

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

WIND FARM
January 9, 2018

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Page 273

1 010918ZONING
2
3 MCLEAN COUNTY ZONING BOARD OF APPEALS
4 MEETING
5 Tuesday, January 9, 2018
6 Case Number SU-17-11
7
8 ZONING BOARD MEMBERS PRESENT:
9 Brian Bangert
10 Chris Carlton - 1st Alernate
11 Rick Dean
12 James Finnigan - Chairman
13 Michael Kuritz
14 Mary Beth Taylor - 2nd Alternate
15 Drake Zimmerman
16
17 Court Reporter:
18 Bobbi Hamlin, CSR, RMR, CCR
19 IL License # 084-2747
20 Area Wide Reporting Service
21 800-747-6789
22 ALSO PRESENT:
23 PHILIP DICK, Director of Building & Zoning
24 SAMANTHA WALLEY, Assistant State's Attorney
JERRY STOKES, Assistant County Engineer

Page 274

1 **CHAIRMAN FINNIGAN:** We have a quorum.
2 I think I'm going to let our attorney talk, give a
3 little bit about where we're at in procedure.
4 Tonight we're bring back the witness for some more
5 questions, Mr. Leutkehans, but we had some other
6 clarification on things that she's going to tell you about.
7 **MS. WALLEY:** Good evening, ladies and gentlemen.
8 For those of you that don't my name is Samantha
9 Walley. I'm an assistant state's attorney with the Civil
10 Division of the McLean County State's Attorney's Office.
11 There are a couple of things that I want to address
12 with you before we formally start the hearing. One of them
13 is a concern about ex parte communication. And for those of
14 you that don't know what that means, that is a communication
15 that's had with a member of the Zoning Board of Appeals
16 outside of this particular hearing. You guys are all here
17 because you want to listen, you're engaged and you want to
18 participate. We're glad that you're here. We're glad that
19 thank you want to participate and I can assure you that
20 everybody on this board wants to hear that you have to say,
21 but that has to be confined to this particular hearing,
22 whether it's tonight, if it continues tomorrow, last
23 Thursday, what have you. The Board is not allowed to engage
24 in conversations with County Board members, with other

Page 275

1 members of the public, about this matter outside this
2 particular meeting. So, if you should engage them about
3 this particular matter and they kind of brush you off a
4 little bit or say: I can't discuss it with you, they're not
5 intending to be rude or unkind. In fact, just the opposite.
6 What I have instructed them to do is to encourage you to
7 attend the meetings, as many as you can, for all that are
8 interested and wish to participate and to speak during the
9 hearing.
10 Does anybody have any questions about that or not
11 understand what I'm explaining?
12 (No response.)
13 **MS. WALLEY:** Okay.
14 **MALE BOARD MEMBER:** Does that extend to the County
15 Board as well?
16 **MS. WALLEY:** The County Board has not taken this
17 matter under consideration. I imagine if the County Board
18 is approached they will encourage members of the public to
19 come to the hearing.
20 And the County Board can only consider what's been
21 taken during this hearing as well. So, they will be
22 confined to this hearing in that same manner. So, if you
23 were to approach a County Board member, I imagine you would
24 receive the same or similar response.

Page 276

1 Where we are at this stage in the proceedings: The
2 Applicant is continuing with their case in chief, as we have
3 done the previous two nights with their witnesses.
4 Once the witness is done, each member of audience,
5 if you should wish to do so, can question that particular
6 witness. That is not your time to present information. It
7 is only to ask questions of that particular witness.
8 When they are done, anybody in the audience that
9 wishes to present, either in favor of or against the
10 Applicant, may do so.
11 What has been determined to be an expert will be
12 given 30 minutes allotted time to present; anybody else will
13 be allotted ten minutes. This is ten minutes across the
14 board. And I have a handy dandy 1 minute and 30 second
15 warning. I don't have a beeper. So, this is the best I can
16 do to let you know when your ten minutes is up.
17 Now, like I said, we want to hear from everybody.
18 We want to hear from the Applicant. We want to hear from
19 those who are in favor and those against. I can assure you
20 every member of this Board wants to hear what you have to
21 say.
22 So, I don't want you to be discouraged, if you
23 signed up on a previous night January 2nd, January 4th,
24 we've kept those, you don't have to sign up again. If you

1 signed up tonight, you don't have to sign up tomorrow.
2 We're going to start with the January 2nd sheet and work our
3 way forward. So, if it gets to be an hour, an hour and a
4 half and you still haven't heard your name, we haven't
5 forgotten you, you're just farther down on the list than you
6 think you are.

7 Any questions at this point?

8 (No response.)

9 **MS. WALLEY:** Okay. I'm going to turn it over to
10 Chairman Finnigan.

11 **CHAIRMAN FINNIGAN:** She did a good job, lot better
12 than I could have done.

13 So, I think we're down -- there was a few people
14 who had more questions the other night and I want them to
15 come forward, if you still have a question. I hope you
16 wrote it down or something. And Mr. Loomis is still sworn
17 in from the other night. So, if somebody has a question
18 some forward.

19 Well, okay. Come on.

20 This is a little different, you've got to press the
21 button, the red light comes on, then just say your name and
22 address again.

23 **MS. WINTERLAND:** Amy Winterland, 22825 North 3075.
24 East Road, Colfax, Illinois, 61728.

1 a brand new basis. And I couldn't find a way to make an
2 appropriate assumption of how much new money the legislature
3 is going to allocate through K through 12 schools.

4 And the reason I have a problem is usually I can
5 make an assumption that's most conservative, but in this
6 case if you assume that there's no new monies that actually
7 is to the benefit of the wind farm. So, you can't be
8 conservative.

9 And so, in order to be conservative you have to
10 take the most money that you think the legislature is going
11 to allocate to K through 12 schools, and no matter what
12 figure I picked I think somebody was going to object to that
13 assumption.

14 So, I can say based on what we have had, and I
15 printed out a report that we had done back in 2011, and
16 granted, that was under the old funding formula, but we had
17 two-case studies on actual wind farms that had been built.
18 We followed through with the state aid reductions so that
19 you can see the numbers and how they come in time wise as
20 well. And so, I think that's indicative of things that are
21 still being done, but I can't give you a precise figure.

22 I know there's, you know, a desire for that, but I
23 don't -- I can't come up with a good calculation, because
24 there's so many assumptions involved.

1 So, when we were talking on Thursday we were
2 talking about the difference between the gross numbers that
3 Invenergy were publishing as a gross economic benefit to the
4 school districts, specifically. And then the question was:
5 Have you done a net calculation of what the school districts
6 could anticipate after the state reduces their contribution
7 using the EAB calculation. And -- and I think the answer
8 was: Yes. I thought I understood the answer would be:
9 Yes, I had done those net calculations. Can you talk to a
10 little bit more about that?

11 **MR. LOOMIS:** So, I have not done the net
12 calculations after GSA or General State Aid coming to the
13 school district. And I know that was asked at the -- last
14 week as well.

15 And so, I looked at doing those calculations, but I
16 believe that there's a couple current and former school
17 superintendents involved in the projects that are going to
18 give some of their numbers that they've calculated from
19 that.

20 A couple reasons why it's so difficult is in the
21 new state funding for school districts they have what they
22 call new money. So, everybody's kind of grandfathered into
23 what they had gotten under the old formula. And then any
24 new monies that go to funding K through 12 are allocated on

1 **MS. WINTERLAND:** So, for informative purposes, your
2 presentation on Thursday showed, for instance, Lexington
3 School District, I believe, getting like 1.29 million in the
4 first year and over the life of the project 25 million.

5 I looked at your 2001 study and I looked at the
6 Ridge View Case Study, which you had put in that study. And
7 in the Ridge View Case Study in year four after the state
8 had reduced their contributions, Ridge View received a net
9 increase of \$607,000 more than they were receiving from the
10 state alone.

