remain, because of the
24 disturbance would perhaps hurt tile, tiling.

1 Were there any landowners at all that have
2 objected to the -- so far that objected to
3 leaving the underground cable where it is?

4 A. Not so far.

5 Q. Okay. Asked that.

6 And, again, it's just what I heard or
7 couldn't hear. The present rotor width -- or I
8 guess it would be diameter of the present WTG's,
9 did you say they're 87 meters?

10 A. That's correct.

11 Q. And did you say the new ones would be 140 or
12 104?

13 A. 140 is the primary turbine, but we have
14 actually identified a bigger one as a potential,
15 I believe.

16 Q. Yeah, I heard you say that. Thank you.

17 The present WTG's are almost all
18 2 megawatts, and then you said the new ones
19 would run, from the extreme, the low of 3.4 to
20 4.8 megawatts?

21 A. 4.5, I believe is the max size.

22 Q. Okay. Thank you.

23 A. And just to be clear, the existing turbines are
24 all 2 megawatts.

1 Q. All right. Next set of questions I gleaned
2 from my pretty thorough reading of the
3 application. So please, if you don't know the
4 answer to a question, they are just questions I
5 have for purposes of suggesting motions to the
6 Board.

7 And maybe this is too much of a legal
8 question. I just had to think it out myself.
9 Wouldn't you really be asking for two Variances:
10 one to reuse old collection lines, because the
11 Ordinance requires new equipment; and then the
12 second one is a Variance to leave collection
13 lines underground when the decommissioning plan
14 requires the removal?

15 If you don't want to answer that, don't
16 answer it. I'm trying to think it through.

17 JUDGE SLAVIN: Go ahead.

18 MR. BARRY: If I can answer, we can
19 certainly request it as two different Variances,
20 because you're correct that the application asks
21 for the ability to use -- reuse existing cables
22 at the depth they're at now; or if they're not
23 going to be reused, then they want to be able to
24 leave them in the ground and not remove them,

1 consistent with the landowner's preference as
2 well.

3 JUDGE SLAVIN: Okay. Thank you.

4 MR. BARRY: So I -- just to clarify, so if
5 the Board would prefer to make two votes on --
6 for two separate Variances, by all means.
7 Whatever the Judge prefers and whatever the
8 Board prefers.

9 Q. (By Judge Slavin:) Mr. Wycherley, on Pages 5
10 through 8 of your application it talks about
11 environmental matters -- and if you don't know
12 the answers to any of these questions, please.
13 I don't expect you to know everything -- it
14 doesn't mention whether or not GSG submitted an
15 EcoCAT review through IDNR's website. Do you
16 know if it did?

17 A. Yes, it did.

18 Q. Okay. On that -- on Page 5 of the application,
19 the first full paragraph, it states that GSGW --
20 GSG Wind's environmental expert created a
21 mitigation plan. But then two paragraphs later,
22 in the third full paragraph, it states, The
23 expert is considering and creating a mitigation
24 plan.

1 Are those inconsistent or is that two
2 different things, if you know?

3 A. I don't know.

4 Q. Okay. It's not mentioned on Page 5 through 10
5 of your application whether or not you provided
6 copies of the project summary and site plan to
7 emergency service providers, as required by the
8 Ordinance.

9 Do you know if you did or did not?

10 A. I don't know if we did.

11 Q. And I think I'll save that for the shadow
12 flicker guy.

13 Except for the tower lighting required by
14 the FAA, would all other project lighting that
15 is on turbines and any buildings be shielded and
16 downcast?

17 A. Yes.

18 Q. If you know, do you know whether the Burns and
19 McDonnell sound expert noted on Pages 5 through
20 14 of your application was found qualified by
21 Ms. Duffy and the Lee County engineer to do the
22 study?

23 A. I don't know.

24 Q. Okay. It does not mention on Pages 5 through

1 11 of the application whether or not local fire
2 production districts were provided copies of the
3 site plan that are required by the Ordinance.

4 Do you know if they were?

5 A. I do not.

6 Q. If you know, during construction or during
7 operation would the WECS development produce any
8 of the following: Heat?

9 These are all Ordinance terms, so.

10 A. I don't know.

11 Q. Okay. Vibration?

12 A. I don't know.

13 Q. Air pollution?

14 A. I don't know.

15 Q. Electromagnetic fields?

16 A. I don't know.

17 Q. Odor?

18 A. I don't know.

19 Q. Fire or explosion hazards?

20 A. I don't know.

21 Q. Toxic or noxious materials?

22 A. I don't know.

23 Q. Hazardous materials? I'm not sure I know the
24 difference, but that's what the Ordinance says.

1 A. What was the question? Would it produce it?

2 Q. Produce hazardous material?

3 A. I don't know.

4 Q. Okay. Of the -- if you know, of the 3,275,
5 whatever it is, acres, all the parcels, how much
6 of that 3275, if you know, is in Lee County? Or
7 is that all the parts in Lee County?

8 A. I don't know that specific.

9 Q. Okay. On Page 1-2(C) of your application
10 there's reference to a foundation -- to
11 foundation -- quote, foundation areas, end
12 quote. I think I know, but what is a foundation
13 area? Is that actually the concrete or is that
14 something more or less?

15 A. That would be the area where the concrete
16 foundation goes.

17 Q. Then lastly, on Page 1-3I of your application
18 there's reference to a participating group --
19 quote-unquote, participating group. Who's --
20 what is meant or who is included in the
21 participating group, if you know?

22 A. That would be landowners assigned easements/
23 agreements with the project entity.

24 Q. So project entity, plus landowners that have

1 agreements?

2 A. Correct.

3 Q. Okay. Thanks.

4 JUDGE SLAVIN: Okay. Very good.

5 Interested Parties, questions of

6 Mr. Wycherley? Now is the time.

7 And we have microphones for you. So if
8 you have a question, raise your hand, those in
9 the room, the room where it happened.

10 Sure, come on up. The only microphone
11 live tonight for you folks is right behind
12 Mr. Forster?

13 MR. FORSTER: There's one here. That one
14 over there is on.

15 JUDGE SLAVIN: That's the closest to her.

16 MR. MEYER: You just have to be close to
17 the mic.

18 JUDGE SLAVIN: Yeah, you got to get real
19 close. You can pull it towards you, I think.

20 MS. KITRAL: So --

21 JUDGE SLAVIN: Let's start with your name.

22 MS. KITRAL: Sorry. My name is Lorraine
23 Kitral.

24 JUDGE SLAVIN: Lorraine, do you live in

1 the proposed project area or within --

2 MS. KITRAL: Yes.

3 JUDGE SLAVIN: -- a thousand feet of the
4 footprint?

5 MS. KITRAL: Yes.

6 EXAMINATION

7 BY MS. KITRAL:

8 Q. I hear that there's, you know, talk about
9 concern with the landowners that are not going
10 to have windmills --

11 JUDGE SLAVIN: Pull the mic. I'm sorry to
12 keep harassing you about that.

13 MS. KITRAL: I can't hear if I'm -- oh, I
14 can hear it now.

15 Q. (By Ms. Kitral:) So I live -- I have a
16 windmill directly across from me, maybe
17 1800 feet or whatever. With these new turbines,
18 is that going to be a greater distance from my
19 property line or, like, what is exactly the
20 distance between having, you know, a
21 residence -- residential house and an actual
22 windmill?

23 A. So the -- I can't speak specifically to which
24 turbine you're referring to, but as one of the

1 members questioned me earlier, the site and the
2 location of turbines is based on setbacks from
3 the tower from tip height. So naturally that
4 would mean that the turbine is most likely
5 further away.

6 Q. Further away?

7 A. Yeah.

8 Q. Okay. And then is there any potential monetary
9 whatever for people that are -- have these
10 projects, like, forced down their throats? You
11 know, I don't -- personally I don't like the
12 windmills at all. Makes some noise, you know --

13 JUDGE SLAVIN: Just a minute. I know it's
14 hard. Just, now is the time for questions. So
15 just ask him a question. And you did, but then
16 you kept going. So just --

17 MS. KITRAL: Okay. And I have a problem
18 with that, so okay.

19 JUDGE SLAVIN: We all do.

20 Q. (By Ms. Kitral:) Is there going to be any type
21 of a monetary settlement, or whatever you want
22 to call it, to the residents that are affected
23 by the windmills but obviously not on, you know,
24 their property? Because I see that the

1 landowners --

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

4 MS. KITRAL: Okay.

5 JUDGE SLAVIN: It's a fair question, but
6 just stop.

7 A. So not homes that are not affected, not -- not
8 homes that are not participants of the project.

9 Q. (By Ms. Kitral:) So we still have to just
10 accept that this is something that is going to
11 be put out, without any type of compensation for
12 our -- you know, for the joy of living where you
13 live? I mean, just the whole thing like that,
14 the noise, all that type of thing, you know, no
15 compensation for anybody having to deal with
16 those issues?

