

STATE OF ILLINOIS)
)SS
COUNTY OF LEE)

In the Matter of the Petition
 of

BSW DevCo, LLC, Big Sky Repower
Lee County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 12th day
of March, A.D., 2019,
before the Lee County
Zoning Board of Appeals

Present:

Craig Buhrow
Mike Pratt
Gene Bothe
Glen Hughes
Rex Meyer
Bruce Forster, Chairman

Alice Henkel, Secretary
Dee Duffy, Zoning Enforcement Officer

Honorable Judge Tim Slavin, Facilitator

1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY MATTHEW KLAHN
3 of the Lee County State's Attorney's Office
4 309 South Galena Avenue, Suite 300
5 Dixon, Illinois 61021

6 Counsel for the County.

7 ATTORNEY DAVID D. STREICKER
8 of the firm of Polsinelli
9 150 North Riverside Plaza, Suite 3000
10 Chicago, Illinois 60606

11 Counsel for the Applicant.

12
13
14
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

INDEX

Witness: NATALIE McCUE (continued)

Examination Page

Attorney Streicker (Continued Direct) . . .	6
Mr. Gonigam	37
Attorney Klahn (Cross).	39
Mr. Forster	40
Mr. Buhrow.	43
Mr. Pratt	46
Mr. Meyer	48
Attorney Klahn (Continued Cross).	49
Mr. Pratt	50
Attorney Streicker (Redirect)	51
Ms. Duffy	53
Mr. Hughes.	54

Witness: PAUL CROSSLAND

Examination Page

Attorney Streicker (Direct)	58
Mr. Gonigam	108
Attorney Klahn (Cross).	109
Mr. Forster	112
Mr. Buhrow.	113
Mr. Pratt	115

EXHIBITS

Exhibit Marked

Petitioner's Exhibit Number 9	6
Petitioner's Exhibit Number 10.	21
Petitioner's Exhibit Number 11.	27
Petitioner's Exhibit Number 12.	52
Petitioner's Exhibit Number 13.	61

Certificate of Shorthand Reporter	119
---	-----

1 JUDGE SLAVIN: All right. It's 7 o'clock,
2 everybody. Welcome back from recess.

3 I will call out from recess BSW DevCo,
4 LLC's, Petition Number 19 P 1542, requesting a
5 Special Use Permit. I'll call that out of
6 recess and start up the hearing again.

7 I will note for the record that following
8 the recess, we are back with all honorable
9 members of the Lee County ZBA present, including
10 its alternate member, Mr. Meyer. The Applicant
11 is here, various employees, with their attorney,
12 Mr. Streicker. The Honorable Matt Klahn is here
13 on behalf of the County and its various offices.
14 And the Honorable Dee Duffy is here, as Zoning
15 Officer.

16 And when we left off, I believe,
17 Mr. Streicker, you had produced one witness and
18 you were ready to produce another.

19 MR. STREICKER: That's correct, Judge.
20 Thank you.

21 Again, this is David Streicker, for the
22 Petitioner.

23 Judge, a couple of quick housekeeping
24 matters.

1 JUDGE SLAVIN: Sure.

2 MR. STREICKER: As you mentioned, we left
3 off with Ms. McCue's testimony. We had just
4 introduced Exhibit 8, which is going to be our
5 PowerPoint presentation that we're ready to get
6 into shortly.

7 JUDGE SLAVIN: Very good.

8 MR. STREICKER: I did notice on the record
9 we moved to formally admit Petitioner's Exhibit
10 2, which was the application.

11 JUDGE SLAVIN: Yes, sir.

12 MR. STREICKER: There was two more
13 exhibits, Exhibits 2 and 3, that I introduced
14 through Mr. Wetzel's testimony.

15 JUDGE SLAVIN: Yup.

16 MR. STREICKER: I would just like to move
17 now to formally enter those in the record.

18 JUDGE SLAVIN: Done.

19 MR. STREICKER: Exhibits 4 through 7,
20 which were introduced through Ms. McCue's
21 testimony --

22 JUDGE SLAVIN: They're admitted as well.

23 MR. STREICKER: Thank you, Judge.

24 Ms. McCue, do you want to take the witness

1 stand?

2 JUDGE SLAVIN: The Slavin Rule is in
3 effect, and that means that an oath disappears
4 overnight.

5 NATALIE McCUE,
6 being first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION (continued)

9 BY MR. STREICKER:

10 Q. All right. Natalie, I'm going to present you
11 with what's been marked as Petitioner's Exhibit
12 9, if you could take a look at that for a
13 second, please?

14 A. Yes.

15 (Petitioner's Exhibit Number 9
16 marked for identification.)

17 Q. Are you familiar with that exhibit?

18 A. I am.

19 Q. Could you describe for the ZBA what that is?

20 A. This is the map book of the turbine locations
21 that we are seeking a SUP on that details the
22 turbines and some specific setbacks as outlined
23 within the application that we were to provide.

24 Q. Okay. And was this exhibit prepared under your

1 supervision?

2 A. It was.

3 Q. Okay. And was this exhibit -- is it prepared
4 as a supplement to the Petitioner's application?

5 A. Correct.

6 Q. Okay. And were a number of copies of this
7 exhibit previously provided to the County?

8 A. They were mailed out to the County and to each
9 of the ZBA members and to the Judge as well.

10 MR. STREICKER: And, Judge, similar to
11 what we did with Exhibit 1, which was already
12 submitted, I just brought one copy to introduce
13 in the record here.

14 JUDGE SLAVIN: Understood.

15 Q. (By Mr. Streicker:) Ms. McCue, just to start
16 off with, if you remember, your colleague Kevin
17 Wetzel had a couple of questions from an
18 audience member regarding a specific turbine,
19 Turbine 74.

20 Do you remember that line of questioning?

21 A. Yes.

22 Q. Okay. And now, is there something on -- we
23 wanted to correct with regard to Mr. Wetzel's
24 answer?

1 A. That's correct. So we did want to clarify for
2 the record on what Mr. Wetzel had testified on
3 March 7th, 2019. He was asking a question about
4 the structure on the property and the setback,
5 and we just want to provide some clarification
6 on that.

7 Did you want me to --

8 MR. STREICKER: Let me just interject for
9 the record that this -- from the prepared
10 testimony, it starts on Page 64, Line 22.

11 A. From the record, Mr. Gonigam asked:

12 "Is there any residence near that
13 turbine?"

14 Referring to Turbine Number 74.

15 After some dialogue, looking for the
16 turbine, Kevin Wetzel, the witness, states, on
17 Page 66, Line 18 to 23:

18 "So from the map, I believe that there
19 looks to be a structure, which I assume is a
20 residence, to the south -- let's see, southwest
21 of the project and also 264 feet to the
22 northwest of the project -- or of the turbine.
23 I'm sorry, Turbine 74."

24 Q. (By Mr. Streicker:) And was the statement by

1 Mr. Wetzel correct?

2 A. He interpreted the map incorrectly.

3 Q. Okay. If you could tell us what map you're
4 looking at right now?

5 A. Sure. In the map book, I am looking at the
6 page that is labeled for the Structure T74. And
7 so if you look on the map, the residence to the
8 northwest of Turbine 74 is actually 2,624 feet
9 from the turbine, and the closest property line
10 is 507 feet from the turbine.

11 And the structure to the southwest that
12 Mr. Gonigam was referring to is actually greater
13 than 1.1 times the turbine height setback, which
14 is the voluntary setback that we have included
15 in our SUP. So we did want to clarify that, as
16 well.

17 Q. Okay. Thank you very much.

18 Okay. Now, I'll grab that. Thank you.

19 Ms. McCue, I'd like to turn your attention
20 back to Exhibit 8, which is where we left off
21 the other evening. If you could look and tell
22 us, is that Exhibit 8 projected on the
23 PowerPoint?

24 A. That's correct.

1 Q. Okay. And before we get into that, I believe
2 you testified the last time that you're director
3 of environmental permitting for Pattern; is that
4 correct?

5 A. That's correct.

6 Q. Could you tell us a little bit about Pattern's
7 environmental record and what its corporate
8 goals are, if those are applicable?

9 A. Yeah, sure. So these are actually Pattern's
10 Environmental Value Statement, which was put
11 together by our environmental department and is
12 actually signed by our CEO and hangs up in all
13 of our offices.

14 It's sort of our statement when we're
15 developing projects. You know, we know that
16 Pattern is very committed to protecting the
17 environment. We like to think that we're
18 serving to be actually good stewards of the
19 environment. We look to produce energy in a way
20 that respects the integrity of that environment,
21 and we feel like it's our responsibility, when
22 we're transporting clean, renewable energy, we
23 try to do that in a way that has the least
24 amount of natural impact.

1 We do know that our industry does have
2 both positive and negative impacts. Our
3 objective when developing and operating projects
4 is really to exceed industry standards and be a
5 leader in the advancement of practices that
6 identify, assess, and mitigate those
7 environmental impacts.

8 Pattern also participates in the American
9 Wind Energy Association Environmental and Siting
10 Working Groups, which I personally participate
11 on some of those working groups. And we also
12 contribute and serve on the Board of the
13 American Wind and Wildlife Institute.

14 Q. Ms. McCue, I know from both the Lee County
15 Ordinance and Pattern policy and from our
16 application, Exhibit 1, that the coordination of
17 environmental studies, reviews, and permitting
18 coordination is a big part of the application.

19 Did you personally oversee this process?

20 A. I did.

21 Q. Okay. And this is with respect to the
22 petition?

23 A. Yes.

24 Q. Yes, okay.

1 All right. Tell us a little bit about the
2 agency coordination that you undertook. For
3 instance, did you have contact with the Illinois
4 Department of Natural Resources? And if you
5 could describe that process for us?

6 A. Sure. Yes, we worked very closely with the
7 Indiana [sic] Department of Natural Resources as
8 part of the SEC application. We engaged with
9 them and went through what's called the EcoCAT
10 process, where we identify any species they have
11 of concern that could have, you know, wildlife
12 impacts.

13 We work with them, and the IDNR put
14 together a project recommendation letter which
15 was submitted to the County. It was dated March
16 1st, 2019.

17 Q. Let me clarify one thing. It says Indiana up
18 there. Was it the Illinois Department of
19 Natural Resources?

20 A. Sorry. Illinois, yes. Correct.

21 Q. So just to correct that typographical error in
22 Exhibit 8.

23 A. And then we also -- coordinating with the
24 Department on seeking an incidental take permit

1 for those species that could be impacted during
2 construction.

3 Part of the consultation, we also met with
4 and coordinated with the Lee County Soil and
5 Water Conservation District. Within that
6 meeting, they also recommended that we reach out
7 to the Ryan Wetland and Sand Prairie, which we
8 did, and worked with them closely, and are
9 actually currently planning on removing two of
10 the turbines that they recommended they would
11 like to see decommissioned. And we'll also be
12 complying with some requests regarding, during
13 construction, some turbine road routing requests
14 from them.

15 We also met with the -- had phone calls
16 with the Bureau County Soil and Water
17 Conservation and Fish and Wildlife. We are
18 complying with all federal laws and regulations,
19 and are preparing a bird and bat conservation
20 strategy in accordance with their guidelines and
21 recommendation.

22 In addition, it's not shown on the
23 PowerPoint, but also consulted with the Illinois
24 Historic Preservation Office in regards to

1 culture resources.

2 Q. Let me turn your attention to the next slide
3 then.

4 You mentioned birds and bat study. Can
5 you go into that in a little more detail?

6 A. Sure. So we also completed, had our
7 consultants, Stantec, complete an environmental
8 impact study, which basically is a wildlife
9 report. So it basically assessed any potential
10 impacts that the repowering project could have
11 on birds, bats, threatened and endangered
12 species, wetlands. You know, a few of the
13 things that came out of that report is, you
14 know, we know there's no public records of any
15 eagle fatalities in Lee or Bureau County. The
16 project itself really doesn't have the type of
17 habitat that would draw eagles in, which would
18 be large water bodies. You're going to see your
19 eagles concentrate more closely to the Illinois
20 River.

21 We're not planning on impacting any
22 wetlands. The land use is primarily
23 agricultural. Bats, the project itself, because
24 it's agricultural, there's really probably

1 about, I believe, it's 5.5 percent of any type
2 of habitat on the project that we view suitable
3 for bats, which is the woodland habitat.

4 And we're also working with the IDNR as
5 part of the recommendation letter to implement
6 minimization measures to reduce impacts to bats.

7 In addition, Stantec also completed a more
8 detailed threatened and endangered species
9 habitat and risk assessments. And those are the
10 species that were assessed: the ornate turtle,
11 Blanding's turtle, Western hognose snake, regal
12 fritillary butterfly, and the Indiana northern
13 long-eared bat.

14 As part of that assessment, we are going
15 to be seeking an incidental take permit for the
16 ornate turtle and the Blanding's turtle. We --
17 as part of that process, we're putting together
18 a habitat conservation plan which will be
19 submitted to that agency, and it will detail
20 such things as having a biological monitor on
21 the site to look for the turtles along the
22 roads. Those specific turbines that are in
23 proximity to potential habitat, we're actually
24 going to be putting up exclusion fencing around

1 the turbines during the decommissioning and the
2 repowering process to reduce impacts -- really
3 to eliminate impacts -- to those species as
4 well.