11 So, Ridge View had been quoted to receive
12 1.8 million a year, and in year four their incremental value
13 as 607 -- \$611,000. So, it was a 35 percent of what they
14 had been quoted by the wind farm as being a net for being a
15 gross economic value. So, again, for -- is that accurate to
16 your report?

17 **MR. LOOMIS:** I will add that what I pointed out
18 last week as well, that in the early -- the first full year
19 of the wind farm's operation the school district gets kind
20 of a double bonus. The state hasn't caught up and you have
21 there. So, you see that pretty clearly in the table that I
22 have in the report on Ridge View. They received in 2009,
23 2010, \$1.2 million, \$1.3 million. But you're correct, by
24 the year four, which was indeed, estimated at the time of

1 the report, their year-over-year change is on the order of
2 \$607,000.

3 **MS. WINTERLAND:** So, in year four, once the state
4 finally catches up their books, Ridge View actually got
5 35 percent more than what they had originally had, 607,
6 roughly, as opposed to 1.8 million.

7 **MR. LOOMIS:** Yes, they were net positive, because
8 of the wind farm of \$607,000.

9 **MS. WINTERLAND:** So, again, for informative
10 purposes, I just want to make sure, when Lexington School
11 District, I know there are smart people doing those
12 calculations, again, I just want to throw out there for the
13 public record what the net numbers are. They're
14 considerably less than what the gross numbers being quoted
15 are. Thank you.

16 **CHAIRMAN FINNIGAN:** Is there any other questions?
17 (No response.)

18 **CHAIRMAN FINNIGAN:** I don't see any. So, I think
19 we're ready to move to the next witness, if you have another
20 one?

21 **MR. GRIFFIN:** We do. We do, Mr. Chairman.
22 As I mentioned, I think when we started testimony,
23 we wanted to -- the ability to recall Mr. Parzyck to respond
24 to IDNR recommendations, which we had received the night

1 pictures.

2 **MR. DICK:** What exhibit did you want to call this?

3 **MR. GRIFFIN:** Or next one is Applicant 12.

4 **MR. DICK:** Thank you.

5 **MR. PARZYCK:** So, what I'd like to do is give a
6 brief discussion here with regard to stream setbacks of
7 turbines and specifically, that goes to recommendation five,
8 which was the 500-foot setback from perennial streams, as
9 well as recommendation six, which is the half-mile setback
10 from the Mackinaw River Land and Water Reserve.

11 Next slide, please.

12 Oh, do I have it. I'm sorry. I'm okay with it
13 coming from the computer. You know, I can -- I can begin
14 speaking if you like and the -- is that okay with folks?

15 Mr. Chairman, thank you.

16 What I'd like to point out, so going back, it's
17 recommendation five, which was the setback of 500 feet from
18 perennial streams and recommendation six, which is a half
19 mile from Mackinaw River Land and Water Reserve.

20 What I want to talk about, first of all, has to do
21 with recommendation five, the 500-foot setback. There's a
22 lot of discussion about, you know, we made the comment here,
23 and Erin will be explaining a little bit about how we will
24 act on that, we're going to modify that a little bit this

1 that he first testified. So, Mr. Parzyck has a brief
2 presentation. We don't want to belabor this, but we think
3 it's important that The Board understand some of the
4 background facts behind what we propose to do in our
5 response to IDNR's report. So, Mr. Parzyck has a brief
6 presentation.

7 **CHAIRMAN FINNIGAN:** And I think you were sworn in
8 the other night, so just kind of remember that.

9 **MR. PARZYCK:** I -- I absolutely will. Thank you.
10 Thank you, Mr. Chairman. I will try to keep this
11 brief.

12 You have in front of you my Power Point deck and
13 it's up here on the screen for the audience.

14 Last Thursday there was a great deal of discussion
15 regarding the IDNR letter and our response to it. I want to
16 give a little bit of clarity on a couple of the items and my
17 colleague, Erin Lieberman, will be sworn in subsequent to my
18 discussion, and for some additional information regarding
19 that. If that's okay? Thank you.

20 So what I'd like to be able to do, the --

21 **MR. DICK:** Mr. Parzyck, we didn't pass that one out
22 yet. That's a new exhibit, is it not?

23 **MR. PARZYCK:** This on the screen. If you -- if you
24 need another one you folks can have mine. I can talk to the

1 evening, but just to identify those turbines in that range
2 of 500 foot.

3 So, we've applied for 117 turbines locations, 113
4 of those are greater than 500 feet setback from perennial
5 streams. So, that means that there are four turbines that
6 are closer than 500 feet from perennial streams. And -- and
7 I will be going through those here in a moment.

8 The, you know, we feel that there's a variety of
9 characterizations of perennial streams throughout the
10 project. And you will see the photos of where these
11 turbines will be located. So, we think it's difficult if
12 one just puts a blanket setback requirement across all
13 turbines.

14 I'm going to go through the slides of -- of
15 those -- of exactly where those turbines are located.
16 And -- and you'll be able to see, from those photos, that
17 the location of these turbines will not have a direct impact
18 on the stream riverbeds, nor the location. And the
19 construction of the turbines will not -- will not have a
20 direct impact on the stream riverbeds, nor the aquatic life
21 this lives within them.

22 I think the issues that the IDNR have pointed out
23 had to do with vibration or potential vibration impacts to
24 aquatic life, which my colleague, Erin, will address here

1 shortly.

2 So, if I may, the next slide is a picture of the
3 Mackinaw River and the lower Hemline Creek Confluence. The
4 comment from IDNR is a half-mile setback, you know, we
5 are -- we are prepared to meet that half-mile setback, not
6 only from Mackinaw -- the Mackinaw River, but the adjacent
7 wooded area that is at that confluence.

8 If one looks at the photo here in a moment, you
9 will see, and this is on the slide deck here, the Mackinaw
10 River and the lower Hemline Creek, that the area around that
11 area -- there we go. Good deal. That the area at that
12 confluence is wooded. So, we would suggest that we stay a
13 half mile back from the Mackinaw River, as well as upstream
14 of that confluence to the edge of the wooded area of Hemline
15 Creek, beyond that the creek takes on a different character,
16 not to say that is different from the aquatic life that's in
17 the river, however, it's a different -- it would be a
18 different requirement for turbines that are elsewhere in the
19 agricultural area.

20 Okay. I'm sorry. So, here we were go with the
21 photo of the Mackinaw River, which is the meandering darker
22 line at the bottom. And then Hemline Creek comes in from
23 the upper right diagonally into this area. This is the
24 wooded area where we would be staying a half mile back,

1 This is turbine 65, it is 380 feet from Patton
2 Creek. Again, very similar to the one before that -- where
3 you have a turbine in an agricultural adjacent to that
4 agricultural field is a CRP strip and then the creek.

5 Last, please.

6 And this is turbine 91, which is 300 feet from
7 Hemline Creek. As you can see, as Hemline Creek makes its
8 way back in the project area it becomes more similar to
9 other creeks that are adjacent to the agricultural land.
10 Again, that's -- the point there is not to D rate the
11 aquatic behavior or occupants of the river, but to state
12 that the turbine is 300 feet setback from the river, is in
13 the midst of an agricultural field and the operation and
14 construction would not disrupt that river.

15 So, as I pointed out, we have four turbines that
16 are within the 500 feet, one is 400, one is 475, one is 380
17 and one is 300 feet. So, we are consistent with our
18 statement in our response on Thursday saying that the plan
19 would not be to be in compliance with that 500 feet setback.
20 The bulk of the turbines are, those four are within that
21 500 feet setback, however, they are several hundred feet
22 from the creek.

23 Not to dismiss the recommendations of the IDNR, but
24 at this point there has been no evidence that 500-foot is a

1 both, from Hemline Creek and from the Mackinaw River. As
2 one goes further upstream the, wooded area goes away. And
3 then it becomes, essentially, agricultural -- farmed
4 agricultural land beyond that.