17 A. We will operate within the guidelines and the
18 Ordinance and the State statute, but beyond
19 that, no.

20 Q. Okay. And these windmills that you're going to
21 put up are going to be quieter than the ones
22 that are now existing?

23 A. So, again, we're not -- there are specific
24 noise protocols and levels, and the report that

1 we have done and studied will be in compliance
2 with what's allowed.

3 MS. KITRAL: Okay. I think that's all
4 I've got for now.

5 JUDGE SLAVIN: Okay. Thank you.

6 Anybody else in the room, raise your hand.

7 (No response.)

8 JUDGE SLAVIN: Okay. On Zoom, is there
9 anybody on Zoom besides the gentleman? In other
10 words, do we have any new Zoomers, except for
11 Mr. Carter?

12 IT REPRESENTATIVE: Same people.

13 JUDGE SLAVIN: So just one?

14 IT REPRESENTATIVE: Yes.

15 JUDGE SLAVIN: Okay. Very good.

16 Any follow-up, Mr. Barry?

17 MR. BARRY: No. Thank you, Judge.

18 JUDGE SLAVIN: Okay. Thank you. You may
19 step down.

20 MR. BARRY: The only thing I would ask at
21 this point is, I only have one or two copies,
22 but at this time I'd ask to move into
23 evidence --

24 JUDGE SLAVIN: You can step down.

1 MR. BARRY: -- a copy of Mr. Wycherley's
2 PowerPoint presentation.

3 JUDGE SLAVIN: Okay. I'll mark that
4 PET Number 1, or if you can mark that as PET 1.
5 (Petitioner's Exhibit Number 1
6 marked for identification.)

7 JUDGE SLAVIN: And off the record.
8 (A discussion was held off
9 the record.)

10 JUDGE SLAVIN: And now I think is a good
11 time for a break. How about -- well, we can't
12 pay attention to Ms. Duffy's clock on the wall.
13 So how about 15 after, by your cell phones,
14 which is the accurate time after all.

15 (A recess was taken at 8:07 p.m.
16 and proceedings resumed at
17 8:19 p.m.)

18 (Terry VanDeWalle was duly
19 sworn.)

20 JUDGE SLAVIN: Have a seat. Welcome back.
21 THE WITNESS: Thank you.

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

24 JUDGE SLAVIN: I have been handed a number

1 of pages of what appear to be a PowerPoint
2 presentation that I will mark for admission as
3 Petitioner's Number 2.

4 So those of you who have that in front of
5 you, it's Leeward Renewable Energy, LLC, GSG
6 Wind Farm Repower, April 13th, 2022, and then it
7 says Stantec.

8 So that's the one I'm marking Number 2.

9 MR. BARRY: Thank you, Judge. So moved to
10 be admitted.

11 JUDGE SLAVIN: Done.

12 (Petitioner's Exhibit Number 2
13 admitted into evidence.)

14 MR. BARRY: If we can -- speaking of that
15 PowerPoint presentation, that's the second one.
16 If you could tee that one up, please.

17 Perfect. Thank you.

18 TERRY VANDEWALLE,
19 having been duly sworn, was examined and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. BARRY:

23 Q. Good evening, Mr. VanDeWalle.

24 A. Good evening.

1 Q. Could you please state your full name for the
2 record.

3 A. Sure. Terry VanDeWalle.

4 Q. And could you tell us a little bit about your
5 background, please?

6 A. Yeah. I'm a principal biologist with Stantec
7 Consulting Services. I have a bachelor's degree
8 in animal ecology and a master's degree in
9 biology.

10 I manage Stantec's Independence, Iowa,
11 office. My office is primarily a renewables
12 office, working mostly on wind but also solar.
13 And I manage a group of biologists there.

14 I have been an environmental consultant
15 for 29 years now; the last 16 of those in the
16 renewables field. Again, working mostly on wind
17 projects, doing both pre- and post-construction
18 wildlife surveys, primarily birds and bats, but
19 we also do wetlands, we do cultural resources,
20 hazardous materials, really all of the
21 environmental studies associated with wind
22 projects.

23 And I and my staff have worked on 38 wind
24 projects here in Illinois.

1 Q. So you have previously evaluated wildlife and
2 environmental issues with wind energy projects,
3 correct?

4 A. That's correct, yeah.

5 Q. And can you confirm then you have at least ten
6 years of experience conducting wildlife
7 assessments, impact studies and mitigation
8 plans?

9 A. Yes.

10 Q. Thank you.

11 Are you familiar with the GSG Wind Project
12 and the plans to repower?

13 A. Yes.

14 MR. BARRY: Next slide, please. And I
15 think we can go to the next one. Thank you.

16 Q. (By Mr. Barry:) Are you familiar with the Lee
17 County Zoning Code provisions pertaining to
18 wildlife impact studies and environmental issues
19 for wind farms?

20 A. Yes.

21 Q. Okay. I understand you -- well, we have
22 already referred to your PowerPoint
23 presentation. So if you want to take us through
24 that at this point, please.

1 A. Sure, thank you.

2 Yes, tonight I want to kind of go through
3 and describe the environmental studies, list the
4 wildlife studies that we have done for the
5 project. As I mentioned, my office and my staff
6 has been working on this project for -- from the
7 environmental side anyway, for a few years. We
8 do have some ongoing studies as well that I'll
9 touch on here in a bit.

10 I guess I'd like to start with the -- kind
11 of the consultation history of the project. So
12 Leeward and the project have been consulting
13 with both the Illinois DNR and the U.S. Fish and
14 Wildlife Service.

15 I know the EcoCAT was mentioned earlier.
16 It was in September of 2020 that Leeward
17 initiated the EcoCAT consultation. For those
18 that aren't aware of it, the EcoCAT system is an
19 online system that's -- it's through the
20 Illinois Department of Natural Resources, and
21 it's a way of looking at the project and
22 evaluating its potential impact on threatened
23 and endangered species.

24 So you get online, you'll attach a project

1 boundary so it will tell the system where the
2 boundary is, and then it outputs what threatened
3 and endangered species are known from the area.
4 So it puts a buffer of about a mile -- one to
5 two miles, depending on the species, around the
6 project, and then it will tell us whether there
7 are any known records of State-listed threatened
8 and endangered species in the area.

9 That EcoCAT system then is what initiates
10 the consultation process with the County. And
11 so the result of that then is, first, we get a
12 list of the species that are known in the area,
13 but then ultimately the DNR will submit a
14 letter, a letter of recommendation, to the
15 County. We'll come back to that and discuss
16 that here in a little bit.

17 And so, I guess, the next bullet is, we
18 received that letter from the DNR then in
19 December of 2020.

20 Then in February of 2021, Leeward and I
21 met with the U.S. Fish and Wildlife Service to
22 provide the U.S. Fish and Wildlife Service
23 information on the project, background on the
24 history of the project up to that point, and the

1 proposed plans for repowering the project. I
2 then discussed the environmental studies that
3 had either been completed at that time or the
4 ones that, you know, we were still working on.

5 Fish and Wildlife Service asked a few
6 questions about bat and habitat in the area,
7 which we'll discuss here in a few minutes, and
8 also about eagles, which we'll touch on here in
9 a bit too.

10 During that meeting, the Fish and Wildlife
11 Service did not recommend either a permit under
12 the Bald and Golden Eagle Protection Act or the
13 Endangered Species Act for the project.

14 Q. Mr. VanDeWalle, did you or did Stantec prepare
15 a site characterization report for the repower
16 of the GSG Wind Project?

17 A. Yes.

18 Q. And is that report Appendix F in the permit
19 application materials?

20 A. Yes.

21 Yeah, that -- and the site
22 characterization report -- actually, next slide,
23 please.

24 The site characterization report was

1 prepared using the U.S. Fish and Wildlife
2 Service Land-Based Wind Energy Guidelines as the
3 model. Those guidelines lay out a tiered
4 approach for assessing the wildlife impacts at a
5 project.

6 And so Tier 1 takes kind of a big, broad
7 look at the area -- of the project area. So we
8 look at, where's the project area fit in on sort
9 of a statewide or even a regional look? And how
10 does it fit in with, you know, maybe migratory
11 patterns of birds or things like that, large,
12 kind of ecological communities.

13 Tier 2 then we take a closer look at the
14 project itself, at the project site itself, and
15 look at the boundaries. This is where the
16 EcoCAT comes in. So now we know whether -- are
17 there any known threatened and endangered
18 species in the area as well or have they been
19 reported there previously. So it drills down,
20 looks just at the site.