5 Q. And can you describe to the ZBA what an
6 incidental take permit is?

7 A. Sure. So the incidental take permit will
8 basically, if we have, during construction, an
9 incidental take fatality of a threatened and
10 endangered species -- for example, if a
11 Blanding's turtle or ornate turtle was fatally
12 impacted during construction, that permit gives
13 us authorization to do that without -- without
14 penalty.

15 Within that permit there will be
16 mitigation and minimization measures associated
17 with that that allows us to work with IDNR and
18 allows for that incidental take to occur.

19 Q. Is it fair to say that obviously it seems clear
20 that Pattern wants to avoid any of these type of
21 fatalities and that the permit itself has
22 mitigation measures built in, and the purpose is
23 that, even despite everyone's best efforts, if
24 one of these species is impacted, that's where

1 the incidental take permit is operable?

2 A. That's correct. And we will do, you know,
3 everything within our power to minimize those
4 impacts. You know, we'll have speed limits in
5 place, we'll have wildlife training in place for
6 the construction workers, and as I mentioned,
7 you know, the exclusion fencing and the
8 biomonitor to minimize any of those impacts.

9 Q. Great. If I could turn your attention to the
10 next slide, please.

11 This slide is entitled Ecological
12 Considerations. Could you describe for us what
13 you want to talk about here?

14 A. Sure. So the Bird and Bat Conservation
15 Strategy, that is a document that is recommended
16 be put in place by the U.S. Fish and Wildlife
17 Service. So we have put that document together.
18 We will actually be updating that document to be
19 consistent with the IDNR letter that we
20 received.

21 Within that document, some of the
22 commitments we're making is to avoid any tree
23 clearing that would occur during the winter,
24 November 1st through March 31st, to avoid

1 habitat impacts to bat species.

2 We are also going to be doing some
3 curtailment on site of the turbines to reduce
4 impacts to bats, and that would be from sunset
5 to sunrise July 15th through October 15th. We
6 will raise the turbine cut-in speeds to 5 meters
7 per second.

8 Then from April 1st to July 15th, from
9 sunset to sunrise, we will raise the turbine
10 cut-in speeds to 5 meters per second at those
11 turbines that are within a thousand feet of
12 suitable bat habitat.

13 As mentioned before, we will have
14 environmental awareness training for all of our
15 construction personnel and for safety to avoid
16 and minimize hazards to any wildlife. We will
17 have speed limits that will be established
18 throughout the project area, a little more
19 natural resource protection. And, you know,
20 Paul Crossland can speak more to this later, if
21 needed.

22 We will have a stormwater pollution plan
23 in place during construction which will minimize
24 stormwater runoff, ensure the project won't have

1 negative impacts to any bodies of water.

2 There will also be erosion mitigation in
3 place, and noxious weed control will be
4 conducted at the project facility as well.

5 Q. Okay. And I know in addition to the
6 environmental considerations that we looked at
7 to prepare this Special Use Permit application,
8 there was also a number of studies that went
9 with that application; is that correct?

10 A. There were.

11 Q. Okay.

12 A. Yes.

13 Q. If I could turn your attention to the next
14 slide. This slide is entitled Communication
15 Studies. If you could tell us about the studies
16 and what your role was in overseeing the
17 preparation of these studies that were part of
18 the application?

19 A. Sure. So I oversaw the -- these studies that
20 were put together. I'm not a coms expert. If
21 there's specific questions on the methodology
22 that was conducted, we can have our expert
23 testify to those. I can relay to you some of
24 the results of these studies.

1 So we had Comsearch do a detailed analysis
2 on potential television interference. That
3 analysis showed that a minority of stations, 11
4 of 77 of the licensed stations, had the
5 potential for some disruption, although it is
6 unlikely. In the unlikely event that there is
7 interference, we will, you know, work with the
8 landowners to mitigate any of that interference.

9 As part of the application, we did put
10 together a complaint resolution plan, which has
11 a hotline and some guidelines for any landowners
12 experiencing issues to reach out, and we'll work
13 with affected landowners.

14 In addition, Comsearch looked at emergency
15 services, you know, 911, mobile phone, and radio
16 communications. These types of systems are
17 designed to operate reliably in a non-
18 line-of-sight environment. What that means is,
19 any signal blockage from the wind turbines does
20 not materially degrade the reception of these
21 emergency responders.

22 In addition, the mobile phone coverage is
23 unaffected by the presence of wind turbines.
24 There shouldn't be any impact to licensed

1 operations and AM/FM radio broadcast. None of
2 that was identified as an issue.

3 There was also a specific microwave and
4 national telecommunications and information
5 administration analysis conducted, and no issues
6 were identified through that process as well.

7 Q. Okay. Natalie, I'm going to stop you right
8 there and turn your attention to what I'm going
9 to mark as Petitioner's Exhibit 10.

10 (Petitioner's Exhibit Number 10
11 marked for identification.)

12 Q. If you could take a look at that for a second,
13 please?

14 A. Yes.

15 Q. Are you familiar with this letter?

16 A. Yes, I am.

17 Q. Can you describe for the ZBA what the letter
18 is?

19 A. Sure. This is a letter from Stantec, our
20 environmental consultant. They put together a
21 response to the Illinois Department of Natural
22 Resources letter that was dated March 1st, 2019,
23 and basically this walks through our response
24 and commitments from each of the recommendations

1 that were in the IDNR letter.

2 And basically we are agreeing that we will
3 comply with the IDNR recommendations that were
4 outlined within that letter.

5 Q. And were Stantec's activities that were the
6 subject of this letter, were those directed by
7 you?

8 A. They were, yes.

9 Q. If you could briefly describe for us -- you
10 know, I have heard the term EcoCAT used a couple
11 times.

12 A. Uh-huh.

13 Q. Can you describe what that process is, if
14 you're familiar with it?

15 A. Sure. So it is the -- basically the -- our
16 consultant, Stantec, will put together a project
17 boundary and description of the project and will
18 send that to IDNR, and they will do a review and
19 pull any of their database records, looking at
20 any of the threatened and endangered species
21 that are known to be in the area and see if
22 there have been any historical records within
23 the project area of those threatened and
24 endangered species, and will provide that back

1 to us for evaluation.

2 I believe that was attached to the Stantec
3 site characterization study, the results of that
4 report.

5 Q. Is the site characterization study, did we
6 include that in the application?

7 A. Yes, it is there.

8 Q. Okay. Thank you.

9 All right. Turning our attention back to
10 the slide on Exhibit 8, I know this will come up
11 probably a number of times, but the term shadow
12 flicker is often used with regard to wind farms.
13 Are you familiar with that term?

14 A. I am, yes.

15 Q. Okay. Let me then, if we could, turn to the
16 next slide.

17 A. The national telecommunications?

18 Q. Oh, did we skip that one?

19 A. No. I'm not sure if we had an exhibit for
20 that.

21 Q. All right. Let's talk about shadow flicker,
22 and I'll come back.

23 This slide is entitled Shadow Flicker. If
24 you could, describe for us what's on this slide,

1 and what shadow flicker is, and what we're going
2 to do to minimize it.

3 A. Sure. So Burns and McDonnell conducted a
4 detailed shadow flicker analysis which evaluated
5 all 114 wind turbine locations.

6 So what shadow flicker is, is when the sun
7 basically passes in front of the turbines during
8 a certain time of the year, certain time of the
9 day, that can cause a shadow on a stationary
10 location.

11 And so what Burns and McDonnell did is,
12 they actually took a very conservative approach.
13 They looked at all 114 turbine locations. They
14 assumed as if each residence had a window on
15 every side and plus had no vegetation and,
16 therefore, would be susceptible to the maximum
17 amount of shadow flicker possible.

18 Within that analysis, they found that only
19 35 of the 272 known receptors exceeded 30 hours
20 per year of shadow flicker. And that 30 years
21 [sic] is, I believe, the State and kind of
22 federal guidance on acceptable number of hours
23 of shadow flicker on a receptor.

24 And so what the project is committed to

1 doing is, we're committing to operating the
2 project in accordance with the State-recommended
3 guidance of not more than 30 hours per year on
4 all residences, unless we were to obtain a
5 landowner waiver.

6 Out of the current layout that we're
7 looking at, actually only 16 receptors in Lee
8 County are currently showing exceeding the 30
9 hours per year for shadow flicker.

10 And so at a high level, out of those 16
11 residences in Lee County that are showing
12 greater than 30 hours, six of those residences
13 already have leases in place, which, as a
14 formality, allow for -- allow for a waiver of
15 those. So that leaves the other ten. Ten of
16 the other exceedances are technically
17 nonparticipating landowners, although out of --
18 three out of those ten are participating
19 landowners but the receptor in question is not
20 on a wind-leased parcel.

21 And so what we're planning to do is, seek
22 waivers for four, and then the other six are
23 going to be curtailed. If any of those four for
24 which we're seeking waivers, we're not able to

1 obtain, then we would curtail those turbines as
2 well to ensure that the project is meeting no
3 more than 30 hours per year at all residences.

4 Q. If you could just describe for the ZBA what
5 would be encompassed in the waiver? This would
6 be a shadow flicker waiver; is that correct?

7 A. Correct.

8 Q. If you could describe how that waiver would
9 operate. Would it be the landowner consenting
10 to --

11 A. Right, consenting to allow that amount of --
12 more than the 30 hours on their residence, which
13 is -- you know, which is guidance; it's not
14 State law or regulation. But we want to be good
15 corporate citizens and are working those waivers
16 in to ensure that they don't have more than the
17 30 hours per year.

18 If they don't want to grant that waiver,
19 then we would curtail the turbine to make sure
20 we met that requirement.

21 Q. Thank you.

22 MR. STREICKER: Paul, if you can move us
23 back to the prior slide.

24 Q. (By Mr. Streicker:) Natalie, back to

1 communications, I know we wanted to cover
2 television analysis and then get down to what
3 you were talking about was microwave. Because
4 there was a number of studies attached to the
5 application, correct?

6 A. Yeah, and so we had talked about the microwave
7 studies. There was no issues identified.

8 And then there is another formal
9 communication with the National
10 Telecommunications and Information
11 Administration that Comsearch coordinates with,
12 where Comsearch will send the project details to
13 this agency, and then they can respond if
14 there's any telecommunications issues
15 identified.

16 Q. And, Natalie, I'm going to present you with
17 what I have marked as Petitioner's Exhibit 11.

18 (Petitioner's Exhibit Number 11
19 marked for identification.)

20 Q. If you could take a look at that for me,
21 please. Do you recognize this letter?

22 A. I do.

23 Q. If you could describe that letter for me,
24 please?

1 A. This letter is from the United States
2 Department of Commerce. It is what we call the
3 NTIA letter, where, as I just mentioned,
4 Comsearch had sent in our project details, and
5 they did a review of if the project would have
6 any impacts on national telecommunications.

7 And the results of this is that no
8 agencies had any issues with turbine placements
9 in this area.

10 Q. Thank you.

11 And just to confirm for the Board, did
12 Com- -- did the activities of Comsearch, for
13 purposes of our Special Use application here in
14 Lee County, were those conducted under your
15 supervision?

16 A. Yes, they were.

17 MR. STREICKER: Okay. Paul, if we can go
18 to the next slide, and the next one.

19 Q. (By Mr. Streicker:) Okay. Ms. McCue, this
20 slide is entitled Noise Study. Were there also
21 a number of noise-related studies that were done
22 for purposes of preparing our application?

23 A. There were. And, again, I'm not a noise
24 expert. We will have the noise expert testify,

1 but I can relay the results of the study and
2 what was conducted.

3 So Burns and McDonnell, our consultant,
4 performed a comprehensive noise analysis in
5 accordance with the applicable Illinois
6 Pollution Control Board noise regulations and
7 best practices. Again, they evaluated all 114
8 turbine locations. And we can discuss the
9 97-turbine layout as well.

10 These turbines, the ones that we're going
11 to be repowering, will produce significantly
12 less noise at lower wind speeds, and we are also
13 committed to operating the project in accordance
14 with the IPCB noise regulations at all
15 residences, unless we obtain a waiver of such
16 requirement.

17 And then in regards to waivers, we are
18 anticipating signing nine waivers associated
19 with noise, and we will either obtain these
20 waivers or else we will curtail the wind turbine
21 causing the issue to reduce the noise output to
22 the State-required levels.

23 Out of those nine waivers, six are
24 participating landowners with wind leases. So

1 as a formality, they are required to grant a
2 waiver for the terms of their lease. One of
3 those is a participating landowner but the
4 residence in question is technically outside the
5 wind lease. That waiver is already executed.
6 And then there are two nonparticipating
7 landowners, one of those waivers is already
8 executed and the other is in the process.

9 Q. And if you could, describe for the Board what
10 the IPCB is?

11 A. Sure. The Illinois Pollution Control Board
12 Noise Regulations, that's the entity that
13 provides different inputs at different
14 frequencies, sound receptors that they want you
15 to comply with that would not provide
16 exceedances at those specific receptors.

17 Q. Okay. Basically is it fair to say that the
18 Illinois Pollution Control Board Noise
19 Standards, those are the standards that are set
20 that we're not to exceed short of a waiver; is
21 that correct?

22 A. That is correct.

23 Q. All right. And then if we could move on to the
24 next slide, which I think is the end of Exhibit

1 8.