5 So, as we go through -- next slide, please. As we
6 go through those turbines that are -- that are within the
7 500-foot setback, the first one would be turbine number one
8 that I've identified here on the photo. That turbine is
9 400 feet from Buck Creek. There's -- there's really little
10 or no forest riparian habitat around this creek.

11 As you can see from that turbine location, it's
12 located in the middle of an agricultural field. And again,
13 the construction of the -- and operation of the turbine
14 would not disturb the streambed, nor any riparian corridor.
15 There's really no riparian corridor or vegetative
16 characteristics of the river in this location, again,
17 outside the riverbed.

18 Next slide, please.

19 This is turbine 35. Turbine five is 475 feet from
20 Turkey Creek, very similar sort of arrangement where it is
21 heavily agricultural. There is some CRP land adjacent to
22 the creek here, but the turbine is out in the agricultural
23 field.

24 Next, please.

1 magic number in terms of setbacks. And I just want to point
2 out that it's not like we're putting these turbines adjacent
3 to the creeks, are significantly setback from the creeks.

4 One last item that I'd like to identify with regard
5 to recommendation number three. That recommendation is that
6 the County consider imposing a requirement for the
7 Applicant, ourselves, to perform and report fish and mussel
8 surveys 100 meters up and downstream of any proposed
9 physical disturbance of a perennial stream channel or drain
10 prior to the disturbance of the channel. So, consistent
11 with my comment that the siting of these turbines that I've
12 identified will not impact the riverbeds, there is the
13 possibility that if we have -- if push comes to shove, we
14 need to put in an access road that could disturb a per
15 stream, which means, basically, putting in, potentially, a
16 culvert in accordance with the Army Corps of Engineers
17 criteria, then we would agree to do this study.

18 So, if we are going to go ahead, I think as was
19 pointed out last Thursday, that if we go in and we muddy up
20 the river, you know, by putting this in, that disrupt
21 aquatic life, we will do that survey. We will be in
22 compliance with recommendation number three. And that's all
23 I have.

24 Any questions, please?

Page 289

1 **CHAIRMAN FINNIGAN:** Questions from the Board?
 2 **MS. TURNER:** What's your reasoning for, you know,
 3 this is a great picture, kind of helps us see where these
 4 are located off the road. Is that your reasoning for having
 5 these less than 500 feet?
 6 I just -- I'm wondering why we're cutting hairs
 7 here. I mean, is there something significant to your being
 8 at 380 feet on some of these?
 9 **MR. PARZYCK:** The real reason is when you overlay
 10 all of the County requirements for setbacks, noise, shadow,
 11 flicker, housing setbacks, etc., these are the buildable
 12 areas. So, we are -- we're there -- we're not following
 13 like a 500, 300-foot criteria, but this is just where they
 14 ally based on those other criteria.
 15 **MS. TURNER:** If you move to -- move those
 16 particular ones that are under 500-foot, would it -- what
 17 would it do to your --
 18 **MR. PARZYCK:** The difficulty is going -- we've
 19 looked at these and it's difficult to move them, because
 20 often times when you overlay all of these setback
 21 requirements you're limited to a very small area.
 22 **MS. TURNER:** Okay.
 23 **MR. PARZYCK:** Yeah.
 24 **MS. TURNER:** And then on the -- on number three,

Page 290

1 when you said that you would do the study if you have to put
 2 in a culvert. Are these studies both up and downstream?
 3 Would they --
 4 **MR. PARZYCK:** Yes.
 5 **MS. TURNER:** So, it would be any -- any streams
 6 that -- say if you went over one of those perennial streams,
 7 then you would also study in the river or how does that
 8 work?
 9 **MR. PARZYCK:** Well, I think the request was -- was
 10 100 meters upstream and a hundred meters downstream. Yeah.
 11 **MALE BOARD MEMBER:** What, ballpark, what does a
 12 mussel survey of a hundred meters cost? We're trying to
 13 figure out how onerous this burden is. How much does it
 14 cost, ballpark? Don't need it to the dime or anything.
 15 **MR. PARZYCK:** You know, ballpark one would figure
 16 that you would have a professional biologist out there for
 17 several days, potentially, a hundred meters.
 18 **MALE BOARD MEMBER:** For a hundred meters you need
 19 several days?
 20 **MR. PARZYCK:** Again, it could be a day. It could
 21 be two days. You know, it depends on how rigorous this is.
 22 We don't see it as a significant financial burden, I want to
 23 point that out, though.
 24 **MALE BOARD MEMBER:** Okay. Thank you.

Page 291

1 There are biologists in the room who might
 2 eventually take that question up and who have participated
 3 in such mussel surveys, so...
 4 **MR. PARZYCK:** Certainly.
 5 **MALE BOARD MEMBER:** That it would take several days
 6 would be a real surprise.
 7 **MR. PARZYCK:** And I'm s structural engineer. I'm
 8 not a biologist. I'm not going to claim that I'm correct on
 9 the that data. Somebody gives me better numbers, I'm all
 10 ears.
 11 And again, it's on a case-by-case basis. We don't
 12 expect to see many of these crossings. We would desire not
 13 to cross these streams. It's just more expensive, frankly.
 14 So, we'd prefer not to.
 15 **MALE BOARD MEMBER:** That's exactly -- and the
 16 identified spaces are fairly narrow, shallow and
 17 straightforward, so...
 18 **MR. PARZYCK:** that's correct.
 19 **MALE BOARD MEMBER:** Just observing from this. I'm
 20 not a biologist. I'm not -- while I have taken part --
 21 while I have taken in part in such surveys, I've not done it
 22 in these circumstances, nor have I certified anything.
 23 Am I correct that there will be a storm-water
 24 prevention plan? You'll have silt fences and everything

Page 292

1 around each one of those sites so these being that close to
 2 the -- to the creeks would be even a little more particular
 3 if they were taken with them, I would assume.
 4 **MR. PARZYCK:** Absolutely. We have the requirement,
 5 especially under the EMA that we signed with the state of a
 6 storm-water prevention plan, known as a SWPPP, that requires
 7 us to be putting silt fences in, to do surveys of all of our
 8 excavated area. If there does happen to be a washout, it
 9 has to be immediately reconciled, so it's part of your daily
 10 plan during our construction effort.
 11 **MALE BOARD MEMBER:** Are there any plans after --
 12 after the turbines are in if there's an extraordinary storm,
 13 we've been seeing a lot of storms, that if something gets
 14 washed out, what are your procedures there?
 15 **MR. PARZYCK:** That we have a requirement that that
 16 would fall back onto that warranty with the contractor, our
 17 one year warranty with the contractor. And it depends on
 18 where the washout is and the impact that it has. So, if
 19 it's on a private property, that's more a relationship with
 20 the private property. If it has to do with a river, that's
 21 more the responsibility of -- of -- of our, you know, of the
 22 setback responsibility that we are taking here of not
 23 infiltrating. We'd have to do any biological studies if it
 24 does go into the rivers. If it's a public road or adjacent

Page 293

1 to a public road, that's obviously something we would work
 2 with the road commissions on.
 3 **CHAIRMAN FINNIGAN:** I had a question about the --
 4 **MR. PARZYCK:** Yes, sir.
 5 **CHAIRMAN FINNIGAN:** The IDNR sent you this and you
 6 had to respond to it. Now, would you respond, simply come
 7 back and say that they are not satisfied with what you're
 8 doing, will you have to do it their way or I mean, who's the
 9 boss here?
 10 **MR. GRIFFIN:** If I might? I can answer that
 11 question, Mr. Chairman.
 12 What the IDNR does is consult. And they give
 13 recommendations. And per the letter, at the end of the
 14 letter you'll see the consultation is closed, which means
 15 that IDNR is not going to take any -- anymore review of this
 16 particular matter.
 17 So, really when you ask who's in charge, it's the
 18 County at this point as to what you want to do with that
 19 recommendation based upon the letter, based on our testimony
 20 and based upon, you know, whatever your staff might
 21 recommend. But IDNR doesn't say yes or no. They don't
 22 recommend anything of that sort. They just provide
 23 recommendations and those go to the County.
 24 **CHAIRMAN FINNIGAN:** Would the recommendations more