21 Then the Tier 3 are the field studies,
22 where we go out and we actually are surveying
23 for -- potentially for animals. And so we are
24 doing some -- an avian study at the project

1 right now, so bird surveys. Those are the
2 Tier 3 studies, and we'll talk about those here
3 in a bit.

4 The tiered approach does then extend
5 beyond, you know, post-construction as well.
6 So, you know, as the project moves into
7 post-construction and does some post-
8 construction monitoring for wildlife, those
9 really are the Tier 4 studies then that come
10 later.

11 Next slide, please.

12 So just taking a quick look at the project
13 area, kind of looking at it from that Tier 1 and
14 Tier 2 aspect. Land use, we always look at land
15 use to see, you know, is there any wildlife
16 habitat in the area? Are there areas that we
17 think might attract wildlife? And so one of the
18 ways we look at that is the National Land Cover
19 Dataset, and that's what's illustrated on the
20 screen now.

21 So when you look at the map, the brown is
22 all agricultural land, the greens are woodlands,
23 the yellows are generally grasslands.

24 And so probably not a surprise, you know,

1 to all of you that much of the area is cropland.
2 In fact, about 95 percent of the project area is
3 cropland. There's a little bit of -- a little
4 bit of grassland, most of that is in hay or
5 pasture, and then there's, you know, a very
6 little bit of woodland within the project area.
7 So the project area here are the black lines
8 that you see. You can see north of the project
9 there's more habitat that's outside the project
10 area. The kind of reds and pinks, by the way,
11 that's developed land.

12 So, again, much of the area is for
13 cropland, not what we would consider, you know,
14 the best habitat for wildlife.

15 Next slide, please.

16 We also then look at wetlands. And,
17 again, wetlands can be an indicator of where we
18 might find wildlife. So wetlands can be an
19 attraction for waterfowl, you know, other birds
20 like that. Wetlands themselves are also
21 protected under the Clean Water Act. So we do
22 also do a wetland assessment as the project
23 layout comes along so we know whether there
24 are -- whether there would be wetland impacts,

1 and if so, you know, whether permits would be
2 required.

3 So the first look -- the first way we look
4 at that is through the National Wetlands
5 Inventory. This is mapping that's put out by
6 the U.S. Fish and Wildlife Service. And, you
7 know, that's -- the map shown on the screen and
8 then the table of maps -- or the table that's on
9 the screen, that's the National Wetlands
10 Inventory Data.

11 And, you know, what you can see is that
12 there's not a lot of wetlands within the project
13 area, around 23 acres, based on the National
14 Wetlands Inventory.

15 Now, we went out and did an actual wetland
16 determination in the field, and what we found
17 was that in reality there's only about 1.4 acres
18 of wetlands within the project area.

19 One thing I do want to point out is, the
20 National Wetlands Inventory, the way they define
21 wetlands and the way wetlands is defined under
22 the Clean Water Act are slightly different. So
23 you will -- so that's what accounts for some of
24 the differences that you see between the

1 National Wetlands Inventory numbers and what we
2 feel are identified.

3 There are some streams in the project area
4 as well, and those are listed on the slide; the
5 Little Vermillion River, Big Bureau Creek and
6 Pike Creek. There's also a number of unnamed
7 tributaries. Again, those may provide some
8 wildlife habitat, but from the wetland side,
9 those named streams would be regulated streams
10 if they were to be impacted by the project.

11 Next slide.

12 As I mentioned, we are in the process of
13 conducting an avian use survey. So these are
14 bird surveys. A couple of different things that
15 have been done. We did do a raptor nest search.
16 So the raptors are the birds of prey: hawks,
17 owls, eagles, vultures and falcons. So we did
18 do a search for nests, and primarily eagle
19 nests, using the Fish and Wildlife Service's
20 Eagle Conservation Plan Guidance.

21 And the Eagle Conservation Plan Guidance
22 recommends that you do a nest search within the
23 project area and a two-mile buffer of the
24 project area. And so we did that. We did that

1 in -- at the end of March of 2021, and no eagle
2 nests were found within the project area,
3 within, again, those black lines we looked at.
4 But there was one nest that was located about a
5 quarter mile from the project area. So outside
6 but, you know, near the boundary.

7 In addition to those raptor nest searches,
8 we're doing monthly eagle use surveys --
9 actually, avian use surveys, again under user
10 guidelines from the Eagle Conservation Plan
11 Guidance.

12 So there's two levels of surveys that we
13 do. We're doing eagle and large bird surveys.
14 Large birds are defined as anything American
15 crow size or larger. And we -- and then we're
16 also doing small bird surveys. Those are
17 anything smaller.

18 So large bird surveys -- well, so both
19 surveys are conducted monthly. The small bird
20 surveys are done for 12 months; the large bird
21 surveys and the eagle surveys are done for 24
22 months.

23 And for the large bird/eagle surveys, we
24 did -- so we started those in October -- or,

1 excuse me, November of 2020. Those are still
2 ongoing. There we -- so we have a series of
3 points, and that's what's depicted on the slide
4 here. So these are the same points. We go out
5 to the same point every month. And for the
6 large bird surveys, the observer sits there for
7 60 minutes and observes and records all large
8 birds within an 800-meter radius of the plot up
9 to a 200-meter height. So you can think of it
10 as sort of a survey cylinder that's an 800-meter
11 radius and 200 meters high. All large birds
12 reported within that area -- or observed within
13 that area are reported.

14 Now, for eagles, we also report the number
15 of minutes that these eagles are flying within
16 that survey cylinder. Those eagle flight
17 minutes are -- is really the metric that the
18 Fish and Wildlife Service uses to assess eagle
19 risk. And so we record those minutes.

20 Q. And just to be clear, Mr. VanDeWalle, when
21 eagles were observed in the project area,
22 there -- the observations are made while the
23 existing project is operating, while the
24 existing turbines are spinning, correct?

1 A. That's correct, yes.

2 And then for the small bird surveys, again
3 the same points, but in this case the observer
4 just records the small birds within a hundred-
5 meter radius and only for five minutes.

6 So, in reality, what happens is, the
7 server goes out to the point. The first five
8 minutes -- they're at the point for 65 minutes.
9 The first five minutes, they're recording small
10 birds, and then the next 60 minutes they're
11 recording large birds. And, again, this is done
12 monthly then.

13 The small bird surveys, again, started
14 November of 2020. They were for 12 months, were
15 concluded in October of 2021. The large bird
16 surveys are still ongoing.

17 So I do have a chart of the eagle -- the
18 eagle flight minutes through May of this --
19 well, yeah -- actually, through May of this
20 year. We did complete the surveys already.

21 The -- so what you can see is -- what we
22 can see from this is that most of the eagle
23 minutes -- so you look at the bars on the chart.
24 Most of those are occurring during the winter

1 months. Essentially what we -- normally what
2 we'll see here in the Midwest with eagle use is
3 that essentially from September through March,
4 maybe April is when we'll get the highest use.
5 Typically it drops off during the summer months,
6 unless you have got, you know, nests around and
7 then you might see some use.

8 So that's exactly what we're seeing here.
9 We see that that use is occurring really over
10 those winter months. And you can see that, you
11 know, in September of 2021 there is a big peak
12 where we did have, you know, the larger number
13 of eagle minutes. That may or may not
14 correspond to more eagles though. Remember, the
15 eagle minutes are just the number of minutes
16 that an eagle was flying within that cylinder.
17 So where we have the 17 minutes there, that
18 could have been one eagle soaring within the
19 flight -- within the survey boundary for
20 17 minutes. So, again, you can't equate that to
21 an abundance of a number of eagles. It's just
22 really those eagle minutes.

23 All right. Next slide, please.

24 So if we look at migratory birds, you

1 know, so these are the birds that we're
2 recording -- the species we're recording during
3 the survey. As we have already said, there's
4 limited habitat within the project area. Most
5 of the area is cropland. There are some -- a
6 few streams, not a lot of woodland or
7 grasslands. So not a lot of the native habitat
8 for wildlife.

9 Nevertheless, we do see birds. The five
10 most commonly observed small birds, which are
11 listed on the screen, you know, European
12 starling, red-winged blackbird, English house
13 sparrow, cliff swallow and black-headed
14 cowbirds, those are all really common species
15 that you would expect to see here in the Midwest
16 in an agricultural setting. Two of those
17 species, the European starling and the English
18 house sparrow, are not native species; they're
19 introduced. But these are, you know, exactly
20 the species we would expect to find.

21 The five most commonly observed large bird
22 species then are turkey vultures, Canada goose
23 -- these were mostly during migration --
24 red-tailed hawks, American crows and kestrels.