2 Ms. McCue, we also did a 911 study as part
3 of this application; is that correct?

4 A. We did.

5 Q. Could you describe what that was, for the
6 Board?

7 A. That was actually just included in the
8 emergency responder's studies that showed that
9 those types of services can work within the
10 non-line-of-sight type of environment. I think,
11 as also part of the SUP, we can reach out to the
12 specific operators and emergency services and
13 provide them a copy of our site plan and contact
14 information to the O and M building as well.

15 Q. If I could grab that exhibit back from you,
16 please.

17 A. Which one?

18 Q. The two letters.

19 All right. Ms. McCue, I know we have
20 discussed waivers a number of times throughout
21 your testimony. Am I correct to say -- and I
22 think Mr. Wetzel testified to this, but the
23 original Big Sky Project was developed between
24 2010 and 2011; is that correct?

1 A. That's correct.

2 Q. And that would be the construction period?

3 A. Yes.

4 Q. Okay. And I know -- it's correct to say that
5 the project is in Bureau and Lee Counties?

6 A. That's correct.

7 Q. Okay. And both counties have enacted specific
8 Zoning Ordinances regarding wind turbines; is
9 that correct?

10 A. Correct.

11 Q. And as part of those Ordinances, they both have
12 requisite setbacks, and that would be setbacks
13 from property lines, roads, residences, and
14 other structures?

15 A. Yes, that's correct.

16 Q. Okay. And as a result of this -- and let's be
17 specific to Lee County in this case -- in order
18 to perform repowering, are there a number of
19 setback waivers or issues that Pattern has dealt
20 with as part of the siting process?

21 A. So in -- for Lee County, in the Lee County
22 Ordinance there is a provision that no turbine
23 is to be constructed closer than 350 feet from
24 any property line, roadway, railroad

1 right-of-way, or right-of-way from an overhead
2 electrical transmission or distribution line.

3 And, you know, since we're doing a repower
4 project and since that Ordinance has come into
5 place, as Kevin had testified before, you know,
6 we are planning on using all of the existing
7 wind turbine foundations. And we're doing that
8 for a number of reasons, to, you know, reduce
9 impact on landowners, to reduce construction
10 impact, to reduce impact on the roads.

11 But as part of that, since the rotors are
12 going to be getting a little bit bigger, it does
13 cause a setback issue with certain turbines with
14 that Ordinance provision.

15 So on -- in regards to the 350 setback
16 limit, we are planning on seeking waivers on ten
17 turbines. All of those are for property line
18 setbacks. No residence, structure, or road
19 variation requests.

20 One turbine, Turbine 106, is within the
21 setback distance of two adjacent property lines.
22 So there will be 11 waivers associated with ten
23 turbines.

24 Now, out of those 11 waiver requests, all

1 of them are participating landowners. Ten are
2 landowners with wind leases, and so they're
3 required, as a formality, to grant that waiver
4 as a term of their lease. And then one is with
5 a landowner with a collection line easement, and
6 we're working to get that waiver separately.

7 So even though there is that 350 from
8 property line setback within the Ordinance, all
9 of those Variations are with participating
10 landowners.

11 Q. Is it correct to say all the waivers we're
12 seeking are from property line setbacks, not
13 occupied structures; is that correct?

14 A. That's correct. So on top of -- on top of that
15 Lee County Ordinance, we did put in the Special
16 Use Application, we went ahead and implemented
17 some voluntary setbacks on top of the 350 from
18 property line setbacks.

19 And those -- just to detail some of those,
20 what we are implementing, a 1.1 times turbine
21 tip height on a nonparticipating primary
22 structure, school, church, or public building
23 located on a nonparticipating parcel. We are
24 also implementing a 1.1 times turbine tip height

1 from any residence located on a participating
2 parcel. We're implementing a one times turbine
3 tip height from property line from a
4 nonparticipating parcel. And we're also
5 implementing a one times tip height from any
6 public road, transmission line, or communication
7 tower.

8 So those are voluntary that we're happy to
9 commit to on top of the -- what's in the Lee
10 County Ordinance.

11 Q. And, Ms. McCue, am I also correct that Lee
12 County requires that wind turbines comply with
13 FAA, or Federal Aviation Administration,
14 guidelines?

15 A. That is correct.

16 Q. Okay. And will all of our proposed turbine
17 locations or repowering locations satisfy FAA
18 requirements?

19 A. So we have filed with the FAA in February of
20 2018, and we expect to receive determinations of
21 no hazard probably within the next 60 days. But
22 in order to construct that turbine, we will need
23 to have current determinations of no hazard in
24 place. The original project received those, and

1 we anticipate to have those in hand in the next
2 60 days or so.

3 Q. And am I correct, with regard to the FAA
4 process, that we submit to the Federal Aviation
5 Administration the location and height of our
6 turbines, and then they go through their own
7 process to make a determination that that
8 specific turbine does not create a hazard?

9 A. That's correct.

10 Q. Okay. And is it done for each and every
11 turbine that will be located in Lee County?

12 A. That's correct.

13 MR. STREICKER: Okay. At this point,
14 Judge, I would offer Ms. McCue for questions
15 from --

16 JUDGE SLAVIN: Okay. Very good. Thank
17 you.

18 MR. STREICKER: -- staff, State's
19 Attorney, Board members, and ultimately the
20 audience.

21 JUDGE SLAVIN: I think the last time I
22 started with other interested parties, and I
23 will do so.

24 Is Mr. Gonigam here?

1 MR. GONIGAM: I am.

2 JUDGE SLAVIN: Yes, you are. Questions of
3 Ms. McCue?

4 MR. GONIGAM: Yes.

5 JUDGE SLAVIN: It's all yours.

6 EXAMINATION

7 BY MR. GONIGAM:

8 Q. Is there any waivers for your studies regarding
9 flicker or sound for residences around Turbine
10 74?

11 A. Let's see. I know that we are not seeking any
12 type of setback waiver because there's not an
13 issue with the Ordinance there. Let me see if I
14 have -- and then I think I would have to have
15 our experts look at the specific results on that
16 turbine to see if it was -- if there were any
17 exceedances there.

18 If we were to seek a waiver, we would work
19 with the landowner to do that. And if we were
20 not granted that waiver and we were showing
21 sound or shadow flicker exceedances on that
22 property, then we would curtail that turbine in
23 order to meet any of the Illinois Pollution
24 Control Regulation's sound guidelines on that

1 receptor, and we would curtail the turbine to
2 meet the 30 hours per year or below for shadow
3 flicker.

4 JUDGE SLAVIN: So is your answer to
5 Mr. Gonigam's question that you -- as to Number
6 74, you do not know?

7 THE WITNESS: I don't know if our land
8 agents are seeking a waiver specifically. If
9 they are not, there's either not an exceedance
10 or we're committing to curtail to meet the
11 regulations.

12 MR. GONIGAM: No more questions.

13 JUDGE SLAVIN: No more questions.

14 Okay. Any other interested parties, folks
15 attending that want to ask Ms. McCue a question?
16 You've got to raise your hand or I can't --
17 can't read your mind.

18 (No verbal response.)

19 JUDGE SLAVIN: Okay. Very good.

20 Mr. Klahn, on behalf of the County?

21 MR. STREICKER: Judge, if I may add one
22 more thing? We have one witness, Paul
23 Crossland, who works for Pattern, is our pre-
24 construction engineer. I would say Ms. McCue is

1 probably in the best position for ZBA members if
2 they want to ask questions about the
3 application.

4 JUDGE SLAVIN: Yeah, I understand. I just
5 would --

6 Mr. Klahn, questions of Ms. McCue?

7 MR. KLAHN: Thank you.

8 CROSS-EXAMINATION

9 BY MR. KLAHN:

10 Q. So would it be fair for me to say then that
11 this petition is not seeking any waivers for the
12 setback amount of 350 feet for any
13 nonparticipating landowner?

14 A. That's correct.

15 Q. When you -- I think you have defined this, but
16 I just want to make sure I'm clear. When you
17 say curtail the effects, so basically the
18 operation, they won't be operating in a way that
19 would exceed what -- I guess, example, shadow
20 flicker, that it would -- so you just wouldn't
21 operate it?

22 A. That's correct. So within the shadow flicker
23 report, you can actually get fairly detailed
24 details of what time of year and what time of

1 day that there would be shadow flicker. And so
2 during those times, we can program the turbine
3 to just not operate during those specific
4 instances.

5 Q. And would I -- would it be fair for me to say
6 that every commitment that you have made in your
7 testimony, filed the petition or otherwise, that
8 the petition would stand behind that commitment
9 you have made in your testimony here today?

10 A. Absolutely.

11 MR. KLAHN: No further questions. Thank
12 you, Judge.

13 JUDGE SLAVIN: Thank you.

14 Mr. Forster?

15 EXAMINATION

16 BY MR. FORSTER:

17 Q. As to shadow flicker, I guess my only question
18 is, you said that most were -- I don't remember
19 the exact number because I didn't write it down.
20 On the number of turbines that would be over the
21 30 hours of shadow flicker, can you tell us what
22 the highest amount of shadow flicker would have
23 been in your report?

24 A. I have my notes.

1 JUDGE SLAVIN: Sure. If you want to get
2 them, sure.

3 Thank you very much. I was just going to
4 ask somebody to do that.

5 MR. STREICKER: Ms. McCue, I'm going to
6 hand you what I believe are your personal notes.

7 JUDGE SLAVIN: That's fine.

8 MR. KLAHN: Judge, I have one concern.
9 Open Meetings Act, with closing the door.

10 JUDGE SLAVIN: Oh, with closing the door.
11 You're right.

12 Dee, can you put a -- can you put a sign
13 on the door, something that says --

14 MR. KLAHN: Please walk in or, yeah,
15 something.

16 Sorry. I know it's a small --

17 JUDGE SLAVIN: -- WECS hearing in process,
18 feel free to --

19 MR. STREICKER: Or you can put, ZBA
20 hearing in process.

21 JUDGE SLAVIN: Yeah. Feel free to walk
22 in.

23 CHAIRMAN FORSTER: Join us.

24 MR. KLAHN: I know the intent is not to

1 keep anyone out.

2 JUDGE SLAVIN: I understand. It was
3 getting hard for, I'm sure, Callie to
4 concentrate.

5 MR. STREICKER: Natalie, I know in
6 response to the Board member's question you're
7 going to refer to your personal notes. If you
8 can just describe what you're looking at as part
9 of your answer, for the record.

10 THE WITNESS: Sure. So this is just from
11 the appendix from the shadow flicker results.

12 So it looks like the highest amount --
13 looks like it's 81.9 hours, and so we would
14 either seek to get a waiver from that receptor
15 that is having that much shadow flicker, and if
16 they did not want to grant that waiver, then we
17 would curtail that turbine in order to meet the
18 30 hours or less recommended guidelines.

19 MR. STREICKER: And is the information
20 you're referring to, is that part of our
21 application or is it --

22 THE WITNESS: It was an exhibit to the
23 shadow flicker report.

24 MR. STREICKER: Okay.

1 THE WITNESS: It's an appendix to that,
2 that details --

3 JUDGE SLAVIN: Let the ZBA finish with
4 their questions.

5 Mr. Buhrow -- I'm sorry. Mr. Forster, you
6 said one question. I assumed.

7 CHAIRMAN FORSTER: No, that's fine.

8 JUDGE SLAVIN: Okay. Mr. Buhrow?

9 EXAMINATION

10 BY MR. BUHROW:

11 Q. You mentioned all the studies that have been
12 done or are going to be done. Since this has
13 been in operation, I think most of these studies
14 are probably from the previous installation. Do
15 you have any results from bird studies? Has
16 there been anything that's happened in the last
17 eight years since it's been operating? Are
18 there any results of any of the bird studies or
19 any of that -- things, complaints on noise and
20 that type of thing? Is there any -- the company
21 have any records of that type of thing
22 available? Or how's that stand?

23 A. So the original project, there was some
24 post-construction -- or there was some

1 post-construction studies done on the Plover,
2 but there were not specific fatality studies
3 done according to operations.

4 The site characterization study that we
5 did was more of a desktop review, looking at
6 existing records. The -- since the project has
7 been operating since 2011, it's likely that the,
8 you know, avian birds have become accustomed to
9 the existing conditions out there. We don't
10 anticipate any large use of birds in the area
11 because of the type of habitat. As mentioned,
12 there's not any large water bodies there as
13 well. And we have, you know, continued to
14 consult with the IDNR on any of those impacts.

15 And as part of one of the recommendations
16 by IDNR is to conduct some post-construction
17 fatality monitoring, since the original project
18 didn't conduct that, and we have agreed to
19 conduct some of those studies in accordance with
20 their recommendations.

21 Q. But previously they haven't done actual bird
22 counts or any of that type of thing on a regular
23 basis?

24 A. No.

1 Q. Okay. We have had a lot of testimony over the
2 years relating to bats and birds and things, so
3 kind of familiar with that.

4 A. Sure.

5 Q. How's the noise complaints? Have they been
6 rectified, or has there been any problems with
7 that?

8 A. The noise -- any of the noise complaints would
9 have been documented with our operations and
10 maintenance. I'm not aware of any recent noise
11 concerns.

12 But, again, as part of the repower
13 project, I think as I had mentioned, we do
14 anticipate that these turbines will be
15 significantly quieter when operating at the
16 lower wind speeds. And then we have the
17 complaint resolution as part of our application.
18 If there are any concerns from landowners, we're
19 committed to work with them on an individual
20 basis to rectify those concerns.