Page 294

1 be general, I mean, for all parts of the state or more
 2 specific for McLean County?
 3 **MR. GRIFFIN:** Well, I would say, having seen a
 4 number of letters from IDNR for wind energy projects,
 5 they're fairly general. Obviously, some of the letters will
 6 talk about specific habitat and areas and sites that pertain
 7 to a particular project, other comments are fairly general.
 8 For example, the first comment, which is relates to bats,
 9 that's a general comment I've seen before for a number of
 10 projects.
 11 **CHAIRMAN FINNIGAN:** Thank you.
 12 Any other questions?
 13 **MS. TURNER:** I did have one more follow-up.
 14 The last time you spoke, and in your response here,
 15 you mentioned that you're willing to do one study --
 16 one-year study of the bat and fauna, essentially, bat and
 17 birds, but that you found that over three years in your
 18 experience it comes back pretty consistently.
 19 Do you have any example of those studies that
 20 you've done over three years?
 21 **MR. PARZYCK:** Actually, I'd like that to be
 22 deferred to Ms. Lieberman to discuss that. So, I mean,
 23 subsequent to my testimony.
 24 **CHAIRMAN FINNIGAN:** At this point we're going to

Page 295

1 ask questions from the audience, just the testimony just
 2 presented, if anyone wants to ask a question come forward.
 3 You know the procedure.
 4 **DR. CAPPARELLA:** Hello. Okay. Yeah, my name is
 5 Angelo Capparella, A-N-G-E-L-O C-A-P-P-A-R-E-L-L-A, 907
 6 South Bell Avenue, in Normal.
 7 And I had just a couple of clarification questions,
 8 make sure I understood exactly what you are saying.
 9 First relates to what you were saying regarding
 10 recommendation six. Are you familiar with the difference
 11 between the Mackinaw River Land and Water Reserve and the
 12 Mackinaw River INAI Site?
 13 **MR. PARZYCK:** I cannot -- I cannot speak to the
 14 difference between those two.
 15 **DR. CAPPARELLA:** Were you stating that you would
 16 follow the one-half mile from just the Land and Water
 17 Reserve or also from the Mackinaw River INAI Site?
 18 **MR. PARZYCK:** I said that we would follow the
 19 half-mile from the Mackinaw River, as well as up Hemline
 20 Creek to the end of the confluence area, the wooded area of
 21 the confluence.
 22 **DR. CAPPARELLA:** So, from all the Mackinaw River,
 23 not just the Land and Water Reserve?
 24 **MR. PARZYCK:** I can't speak to that, because I

Page 296

1 don't know the difference between the two. If you could
 2 clarify that, I could maybe answer.
 3 **DR. CAPPARELLA** right. Yes.
 4 The Mackinaw River, the entire length of the
 5 Mackinaw River, is listed on the Illinois Natural Area
 6 Inventory. A subset of that has an additional status as a
 7 land and water reserve owned by Heartland's Foundation. But
 8 they did specify that different in the IDNR letter, they
 9 were quite clear about that, and those of us who live here
 10 know that difference.
 11 So, I just wanted to make sure that you were
 12 agreeing, which I hope you are, to doing one-half mile from
 13 the entire Mackinaw River main channel, which is, basically,
 14 the entire segment of the entire reach that is listed as an
 15 INAI Site and not just the Land and Water Reserve.
 16 (Court reporter arrived.)
 17 **DR. CAPPARELLA:** Where should I resume?
 18 Angelo, A-N-G-E-L-O C-A-P-P-A-R-E-L-L-A, 907 South
 19 Bell Avenue in Normal.
 20 **CHAIRMAN FINNIGAN:** You want to restate your
 21 question.
 22 **DR. CAPPARELLA:** Start again with the question.
 23 Sorry about this.
 24 All right. So, what I was trying to get

1 clarification on -- well, my first question was if you knew
2 the difference between Mackinaw River Land and Water reserve
3 versus Mackinaw River INAI Site.

4 What I was really asking is when you said that you
5 would follow recommendation number six, a half mile setback,
6 if you were aware that that means the entire Mackinaw River
7 main channel?

8 **MR. PARZYCK:** I would say I would like to look at a
9 map with you, potentially, at a break with you.

10 I would say that our recommendation, our thought --
11 thinking is to stay off the main channel a half mile of the
12 entire main channel of the Mackinaw River.

13 **DR. CAPPARELLA:** Right and again, if you read the
14 IDNR letter they defined it as such. They said the entire
15 river is in the INAI site. So, it's pretty clear you don't
16 really need a map. They say it starts at Sibley and goes
17 west.

18 Are you also aware -- you mentioned Hemline Creek.
19 And if I understand it, you would have a half mile up to the
20 point that it or starting at the point where it is wooded
21 and going downstream, but not above that point; is that
22 correct?

23 **MR. PARZYCK:** Going upstream from the confluence to
24 the back to the edge of the wood -- I'm sorry -- where the

1 compliant with the Mackinaw River main channel in the
2 recommendation.

3 **DR. CAPPARELLA:** As I read that and read the
4 discussion in IDNR letter they mean, basically, the Mackinaw
5 River INAI site as a whole.

6 **MR. PARZYCK:** Or it says the Mackinaw River main
7 channel.

8 **DR. CAPPARELLA:** But if you read the extended
9 discussion within the IDNR letter, they are defining the
10 INAI river site, which does include Hemline Creek.

11 **MR. PARZYCK:** And the reason for that is what?

12 **DR. CAPPARELLA:** Because -- are you familiar with
13 the INAI designation?

14 **MR. PARZYCK:** I am not versed in that. No, I'm
15 not.

16 **DR. CAPPARELLA:** The Illinois Natural Areas
17 Inventory is a list of the best of the best of our remaining
18 natural areas, usually based on biotic components. It will
19 be in my testimony later on. Whenever we get to it.

20 And it basically designates those areas that the
21 Illinois Natural History Survey and the Natural -- Division
22 of Natural Heritage has identified as worthy of protection
23 as being the best of the best and that's why it always
24 attracts such attention by people concerned about protecting

1 wooded starts downstream.

2 **DR. CAPPARELLA:** Either way, same thing, either
3 way, but were you aware from reading the IDNR letter that
4 within the Mackinaw River INAI designation, that Hemline
5 Creek is within that designation. Were you aware of that
6 from the IDNR letter?

7 **MR. PARZYCK:** It indicates that, but it is not --
8 it indicates that the -- that the --

9 **DR. CAPPARELLA:** Page four.

10 **MR. PARZYCK:** Yes, I understand. I have it right
11 here.

12 **DR. CAPPARELLA:** All right. Good.

13 Do you know if the boundary of the Hemline Creek
14 that is included in the INAI designation is the same as
15 boundary that you are mentioning? Which is the wood --
16 beginning of the wooded area?

17 **MR. PARZYCK:** I do not.

18 **DR. CAPPARELLA:** Nor do I, actually.

19 But I would suggest that you find out, because if
20 you are going, number six, it might be you're not going
21 fully with number six. I'm just trying to understand your
22 response.

23 **MR. PARZYCK:** Well, it says or the Mackinaw River
24 main channel in the recommendation is "or" and we're

1 our natural heritage and the like.

2 So the definition of the INAI, as I read the full
3 description within the page four of the IDNR thing, they're
4 talking about basically.

5 **CHAIRMAN FINNIGAN:** This just is just for
6 questions.