1 Those are the little, small falcons that you can
2 commonly see around.

3 Again, these are all -- really all the
4 species you would expect to be the common ones,
5 again, here in the Midwest and in these
6 agricultural areas.

7 We have observed to date four northern
8 harriers. Northern harriers are a State-
9 endangered raptor, a hawk. So they are a
10 diurnal bird, they hunt during the day, and they
11 hunt really low to the ground. They fly low to
12 the ground and look for their prey. So as a
13 result, they typically are going to fly below
14 that rotor-swept zone of the turbines where the
15 blades are at.

16 As a result of that, across the country
17 harriers are commonly seen at wind projects
18 during these types of surveys, but they're
19 rarely hit by turbines. There's rarely
20 mortalities of northern harriers. And, again,
21 it's just because of their behavior, flying
22 below the bottom of the blades.

23 Although they are State-endangered, even
24 the Illinois DNR acknowledges that they are not

1 concerned about northern harriers at wind
2 projects because of the risk of mortality is so
3 low.

4 Next slide, please.

5 So the project is currently and will
6 continue to implement some measures to minimize
7 the risk of collision. Bird mortality does
8 occur at wind projects, although it's typically
9 fairly low for most projects. Most of the --
10 the primary birds that are often killed at wind
11 projects are the night migrating song birds.
12 Birds that are out flying during the day
13 typically have good avoidance behavior. But
14 it's those that migrate at night, when they're
15 not able to see the blades. Most of those birds
16 are migrating well above the blades though.

17 The problem comes when -- during a storm,
18 could be a snowstorm, could be just low cloud
19 ceiling, fog, things like that, that brings
20 those birds down.

21 So I know there was a question about the
22 lighting earlier as well. That's why this
23 project, and many wind projects, install those
24 down-shielding lights. So what happens is, on

1 those low cloud ceiling nights or during a snow
2 storm, the birds are flying along, they see that
3 light and they'll fly towards the light, and
4 that's what brings them to that rotor-swept
5 zone. So by using those low-wattage lights or
6 down-shielding the lights, you can stop those
7 birds from seeing them and it's not bringing
8 those birds down through the rotor-swept zone.
9 And that's a way of avoiding then those mass
10 mortality events for birds.

11 So this project currently has the lights
12 that are, again, low voltage and down-shielded.
13 Also, the lights are only used when they're
14 needed. Now, these are not the FAA lights, not
15 the aviation lights. These are different. So
16 these are lights around the substations or
17 around the door, you know, the door on the side
18 of the turbine or something like that. The
19 employees are instructed to turn those lights
20 off when they're not being used as well.

21 Also, the wind turbines are
22 self-supporting. They don't have any guy wires.
23 So if you think about, you know, a lot of radio
24 towers, TV towers might have those guy wires.

1 Those guy wires are what birds can run into and
2 cause mortality. And so obviously these
3 turbines don't have those.

4 The personnel that works at the site
5 currently and in the future do receive this sort
6 of periodic environmental awareness training
7 describing, again, turning the lights off,
8 making sure the down-shielding is working, and
9 also reporting or noting any wildlife mortality
10 that they do see at the site.

11 Next slide, please. So regarding
12 threatened and endangered species, again, we did
13 do that EcoCAT search and really -- looking at
14 EcoCAT, but also using the Fish and Wildlife
15 Service's online system. There were -- there
16 are four federally-threatened species whose
17 ranges include the project area. Fish and
18 Wildlife Service doesn't give out exact
19 locations, but they'll tell us that your project
20 is within the range of a species.

21 So those species are the rusty-patched
22 bumble bee, and then three plants: the eastern
23 prairie fringed orchid, prairie bush clover, and
24 decurrent false aster.

1 This project, the GSG Project, is not
2 within a high potential zone for the rusty-
3 patched bumblebee. High potential zones are the
4 areas where the Fish and Wildlife Service knows
5 that there is not only -- where there are
6 records for the bee in those areas. It is only
7 within those high potential zones where the bee
8 is protected. So this project is not within one
9 of those zones, and so therefore it doesn't pose
10 any risk.

11 Even if the bee was here, from this point
12 out it's not the spinning blades that are a
13 problem with the bee; it would really be habitat
14 loss. But, again, because of the low -- the
15 small, actual footprint of the project and the
16 disturbed areas that it's in, these areas would
17 not impact the bee even if it was a concern.

18 And then, again, because -- again,
19 95 percent of the project area is crop, there's
20 really no habitat for any of the federally-
21 listed plants in this area.

22 Q. And there's already a project that's operating,
23 correct?

24 A. That's correct, yeah. The only issue would be,

1 I guess, if you're going to move turbines, if
2 you move them into habitat. But, again, there's
3 really no impact. So the federally-listed
4 species are not an issue.

5 The EcoCAT search that we did came back
6 with no results. So the State did not have any
7 records of State-listed threatened and
8 endangered species, either plants or wildlife,
9 in the area.

10 Next slide, please.

11 Like birds, bats are killed at wind
12 projects, and this project is within the range
13 of two federally- and State-listed species, and
14 their ranges include both Lee and LaSalle
15 Counties, the Indiana bat and the northern
16 long-eared bat.

17 Next slide, please.

18 So when we look at bat -- the risk to
19 bats, there are really two ways we look at it.
20 One of those is summer risk. So these bats
21 migrate, they come here during the summer and
22 the females have their babies here. And these
23 bats are woodland bats. So the females migrate
24 back to this area. And for Indiana bats, they

1 get under the bark of dead or dying trees, the
2 females do, and that's where they form their
3 maternity colonies and they'll have their pups
4 there.

5 Northern long-eared bats do the same
6 thing, they just use slightly different trees.
7 But essentially they're using the woodlands.

8 So if we're going to look at summer risk,
9 the bat habitat assessment we do is to look at,
10 you know, where are the woodlands and whether we
11 have any suitable habitat.

12 So as you can see on the slide, based on
13 the habitat assessment, there is no suitable
14 summer habitat within the project area. Now,
15 you'll see that there is a category for
16 unsuitable summer habitat. The suitability of
17 the habitat is, first of all, you have to have
18 woodlands, but it has to be the right-sized
19 woodland as well. These bats will not use
20 woodlands that are too small. So essentially if
21 they're under 15 acres and not connected to some
22 larger woodland, then they're considered
23 unsuitable and the bats are not using them. So
24 in this case, you can see no suitable summer

1 habitat. So this project then we would say does
2 not have summer risk to the bats.

3 There is still always the potential for
4 fall risk during migration. All wind projects
5 within the ranges of these bats are going to
6 have fall risk. The bats migrate through.
7 There's no way to tell exactly where they
8 migrate, and so there's always some level of
9 fall risk.

10 And the DNR -- so next slide, please.

11 The DNR acknowledges this in their letter,
12 the recommendation letter, then that was sent to
13 the County. We'll kind of go through these
14 recommendations, but the first one does relate
15 to the -- to this risk to bats and bat
16 mortality.

17 And so Recommendation 1 really was, the
18 DNR recommended that the County -- or excuse me,
19 that the project curtail the project at below
20 5 meters per second -- below a wind speed of
21 5 meters per second between July 15th and
22 October 15th. And so what that curtail means
23 is, raising the cut-in speed to 5 meters per
24 second. So the cut-in speed is the wind speed

1 at which the blades begin turning and generating
2 power. So the manufacturer's cut-in speed for
3 -- generally for turbines is maybe 3 or 3.5
4 meters per second.

5 Well, what we know is that there's this
6 inverse relationship between bat activity and
7 wind speed. So as wind speed goes up, bat
8 activity goes down. If you think about it,
9 that's because you have got this little animal
10 that only weighs about as much as a nickel. So
11 if you have got a really high wind night, it
12 can't fly. In addition, they eat insects. So
13 on those really windy nights, the insects' prey
14 are not flying either.

15 I'm sure you have all seen this: you're
16 out in the summer, it's a nice, calm summer
17 night, the mosquitos are biting you. You go out
18 the next night and the wind is blowing, the
19 mosquitos aren't biting you. They can't fly in
20 that strong wind either.

21 So the way to reduce -- currently the best
22 way to reduce bat mortality is to raise that
23 cut-in speed. So the DNR is recommending
24 5 meters per second. The project -- Leeward is,

1 though, their plan is to raise that cut-in speed
2 to 4 meters per second between -- when the
3 wind -- when the temperatures are above
4 50 degrees, and, again, during that same period,
5 so July 15th to October 15th.