21 MR. BUHROW: Okay. That's all the
22 questions I have.

23 JUDGE SLAVIN: Mr. Bothe?

24 MR. BOTHE: None.

1 JUDGE SLAVIN: Thank you.

2 Mr. Pratt?

3 EXAMINATION

4 BY MR. PRATT:

5 Q. Natalie, the Ryan Wetlands asked for the
6 removal of two of the turbines. Can you give me
7 the reason why?

8 A. Sure. So in working with Deb Perry at that
9 facility, she had said that those two turbines
10 were the ones that she felt produced the most
11 sound, and so she asked -- those would be her
12 top two, if we were going to remove, that would
13 be her recommendation. So we agreed that we
14 would decommission those two.

15 Q. Craig asked a question about the previous
16 Ordinance -- or the previous petition that we
17 granted you before. I haven't been able to
18 confirm, but I thought we had it that you had to
19 do studies, post-construction studies, of bird
20 kills and make a report to the County. I also
21 wanted to see that.

22 You don't have any?

23 A. So there was -- if I remember looking back at
24 those documents, there was actually a waiver

1 given by the environmental agency, based on the
2 results of some other wind projects that were in
3 the general area that had conducted those
4 studies. They allowed them to rely on the
5 results because it was similar-type habitat,
6 similar region. And so the only studies that
7 were required were the previous studies which
8 were conducted.

9 Q. But in your petition now you're saying you will
10 conduct an annual study and submit to the
11 County?

12 A. That's correct. We have committed to doing a
13 post-construction study for three years to get
14 those results. We will submit that to the
15 County, along with IDNR.

16 Q. So the shadow flicker, I understand -- when you
17 say you're going to curtail turbines necessary
18 to meet the 30 hours, how will that be
19 monitored? How will we know that you have
20 accomplished that task?

21 A. So I believe in part of the application we're
22 also required to do a post-construction study on
23 shadow flicker and noise. And so the results of
24 that study would have to show that either we

1 have a waiver in place, or for those properties
2 that we don't, that we would be coming in under
3 the 30 hours below -- below the 30 hours per
4 year.

5 Q. So that study will show the hours of operation
6 of each turbine?

7 A. Yes.

8 MR. PRATT: I guess that's all I have for
9 now.

10 JUDGE SLAVIN: Thank you.

11 Mr. Hughes.

12 MR. HUGHES: I think my colleagues have
13 all addressed my questions already.

14 JUDGE SLAVIN: Very good. Thank you.

15 Mr. Meyer?

16 EXAMINATION

17 BY MR. MEYER:

18 Q. My question's about the shadow flicker
19 curtailment. Now, when you're trying to get
20 down under the 30 hours, does the -- does the
21 wind turbine have a way of knowing if it is
22 going to be a cloudy day, will it then not be
23 curtailed by an otherwise flicker day? Do you
24 know what I mean?

1 A. My understanding is, it can account for that,
2 but I think if we're going to get to those
3 specific questions, I would probably rather have
4 our shadow flicker expert provide those details.

5 MR. MEYER: Okay.

6 JUDGE SLAVIN: Any other questions?

7 MR. MEYER: No.

8 JUDGE SLAVIN: Ms. Duffy?

9 MR. KLAHN: I have one follow-up. Do you
10 want me to ask it?

11 JUDGE SLAVIN: Sure.

12 RE-CROSS-EXAMINATION

13 BY MR. KLAHN:

14 Q. It's a simple question, but when you said
15 mitigate television interference, what does that
16 mean?

17 A. So there could be an issue where we could
18 either offer to upgrade a landowner's system to
19 have DirecTV or something that communicates
20 better, or there could be an option of putting
21 in an additional antenna in the project to get
22 stronger communication.

23 MR. KLAHN: That was all. Thank you, Dee.

24 MS. DUFFY: Thank you, Matt.

1 JUDGE SLAVIN: Okay. Thank you.

2 MR. PRATT: Judge?

3 JUDGE SLAVIN: Yes, sir.

4 MR. PRATT: Can I re-ask --

5 JUDGE SLAVIN: Absolutely.

6 EXAMINATION

7 BY MR. PRATT:

8 Q. On setbacks again, can you tell me, was there a
9 condition in the first petition that we granted
10 to you stating that setbacks would be 1400 foot,
11 or three and a half times the height of the
12 turbine, whichever is greater, from the
13 residence?

14 A. The -- in the original petition, under Setback
15 Requirements it states that, Paragraph 8(b) of
16 the Ordinance Standards, Setback requirements
17 shall not apply to this Special Use. The
18 following provisions shall apply in lieu of.

19 And then it details, no wind turbines
20 shall be located nearer than 1.1 times its
21 height to any property line, roadway, railroad,
22 transmission, or distribution line.

23 It goes on to say that a turbine may be
24 placed within 200 feet from a property line,

1 roadway, railroad right-of-way, or right-of-way
2 for transmission and distribution lines with the
3 prior written approval of the owner.

4 It also states that no turbine shall be
5 located nearer than 14 [sic] feet from existing
6 occupied residence. A turbine may be placed as
7 near as a thousand feet from an occupied
8 residence with prior written approval of the
9 owner.

10 Q. 14 feet, you said?

11 A. 1400.

12 MR. PRATT: Okay. Thank you.

13 JUDGE SLAVIN: Any other questions, Board?

14 (No verbal response.)

15 JUDGE SLAVIN: Follow-up, Mr. Streicker?

16 MR. STREICKER: Oh, yes.

17 REDIRECT EXAMINATION

18 BY MR. STREICKER:

19 Q. Ms. McCue, the document you were just quoting
20 from, could you describe that for the record,
21 please?

22 A. Sure. This was the Special Use Permit that was
23 issued an Ordinance granting Special Use for a
24 Wind Energy Conversion System under the

1 Agriculture District of Lee Revised Zoning
2 Ordinance.

3 MR. STREICKER: Judge, I was thinking I
4 might mark that as an exhibit.

5 JUDGE SLAVIN: It's up to you. I'm
6 sure it's -- sure.

7 MR. STREICKER: Okay.

8 MS. DUFFY: Can I ask some questions?

9 JUDGE SLAVIN: Sure. I thought you passed
10 on that. I'm sorry.

11 Off the record.

12 (A discussion was held off the
13 record.)

14 JUDGE SLAVIN: Okay. Back on.

15 (Petitioner's Exhibit Number 12
16 marked for identification.)

17 Q. (By Ms. Streicker:) Ms. McCue, I'm going to
18 hand you what's been marked as Petitioner's
19 Exhibit 12. If you could, describe that for us.

20 A. Yes. This exhibit you just handed me looks
21 identical to what I was just reading from, which
22 was the Special Use Permit that was issued to
23 Big Sky under the Lee Revised Zoning Ordinance.

24 Q. And could you just read the Ordinance number

1 off the top of the Ordinance, please?

2 A. Sure. The Ordinance number is 2006-0406-001.

3 MR. STREICKER: All right. Thank you very
4 much.

5 Judge, I have no further redirect.

6 JUDGE SLAVIN: Okay. Ms. Duffy?

7 EXAMINATION

8 BY MS. DUFFY:

9 Q. I was just wondering, with the increase in
10 length to the blade, talking about increase in
11 noise or just the lower wind speeds, but
12 wouldn't it also increase the risk of collision
13 with the turbine base, the increase of wind, the
14 longer blade?

15 JUDGE SLAVIN: Keep your voice up or
16 Callie can't hear you.

17 MS. DUFFY: Sorry.

18 A. I'm not sure I understand the question. Are
19 you saying -- are you asking that since it's a
20 longer blade it actually is a little bit closer
21 to the base?

22 Q. (By Ms. Duffy:) With higher wind speeds.

23 A. I mean, the structure itself, with the bigger
24 rotor, will be closer. I'm not sure that the

1 wind speed would affect the distance.

2 Q. Okay. Do you have a power purchase agreement?

3 A. We have -- this project is a merchant project,
4 so that doesn't have a specific contracted power
5 purchase agreement. It's a merchant project.

6 Q. Is it normal practice to leave collection
7 cables in the ground after they have
8 been buried?

9 A. I'm going to let Paul Crossland speak to that.
10 He will be detailing more details about
11 construction and decommissioning.

12 MS. DUFFY: That's all for now.

13 JUDGE SLAVIN: Okay. Very good. You may
14 step down. Thank you.

15 THE WITNESS: Thank you.

16 MR. HUGHES: Excuse me. Could I have one
17 more question?

18 JUDGE SLAVIN: Yeah. Guys, let's write
19 down questions if you have them.

20 MR. HUGHES: Well, this one came up after
21 the fact.

22 JUDGE SLAVIN: Yeah, I understand.

23 EXAMINATION

24 BY MR. HUGHES:

1 Q. You just -- we had been looking for -- and
2 thank you for bringing this in. We were trying
3 to clarify the setback requirements for
4 residential, and you had addressed 1.1 times,
5 but then when we went into what was just entered
6 as an exhibit, it says, No wind turbine shall be
7 located nearer than 1400 feet from any existing
8 or occupied residence and not less than a
9 thousand.

10 And the Turbine 74, based on tentative
11 numbers or preliminary numbers, that's at 832.

12 A. Uh-huh.

13 Q. So that's not only inside the 14-, it's inside
14 the thousand, which is the minimum. So Turbine
15 74 appears to be in violation of the approval.

16 JUDGE SLAVIN: Is that a question?

17 MR. HUGHES: I guess I'm --

18 JUDGE SLAVIN: Just -- she's the only one
19 under oath, so just ask her a question.

20 THE WITNESS: So --

21 JUDGE SLAVIN: No, no, just ask her a
22 question, otherwise we are going to deteriorate
23 into everybody just talking about stuff.

24 Q. (By Mr. Hughes:) Why is it or how is it that

1 Turbine 74 is inside that setback?

2 A. So I guess to revisit that, the Lee County
3 Ordinance, the only provision in there is the
4 350 from the property line, and then we are
5 voluntarily committing to 1.1 times turbine
6 height setback, which I believe would be setting
7 back 505.6 feet, is 1.1.

8 And I believe that structure is 8- --
9 approximately 830 feet away. So we would still
10 be complying with the 1.1 times turbine height
11 voluntary setback.

12 Q. Okay. Except that you just read that it was
13 14-.

14 A. I was reading from the previous Ordinance.

15 Q. Yes.

16 A. And so as part of the repower, I think that
17 comes into play where, you know, we're using the
18 same, existing foundations, and those can't
19 move. So the only Variation we would be seeking
20 from the Ordinance for the repower, since we're
21 being re-permitted, would be those participating
22 landowners that are within the 350-foot setback
23 from property lines.

24 Q. But it was just handed out, as far as Exhibit

1 8, the previous Ordinance, which states, No wind
2 turbine shall be located nearer than 1400 feet
3 or as near as a thousand feet from an occupied
4 residence with prior written.

5 You have already stated and confirmed that
6 it's 832, which is less than even was allowed
7 with the waiver, and this is from the prior
8 Ordinance. So how did it get that -- to that?
9 It appears you're in violation already on --

10 JUDGE SLAVIN: I'm not trying to be
11 difficult, but you're starting to argue with
12 her.

13 MR. HUGHES: I'm trying to find out why it
14 is.

15 A. I can't speak to when that residence was built.
16 I know for the repower that we are seeking a new
17 permit in accordance with the current Lee County
18 Zoning Ordinance.

19 MR. HUGHES: Okay.

20 JUDGE SLAVIN: We're going to go back
21 around.

22 Mr. Streicker?

23 MR. STREICKER: I have no redirect, Judge.

24 JUDGE SLAVIN: Mr. Klahn?

1 MR. KLAHN: No.

2 JUDGE SLAVIN: Any other ZBA member have a
3 question?

4 (No verbal response.)

5 JUDGE SLAVIN: All right. You can step
6 down.

7 THE WITNESS: Thank you.

8 MR. STREICKER: Do you want to take a
9 break or --

10 JUDGE SLAVIN: I want to go a little
11 longer. I try and take a break about halfway
12 through. We're not quite there yet.

13 MR. STREICKER: All right. At this time,
14 Judge, we will call Paul Crossland to the stand.

15 JUDGE SLAVIN: Raise your right hand,
16 please.

17 PAUL CROSSLAND,
18 being first duly sworn, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. STREICKER:

22 Q. Mr. Crossland, could you please state your name
23 and spell it for the record.

24 A. Yes. Paul Crossland. Paul, P-A-U-L,

1 Crossland, C-R-O-S-S-L-A-N-D.

2 Q. And, Mr. Crossland, what's your business
3 address?

4 A. It's 4275 Executive Square, Suite 825,
5 La Jolla, California, 92037.

6 Q. Okay. And could you please describe for the
7 ZBA members your educational history, or at
8 least relevant educational history?

9 A. Bachelor's degree in construction project
10 management.

11 Q. And how are you currently employed?

12 A. I'm employed with Pattern Development as a
13 pre-construction manager.

14 Q. And what are the job duties of a
15 pre-construction manager?

16 A. I'm responsible for overseeing pre-construction
17 and engineering of commercial-scale wind
18 projects. This includes early-stage project
19 planning, developing project scopes and
20 scheduling and budget through early development
21 into construction, finalizing major construction
22 contracts, planning logistics and delivery
23 routes, and collaborating with project
24 designers, engineers, and other stakeholders.