7 **DR. CAPPARELLA:** So could you, please, rephrase
8 what you are agreeing to with recommendations six?

9 **MR. PARZYCK:** Recommendation six, we would be
10 maintaining a half mile setback from the Mackinaw River main
11 channel and the main channel of Hemline Creek from the
12 confluence with the Mackinaw River upstream to the edge of
13 the wooded area of the confluence.

14 **DR. CAPPARELLA:** Okay. Thank you. Appreciate that
15 clarification indication. I'll address it later.

16 The other thing that you mention was about you
17 thought that in terms of vibrations as a phenomenon that
18 might affect aquatic organisms, that you thought say
19 380 feet or so would not be significant. Did I hear that
20 correctly?

21 **MR. PARZYCK:** My -- my comment was that the IDNR
22 letter recommends a 500-foot setback based on vibrations
23 that could affect aquatic life. And as we stated on
24 Thursday there has been no documentation to date to indicate

Page 301

1 that that is the case.
 2 **DR. CAPPARELLA:** Did you not read page five of the
 3 IDNR letter --
 4 **MR. PARZYCK:** Yes, I did.
 5 **DR. CAPPARELLA:** -- biological conservation?
 6 **MR. PARZYCK:** I did.
 7 **DR. CAPPARELLA:** And you disagreed with that study?
 8 **MR. PARZYCK:** Yes.
 9 **DR. CAPPARELLA:** And you knew it was a peer
 10 reviewed study?
 11 **MR. PARZYCK:** That has to do with traffic, not with
 12 wind turbine. The study is not specific to wind turbines.
 13 **DR. CAPPARELLA:** But did it -- was it given in the
 14 context of vibration, which can be -- have a multi-facetted
 15 causes?
 16 **MR. PARZYCK:** It says traffic noise is the title of
 17 the -- traffic noise masks acoustic signals of fresh water
 18 stream fish. Traffic, not turbines.
 19 **DR. CAPPARELLA:** All right. We'll have to take a
 20 look at that.
 21 **MR. PARZYCK:** Yeah, there's -- there's -- traffic
 22 has different characteristics than wind turbines.
 23 **THE WITNESS:** Does traffic include both noise and
 24 vibration?

Page 302

1 **MR. PARZYCK:** Yes, it is. Right. I'm not a noise
 2 expert, but I would -- but this says traffic noise masks.
 3 Has to do with traffic.
 4 **DR. CAPPARELLA:** Well, we don't know if it's a
 5 synonym for vibration. Without reading the paper --
 6 **MR. PARZYCK:** You are postulating something that I
 7 don't think you know, nor do I.
 8 **DR. CAPPARELLA:** That's correct, having not read
 9 the paper.
 10 **MR. PARZYCK:** You are postulating and I'm not.
 11 **DR. CAPPARELLA:** Right. I'm just asking the
 12 question is if you had read the entire paper to determine if
 13 it -- if when they use noise if they were using it,
 14 potentially as a synonym for vibration or not, but it sounds
 15 like --
 16 **MR. PARZYCK:** The -- the point is that there is not
 17 this paper, nor any documented papers that indicate that
 18 turbines, wind turbines, produce a vibration or noise that
 19 affects aquatic life in streams.
 20 **DR. CAPPARELLA:** Do you know if such studies have
 21 been done in the formal way?
 22 **MR. PARZYCK:** We have not -- I can't -- there's no
 23 indication in our research that says that that has been
 24 done, if there's anything that indicates a problem.

Page 303

1 **DR. CAPPARELLA:** So we don't have any data,
 2 basically, because it hasn't been studied?
 3 **MR. PARZYCK:** There's -- there's no basis for
 4 indicating 500 feet is a magic setback, because there's --
 5 there have been no studies on that.
 6 **DR. CAPPARELLA:** Or on vibrations in general.
 7 **MR. PARZYCK:** On the vibration of wind turbines
 8 with respect to river beds.
 9 **DR. CAPPARELLA:** There's been no studies.
 10 **MR. PARZYCK:** Not that we are aware of.
 11 Have you found any?
 12 **DR. CAPPARELLA:** I haven't had a lot of time to
 13 look, to be honest.
 14 **MR. PARZYCK:** Our research has found that there are
 15 no studies that indicate that. So that there is no basis
 16 for 500 feet.
 17 Erin will address a little bit of the potential for
 18 looking at that in conjunction with IDNR, which is one of
 19 the other parts of the recommendation.
 20 **DR. CAPPARELLA:** Okay. Well, thank you.
 21 **MR. PARZYCK:** Sure.
 22 **MS. WINTERLAND:** Amy Winterland.
 23 So, I want a clarification --
 24 **CHAIRMAN FINNIGAN:** Could you give your address,

Page 304

1 please?
 2 **MS. WINTERLAND:** 22825 N 3075 East Road, Colfax,
 3 Illinois, 61728.
 4 So, just -- just a clarification from that last
 5 conversation: So, there are no studies saying that
 6 vibrations are harmful or there are no studies period?
 7 **MR. PARZYCK:** There is no documented evidence, nor
 8 any even discussion of wind turbines causing problems with
 9 aquatic life in streams based on vibrations. There are no
 10 studies. There's -- and no problems have been raised,
 11 therefore, there are no studies, because nobody has raised
 12 the issue that's problematic.
 13 **MS. WINTERLAND:** But there's also no study
 14 confirming that there is no problem.
 15 **MR. PARZYCK:** You're trying to prove a negative.
 16 **MS. WINTERLAND:** People do studies all the time to
 17 prove that there are no problems.
 18 **MR. PARZYCK:** You initiate a study based on a
 19 problem or a potential problem. There are no studies
 20 indicating there's no evidence that this is a problem.
 21 **MS. WINTERLAND:** Second question: So, you are
 22 talking about the, I think it was your fourth turbine,
 23 number 91, I don't know if you want to go back to that
 24 picture or not, it's 300 feet off the Hemline Creek.

1 **MR. PARZYCK:** Right.

2 **MS. WINTERLAND:** I think I mentioned before that

3 there's, in your application, this floodplain picture based

4 on 100 year flood zone. Number 91 is in that flood zone and

5 it's only 300 feet off the Hemline Creek.

6 **MR. PARZYCK:** If that's the case, we will

7 investigate that.

8 **MS. WINTERLAND:** So, if that's the case, my

9 understanding from Thursday was you're not allowed to build

10 in a floodplain.

11 **MR. PARZYCK:** That's correct.

12 I said we will check that, yes. And we are not

13 allowed to build in a floodplain.

14 **MS. WINTERLAND:** But your testimony, was that 91

15 was no problem being 300 feet away from the --

16 **MR. PARZYCK:** That was my testimony, yes.

17 I'm not -- if you point out that it is in a

18 floodplain, we will check it and have to verify if that is,

19 in fact, the case. I'm not saying I'm perfect. If that is

20 a problem, we'll look at it.

21 **MS. WINTERLAND:** It's on this flood zone map,

22 number five. It's the number --

23 **MR. PARZYCK:** I would caution when looking at that

24 map, it may be on the edge of a floodplain. So, we will

1 **MR. PARZYCK:** Certainly. Fair enough.

2 **CHAIRMAN FINNIGAN:** Any other questions?

3 **MR. PITZER:** My name is Jim Pitzer. My address is

4 29485 East 2100 North Road, Colfax, Illinois, 61728.

5 **MS. WALLEY:** Mr. Pitzer, can you spell your last

6 name?

7 **MR. PITZER:** P-I-T-Z-E-R.

8 **MS. WALLEY:** Thank you.

9 **MR. PITZER:** Sorry.

10 **MS. WALLEY:** That's okay.