6 So why 4 meters instead of 5 meters?

7 Well, there is research out there to show that
8 bat mortality -- if you look at bat mortality at
9 4 meters versus 5 meters, there's a broad --
10 there's a lot of overlap in the mortality -- or
11 in the reduction in mortality that occurs. And
12 so what we see is that at 5 meters per second
13 you get between a 47 to 87 percent reduction in
14 overall bat mortality; but at 4 meters per
15 second, that range overlaps and you get about --
16 with 4 meters per second, you get around an
17 average of 62 percent, a reduction. So when you
18 look at the range for those two wind speeds,
19 they actually overlap.

20 So statistically there's not much
21 difference or very little difference in the
22 reduction in bat mortality between 4 and 5. So
23 in other words, 4 meters per second, you know,
24 we feel is equally protective as 5 meters per

1 second.

2 So, again, the project plans to raise
3 cut-in speeds to 4 meters per second, feather
4 the blades below 4 meters so that below the
5 cut-in speed the blades are not freewheeling.
6 So what we know is that even if you raise cut-in
7 speeds, which will allow those blades to
8 freewheel under the cut-in speed, bat mortality
9 will still occur.

10 By the way, if you did nothing else but
11 feather blades below the manufacturer's cut-in
12 speed, you would get about a 33 percent
13 reduction in overall bat mortality. So that
14 alone reduces bat mortality. Raising to 4
15 though, we can get around a 62 percent
16 reduction.

17 If at some point -- if at some point
18 during the operation of the project there is a
19 mortality of one of the listed bats or if
20 Leeward were to decide that the risk was
21 greater, they may pursue a -- may choose to
22 pursue an incidental take permit for the bats at
23 that time.

24 The project has been doing, through its

1 wildlife incident reporting program, the staff
2 has been reporting wildlife that they find,
3 including bats. And to date there have been
4 no -- neither of the listed species. No Indiana
5 bats or northern long-eared bats have been found
6 at the project.

7 Next slide, please.

8 Recommendation 2 then just recommends that
9 the project continue to implement its bird and
10 bat conservation strategy, and the DNR
11 recommends a two-year post-construction
12 mortality survey. The project currently
13 operates under a bird and bat conservation
14 strategy and will continue to do that going
15 forward. If the project is repowered, that BBCS
16 will be updated to reflect the new project, in
17 addition to these avian studies, you know, that
18 we're currently doing.

19 And then Leeward will conduct the two
20 years of post-construction monitoring. So this
21 is post-construction wildlife monitoring now.
22 So essentially walking around under the
23 turbines, looking for dead birds and bats.
24 These will be conducted during the fall, because

1 that's the period of risk for this project. And
2 the searches will be conducted on the gravel
3 roads and pads, so the gravel pad around the
4 turbine and the access road to the turbine.
5 Searches will be conducted on those weekly at
6 100 percent of the turbines from July 15th to
7 October 15th.

8 And then as part of those, we do these
9 searcher efficiency and carcass removal trials.
10 These are really bias corrections trials. So we
11 know that searchers are not a hundred percent
12 efficient, and we know that scavengers -- foxes,
13 raccoons, whatever -- drag off the bats, you
14 know, haul the bats away before the searchers
15 can find them. So we do trials for both of
16 those to correct for that so that at the end we
17 can estimate what the mortality is, but we have
18 corrected for that.

19 So if you think about bias, bias is -- the
20 more bias you have, the less precision you have.
21 So if you think about, if you're shooting at a
22 target with a shotgun, right, you're close to
23 the target with the shotgun, your pattern is
24 going to be close, you're going to hit the

1 target. The further you get away from the
2 target with your shotgun, the more that's going
3 to spread, the fewer the pellets that are going
4 to hit. So again, less precision. So your bias
5 increases as you move away from the target.

6 So we conduct these to correct for that
7 bias. This is also something that the Illinois
8 DNR wants. They want to have a statistically
9 robust post-construction monitoring study.

10 MR. BARRY: Next slide, please.

11 A. Recommendation 3 then asks -- this one is
12 specific to the ornate box turtle. The DNR
13 noted that there is ornate box turtle habitat
14 north of the project area. They also noted that
15 there were -- that based on their record -- or
16 based on their assessment of the site, there was
17 no suitable habitat -- there didn't appear to be
18 suitable habitat within the project area.

19 We did a habitat assessment for the box
20 turtle, and one of the -- the required component
21 of ornate box turtle habitat is sandy soils,
22 either pure sand or sandy loam. Based on our
23 desktop review, there is no habitat for the
24 ornate box turtle within the project area.

1 There are no records of the turtles in the
2 project area either. And again, DNR noted the
3 same thing.

4 So the DNR did recommend some measures for
5 minimizing impacts of box turtles, should they
6 occur there. However, you know, based on the
7 lack of suitable habitat in the project area
8 and, again, no records, Leeward doesn't believe
9 that those measures are necessary at this time.
10 However, if an ornate box turtle is found in the
11 project area during construction, they will
12 implement the measures.

13 And the measures are really exclusion
14 measures. We put up silt fencing to keep the
15 turtles out, have a bio monitor on site to move
16 any turtles that are found. So, again, if
17 turtles are found, you know, I guess prior to or
18 during construction, these measures would be
19 implemented. But at this time, they don't
20 appear to be warranted.

21 Next slide, please.

22 Recommendation 4 was asking for the
23 turbines to be set back a minimum of 500 feet
24 from any perennial stream.

1 And Recommendation 5 is asking for
2 turbines to be set back a minimum of a thousand
3 feet from any forested areas.

4 Regarding the streams, all but one of the
5 turbines, you know, would be located more than
6 500 feet from a stream. There is one turbine,
7 at least one of the sites that's under
8 consideration, that's currently 334 feet from
9 the Little Vermillion River. However, prior to
10 construction, you know, if possible, Leeward is
11 going -- will take some action to reposition
12 that one further away if they can. So they are
13 still looking into that one.

14 In addition though, the construction
15 contractor will be required to implement erosion
16 control measures and prepare a stormwater
17 pollution prevention plan, which will prevent
18 soil and other, you know, sediment erosion into
19 the streams.

20 And then regarding the turbines sited more
21 than a thousand feet from suitable bat habitat,
22 there isn't any suitable bat habitat -- summer
23 habitat within the project area. So all
24 turbines that are set are currently more than a

1 thousand feet.

2 Then next slide, please.

3 Recommendation 6 then is just the DNR
4 recommending coordination between the Fish and
5 Wildlife Service as part of the project. And,
6 as I mentioned earlier, September 2020 Leeward
7 coordinated with the DNR through their EcoCAT
8 program, and then in February 2021 we did meet
9 with Fish and Wildlife Service and coordinated
10 with them as well.

11 And that's it.

12 Q. (By Mr. Barry:) Mr. VanDeWalle, if I can take
13 you back to Appendix F, the site
14 characterization report. Was -- is that -- is
15 it fair to say that you characterize that as a
16 wildlife assessment study?

17 A. Yes. And I think really the wildlife
18 assessment study is a combination of the site
19 characterization report and the avian use study
20 that we're doing.

21 Q. And you said that one of those reports, I
22 believe it's the avian use study, is ongoing; is
23 that correct?

24 A. The field effort is ongoing, yes.

1 Q. And so the County Ordinance requires a wildlife
2 assessment or impact study to be submitted to
3 the zoning office prior to a building permit
4 application submittal. Will you be updating or
5 furthering the studies you have done thus far in
6 such a way as to comply with that requirement?

7 A. Yes. So the site characterization report is
8 done and is available. The avian use study --
9 avian use surveys will be done in October, I --
10 yeah, October of this year. So that that report
11 will be available, you know, probably in the
12 next month.

13 MR. BARRY: Thank you.

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

16 JUDGE SLAVIN: Mr. Boonstra?

17 STATE'S ATTORNEY BOONSTRA: No, sir.

18 Thank you.

19 JUDGE SLAVIN: Mrs. Duffy?

20 MS. DUFFY: No, thank you.

21 JUDGE SLAVIN: Ms. Henkel?

22 MS. HENKEL: None, thank you.

23 JUDGE SLAVIN: Mr. Forster?

24 MR. FORSTER: No.

1 JUDGE SLAVIN: Mr. Buhrow?

2 EXAMINATION

3 BY MR. BUHROW:

4 Q. Mr. VanDeWalle, is the site of any pollinator
5 plots in your report? Does that have any effect
6 on the turbines, pollinator plots?

7 A. It is not in our report. I'm not aware of
8 where those are. But I guess as far as impacts,
9 unless a turbine was going to be sited in one of
10 those, there really wouldn't be an impact to the
11 poll- -- there shouldn't be an impact to the
12 pollinators. It would really be the physical --
13 the footprint of the turbine taking away the
14 habitat. Otherwise, the presence of a turbine
15 nearby shouldn't affect the pollinator.