1 Q. And how long have you been in that position?

2 A. I joined Pattern in June 2018.

3 Q. Okay. And how were you employed prior to
4 working for Pattern?

5 A. I worked for SunEdison as a project manager
6 prior to working for Pattern Development.

7 Q. And any relevant experience prior to that?

8 A. Yes. I was originally working with First Wind,
9 building commercial-scale wind energy projects
10 for seven years. When SunEdison purchased First
11 Wind in November 2014, when First Wind was
12 purchased, I continued in my role as a project
13 manager with SunEdison.

14 Q. So is it fair to say that you have significant
15 experience managing wind farm construction
16 projects?

17 A. Yes.

18 Q. How many megawatts of renewable energy
19 development have you overseen?

20 A. I have overseen one gigawatt of renewable
21 energy projects.

22 Q. And have you ever overseen the development of a
23 project similar to the one that's the subject of
24 this petition in Lee County?

1 A. Yes, similar in size. This will be my first
2 repower project; however, Pattern is developing
3 another repowering project in Texas, and we are
4 working closely with our colleagues, and we are
5 also engaged with third-party engineers and
6 construction companies who have previous repower
7 experience.

8 Q. Okay. And briefly describe for us what you're
9 going to testify to today, what type of topics.

10 A. Discuss Pattern's construction background,
11 provide details about repowering, and describe
12 how we comply with all local Lee County
13 Ordinances and requirements.

14 (Petitioner's Exhibit Number 13
15 marked for identification.)

16 Q. Mr. Crossland, I'm going to present you with
17 what's been marked as Petitioner's Exhibit 13.
18 If you could take a look at that for us, please.

19 JUDGE SLAVIN: Thank you.

20 Q. (By Mr. Streicker:) Mr. Crossland, have you
21 seen this exhibit before?

22 A. Yes, I have.

23 Q. Did you personally prepare this exhibit?

24 A. Yes, I did.

1 Q. Mr. Crossland, is it fair to say that Exhibit
2 13 is a PowerPoint presentation that you
3 prepared to aid your testimony here tonight?

4 A. Yes.

5 Q. Before we get into that, can you talk briefly
6 about Pattern's experience, as a company,
7 developing projects, how many or how many
8 megawatts' worth of wind has Pattern developed?

9 A. Yeah, Pattern has developed over 4,500
10 megawatts in renewable projects.

11 Q. All right. Then if we could, let's turn our
12 attention to the project at issue, and
13 specifically the Lee County. Mr. Crossland,
14 this project has been described as a repowering;
15 is that correct?

16 A. Yes.

17 Q. Can you describe for the ZBA members what a
18 repowering is?

19 A. Yes. A repowering, we're going to be taking
20 the older components, the older wind turbines,
21 and replacing them with newer technology, new
22 turbines.

23 Q. And what's the purpose of the repowering?

24 A. Increases efficiency, will reduce the costs,

1 and improve production.

2 Q. And you have a bullet point on the PowerPoint
3 regarding utilization of federal tax incentives.
4 Can you describe for us what that is?

5 A. Utilizing federal tax incentives, we would be
6 utilizing our PTC turbines, which were purchased
7 prior to this project. They will be implemented
8 as part of the repowering of the Big Sky
9 Repower.

10 Yeah, but beyond that, Kevin Wetzel would
11 probably be more able to answer that.

12 Q. Mr. Crossland, I know Mr. Wetzel touched on
13 this point, but wondered if you could too. The
14 current project, the max or rated output is 240
15 megawatts; is that correct?

16 A. It is, yes.

17 Q. And the repower project will be the same-rated
18 output?

19 A. It will be the same-rated output, correct.

20 Q. Is it correct to say you will be changing the
21 turbines as part of the repower?

22 A. Correct.

23 Q. Okay. And what are the current turbines that
24 are installed on the project?

1 A. Right now it's 114 Suzlon S88 wind turbines.

2 Q. And that 114, is that set between Lee and
3 Bureau Counties?

4 A. It is.

5 Q. Okay. Is it correct to say that the current
6 project was placed in service in February 2011?

7 A. Yes.

8 Q. Okay. And then, so talk to us about the
9 repowering. How is the technology going to
10 change? Is the size of the project going to
11 change? And if so, why is that going to happen?

12 A. Yeah, so the turbines that we're going to be
13 installing have a larger megawatt capacity. So
14 we will be reducing the actual turbines being
15 installed. We will be taking down the 114
16 Suzlon S88 wind turbines and installing 97 GE
17 turbines.

18 This will allow for, you know, better
19 energy production. Even though it's 240
20 megawatts, we will be able to produce power at
21 lower wind speeds to create more energy.

22 Q. And will this have the effect of allowing the
23 same turbines to create more energy than the
24 current ones because it can create power at

1 lower wind speeds?

2 A. Yes, that's correct.

3 Q. And, Mr. Crossland, are you familiar with the
4 term tier one technology?

5 A. Tier one technology, I cannot.

6 Q. Okay. In your experience, would that be
7 related to the turbines that will be installed?

8 A. It would be. It would be a more efficient
9 turbine. I can't go into the classifications.

10 Q. Okay. Tier one is a classification of
11 turbines; is that correct?

12 A. Yes.

13 Q. And we have heard a couple times throughout the
14 presentation or the testimony that's been made
15 that the project will be utilizing existing
16 foundations; is that correct?

17 A. Yes.

18 Q. And these are the existing foundations for the
19 114 installed turbines?

20 A. Yes.

21 Q. Okay. Will any modifications be necessary for
22 these -- to these foundations to accommodate the
23 new turbines?

24 A. There will be. There will be certain

1 foundations that require minor conditional work
2 with the repowering. This will consist of minor
3 excavation work at the turbine site to expose
4 the top of the foundations to roughly 4 feet
5 below final grade. Once the top of the -- once
6 the excavation of the foundation is exposed,
7 concrete and reinforcing bar will be installed,
8 and concrete will be poured on top of the
9 foundation.

10 Once the concrete is complete, backfilling
11 and excavation materials will be placed back on
12 top of the turbine to compact it.

13 Q. So will it be fair to summarize your testimony
14 to state that the current foundations will be
15 reinforced to accommodate the new turbines?

16 A. Yes.

17 Q. And when you say minor excavation, are you
18 referring to the fact that the minor excavation
19 would be in and around the existing foundations
20 that were disturbed as part of the previous
21 construction process?

22 A. It would be.

23 Q. You have a term up there, and it's been used a
24 couple times, regarding collection lines. Can

1 you describe for the ZBA what collection lines
2 are and how they operate as part of a wind farm?

3 A. A collection line is the underground electrical
4 cable that brings the power from the turbine to
5 the collection substation as part of the
6 project.

7 Q. Okay. And as part of the repowering, will it
8 be a requirement that these collection lines be
9 upgraded?

10 A. There will be very little. It's going to be
11 roughly 4,000 lineal feet, which represents
12 about 3 percent of the project. So it's very
13 minor.

14 Q. So is it fair to say that 3 percent of the
15 project collection lines will be upgraded and
16 the remainder will be utilizing existing
17 infrastructure?

18 A. Yes.

19 Q. Okay. And then, if you could -- oh, let me ask
20 one more question. With regard -- you have
21 bullet point up there, Replacing, Towers,
22 Nacelles and Blades. Can you describe for the
23 ZBA what those components are?

24 A. Yeah. The towers, there's -- typically the

1 ones that are out there, the S88s, are three
2 tower sections: the base, mid, and top. The
3 nacelle is the powerhouse on the top, the
4 gearbox, generators. And the blades are three
5 that blades the wind hits and produces power.

6 Q. The last bullet point you have states there
7 will be no change to the transmission line?

8 A. That's correct.

9 Q. Can you describe for the Board what the
10 transmission line is?

11 A. Transmission line is what brings the medium
12 voltage to high voltage, and that high-voltage
13 transmission line goes to the point of
14 interconnect. In this case it's up here, I
15 believe, in Dixon, where it's 34.5 kV at the
16 collection substation currently at the project
17 site. It goes up to 138 kV up to the point of
18 interconnect up here, I believe it's in Dixon.

19 Q. Can you describe for the ZBA what the
20 substation is?

21 A. The substation is where all the power is
22 brought into and distributed out beyond to
23 transmission line across to other counties and
24 other locations, transporting power.

1 Q. And sorry, you referenced, I believe, the O and
2 M building. Can you describe for the Board what
3 that is?

4 A. The operations and maintenance building. It's
5 the building that -- the management of the
6 project facility, it's where they work out of.
7 And there's -- where they store some equipment
8 and some of their consumables, which includes
9 filters and oil and other things.

10 Q. Okay. And it's correct the repowering will not
11 require any changes to the transmission line,
12 the substation or the O and M building?

13 A. That's correct.

14 Q. Can I turn your attention, please, to the next
15 slide, which is entitled Construction.

16 Paul, as the pre-construction manager, is
17 it fair to say that you're responsible for
18 developing a construction plan for the
19 repowering project?

20 A. Yes.

21 Q. And could you describe for the ZBA what that
22 plan is or what that plan will encompass?

23 A. The plan will include basically scheduling,
24 knowing when we're going to be starting to do

1 civil work, getting into -- understanding when
2 we're going to get deliveries of components,
3 turn it into how the project itself is going to
4 be built in different phases. Usually it's
5 civil work, updating access roads, and clearing,
6 you know -- clearing the topsoil, upgrading the
7 access roads, upgrading the power pads around
8 the new tower structures, and then scheduling in
9 when we're going to be dismantling the turbines,
10 and scheduling in when the new components will
11 be arriving, and then erection of the turbines,
12 as well as commissioning and getting to COD,
13 which is commercial operation date.

14 Q. And, Mr. Crossland, have you put up what I
15 think we hope to be the construction schedule as
16 part of your PowerPoint presentation?

17 A. All I have is just right now, because we're
18 still in the early planning stages, this is --
19 currently what we're looking at is January,
20 February 2020 to begin construction; March
21 through September 2020 will be wind turbine
22 decommissioning and installing new turbines; and
23 then September 2020 would be finishing
24 construction to reach COD.

1 Q. All right. Are there any pre-construction
2 activities that will take place potentially in
3 2019 that would involve any disturbances or any
4 impacts that residents in the area will see?

5 A. Well, we have had a company out there doing
6 private meter testing, which is recording the
7 groundwater levels around the turbines. So that
8 has been and had taken place. Then once a month
9 they have been going out and taking readings.

10 Q. Consistent with that, as part of your
11 pre-construction activities, is stormwater
12 pollution prevention part of that and managing
13 runoff, that type of planning?

14 A. It is, yeah. That's usually -- we bring our
15 contractors in, we will get that plan developed
16 and implemented at the beginning of the project.

17 Q. What's the purpose of that plan?

18 A. Erosion control, to be able to protect the
19 infrastructure and then just the soils in
20 general, the natural grade, and any local, you
21 know, wetlands or other things like that, that
22 we're able to make sure that our construction
23 activities do not hinder or cause any further
24 damage, that we're able to contain it within our

1 site.

2 Q. I know topsoil is an important issue to a lot
3 of area residents. What types of steps will
4 Pattern take to protect topsoil in the area?

5 A. Topsoil, what we will do is, we will clear --
6 once we get there, we will push aside the
7 topsoil, and we'll create, you know, a silt
8 fence around it to make sure it's protecting out
9 to the side, and then we'll just use the subsoil
10 base for our compaction to be able to use our
11 equipment and do our construction activities.

12 Once that work is completed, we will
13 decompact that subsoil and then bring that
14 topsoil back and push it back.

15 Q. As part of the stormwater pollution prevention
16 plan, does that plan also deal with sediment
17 control, as far as keeping sediment from
18 entering our waterways, et cetera?

19 A. Yeah. That's the silt fence and other best
20 management practices to be able to protect and
21 keep all of these soils in its current location,
22 not going beyond into natural habitat or to the
23 land itself, to contain it.

24 Q. And as part of the period you have marked as

1 beginning construction from January to February
2 2020, would that include the decommissioning of
3 the current turbines?

4 A. It would not. The beginning construction would
5 be when civil work would begin. We would be
6 going out there and clearing the topsoil and
7 starting to upgrade the existing access roads.

8 Q. Okay. Then describe for us when you would get
9 into the actual decommissioning, which I think
10 you have here as listed from March to September
11 2020.

12 A. So that would be early March we would get out
13 there to start doing the decommissioning. So we
14 would start bringing in the equipment and
15 staging and start with, you know, turbine
16 decommissioning and work our way through the
17 project, starting in March.

18 Q. And how is the turbine decommissioning?

19 A. Well, we're looking at two different options.
20 We're looking at the crane method, which is
21 picking the component off one by one. That
22 would be taking down the blades and the hub as
23 one unit, and then the nacelle, the top, mid,
24 and base tower section.

1 The other option is actually called a
2 tilt/fell method, which is where we would cut
3 the bottom base of the tower and tilt the
4 turbine over on a planned location, where at
5 that point the turbine will be dismantled and
6 taken off site.

7 Q. Okay. And when will you choose which method
8 you --

9 A. Well, we're still evaluating both options.
10 Right now we are leaning towards the tilt/fall
11 method. The reason for that is, schedule-wise
12 it's actually less invasive. It's a very quick
13 process. It can be done very quickly, and the
14 impact is limited to a very short amount of
15 time. As compared to the crane method, you are
16 going to have that crane there on site, and it
17 takes a substantial longer time to take the
18 components down and set it aside and load it
19 onto trailers and to have them removed off site.