11 That way the court reporter doesn't have to guess.

12 **MR. PITZER:** I have this map here, section five,

13 and Mr. Parzyck, I have to tell you upfront that you're kind

14 of in my kitchen when it comes to -- I -- there's a lot of

15 discussion about the confluence of the Mackinaw River and

16 Hemline Creek. That is on my property. And it's a sandwich

17 from my house, basically. So it's a meaningful spot to me.

18 And you talked about these -- these turbines that

19 were running up Hemline Creek and past the timber there.

20 The timber, by the way, is the edge of my property. And I'm

21 particularly interested in turbine number 80. You made

22 testimony that you're going to comply with the number six

23 where you're going to move that half a mile from the

24 Mackinaw River.

1 investigate very, very closely whether it is, in fact, in.

2 And if it's in we would have to move it.

3 **MS. WINTERLAND:** It is on the edge of a floodplain.

4 **MR. PARZYCK:** It can be.

5 **MS. WINTERLAND:** Okay.

6 **MR. PARZYCK:** Why couldn't it be on the edge?

7 **MS. WINTERLAND:** Well, it is.

8 **MR. PARZYCK:** Is it in it?

9 **MS. WINTERLAND:** Is not the edge considered in it?

10 **MR. PARZYCK:** No, it's outside.

11 **MS. WINTERLAND:** The edge is outside.

12 **CHAIRMAN FINNIGAN:** I think Phil might have an

13 answer to that, possibly.

14 **MR. DICK:** If it's in a floodplain, that particular

15 one, we discussed, it will have to have a survey or note

16 where the edge of the floodplain is so that this -- they do

17 not do any digging in it.

18 **MS. WINTERLAND:** Okay. I did not look at the other

19 three.

20 My point is that 300 feet, and their picture looks

21 like it should not be a problem, but I do believe it needs

22 to be looked at. Thank you.

23 **MR. PARZYCK:** From what perspective?

24 **MS. WINTERLAND:** From the floodplain.

1 **MR. PARZYCK:** We would be in compliance with that

2 requirement.

3 **MR. PITZER:** Yes. I'm all for that, by the way.

4 My question to you is: Where are you going to put

5 it?

6 Because right now it's 1250 feet from the Mackinaw,

7 it's about 1650 feet from the confluence. Are you going to

8 measure that half a mile from the confluence? Which way are

9 you going to go? Are you going to go north or are you going

10 to go northwest? Northeast? Where are you going to put

11 that thing?

12 **MR. PARZYCK:** I can't say exactly where it's going

13 to go.

14 We know that we will be outside of a half mile

15 though. That one may just disappear.

16 **MR. PITZER:** I'm all for that too, but I'll address

17 that later on. I just wondered if you had any indication

18 which way you're going to go with it.

19 **MR. PARZYCK:** You know that one looks like it's

20 going to be problematic to relocate. The adjacent turbine,

21 I believe, it's 78 to the west.

22 **MR. PITZER:** Well, there's 81 to the north and 78

23 to the northeast.

24 **MR. PARZYCK:** That one is possible that we can move

Page 309

1 it back so that it's outside the half mile.
 2 **MR. PITZER:** Okay. That's my question. Thank you.
 3 **CHAIRMAN FINNIGAN:** Any other questions from the
 4 audience?
 5 Come forward.
 6 **MR. SCHWASS:** Okay. So, Glen Schwass representing
 7 27709 North 2550 East Road, Lexington, S-C-H-W-A-S-S.
 8 So, I find it hard to believe I didn't have a
 9 question other than I was prepared to make a closing
 10 statement, which I'll save for later, but the last
 11 question's kind of sparked this question. And I think
 12 you're incorrect, sir.
 13 And that is that you were talking about the noise
 14 level of vibration and that the studies show no negative
 15 impact from the wind turbines and that it was road noise.
 16 And --
 17 **MR. PARZYCK:** I've got to clarify that. My
 18 statement was that there was no evidence of vibrations from
 19 turbines or noise from turbines impacting aquatic life in
 20 streams.
 21 **MR. SCHWASS:** Okay. There could be noise effects
 22 from turbines.
 23 And I'm going to go back to a question that was
 24 asked the other night that seemed to be a void and that is

Page 310

1 that the county health officials in Wisconsin have started
 2 to realize that turbines have been labeled as health
 3 hazards.
 4 What -- what -- can you elaborate on that study?
 5 And what are the -- they studying in the State of Wisconsin
 6 as to the negative effects of health hazards?
 7 **MR. GRIFFIN:** You know, I object to that question.
 8 Mr. Parzyck's testimony was limited to
 9 environmental wildlife impacts and I think that's what this
 10 round of questioning should be limited to, not whatever is
 11 being referred to here.
 12 **MS. WALLEY:** Mr. Schwass, I think Mr. Griffin is
 13 right.
 14 What he's asking is that you limit your questions
 15 to what Mr. Parzyck just testified to. So, those four
 16 particular hearings and the IDNR letter, if you have
 17 questions about that you can ask, but we're not going back
 18 to any previous testimony.
 19 **MR. SCHWASS:** Okay.
 20 **MS. WALLEY:** Okay.
 21 **MR. SCHWASS:** So, let me try to redirect the
 22 question, if I can. I may be a little slow at redirecting
 23 this question, but it was -- I think you were talking about
 24 the noise levels. So, is that a question that I can ask in

Page 311

1 reference to and the impact that the noise levels have?
 2 **MS. WALLEY:** You can ask about anything Mr. Parzyck
 3 testified to today.
 4 **MR. SCHWASS:** I'll go back under the noise level.
 5 I'm trying to think of a way to present this question. I'm
 6 not a professional counselor or anything like that or legal
 7 guide, you know.
 8 My question would be, going back to the vibration
 9 levels, you're talking about the vibration that's put out
 10 from -- there's no study on vibrations put out by wind
 11 turbines. I think the gentleman's question is noise is
 12 noise. Vibration is vibration. I can't say how they
 13 wouldn't be the same, road noise, who cares what the noise
 14 is.
 15 **MR. PARZYCK:** My comment is that vibration and how
 16 would vibration affect aquatic life in streams. There are
 17 no studies that indicate -- that indicate that there are a
 18 problem and there are no -- there's no known information of
 19 people identifying that as a problem. Vibrations in streams
 20 and aquatic life.
 21 MR. SCHWASS I'll come back then in conclusion,
 22 address the noise levels to the health concerns then.
 23 **MS. WALLEY:** You're more than welcome to do that.
 24 **CHAIRMAN FINNIGAN:** Any other questions from the

Page 312

1 audience?
 2 Got one more coming forward.
 3 **MR. YOUNG:** Yale Young, 27297 East 2250 North Road,
 4 Lexington, Illinois.
 5 I had a few questions based on the testimony
 6 tonight based on number 65, which is 380 feet from Patton
 7 Creek. How far is the closest timber and habitat area from
 8 number 65? As I heard you refer to timber and habitat area
 9 and a few other of those four that we talked about. So, how
 10 far is the closest timber and habitat area from turbine site
 11 number 65?
 12 **MR. PARZYCK:** How do you define that? Are you
 13 talking about the thousand foot setback from repairing
 14 corridors?
 15 **MR. YOUNG:** No. I heard you on the -- I don't have
 16 the particular number, but you talked about being close to
 17 the timber and you wanted to stay away from the timber on
 18 one of those other.
 19 **MR. PARZYCK:** At the area around the Mackinaw
 20 River, right, and the confluence.
 21 **MR. YOUNG:** My question to you is: How far is the
 22 closest timber and habitat area from turbine number 65?
 23 **MR. PARZYCK:** I do not have that information
 24 available. I'm sorry.