16 MR. BUHROW: Okay. Thank you.

17 JUDGE SLAVIN: Is that it then?

18 MR. BUHROW: Yes.

19 JUDGE SLAVIN: Mr. Meyer?

20 EXAMINATION

21 BY MR. MEYER:

22 Q. On Page 3 of your PowerPoint you have a map of
23 where the Stantec consultant search has done
24 projects, where he has experience, and you have

1 a post-construction monitoring wind project that
2 appears to be close to Lee County or Bureau
3 County. Can you tell me where that one is?

4 A. Yeah, that's actually one of Leeward's
5 projects. That would be the Lone Tree Project,
6 we did some there, and then we did -- I think we
7 will be doing Mendota as well.

8 Q. So that's, like, a two-year post-construction
9 study?

10 A. Yes.

11 Q. And how long -- how far along is it?

12 A. That's a good question. I'm not sure. I'm not
13 sure I know the answer to that. I know that the
14 first year has been completed.

15 Q. Okay.

16 A. I'm not sure that we have done the second year.

17 Q. Were there any bald eagles found there struck?

18 A. No.

19 Q. My other question is, the turbine that's within
20 500 feet of the Little Vermillion River, is that
21 in Lee County or LaSalle County?

22 A. I don't know the answer to that. Sorry.

23 Q. It doesn't matter much to us if it's in LaSalle
24 County.

1 A. Yeah, right. Yeah, I'm not sure.

2 Mr. Wycherley might know.

3 MR. MEYER: That's all I have.

4 JUDGE SLAVIN: Mr. Pratt?

5 EXAMINATION

6 BY MR. PRATT:

7 Q. So the attorney brought up several times,
8 there's already a system in place, and I assume
9 you did the study on that when it was
10 constructed in 2007?

11 A. Our company did not.

12 Q. You did not?

13 A. We were not involved at that time.

14 Q. So on this one, you're supposed to do a
15 two-year post study. There must have been one
16 done on the system that's there to your post
17 study?

18 A. Not necessarily, because of the timing, because
19 of the year. Most of these -- the post-
20 construction mortality studies and then if we
21 look at the land-based wind energy guidelines
22 and the eagle conservation plan guidelines,
23 those all came along after that. So a lot of
24 those early projects didn't do those studies.

1 And so, you know, most of those projects
2 implemented that, that wildlife incident
3 reporting program that the operation staff are
4 reporting any new wildlife they see, but they
5 probably did not do a standardized search.

6 Q. So we don't have any data on what the history
7 of the kills in the system -- present system?

8 A. Just from the wildlife incident reporting
9 that's been done in this project.

10 Q. Okay. So back to Rex's question about LaSalle,
11 Lee County, all your -- when you started in on
12 your report here, you talked about land mass and
13 land area. Did that include LaSalle County in
14 them numbers?

15 A. It did, yeah. We looked at the entire project,
16 right, so this is not separated just by -- into
17 Lee and LaSalle.

18 Q. I see.

19 And then you talked about the cut-in
20 speeds. Do you know what the current system has
21 for a cut-in speed now?

22 A. No, I don't know for sure. I'm not sure, yeah.

23 MR. PRATT: No further questions.

24 JUDGE SLAVIN: Okay. A real short one

1 from me.

2 EXAMINATION

3 BY JUDGE SLAVIN:

4 Q. In the application, which I appreciate you may
5 not have read, it states the GSG Wind's
6 environmental expert -- I presume that's you --
7 created a mitigation plan, but then it has, in a
8 later paragraph, stated that that expert is
9 considering and creating a mitigation plan.

10 If you know -- and I know you can't speak
11 for the author, but if you know, do you know
12 what that means?

13 A. I do not know the difference between the two.

14 Q. Okay. Were you -- have you been asked or have
15 you created a mitigation plan?

16 A. Yes. I think the mitigation plan would be that
17 plan to raise cut-in speeds to 4 meters per
18 second and do the post-construction monitoring
19 study, and then additionally to work on updating
20 the bird and bat conservation strategy so that
21 it can be implemented -- continue to be.

22 Q. Does IDNR comment on the project owner's
23 mitigation plan that you create? I mean, do
24 they come back with a rebuttal, or is that just

1 they have made their recommendation, you do your
2 plan and that's the end of it?

3 A. Sometimes that is the end of it. Sometimes
4 they do ask -- as we put together the post-
5 construction monitoring plan, they will ask to
6 see that. And then on other projects we
7 provided it, I don't believe they have actually
8 come back with any comments on them, but we do
9 provide them.

10 JUDGE SLAVIN: Okay. Interested Parties
11 out in the audience. There's two of you left.
12 You're sitting at the mic, so you --

13 MS. KITRAL: I am sitting at the mic.

14 EXAMINATION

15 BY MS. KITRAL:

16 Q. Okay. I live roughly --

17 JUDGE SLAVIN: Well, let's start again.
18 Remember, we have a record going. Your name?

19 MS. KITRAL: Lorraine Kitral.

20 JUDGE SLAVIN: Did you get the spelling?

21 COURT REPORTER: I did, yes.

22 Q. (By Ms. Kitral:) So I live roughly 1800 feet
23 from the windmill, my property is, and I have a
24 bald eagle that sits on an old tree -- an old

1 black walnut tree that's kind of fallen apart.
2 I have seen him roughly five times in the last
3 couple of years. And, actually, when I drive
4 by --

5 JUDGE SLAVIN: Well, you're not testifying
6 now. If you want to put under oath and testify
7 to facts like this, that's great, but that time
8 will come.

9 MS. KITRAL: Well, no, my question is --

10 JUDGE SLAVIN: That time will come. You
11 ask him questions.

12 Q. (By Ms. Kitral:) My question is: You only did
13 an hour a month? That's what your survey is
14 for -- you know, to look for the -- is that
15 correct?

16 A. An hour a month for 24 months, yes.

17 Q. Okay. So that's really a very timely -- okay.

18 JUDGE SLAVIN: That's an argument. Just
19 ask him questions.

20 MS. KITRAL: Okay. Thank you. That's it.

21 JUDGE SLAVIN: Okay. Sir, do you have any
22 questions?

23 MR. KLEIN: I do not.

24 JUDGE SLAVIN: Okay. Thank you. And you

1 may step down. Thank you.

2 THE WITNESS: Thank you.

3 MR. BARRY: Next up we have Dr. Peter
4 Poletti, who prepared a real estate property
5 value impact study for the repower project.

6 PETER POLETTI,
7 being first duly sworn, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. BARRY:

11 Q. Good evening, Dr. Poletti.

12 A. Good evening.

13 Q. Could you please state your full name.

14 A. Peter Joseph Poletti, P-O-L-E-T-T-I.

15 JUDGE SLAVIN: P-O?

16 THE WITNESS: L-E-T-T-I.

17 JUDGE SLAVIN: Thank you.

18 Q. (By Mr. Barry:) And can you please tell us a
19 little bit about your background?

20 A. I'm a real estate appraiser, and I am also an
21 elected township assessor for Collinsville
22 Township since -- I don't even want to say how
23 long -- 1977, and I have been -- have had my own
24 private company, Poletti & Associates, since

1 1986. We do real estate appraising, a variety
2 of different projects, but especially these type
3 of projects, involving both wind farms and
4 landfills and things like that.

5 I hold a bachelor's degree in forestry
6 from the University of Illinois. I have a
7 master's degree in geography from Southern
8 Illinois University of Edwardsville, and I also
9 have a doctorate in American studies from
10 St. Louis University, obviously in St. Louis.

11 I've taught at the University of St. Louis
12 in the e-con department since -- well, I did for
13 20 years, since 1980 and 2000. And I also
14 taught classes for the Appraisal Institute and
15 for the Illinois Assessors Association.

16 And, let's see, what else was there? I
17 know I'm forgetting something, but that's
18 probably good enough.

19 Q. You mentioned the Appraisal Institute. What
20 level of credentials do you have as an
21 appraiser?

22 A. I hold two major designations. I hold the
23 International Association of Assessing Officers'
24 CAE designation, which is the top, as I

1 mentioned. I also hold the MAI designation from
2 the Appraisal Institute, which is considered
3 probably the top designation in all appraising.
4 I'm also a licensed real estate appraiser in the
5 state of Illinois.

6 Q. And you -- I think you mentioned this. You
7 also are a township assessor, correct?

8 A. Correct.

9 Q. For, is that Collinsville Township?

10 A. Collinsville Township.

11 Q. In Illinois, right?

12 A. In Illinois.

13 Q. And, Dr. Poletti, did you perform a property
14 value assessment study in connection with the
15 repower of the GSG Wind Farm?