20 Q. Okay. And then you also mentioned that during
21 the same time period, you have an ampersand,
22 install there. Can you talk about the
23 scheduling of the installation of new turbines?

24 A. Yeah, so we're anticipating an April 1st start

1 of turbine deliveries. So those components will
2 come in, in about eight turbines, meaning a
3 complete turbine set, a week. They will come in
4 throughout the site in both Bureau and Lee. It
5 still needs to be planned out exactly where
6 those turbines are going and at what times.
7 That is the estimated start of deliveries.

8 At that same time, we will start doing the
9 erection. So we will have the main crane there,
10 the base, and the mid crane. The process there
11 is, you know, the base and the mid tower
12 sections will be erected first, and then the
13 base and mid crane will continue on to the next
14 location.

15 What we call the top-up [phonetic] will
16 follow. That would do the top tower section,
17 the nacelle, build the blade and hub, and lift
18 that and install that and move on. So that
19 activity will be starting in April.

20 Q. Is it correct to say, again, consistent with
21 your slide, that we hope to reach COD, which
22 will be initial operation, in September 2020?

23 A. Yes.

24 Q. And getting to some of the specifics of

1 construction --

2 JUDGE SLAVIN: Are you going to move on to
3 Major Construction Activities?

4 MR. STREICKER: Yeah.

5 JUDGE SLAVIN: Let's take ten minutes,
6 8:30.

7 (A recess was taken at 8:20 p.m.
8 and proceedings resumed at
9 8:30 p.m.)

10 JUDGE SLAVIN: Well, I think the key
11 players are back in place. Want to pick back up
12 where you left off, Mr. Streicker?

13 MR. STREICKER: Sure.

14 Q. (By Mr. Streicker:) Mr. Crossland, if I could
15 turn your attention back to your PowerPoint
16 slides. We left off, we were about to start
17 Major Construction Activities; is that correct?

18 A. Yes.

19 Q. The first bullet point that's listed on the
20 PowerPoint is to improve and widen existing
21 access roads and entrances.

22 Can you discuss what Pattern intends to do
23 with the area roads as part of the overall
24 project construction process?

1 A. Yes. So right now we're at -- existing road is
2 6 feet wide. So what we will do is widen them,
3 create a little bit more room for us to do our
4 construction activities. We will be using the
5 existing access roads and existing entrances.
6 There may be some occasions where we actually
7 widen some of those entrances. During the
8 original build, some of those entrances were
9 actually kept with larger radiuses. So we will
10 keep those, and we will upgrade the ones that we
11 need.

12 Really that's -- and sort of the paths
13 themselves, we're going to make them larger in
14 order for us to do our construction activities
15 as well.

16 Q. Are there any agreements that you typically put
17 in place with units of local government
18 regarding the roadwork?

19 A. On the road work, for county and township roads
20 we will get a road use agreement with each
21 township, each county.

22 Q. All right. What's the status of the road use
23 agreements?

24 A. We are currently, right now, working through

1 between the local counsels representing the
2 townships in the county and ourselves. We have
3 gone through a couple of revisions. So it's
4 being drafted.

5 Q. When do you anticipate having those in place?

6 A. I hope in short order, very soon. Working
7 towards that.

8 Q. Is there a deadline by which you would have
9 those agreements in place?

10 A. Not that I'm aware of.

11 Q. Okay. All right. Then if you can tell us
12 about how you're going to proceed with staging
13 and erection work?

14 A. The staging and erection work patterns for
15 each -- so that's going to be clearing a little
16 bit larger around the wind turbines themselves.
17 Currently there is what we call a duty ring. So
18 we're going to create a bigger pad, take that
19 topsoil, push it to the side, as I explained
20 earlier, and we're going to create a bigger area
21 for us to, one, decommission the turbines, and,
22 two, to offload and create enough room to do
23 erection activities.

24 Q. And the next bullet point is a circuit-by-

1 circuit decommissioning and erection. Can you
2 describe what that bullet point indicates?

3 A. We're looking at doing a rolling outage. Be up
4 to three to four circuits at a time. As we
5 start doing a decommissioning and erection
6 portion between those three circuits, as one
7 circuit is completed and we commission those
8 turbines, we'll bring a circuit back online and
9 we'll take off another circuit. So continuing
10 with three to four circuits out, until the very
11 end, when we turn all circuits back on.

12 Q. I have heard the term crane walk used a number
13 of times. Can you describe what a crane walk is
14 for us?

15 A. A crane walk is a compacted area that allows
16 the crane to walk across the fields. We're
17 going to use the existing access roads as much
18 as possible. There is going to be some
19 occasions where we have got to go across the
20 field. So we will create a non- -- or a
21 disturbance area for that path. Typically the
22 cranes are about 36 feet wide. So we'll create
23 something a little bit wider than that, and
24 compact and allow that crane to walk across to

1 the next turbine.

2 Q. And are crane walks something that you
3 coordinate with your landowners?

4 A. We will. We will have a map put into place
5 that shows how the cranes are going to be -- the
6 crane paths themselves, the access routes, and
7 we will have them also staked and marked out in
8 the fields so we stay within our impact areas.

9 Q. Okay. Is it fair to say the crane walks are
10 something you have negotiated with your host
11 landowners as far as how that's going to be
12 conducted by and large?

13 A. It's within the wind lease for us to do that,
14 but yes.

15 Q. Okay. And you mentioned before that some
16 cabling upgrades needed to be made as part of
17 repowering process; is that correct?

18 A. Yes.

19 Q. Okay. And in the -- was it 3 percent of the
20 cable that needed to be replaced?

21 A. Yes.

22 Q. Okay. And as part of that cable replacement,
23 will there be any trenching done?

24 A. There will be some trenching. And what we will

1 do there is, on the cables that need to be
2 upgraded, we will go right alongside and
3 parallel to the existing cable, do our
4 trenching, install the new cables.

5 Q. In your next bullet point it says, Site
6 restored to pre-power condition. What's that
7 mean?

8 A. That will mean that once the project is done,
9 especially in those circuits, as we get them
10 commissioned, we'll come back around and we'll
11 restore the sites. That will mean decompacting
12 the soils where needed, bringing back the
13 topsoil, and putting the access roads that come
14 off the county roads to the turbine sites back
15 to 16 feet wide, and the turbine, what I will
16 call the Buga ring, roughly a 60-foot, kind of
17 radius -- actually more roughly a diameter,
18 we'll bring that back into place, and that will
19 be pre-repower condition.

20 Q. As far as bringing things back into pre-repower
21 condition, would that also apply to the roads?

22 A. Yes.

23 Q. How would you go about doing that?

24 A. So the roads, as well as with the road use

1 agreement -- we're talking about county and
2 township roads, prior to us coming on site we
3 would do the road evaluation, which would mean
4 analysis of the existing road conditions prior
5 to us coming on site. And then once we are
6 finished, we will repair the county roads to
7 their pre-repower conditions in like or better
8 condition.

9 Q. Mr. Crossland, I'm going to hand you what's
10 been previously marked as Petitioner's Exhibit
11 3. If you could take a second to review that
12 document, sir.

13 Are you familiar with Petitioner's Exhibit
14 3?

15 A. Yes.

16 Q. Can you describe for us what that is?

17 A. It's the agricultural impact mitigation plan --
18 or agreement. Sorry.

19 Q. Were you involved with the negotiation of this
20 agreement?

21 A. I assisted with this, yes.

22 Q. Okay. And do you know what this agreement
23 generally exists to do or govern?

24 A. It falls -- well, it guidelines for us to be

1 able to help with our impacts, make sure that we
2 mitigate our impacts to the land and to the
3 landowners' fields.

4 Q. Okay. And is it fair to say that the AIMA, or
5 agricultural impact mitigation agreement,
6 Petitioner's Exhibit 3, is the State's
7 construction and deconstruction standards with
8 regard to wind farm development?

9 A. Yes. We will be using this document with how
10 we're going to do our work and also how we're
11 going to go about restoring the work during
12 post-construction.

13 Q. Okay. Sir, if I could turn your attention to
14 Condition B of Exhibit 3. That's on the first
15 page.

16 A. Okay.

17 Q. If you could just read that Condition B to us?

18 A. Except for Section 21, B-F, all options set
19 forth in this AIMA are subject to modification
20 through a negotiation by landowners and a
21 representative of the facility owner. Provide
22 such changes negotiated in advance of any
23 respective construction or deconstruction
24 activities.

1 Q. Okay. And how do you take that provision to
2 read? Has it impacted at all the way you have
3 looked at the construction and deconstruction
4 activities?

5 A. It has not.

6 Q. Okay. Is that because what the AIMA allows to
7 do, with the exception of 21, B through F, is
8 negotiate specific construction decommissioning
9 agreements with your host landowners via your --
10 whether it's a lease, an easement or other --

11 A. Yes.

12 Q. -- other what's called underlying agreement in
13 the AIMA; is that correct?

14 A. Yes.

15 Q. Okay. With regard to decommissioning in
16 particular, and if I could turn our attention to
17 the next slide, if you could just briefly give
18 us an overview on what this slide is going to --
19 what you want to discuss as part of this slide?

20 A. Yeah. This is to the non-turbine relocated
21 sites. We will be following the existing Lee
22 and Bureau County decommissioning plans that was
23 previously issued for the project. We are going
24 to take those foundations and remove the 4 feet

1 below top of grade. We will remove the pad
2 mount transformer and pad vault. We will remove
3 access road materials. There are going to be
4 some occasions, and we have already been
5 requested by some landowners that they may want
6 to keep some of those roads, so we will work
7 with them on that.

8 Underground electrical cable above 4 feet
9 from natural grade and not being used by the
10 project will be removed.

11 Q. With regard to Bullet Point 1, which is the
12 concrete foundation to be removed to 4 feet
13 below the top of grade, is that something you
14 specifically negotiated with your landowners?

15 A. That is part of the decommissioning plan in Lee
16 and Bureau County.

17 Q. Okay. And are your landowners aware that
18 that's part of your decommissioning plan?

19 A. Yes.

20 Q. And are they made aware of it through the
21 lease; is that correct?

22 A. I can't speak on the lease.

23 Q. Okay. But as far as you know, the landowners
24 are aware that you intend to remove to 5 [sic]

1 feet?

2 A. Yes. Yes, we have been speaking to them and
3 talking to them about that.

4 JUDGE SLAVIN: Did you mean 4 feet?

5 MR. STREICKER: I did mean 4 feet. Thank
6 you. Yes.

7 Q. (By Mr. Streicker:) And then with regard to
8 the second bullet point, the pad mount
9 transformer and pad mount vault, can you
10 describe that removal process for that?

11 A. Yeah. That pad mount transformer is amenable
12 to transformer. So that will be removed and
13 recycled -- salvaged and recycled. The pad
14 vault, which is an underground vault which holds
15 the cables, will be pulled out and removed, and
16 we will bring that soil back and compact it down
17 and fill in those holes and remove -- basically
18 salvage those as well; pad vaults.

19 Q. Then with regard to access road material, can
20 you describe how that's going to be removed?

21 A. That will be removed with a loader and will be
22 taken offsite to an approved location. We will
23 then decompact the soils and bring back the
24 topsoil. If we do need to import some soil, it

1 will be from a local source and an approved
2 source.

3 Q. Okay. With regard to access road removal, I
4 believe you indicated in the PowerPoint, it
5 says, open paren, Unless otherwise requested by
6 a landowner, closed paren.

7 Can you describe for us why you added
8 that?

9 A. There have been some requests from those
10 landowners that they would like to keep some of
11 the roads because they like to use them for
12 continuation with the farming. So if they would
13 like us to leave the roads, we will do so.

14 Q. Okay. And then your next bullet point looks to
15 be with regard to the depth by -- to which
16 you're going to remove underground cable. If
17 you could describe that for us, please?

18 A. Yes. If there's any electrical underground
19 cable that is below from natural grade 4 feet --
20 to the 4 feet, that will be removed. If it's
21 lower than 4 feet, that collection cable will
22 stay. If it's not connected electrically, then
23 we will disconnect and leave it buried in the
24 ground below the 4 foot.

1 Q. Okay. And with regard to leaving anything in
2 the ground that's buried 4 foot or deeper -- is
3 that a correct statement?

4 A. Yes.

5 Q. Was the 4-foot removable depth, was that
6 specifically negotiated with your landowners?

7 A. That was, again, part of the decommissioning
8 plan with Lee and Bureau County.

9 Q. Okay.

10 A. And I can't speak on when.

11 Q. When you say decommissioning plan, was that
12 part of the decommissioning plan for the project
13 that's currently installed?

14 A. Yes.

15 Q. Your last bullet point is, Site restored to
16 natural grade and condition; is that correct?

17 A. Yes.

18 Q. And describe for us what that means.

19 A. So pre-construction, you know, we will do all
20 that is possible to put the site and restore it
21 back to its natural grade and natural condition,
22 which means decompacting any compacted soils,
23 removal of any, you know, road base material
24 that's left on site, and then bring any topsoil

1 back over and try to get it back into its
2 natural condition.

3 Q. Okay. If you could turn your attention to the
4 next slide, please. Paul, this slide is
5 entitled, Maintaining Land and Infrastructure
6 Quality. Could you describe for us generally
7 what you want to get into with this slide, and
8 then we'll get into some specific questions?