Page 313

1 **MR. YOUNG:** It's about 800 feet.
 2 How many acres on the property where number 65 sits
 3 is on that property?
 4 **MR. PARZYCK:** I cannot -- I don't have that
 5 information.
 6 **MR. YOUNG:** It's 240-acre where you could easily
 7 move that away from Patton Creek.
 8 **CHAIRMAN FINNIGAN:** Ask questions.
 9 **MR. YOUNG:** How many acres of habitat are along
 10 Patton Creek?
 11 **MR. PARZYCK:** I don't have that information.
 12 **MR. YOUNG:** Tell me about the eagles, the owls and
 13 the wood ducks. I hear your quote saying vibration aquatic
 14 life, but every day my family wakes up and we see wood
 15 ducks, herons, great-horned owls and bald eagles out our
 16 window.
 17 And you keep saying number 65 has no effect on
 18 aquatic life. How about the effect on the animals that I
 19 just mentioned? If we see those every day just outside our
 20 window, which is just below number 65.
 21 **MR. PARZYCK:** My testimony has to do -- this
 22 evening has to do with the 500-foot setback that's
 23 recommended in the IDNR letter. The IDNR letter that --
 24 items referring to vibrations and the potential impacts to

Page 314

1 aquatic life in streams. That's what this presentation is
 2 about.
 3 **MR. YOUNG:** So, there's no other reasons to have
 4 setback, just vibrations off aquatic life?
 5 **MR. PARZYCK:** No. I'm saying that that is what
 6 IDNR discusses in their letter.
 7 We have indicated there is no -- we are not --
 8 we're not aware of any studies that have a correlation
 9 between vibrations and impact on aquatic life in streams.
 10 **MR. YOUNG:** One last question and I'll get out of
 11 here.
 12 How many feet does IDNR recommend for keeping away
 13 from any perennial streams?
 14 **MR. PARZYCK:** In this -- there are -- there's no
 15 standard in here. The comment is 500 feet, based on the
 16 possibility of vibrations affecting aquatic life in streams.
 17 **MR. YOUNG:** Thank you.
 18 **CHAIRMAN FINNIGAN:** Any other questions?
 19 I think we're clear. Go ahead.
 20 **MR. GRIFFIN:** Roll in our next witness,
 21 Mr. Chairman. This is Erin Lieberman. She's with -- she's
 22 going to testify in response to a few of the other IDNR
 23 recommendations, just provide the Zoning Board with some
 24 more information. She'll need to be sworn in.

Page 315

1
 2 ERIN LIEBERMAN,
 3 was first duly sworn; and then testified as follows:
 4
 5 **CHAIRMAN FINNIGAN:** Would you state your name and
 6 address for the record?
 7 **MS. LIEBERMAN:** Erin Lieberman. My work address is
 8 1 South Wacker, Chicago, Illinois, 60606.
 9 **MR. GRIFFIN:** Erin, before you get into the heart
 10 of your testimony, provide The Board with a little
 11 background on who you are and what your responsibility are.
 12 **MS. LIEBERMAN:** Yeah. Certainly. Good meeting
 13 everybody.
 14 I am vice president of wildlife at energy and
 15 wanted to use the opportunity this evening to expand on the
 16 testimony you've heard from Andrea Giampoli last Thursday
 17 night, as well as some of the comments from Kevin just a
 18 moment ago, specifically, in response to recommendations
 19 three, five, excuse me, two, three and five from the IDNR
 20 letter.
 21 So, with that, if you would entertain me for a
 22 moment, I just wanted to take a step back, if you will, on
 23 recommendation two, which related to post construction
 24 monitoring. And once again, summarizes energy approach to

Page 316

1 wildlife surveys pre-construction and how we use that
 2 information to determine the level of post-construction
 3 monitoring.
 4 So, as Andrea Jim stated on January 4th, energy
 5 acts in accordance with the U.S. Fish and Wildlife Services
 6 Volunteer Wind Energy Guidelines. The wind energy
 7 guidelines are a tiered approached to assessing risk through
 8 pre-construction surveys and post-construction monitoring.
 9 The pre-construction surveys are used to inform our
 10 project citing, as we use that information to make
 11 determinations about avoidance and minimization measures
 12 that can be employed at our sites to minimize any risk to
 13 birds and bats, particularly through operations.
 14 Energy's approach then is to conduct one year of
 15 post-construction monitoring where the pre-construction
 16 survey results indicate a low risk of impact at an
 17 operational wind facility as we believe they do here. If
 18 during that first year or second year or third or tenth year
 19 of operation unforeseen or uncommon circumstances occur,
 20 energy will employ what we call an adaptive management plan,
 21 which is developed prior to operation.
 22 And through that adaptive management we will
 23 conduct, if necessary, additional monitoring consultation
 24 with the wildlife agencies, and if necessary, operational

Page 317

1 modifications to address that risk.
 2 So, I wanted to take that step back to further
 3 explain that it is not intended to be one year with no
 4 further attention spent or paid to risks that could occur
 5 through the operation of our wind facility. We don't
 6 currently have the information to share with The Board about
 7 many years of post-construction monitoring. And the reason
 8 is that we have not collected information, because it hasn't
 9 been required or necessary.
 10 At our facility we are using the information to
 11 cite, construct and operate our facilities responsibly and
 12 we are responding where necessary, again, to any unforeseen
 13 circumstances, but the approach is one year and using any
 14 information acquired in the years following to inform our
 15 next step.
 16 This approach also is consistent with the findings
 17 of the IDNR in the January 2nd letter that IDNR provided to
 18 energy and to this Board. It said that experience in
 19 Illinois has shown that utility scale wind turbines rarely
 20 kill more than six birds annually with many killing none at
 21 all and these losses are not biologically significant.
 22 The Department, more importantly, but also worth
 23 noting, said that sufficient monitoring has occurred at
 24 Illinois facilities to fairly characterize the risk to

Page 318

1 birds. So, therefore, with IDNR's finding, our own
 2 experience and our commitment to responsible operation, we
 3 believe that one year of post-construction monitoring at
 4 this time is defensible. So, that's number three -- excuse
 5 me -- recommendation two.
 6 Recommendation three, Kevin spent quite a bit of
 7 time talking about that, that we are modifying our response
 8 as of last Thursday and where physical disturbances occur we
 9 will do fish and mussel surveys 100 meters upstream and
 10 downstream.
 11 There was a question previously about the level of
 12 effort. The level of effort is also depending on the amount
 13 of disturbance that's going to occur. So, you know, we are,
 14 as Kevin said, expecting very little to no disturbance, but
 15 depending on that would be whether it would be one day, two
 16 days, three days etc.
 17 And lastly, recommendation five, the 500-foot
 18 avoidance from the perennial stream. As Kevin said,
 19 currently 113 of the 117 turbines are outside the
 20 recommended 500-foot buffer. Since Thursday we have
 21 continued conversation with biological consultants, who have
 22 further supported our initial response that this is not a
 23 survey that they -- excuse me -- a setback that they find is
 24 necessary, as there is no literature or research to support

Page 319

1 that there are impacts occurring to aquatic species from the
 2 noise or vibration from wind turbines.
 3 That being said, as you may -- what you will find
 4 in the IDNR recommendation that alternative to the setback.
 5 I want to make sure I get the language right. Is that the
 6 Applicant could consider supporting scientific measures to
 7 measure and report the effects of turbine noise, vibration
 8 and flicker on aquatic organisms. Energy has decided that
 9 we will engage with IDNR to assess whether or not there is
 10 potential for sponsorship of a study to assess noise
 11 vibration or flicker.
 12 **CHAIRMAN FINNIGAN:** Questions from The Board?
 13 **MS. TURNER:** What would determine whether you would
 14 consider there being potential for sponsorship of a study?
 15 What types of things are you guys looking for?
 16 **MS. LIEBERMAN:** Again, we don't feel that a study
 17 is necessary. There is not a problem that has been found.
 18 We have thousands of operational turbines across the
 19 country. And in our consultations and coordination with
 20 federal and state wildlife agencies as well as stakeholders,
 21 this is not an issue that has been landowners and others
 22 that are monitoring the situation.
 23 We will engage IDNR to assess whether or not there
 24 is information that we are not aware of that they would like