16 A. I did.

17 Q. Is that study Appendix K in the permit
18 application?

19 A. I believe it is.

20 Q. And what were the conclusions you drew from
21 that study?

22 A. That there was no statistically significant
23 difference in the prices of homes located both
24 near an operating wind farm and located some

1 distance away.

2 Q. And, Dr. Poletti, did you examine actual sales
3 data surrounding existing wind projects for your
4 study?

5 A. I did.

6 Q. And can you tell us about those data, please?

7 A. Well, there's a considerable amount of data.
8 It is in the report. Probably the most
9 significant study in there is the Twin Groves
10 study because it uses multiple regression
11 analysis and statistical analyses.

12 I have actually done that study twice.
13 The results have been the same both times. And
14 when I say that, two different time periods.
15 The last one is the one that's within the body
16 of this report. That took place between 2015
17 and 2017, where we looked at -- Twin Groves is
18 located near Bloomington, to the south -- east
19 and south of Bloomington. Covers a large area.

20 And the advantage there is that there are
21 a number of houses, and that's important. I'd
22 like to say probably the most important part of
23 the study is -- two parts I think are really
24 important. First of all, the assumption is that

1 there is an impact on the property by the wind
2 farm; in other words, we -- the hypothesis is
3 that there is an impact. And we can't prove a
4 statistically significant difference that we
5 have. In all areas we can't say that there is a
6 95 percent confidence that there's impact.

7 I'd like to also say that if you look in
8 that report, you will see every sale during that
9 period of time that we studied reported in that
10 report, every house that sold. So you can
11 actually replicate my study if you want to. You
12 can check it out, whatever you want to do with
13 it. If you find a mistake, let me know. We'll
14 run it again with what you think is the
15 corrected thing. I'd be glad to do that.

16 But everything is in there. The
17 characteristics of those houses are in there.
18 The age they are and so forth. Everything is in
19 there. And the variables we used in the
20 multiple regression analysis is all in there.

21 So anyway, I will tell you that that study
22 showed that there was no statistically
23 significant difference, at the 95 percent
24 confidence level.

1 Q. And the study you're referring to right now is
2 the evaluation of the sales data surrounding the
3 Twin Groves project in McLean County from 2015
4 to 2017, correct?

5 A. Correct.

6 Q. And do you -- how many were there -- how many
7 sales did you look at? Were there three? Were
8 there five?

9 A. Oh, no, we're talking in the hundreds.

10 Q. Okay. So a significant number of sales?

11 A. A significant number of sales.

12 And any sale that was -- all these --
13 what's reported is all sales. If they were
14 arm's length or not an arm's length -- we would
15 not be using arm's length sales. Let me define
16 an arm's length sale for you, so you know.
17 Arm's length sales are those between a willing
18 buyer and a willing seller. No need to buy or
19 force somebody into buying it.

20 Not an arm's length sale, but the ones
21 that you have to, we have to do that as an
22 appraiser, whether it's for a house that's got a
23 mortgage on it or whatever. And a non-arm's
24 length sale is between, let's say, a father of

1 the children -- father or mother of the
2 children, those are not arm's length sales.
3 Between relatives of any type. Condemnation
4 proceedings, where the State is coming in and
5 taking part of your land, that's not considered
6 an arm's length sale. Divorces, judicial
7 rulings, any foreclosure, those are all removed.

8 And so the advantage of Twin Grove was,
9 it's such a large area, we have a lot of sales
10 and a lot of homes that are fairly consistent
11 construction that we do look at, and that was a
12 good advantage there.

13 Q. And, Dr. Poletti, your report looks at
14 another -- at least one other wind project or at
15 least the sales around another wind project,
16 correct?

17 A. Correct.

18 Q. And that project happens to be in Lee County,
19 correct?

20 A. It happens to be Mendota Hills.

21 Q. And can you tell us about your findings in
22 connection with the sales data for Mendota
23 Hills?

24 A. Yes. We looked at, again, several different

1 types of projects.

2 Just to refresh my memory a little bit.

3 But we looked at farmette sales, smaller-
4 tract sales, as well as single-family residences
5 and that. None of those showed any impact on
6 property values that we could find.

7 I think one of probably the most
8 interesting things though is perhaps
9 you gentlemen have already heard of this, but
10 the Bingham house on Bingham Road. Everybody
11 likes to point to that as being a house that
12 lost value here, it lost value there.

13 Q. Well, can you tell us about that house, please?

14 A. I certainly can.

15 First of all, this house is an anomaly in
16 construction and everything else in the sense.
17 When the wind farm was planned, setbacks were
18 all established, that was basically a roughly
19 5-acre piece of ground with a barn on it. There
20 was no house whatsoever. After the wind farm
21 was in -- I think it was already in the building
22 stage, a contractor bought the 5 acres, built a
23 house on it. Nice, standard kind of a speck
24 house, I would call it. And according to -- I

1 think Chris Henkel, I believe, was your former
2 zoning administrator. According to him, they
3 only allowed it because the guy already knew the
4 wind farm was there. The setbacks didn't
5 require it.

6 This house, the nearest wind turbine is
7 something like, I don't know, off the top of my
8 head, 685 feet, I think, and there's, like, 14
9 or something within 2500 feet of the house
10 surrounding it.

11 The house was put on the market for, I
12 believe, \$329,000. It didn't sell. It didn't
13 sell for two years. I think it was something in
14 that order. Finally sells for \$263,000. And
15 everybody says, Oh, my goodness gracious,
16 there's been a big loss in value. Well, there's
17 only one way to prove that loss in value, and
18 it's inside the report. You can actually read
19 it.

20 I went out and I found five houses that
21 were contemporaneous with that sale and looked
22 at the price of those selling prices, they were
23 all Lee County houses, and seen how they stacked
24 up against it. And if you'll notice, the

1 overall average of those five houses is within I
2 think it's 11 cents per square foot of the
3 Bingham house. There's no difference. There's
4 absolutely no difference.

5 Furthermore, you can look at some houses
6 that sold in Paw Paw with all kinds of other
7 things, and they actually sold with sewers and
8 everything like that, and they sold for less per
9 square foot than the Bingham house did.

10 And if you looked at the price that the
11 gentleman was asking for that house versus all
12 the other houses sold in Lee County, there was
13 nothing in that thing, in the whole county, that
14 would support the 263-. So there was -- I would
15 say that house did not stand up to the -- to
16 what he was asking. And the reason why was, the
17 gentleman was trying to sell the property to
18 people living in the Fox River Valley, what, 40,
19 50, 60 miles to the east, and have them commute
20 back and forth. And it was simply a house too
21 far for that commute.

22 And what it sold for was what the going
23 marketplace was in this area.

24 Q. And, Dr. Poletti, did the presence of the

1 Mendota Hills Wind Project stop the development
2 of a house subdivision nearby?

3 A. No, it did not. The Meadow Brook Subdivision,
4 most of the homes in that subdivision were built
5 after the Mendota Hills went up, and those
6 houses sold for -- when they sell, they sell for
7 a good amount of money. We checked those out
8 that.

9 Q. And, Dr. Poletti, did you look at sales around
10 the Mendota Hills Project after the project was
11 repowered?

12 A. Yes, I did, and what we found out is that
13 appreciation was continuing, and also one of
14 those houses showed a substantial appreciation
15 rate during the period of the repowering. So
16 when the construction was actually going on,
17 it's always been my contention that the most --
18 I don't know how I actually want to phrase this,
19 but the time that is most likely giving an
20 effect on property values is during the period
21 of construction when it's new. And I don't care
22 whether it's a wind farm, a landfill, a park, a
23 Walmart, you name it. When there's an
24 unsettling in the market, you see those kind of

1 things.

2 I mean, we have had where the neighbors --
3 in Collinsville Township, we had a place where
4 the neighbors did not want a park and they
5 literally argued against the park because it was
6 going to reduce their housing values. And, of
7 course, they never built the park in that case,
8 they built it someplace else, and it had no
9 effect.

10 Q. Dr. Poletti, did the recent sales after the
11 repower of the Mendota Hills Project show that
12 the value of those homes retained -- either went
13 up or stayed the same?

14 A. They basically -- I would have to say they went
15 up, and a fairly -- you know, what I would say a
16 pretty decent rate. We have been in a market
17 ever since 2007 that's been a little more --
18 it's a hit-and-miss market to some extent, but
19 it's -- what you see here is really no different
20 than what we're seeing anyplace else, but we are
21 seeing some increase.

22 Q. And those sales are discussed in your report,
23 correct?

24 A. Yes.

1 Q. Dr. Poletti, have you had an opportunity to
2 review the turbine layout scenarios for the
3 repower of the GSG Wind Project that is proposed
4 in the application?