9 A. Yeah. This here, you know, we have met with
10 the landowners and heard some concerns, and
11 particularly drain tiles and compaction and
12 decompaction.

13 So we wanted to be able to address it on
14 this slide, some of the things that, you know,
15 we're trying to do to accommodate and make sure
16 that we're doing what we can to address those
17 concerns.

18 Q. All right. Let's talk about drain tiles first,
19 since I know that's an area of particular
20 interest to especially a lot of farmers.

21 Are we going to be able to map or how are
22 we going to be able to find out if drain tiles
23 exist in the field?

24 A. We're going to be going to the landowners. A

1 lot of drain tiles have been installed recently,
2 which will most likely have some GPS coordinates
3 to be able to locate. Using our civil drawings
4 and our plans for our impacts, we should be able
5 to use that to locate where those tiles would be
6 compared to where we're going to be crossing
7 potentially over them. So we will be able to
8 mark them.

9 So we will be looking at getting support
10 from the landowners themselves, and then any
11 mapping, or if there's a local tile contractor
12 that might have, you know, previous information
13 as well, we will be reaching out to them to find
14 that information.

15 Q. Okay. And I can imagine -- we talked about the
16 heavy crane walks before that will be going
17 through these fields. How are you going to
18 protect drain tiles as part of the crane walk
19 process?

20 A. What we're going to do is, is we're able to
21 mark and stake them, we're going to bridge over
22 them. So we'll have crane mats before and
23 after. So there will be an air gap, and be able
24 to walk that crane across and hopefully not

1 impact the drain tile.

2 Q. When we say not impact, does that mean not
3 break the drain tile?

4 A. Not break the drain tile.

5 Q. Then with regard to -- what would happen if we
6 actually damage any tiles? How would we find
7 out if there's any tiles that had been damaged?
8 And what would we do if we did damage tiles?

9 A. Well, for one, we will have an onsite personnel
10 that -- one point of contact for landowners to
11 talk to, and we also -- there's potentially
12 going to be a community liaison as well. We
13 would be notified, where we would go and correct
14 the issue and repair that tile.

15 Q. And is it correct to say that Pattern will
16 repair any tile damage that occurred?

17 A. Caused by construction, yes.

18 Q. Well, part of the decommissioning or
19 construction process?

20 A. Yes.

21 Q. Okay. And, again, with regard to finding
22 damaged tiles, how does that process work? I
23 understand that at some point it may take one or
24 two seasons for damaged tiles to be actually

1 located or to determine that one has been
2 damaged?

3 A. That is correct. And there's a two-year
4 warranty, and we'll work with the landowners,
5 you know, beyond that if something does come up.
6 But we will know where we crossed, so we will
7 have it staked, marked, and GPS located. So
8 we'll know that if, by chance, in two or three
9 or four years, if there is a damaged tile in
10 that location, we will know it's construction
11 related.

12 Q. Can you describe the community liaison for the
13 ZBA? How will that person be selected? What
14 will the function of that person be?

15 A. Well, I believe the community liaison was part
16 of the original build, which was a community
17 person -- personnel.

18 So I'm not -- I can't say for sure this
19 will happen on this one. We would probably
20 request there to be one. But on our side, we
21 will have one point of contact, one person, that
22 will work directly -- point of contact for the
23 landowners to talk to, any concerns, scheduling,
24 and so on. They will be able to contact that

1 person and get communication.

2 Q. Okay. So it's fair to say, our landowners will
3 know who to get ahold of at Pattern to discuss
4 tiling issues --

5 A. Yes.

6 Q. -- if there are -- if any arise?

7 A. Yes.

8 Q. All right. Then if we could, let's turn our
9 attention to compaction and decompaction,
10 because I know that's also an issue that's very
11 serious for landowners.

12 I think you talked before that we will use
13 existing roads for crane walks when possible.
14 But when it's not, how does a decompaction
15 process work? What type of activities do you
16 undertake to decompact soil?

17 A. The decompaction would be, we use a ripper,
18 usually an 18-inch blade or ripper or -- which
19 most, you know, farmers probably are aware of.
20 We use that, go back, the minimum is 18 inches
21 deep, where we decompact the soils using that
22 ripper. Then as well as that, you know, at the
23 end of the project, when we're going through and
24 we're doing the landowner's, you know, area, we

1 will go into that landowner and get their
2 signoff that that was done to their
3 satisfaction.

4 Q. Okay. And are there State standards that are
5 applicable to soil decompaction?

6 A. Yeah, the agricultural impact mitigation
7 agreement has the provision in there for
8 decompaction requirements.

9 Q. If I could turn our attention to the next
10 slide. Paul, here you have entitled this one,
11 Road Quality Procedure. Can you describe what
12 you would like to pass along to the ZBA as part
13 of this slide?

14 A. Yeah. This is the road quality procedure, just
15 wanted -- for the construction activities, and
16 we're going to have a road use agreement in
17 place with both the counties and townships.

18 Part of that is -- goes to the next point,
19 is pre-construction road survey to determine
20 initial quality. So we'll go through all the
21 roads that we're marking as roads that will be
22 used for construction. We will be surveying
23 them and doing an initial quality check on them.

24 Post-construction, we'll do the exact same

1 thing, determine what roads, if any, have damage
2 or need repair, and we will follow that with
3 repairing them to, you know, pre-construction
4 quality and per the road use agreement
5 requirement.

6 Q. So it's fair to say that Pattern is committing
7 to repairing all the roads to at least
8 pre-construction condition that may be impacted
9 as part of the decommissioning or the project
10 repowering process?

11 A. Yes.

12 Q. And then the next category on this slide is the
13 Decommissioning of the Non-powered Turbines. I
14 know we have already got into this process a
15 little bit in your prior testimony, but with
16 regard to the 4 feet which you have listed here
17 as the depth that the underground cable will be
18 removed to and that the concrete foundations
19 will be removed to, is it correct that those
20 4-foot depths were determined because that was
21 what was listed in the decommissioning plan for
22 the existing project?

23 A. Yes.

24 Q. With regard to the 4-foot depth, in your

1 experience is that consistent with industry
2 standards for removal of cabling and
3 foundations, if there are any?

4 A. It is. With most decommissioning plans, that's
5 the depth in which they state the foundations
6 and any collections need to be removed.

7 Q. And your final bullet point there is that the
8 site will be restored to natural grade and
9 condition. Can you describe how you go about
10 doing that?

11 A. Yeah. As mentioned, we do what we can to take
12 the site that's not going to get a turbine and
13 bring it back to its natural grade.

14 And then also we would take any
15 hard-packed materials, decompact it, bring in
16 any topsoils needed, and create natural contours
17 and restore that site to its natural condition
18 prior to even the original construction of the
19 site.

20 Q. If we could move --

21 MR. STREICKER: Natalie, is there one more
22 slide here?

23 Q. (By Mr. Streicker:) Yeah, Paul, this is the
24 last slide in your PowerPoint entitled,

1 Preliminary Site Layout.

2 Can you describe what this is for us,
3 please?

4 A. Yeah, this is the current site layout right
5 now. So this gives the locations. You can see
6 there, there is Lee and Bureau Counties. It's a
7 little hard to see, but there is kind of a green
8 line there in the middle that kind of separates
9 the two.

10 I don't have the -- well, actually, I do
11 have it. I didn't include the -- but it shows
12 what turbines are being -- right now the current
13 plan is preliminary, but what turbines are being
14 decommissioned and what turbines are being
15 removed, what turbines are staying.

16 Q. How does it indicate which turbines are being
17 removed?

18 A. I think the red turbines are the ones being
19 removed.

20 Q. And those are the red dots depicted on the site
21 layout?

22 A. Yes.

23 Q. What do the green dots represent?

24 A. Are all repowered turbines.

1 Q. Okay. And what do the red dots represent?

2 A. Red are removed, green are repowered, and the
3 purple are -- we have two turbines: a 2.3 GE
4 turbine are the purple ones, and the green ones
5 are the 2.5 GE turbines.

6 Q. Just for the record, I was saying blue, you
7 were saying purple, but we're talking about the
8 same things?

9 A. Yes.

10 Q. Fair enough.

11 Mr. Crossland, I know that safety during
12 the construction and decommissioning process is
13 an important issue for a number of area
14 residents. Can you describe how Pattern deals
15 with safety issues during construction and
16 deconstruction, and how we're going to
17 accommodate workers' safety and residents'
18 safety?

19 A. Yeah. So, you know, we will -- the
20 construction team will have a site safety and
21 security team on the project site that's going
22 to ensure that all non-authorized personnel are
23 cleared from the project site during
24 construction. There will also be staking and

1 visual signs as well along the roads.

2 We will have plan of the day meetings
3 every morning. It's a meeting where all of the
4 managers get together and talk about the day's
5 actions and activities. This will include
6 delivery routes where turbines are going to be
7 located, and then that gets transferred during
8 the JSA, which is job safety analysis, to the
9 workers out in the field. And that JSA is used
10 to ensure all authorized workers are informed
11 daily of the tasks being completed and are made
12 aware of all hazards being performed at the
13 site.

14 As well as that, there's audio and visual
15 signals used, of course, during, you know, heavy
16 equipment. And all authorized personnel are
17 required to have proper training and knowledge
18 of the site safety protocols being performed
19 during construction.

20 Q. What happens after a turbine is taken down?
21 Are certain components recycled? salvaged? Can
22 you describe that process for us?

23 A. Yeah. When the turbines are taken down, they
24 will be cut up and taken off site, and those

1 components will be salvaged and recycled and
2 reused for other projects -- for other products.

3 Q. Okay. Is it correct to say in the summary that
4 the 178 turbines that Pattern plans to
5 decommission, those will be decommissioned in
6 accordance with the existing plan that was put
7 in place through the prior permit authorizing
8 the construction of Big Sky?

9 A. Yes.

10 Q. Okay. If I can now turn our attention to a new
11 category. As you know, Mr. Crossland, there's a
12 number of standards that Lee County requires
13 that petitioners meet when applying for a
14 Special Use Permit for a wind turbine. I wanted
15 to ask you about a couple of those.

16 The first one is that Lee County requires
17 that the minimum distance between the ground and
18 wind turbine blade shall be 15 feet, I believe,
19 or greater. Will this be the case for the new
20 turbine blades that are being installed?

21 A. Yes. Based on the turbine models that we are
22 proposing, it's anticipated that the ground and
23 the turbine blades will have a clearance of over
24 75 feet.

1 Q. Does that mean that when the tip of the blade,
2 at its point closest to the ground, there will
3 at least be 75 feet between grade level and the
4 tip of that blade?

5 A. Yes.

6 Q. Okay. Mr. Crossland, I'm going to present you
7 with what's previously been marked as
8 Petitioner's Exhibit 12. If you could take a
9 look at this for us, please.

10 Sir, are you familiar with that exhibit?

11 A. Yes.

12 Q. Have you read it before?

13 A. I have read it.

14 Q. Okay. Can you describe for the record what it
15 is?

16 A. Yes. This is the Ordinance granting Special
17 Use with the -- our project needs to comply with
18 within the county.

19 Q. Mr. Crossland, if I could turn your attention
20 to Section 2.B.1 of the Ordinance. Let me know
21 when you're there.

22 A. Yes.

23 Q. Okay. Could you read us the first sentence of
24 that subsection?

1 A. Yes. The first sentence of Subsection 5 of the
2 Ordinance Standards, Access towers shall be
3 controlled by fences 6 feet in height around the
4 tower and anti-climbing devices shall not apply
5 to this Special Use.

6 Q. Okay. And is it correct to say that there are
7 currently no fences around the project turbines?

8 A. That's correct.

9 Q. Okay. And do you know why that is?

10 A. They weren't required, and there's no need for
11 them.

12 Q. Okay. Let's talk first about this question
13 that there's no need for them. Is it industry
14 custom and practice that such fencing be
15 installed?

16 A. It is not standard.

17 Q. Okay. And in your opinion, is that likely why
18 that standard was waived for the initial phase
19 of this project or for the initial project
20 construction?

21 A. Correct. It probably stems from, some of the
22 older turbines were lattice structures, where
23 they had climbing apparatus on the outside.
24 That require a fence. These turbines are, you

1 know, steel tube and they have a lockable door
2 and you can't climb them.

3 Q. To your knowledge, have there ever been any
4 safety issues regarding the installed turbines
5 as part of Big Sky with regard to individuals
6 trying to climb those turbines or access the
7 turbines?

8 A. No issues.

9 Q. Okay. And as part of the repowering project in
10 this Special Use Permit application, will
11 Pattern be seeking a similar exemption from the
12 existing fencing requirement?

13 A. Yes, seeking an exemption.

14 Q. Okay. Mr. Crossland, the Lee County Ordinance
15 requires that signs warning of potential hazards
16 and then all cables, ropes, and wires around the
17 turbines need to be marked to avoid harm.

18 Could you speak to how these requirements
19 will be satisfied?

20 A. Yes. We will be using the standards and
21 signage complying with all federal, State, and
22 local requirements. And these turbines are
23 freestanding. They do not require ropes or any
24 other devices to secure them.

1 Q. And when you say standard signage, are these
2 standard industry signs? Can you describe what
3 the standard is?

4 A. Standard industry signs are: danger, high
5 voltage, stay away. Everything that meet the
6 IEEE or any IPCB codes.

7 Q. And did you say IEA code?

8 A. IEEE.

9 Q. Can you describe for the ZBA what the IEEE is?

10 A. It's the electrical compliance code that most
11 industries comply by.

12 Q. Okay. And that code dictates signage?

13 A. Signage.

14 Q. Okay. And, Mr. Crossland, the Ordinance also
15 requires that tower construction is going to be
16 done according to all applicable Illinois
17 statutes. Do you intend to comply with that
18 requirement?

19 A. Yes. Yes, we do.

20 Q. Okay. And I take it, since those are State-
21 level statute, we would not be seeking any
22 waiver of those from the County in any way?

23 A. Right.

24 Q. Next, Mr. Crossland, the Ordinance requires

1 that all electrical distribution lines be
2 located underground.

3 Is that Pattern's plan as part of the
4 decommissioning plan and repowering?

5 A. Yes.

6 Q. And next, Mr. Crossland, the Ordinance requires
7 that all wind turbines shall be designated with
8 an automatic overspeed control to render the
9 system inoperable when winds are blowing in
10 excess of speeds the machines are designed for.

11 Will you be complying with that?

12 A. Yes, we will.

13 Q. Okay. And is there a rating with the two
14 turbine types that you plan to install as far as
15 wind speed?

16 A. The rating for high speed is about 25 meters
17 per second, but these turbines here have
18 redundant braking systems, which include both
19 rotodynamic overspeed controls, using variable
20 pitch to tip systems, and mechanical brakes.
21 The mechanical brakes shall be operated in a
22 fail-safe mode.

23 And stall regulations shall not be
24 considered sufficient braking system for

1 overspeed protection. So these turbines will
2 have mechanisms to be able to sense that wind
3 speed and it will turn off.

4 Q. Do these mechanisms require human input to
5 become triggered?

6 A. They do not. It's all part of their SCADA
7 system, all part of the computer system within
8 the turbines themselves.

9 Q. Is the SCADA system the computer system that
10 runs the turbines?

11 A. It is. It's the system that communicates with
12 the park controller that's associated with the
13 turbines, which then monitors and controls the
14 turbines.

15 Q. Okay. Is the park controller, is that a
16 staffed position or is that also computer
17 controlled?

18 A. It is a -- it has manual, you can be able to
19 view it. It has -- viewed off of a computer or
20 iPad. But it has -- the controller itself, it
21 monitors, controls each turbine and notices when
22 it's going to -- at high-wind speeds and shuts
23 itself down. So it's self-controlled, but it
24 can be visually viewed via a monitor.

1 Q. Okay. So if there's a structural mechanical
2 failure with the turbines, they'll automatically
3 shut themselves down; is that correct?

4 A. Yes, correct.

5 Q. Is it also correct to say that the wind
6 turbines will be designed with an automatic
7 control to render the system inoperable in case
8 utility power is lost?

9 A. Correct.

10 Q. What's the purpose of that?

11 A. That's just to turn the turbines down -- shut
12 them off, that way they're not operable until
13 the -- we get back feedback from the utility to
14 power the turbines back up.

15 Q. Is it fair to say that's to keep the turbines
16 from putting power on the grid that's not
17 energized at the moment?

18 A. Yes.

19 Q. Is that a standard safety feature that Pattern
20 would comply on?

21 A. It is, yes.

22 Q. And I know with regard to the braking system I
23 have heard the term fail-safe mode used in the
24 past. Can you describe for us what that is, if

1 it's applicable here?

2 A. Fail-safe is if at that point in time it meets
3 its requirement, the turbine just shuts off.
4 It's fail-safe. It will not allow itself to go
5 beyond the limit in which it's set to, so it
6 will shut down.

7 Q. Okay. Will the turbines that Pattern will
8 install as part of this repowering have these
9 fail-safe controls on them?

10 A. Yes.

11 MR. STREICKER: At this point, Judge, I
12 would tender Mr. Crossland for questions.

13 JUDGE SLAVIN: Thank you.

14 How about Mr. Gonigam, questions of this
15 gentleman?

16 MR. GONIGAM: Yes.

17 EXAMINATION

18 BY MR. GONIGAM:

19 Q. These new turbines are supposed to be quieter
20 at low speeds. What's a low speed?

21 A. A low speed for these turbines is going to be
22 from 5 meters per second to roughly 10 meters to
23 15 meters per second.

24 Q. And will they be louder at a high speed?

1 A. That -- I don't know the answer to that.

2 Q. And with the new turbines being -- having a
3 bigger blade, is there an increased risk of the
4 blade deflecting into the tower?

5 A. No. The larger blades, if there's -- if it
6 does hit the tower, it's something catastrophic
7 beyond just the length of the blade.

8 MR. GONIGAM: No more questions.

9 JUDGE SLAVIN: Thank you.

10 Other interested parties? Folks, there's
11 a couple of you left.

12 (No verbal response.)

13 JUDGE SLAVIN: Okay. Seeing no hands
14 raised, we'll go over to, how about you,
15 Mr. Klahn, on behalf of the County?

16 MR. KLAHN: Thank you.

17 CROSS-EXAMINATION

18 BY MR. KLAHN:

19 Q. You're from California?

20 A. Yes.

21 Q. Okay. Any reason to disagree with me that we
22 have some of the best prime farmland in the
23 world here?

24 A. You have beautiful farmland.

1 Q. And you understand that Lee County is committed
2 to preserving that farmland?

3 A. Yes.

4 Q. Okay. With this agriculture impact mitigation
5 agreement, it is your understanding that except
6 for Sections 21 B through F, all actions are
7 subject to negotiation with landowners?

8 A. Yes.

9 Q. But you also understand that the County can
10 require additional conditions or be more
11 stringent? These are the minimum standards with
12 respect to the AIMA agreement?

13 A. [Nods head.]

14 MR. STREICKER: You have to speak up.

15 JUDGE SLAVIN: Mr. Crossland, you have to
16 answer out loud. My court reporter can't take
17 down nodding of the head.

18 THE WITNESS: Yes.

19 JUDGE SLAVIN: Or she shouldn't.

20 Q. (By Mr. Klahn:) So would there be any issue
21 with the Petitioner communicating with our
22 Zoning Administrator in respect to, for
23 instance, construction during wet weather?

24 A. I believe you're asking, would we have

1 conversations on how that work would be --

2 Q. Well, I guess my concern would be, is,
3 hypothetically you could -- you could -- not
4 you, but the Petitioner could negotiate with a
5 landowner to commit construction during wet
6 weather that otherwise wouldn't be allowed in
7 this agreement.

8 A. Correct.

9 JUDGE SLAVIN: Is that correct?

10 THE WITNESS: Correct.

11 Q. (By Mr. Klahn:) And you understand that the
12 County might have some concerns about making
13 sure we preserve this prime farmland?

14 A. [Nods head.]

15 Q. Is that a yes?

16 A. Yes. Correct. Sorry.

17 Q. So is there any issue that you see with the
18 Petitioner, whether it be the construction
19 managers, whatnot, keeping an open line of
20 communication with our Zoning Administrator with
21 respect to construction during these periods?

22 A. Yes, I would say, yes, that would be agreeable,
23 that our construction managers would, yes, have
24 that communication.

1 MR. KLAHN: No further questions based on
2 that.

3 JUDGE SLAVIN: Okay. Thank you.
4 Mr. Forster, Mr. Chairman?

5 CHAIRMAN FORSTER: I have two questions,
6 but I'm not sure this is the correct witness,
7 so.

8 JUDGE SLAVIN: If he doesn't know or -- he
9 can say, I don't know.

10 CHAIRMAN FORSTER: Okay.

11 EXAMINATION

12 BY MR. FORSTER:

13 Q. Is it the intent that the County will get
14 copies of the signed agreements between the
15 landowners and Big Sky for any setback
16 variations from property lines and residences?

17 A. I don't know. I can't answer that.

18 Q. And my second question actually pertains to
19 similar. That also goes for agreements
20 concerning the amount of noise and flicker
21 variances?

22 A. I can't answer that.

23 CHAIRMAN FORSTER: Okay.

24 JUDGE SLAVIN: Any other questions?

1 CHAIRMAN FORSTER: None from me.

2 JUDGE SLAVIN: Okay. Mr. Buhrow?

3 EXAMINATION

4 BY MR. BUHROW:

5 Q. I'm going to bring up the one question that's
6 probably been the most-asked question from when
7 this project started in the county, of why this
8 is being done. Since you brought up the subject
9 of federal tax incentives, what's the incentive
10 to repower these? Because no one has mentioned
11 that in any news articles or anything.

12 A. The person that should be answering that would
13 be Kevin Wetzel. I could not answer that
14 question.

15 Q. Okay. I just wondered -- it was in yours,
16 that's why I was wondering if that's something
17 you dealt with.

18 The other thing, when you drop the towers,
19 if you basically fell them like a tree, I guess,
20 there's oils in the transmissions, from what I
21 understand. Do you drain all that type of thing
22 out before you drop them and everything?

23 A. That is correct, yes. We will prime the tower,
24 they will take all liquids and evacuate them

1 from the turbine before they do any other
2 activity. They will be recycles, yes.

3 Q. Approximately how many gallons of oil are in
4 them?

5 A. I don't know the gallon amount.

6 Q. Okay. I heard the figure one time. I was
7 wondering if you knew. We had one in the county
8 that burned and it burned the oil.

9 Anyway, the designated crane paths, we
10 have had some issues in the -- a lot of troubles
11 with these in the county. Do you have any way
12 of ensuring that the construction people will
13 stay where they're supposed to be and not get on
14 a nonparticipating owner's or things like that?

15 A. During our orientation with our contractors, it
16 will be very clear. We'll map out exactly where
17 our work zones are, and they will be staked.
18 The workers will also be monitored, and there
19 will be consequences if they do go outside of
20 those boundaries, even with the roads that are
21 being used, because we're going to be signing
22 with a road use agreement that we're going to
23 tell them, These are what roads we're going to
24 be on. Any roads that we're not supposed to be

1 on, we will have signs saying, No wind traffic,
2 or, No wind construction.

3 MR. BUHROW: I think that's all I have.

4 JUDGE SLAVIN: Okay. Thank you.

5 Mr. Bothe?

6 MR. BOTHE: No, I have none.

7 JUDGE SLAVIN: Mr. Pratt?

8 MR. PRATT: I just have one.

9 EXAMINATION

10 BY MR. PRATT:

11 Q. When you decommission these units that you're
12 going to take down and not rebuild/repower, you
13 talk about how you're going to restore the
14 ground and bring it back to the original
15 condition. What if the landowner isn't happy?

16 A. Well, that's where we are going to -- before we
17 remove -- before we relocate to another site, we
18 will get with that landowner and get their
19 approval or work out something to be able to
20 accommodate whatever they're disagreeing on or
21 how the work is completed.

22 We're going to follow the guidelines to do
23 the decompaction and put everything back as best
24 as we can, and then from there we'll get

1 approval to move on to the next site. So we
2 will have that single point of contact working
3 with that landowner to satisfy them.

4 Q. So if the landowner doesn't agree, what's the
5 next step?

6 A. Working out some sort of agreement, either
7 having the landowner do the work themselves and
8 then working out a payment for them to do that.

9 MR. PRATT: Okay. No further questions.

10 JUDGE SLAVIN: Thank you.

11 Mr. Meyer?

12 MR. MEYER: No questions.

13 JUDGE SLAVIN: Ms. Duffy, any questions?

14 MS. DUFFY: Nothing.

15 JUDGE SLAVIN: Okay. Any redirect,

16 Mr. Streicker?

17 MR. STREICKER: No, Judge. I just do have
18 one wrap-up matter.

19 JUDGE SLAVIN: You may step down. Thank
20 you, Mr. Crossland.

21 MR. STREICKER: Just have Exhibits 8
22 through 12 be entered into the record.

23 JUDGE SLAVIN: Done. Admitted.

24 And it is ten after, unless you have had a

1 burning desire to put on another witness.

2 MR. STREICKER: We do not.

3 JUDGE SLAVIN: Ladies and gentlemen, we
4 will recess once again, this time until for
5 about 47 --

6 MR. STREICKER: 48 hours.

7 JUDGE SLAVIN: -- 45 hours from now,
8 Thursday, the 14th, 7 o'clock, hopefully in the
9 big County Board Room.

10 MR. STREICKER: Judge, just to let
11 everyone know, we have our communications
12 people --

13 JUDGE SLAVIN: Okay.

14 MR. STREICKER: -- and our noise study
15 folks lined up for Thursday.

16 JUDGE SLAVIN: Okay. Very good.

17 MR. STREICKER: Which. At least by our
18 thought, we would do --

19 JUDGE SLAVIN: Off the record, Callie.

20 (A discussion was held off the
21 record.)

22 JUDGE SLAVIN: We recess until Thursday,
23 14th, 7 o'clock, County Board Room.

24 (The hearing was recessed at

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

9:14 p.m.)

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 Now on this 12th day of March, A.D., 2019, I do
2 signify that the foregoing testimony was given
3 before the Lee County Zoning Board of Appeals.
4
5
6
7

8 Bruce Forster, Chairman
9
10
11

12 Dee Duffy,
13 Zoning Administrator
14
15

16 -----
17 *Callie S. Bodmer*

18 Callie S. Bodmer
19 Certified Shorthand Reporter
20 Registered Professional Reporter
21 IL License No. 084-004489
22 P.O. Box 381
23 Dixon, Illinois 61021
24