5 A. Yes, to some extent.

6 Q. And how did you review those?

7 A. I basically look at it from the fact that we're
8 going from, in this case, roughly 19 to the
9 range of 13 to 16. Those fewer turbines I think
10 is somewhat more helpful, just, you know,
11 minimizing the impact on property values.

12 Q. And did you have a chance to drive around the
13 project site?

14 A. Yes, I did.

15 Q. And did you have any observations from that?

16 A. Yes. And it's the same thing I also noticed
17 over in Twin Groves, which I think is -- and as
18 well as what's happening in Mendota Hills. You
19 still see homes being built or, more
20 importantly, having improvements done to them.

21 People don't invest in areas where they
22 think it's going to lower the prices of the
23 housing market or stuff like that. There's at
24 least one subdivision, I wish -- I can't -- I

1 just had a brain fade. But right over near this
2 current project there's two brand-new homes
3 going up. I don't know how big they are because
4 they are still being constructed, so there's no
5 records at the County or anything else of them,
6 but they're substantial homes. And, you know,
7 there're \$300,000-plus homes around this area.

8 Q. Would you expect someone to invest in a
9 house -- in the construction of a house that
10 they thought was going to lose value?

11 A. No, I would not. People don't make those kinds
12 of choices.

13 Q. What about in the Twin Groves Project, did you
14 see any investments -- recent investments made
15 to existing homes in that project?

16 A. Yes. I think the one that stands out in my
17 mind is a house that when I did it the first
18 time -- that area the first time, it was -- I
19 kind of remember it. It was kind of a neat, old
20 house. And I thought, Gee. But, boy, it's kind
21 of falling down. I went back the second time,
22 there's a beautiful estate there now with that
23 house completely rehabilitated and completely
24 restored and everything, with some nice stables

1 and that. So that's a substantial -- very
2 substantial investment. That's just one
3 example.

4 Q. And that's an area that's near a wind turbine
5 in that project?

6 A. Yes.

7 Q. Dr. Poletti, have you spoken to any tax
8 assessors about potential impacts of wind
9 projects?

10 A. Well, your former supervisor of assessments,
11 Wendy Ryerson, and I used to teach some classes
12 together. We have known each other for years.
13 And when I first started doing these, Wendy was
14 one of the first people I went and talked to.
15 Her opinion was, she saw no impact on property
16 values.

17 Q. I probably forgot to ask you this earlier,
18 Dr. Poletti, but how long have you been
19 evaluating property values around wind projects?

20 A. I think 2007. My very first one was actually
21 up in Wisconsin.

22 Q. And have you testified or prepared property
23 value impact studies for other wind projects in
24 Illinois?

1 A. Yes.

2 Q. Just to summarize then, Dr. Poletti, does your
3 study show that the repower of the GSG Wind
4 Project will have no negative effect on the
5 property values of homes located in or near the
6 project footprint if it's repowered?

7 A. I cannot find any statistically significant
8 difference in the sale prices.

9 MR. BARRY: Thank you. Judge, I don't
10 have any more questions for Dr. Poletti.

11 JUDGE SLAVIN: Okay. Mr. Boonstra?

12 STATE'S ATTORNEY BOONSTRA: No, sir.
13 Thank you.

14 JUDGE SLAVIN: Ms. Duffy?

15 MS. DUFFY: Not at this time.

16 JUDGE SLAVIN: Ms. Henkel?

17 MS. HENKEL: None, thank you.

18 JUDGE SLAVIN: Mr. Forster?

19 MR. FORSTER: No.

20 JUDGE SLAVIN: Mr. Buhrow?

21 MR. BUHROW: Yes.

22 EXAMINATION

23 BY MR. BUHROW:

24 Q. Doctor, in discussing the Twin Groves in McLean

1 County, I believe you said it was --

2 A. Yes.

3 Q. -- do you know what the setback was for the
4 turbines for those houses down there?

5 A. I think it's the same as yours, which is, I
6 think, 1500 feet.

7 Q. Okay. That's what I --

8 A. I remember them being the same.

9 Q. Okay. That's what I wondered, what effect that
10 would have, if it's the same or not. So, okay.
11 You know what I mean, as far as --

12 JUDGE SLAVIN: Just ask him a question,
13 please.

14 MR. BUHROW: Okay. Thank you.

15 JUDGE SLAVIN: Mr. Meyer?

16 MR. MEYER: No questions.

17 JUDGE SLAVIN: Mr. Pratt?

18 MR. PRATT: No questions.

19 JUDGE SLAVIN: I don't have any.

20 Interested Parties?

21 MS. KITRAL: I have a question.

22 JUDGE SLAVIN: Sure.

23 EXAMINATION

24 BY MS. KITRAL:

1 Q. Are you familiar with Michael McCann, the
2 assessor?

3 A. He's not an assessor, but yes, I am very
4 familiar with him.

5 Q. And with his study that he did that had the
6 homes, one of them being the Bingham Road home,
7 that took a substantially longer time for those
8 homes to sell, and they were sold at a reduced
9 price compared to other homes that were similar
10 to them?

11 A. I have not read that study --

12 Q. Because I have it here, so --

13 JUDGE SLAVIN: You interrupted him. Ask
14 him --

15 MS. KITRAL: Sorry.

16 JUDGE SLAVIN: Look, now's the time for
17 questions. You may not have heard my opening,
18 but if you want to testify, there will come a
19 time. But he's under oath right now, not you.
20 So you ask him questions.

21 Q. (By Ms. Kitral:) So you -- you're familiar
22 with that man and you are familiar with his
23 study or not?

24 A. Yes, I'm familiar with that man.

1 Q. Okay. And the study that he did that showed --

2 A. I never read that study.

3 Q. Okay.

4 JUDGE SLAVIN: Any other questions?

5 MS. KITRAL: No, that's it.

6 JUDGE SLAVIN: If you'll move, please, the
7 gentleman behind you wants to --

8 MR. KLEIN: Is this mic good?

9 JUDGE SLAVIN: It wasn't before, but if
10 you want to try.

11 MR. FORSTER: It's on.

12 JUDGE SLAVIN: Okay.

13 MR. KLEIN: I'm Doug Klein.

14 JUDGE SLAVIN: And, Mr. Klein, in relation
15 to this proposed repower, where do you live or
16 work or own?

17 MR. KLEIN: I live at 2253 Shady Oaks
18 Road. Within the area there.

19 JUDGE SLAVIN: Within the footprint or
20 outside of it?

21 MR. KLEIN: Inside.

22 JUDGE SLAVIN: Okay. Go ahead. And spell
23 your last name. I'm sorry, there --

24 MR. KLEIN: K-L-E-I-N.

1 JUDGE SLAVIN: Thank you.

2 EXAMINATION

3 BY MR. KLEIN:

4 Q. You spoke about some homes under construction
5 in the area. Are you talking in Lee County or
6 was that LaSalle County?

7 A. No, that's in Lee County.

8 MR. KLEIN: That's all.

9 JUDGE SLAVIN: Okay. Do you have any
10 questions, ma'am, in the back, white blouse?

11 THE WITNESS: She's with me.

12 JUDGE SLAVIN: Oh, okay. I guess you --
13 well, actually, now is a real good time to ask
14 questions.

15 THE WITNESS: Yeah, I'm under oath.

16 JUDGE SLAVIN: Okay. You may step down.
17 Well, that's pretty good timing,
18 Mr. Barry.

19 MR. BARRY: Thank you.

20 JUDGE SLAVIN: It is 9:26, and I will put
21 the matter in recess until this coming Monday
22 night, May 9th, also starting at 9 p.m., in the
23 Old Lee County Courthouse, Third Floor
24 Courtroom.

1 Before everybody leaves, I just want to
2 check that I have accurately recorded before
3 that Mr. Forster, Mr. Buhrow, Mr. Pratt,
4 Mr. Meyer, you're also available that day,
5 Monday?

6 MR. PRATT: Sure.

7 JUDGE SLAVIN: Okay. And, Mr. Barry, I
8 know you are and so forth.

9 MR. MEYER: Monday, the 9th?

10 JUDGE SLAVIN: Mr. Boonstra, how about
11 you?

12 STATE'S ATTORNEY BOONSTRA: Is that
13 Monday?

14 JUDGE SLAVIN: Yeah, Monday.

15 STATE'S ATTORNEY BOONSTRA: Yes.

16 JUDGE SLAVIN: Monday, the 9th, be here or
17 be square.

18 (The hearing was recessed at
19 9:29 p.m.)

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1 On this 7th day of April, A.D., 2022, I do
2 signify that the foregoing testimony was given
3 before the Lee County Zoning Board of Appeals.
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7

8 Bruce Forster, Chairman
9

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11
12 Dee Duffy,
13 Zoning Enforcement Officer
14

15
16 -----
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