Page 320

1 to continue exploring and that will --
 2 **MS. TURNER:** And that's what I was wondering.
 3 I assume you were wondering if there is information
 4 that they have that you don't that would indicate a study is
 5 needed.
 6 **MS. LIEBERMAN:** Right. Or a literature review,
 7 something that they're aware.
 8 Again, we have asked our experts, both our
 9 biological and noise experts, and this is not something that
 10 anybody has studied, because there is not a problem that has
 11 been found, but we will submit to exploring that.
 12 **MS. TURNER:** And their letter does. They do cite
 13 the study of the traffic noise impacting within 12
 14 kilometers aquatic reproduction.
 15 **MS. LIEBERMAN:** From traffic.
 16 **MS. TURNER:** From traffic.
 17 **MS. LIEBERMAN:** Right.
 18 And I am not a noise expert, but we did speak to
 19 our noise expert and I won't go through the litany of
 20 responses that he gave. But he did let me know that wind
 21 turbines produce very little vibration to begin with. So,
 22 that's one distinguishing factor from the traffic and trucks
 23 that are occur. So, I mean, we can provide his additional
 24 responses if that would be of assistance.

1 **MR. ZIMMERMAN:** You talked about the selection of
2 one year versus two or three years and that's based on what
3 research?
4 **MS. LIEBERMAN:** Based on best practices. You know,
5 when -- when utilities -- you know, wind was first growing
6 and there was little information, data and understanding
7 about the interaction, particularly of the birds and
8 turbines, additional post-construction monitoring was looked
9 at to fill the data gap. But we know from our operational
10 experience that we can have responsible wind energy
11 development and conservation and wildlife use of the site.
12 So, using our experience and our conversations across the
13 country, we use one year consistent with recommendation
14 based on our findings. Again, if the findings demonstrate
15 that additional monitoring is necessary, because of those
16 unforeseen circumstances, we would employ that.
17 **MR. ZIMMERMAN:** Where do you employ that in the
18 past? You mentioned it might be one year, might be for
19 longer. Have you done studies longer than that? And what
20 triggered those?
21 **MS. LIEBERMAN:** Yes. I would have to -- I don't
22 have -- I, actually, don't have an example off the top of my
23 head of more than one year of annual post-construction
24 monitoring.

1 (No response.)
2 **CHAIRMAN FINNIGAN:** Would anyone in the audience
3 have questions of this witness?
4 Come forward.
5 **DR. CAPPARELLA:** Angelo, A-N-G-E-L-O, Capparella,
6 C-A-P-P-A-R-E-L-L-A, 907 South Well Avenue in Normal.
7 I have just a couple of questions, if I may. In
8 your addressing recommendation number two, you are arguing
9 that one year was sufficient with birds, but doesn't that
10 recommendation also mention bats?
11 **MS. LIEBERMAN:** It does.
12 So, a couple things to note here. We are employing
13 avoidance strategy for bats, right. We are curtailing it
14 5.0. We are also setting back 1,000 feet from habitat. So,
15 sort of looking at risk profile, we believe we've taken
16 steps to avoid risk to bat species at the site largely.
17 It does address -- we will be monitoring bats as
18 well, but much like birds, we believe that one year
19 post-construction monitoring will support our findings of
20 the pre-construction surveys coupled with the avoidance
21 mechanism that we adopt.
22 **DR. CAPPARELLA:** Okay. Well, and so, in light of
23 recommendation one, which you said will, and I agree, would
24 substantially reduce mortality, isn't that contingent on --

1 I could tell you there have been occurrences where
2 something has happened. We may have looked at a season to
3 say: Okay. Is it something random or is there something,
4 this is many years after a project has gone into place, is
5 there something random or is there new circumstances that
6 suggest there is activity that we did not predict during
7 pre-construction. And all those years later, ten years
8 later, we have reevaluated the site, have biological
9 consultants seasonally, and review the uses and patterns of
10 those species at the site.
11 **MR. ZIMMERMAN:** For the record, I didn't hear
12 your -- your vitae or any very quick summary, one minute or
13 less, of what you're doing here. Who are you, is what we're
14 really trying to figure out?
15 **MS. LIEBERMAN:** That's a fair question.
16 Andrea Giampoli, who you heard from on Thursday, is
17 actually out of the state today. So, I wanted to come in
18 and supplement some of what she heard.
19 Just a little bit of my background: I joined
20 Invenergy two years ago after spending eight years working
21 for a national environmental nonprofit organization on
22 wildlife and siting of renewable in forming facilities
23 through the lens of conservation community.
24 **CHAIRMAN FINNIGAN:** Any questions from the staff?

1 is the ZBA and The Board mandated, because you say in your
2 letter if, is that what the if means? It says you'll do
3 that, reduce the fatality, but if the County makes a
4 recommendation. Am I reading the if correctly?
5 **MR. GRIFFIN:** Yes, that's what all the responses
6 say.
7 **MS. LIEBERMAN:** Yes, we will adopt that.
8 **DR. CAPPARELLA:** All right. Then move back to
9 recommendation number two, you say if you find after one
10 year that there is a problem you have adaptive management
11 plan having wrestling with this park Heartland with their
12 study, how do you know if you have a bat mortality event
13 when all the crops are up?
14 **MS. LIEBERMAN:** Well, okay. So, we do carcass
15 searches. So, there's carcass searches. We have biological
16 consultants that are present to cover the operational site
17 and we have our O & M staff that are out there that are
18 alerting us daily if there are circumstances occurring that
19 are significant.
20 **DR. CAPPARELLA:** For the first year don't you do
21 your carcass searches by first not allowing any crops to be
22 planted within a designated area around the turbine so that
23 you can more effectively find them?
24 **MS. LIEBERMAN:** I believe that is correct, but I

Page 325

1 will need to review our --
 2 **DR. CAPPARELLA:** That's what we do.
 3 And -- but -- do -- is that continued in the
 4 subsequent years so you that could actually find if there's
 5 a mortality event?
 6 **MS. LIEBERMAN:** That's not.
 7 **DR. CAPPARELLA:** It's not. So -- so, basically,
 8 you wouldn't know or if there was a morality event during
 9 the migration period of bats, which is during the growing
 10 season of crops, you would be faced with trying to find the
 11 carcasses within say a corn field.
 12 **MS. LIEBERMAN:** That's a fair question.
 13 Again, we have our O & M staff out there. We do
 14 annual training for all of our operational facilities. We
 15 train them in the identification of species and to ensure
 16 that they are aware, alert and reporting circumstances that
 17 are occurring so we are relying on our staff to report those
 18 incidents should they occur.
 19 **DR. CAPPARELLA:** Okay. Thank you.
 20 **CHAIRMAN FINNIGAN:** Any other questions?
 21 **MS. WINTERLAND:** Kind of expanding on Angelo's
 22 testimony.
 23 **CHAIRMAN FINNIGAN:** Ma'am, state your name again.
 24 **MS. WINTERLAND:** Amy Winterland, 22825 North 3075

Page 326

1 East Road, Colfax, Illinois.
 2 So, I was -- wanted to ask some questions about the
 3 eagles in the neighborhood, because as someone else has
 4 already testified, we see eagles frequently in this project.
 5 And I was reading the U.S. Wildlife Survey
 6 concerning the eagle conservation guidelines and I noticed
 7 as I was reading through the application that in 2016 it
 8 looked like you had completely adopted the U.S. Fish and
 9 Wildlife eagle conservation guidance you had used the
 10 footprint, plus 10 miles to make that the project survey
 11 site.
 12 And in 2016 you actually identified an active eagle
 13 nest with eggs. And in 2017 you decided that you didn't
 14 need to go out 10 miles, you only needed to go out 2 miles
 15 beyond the footprint. And in going out two miles beyond the
 16 project footprint you didn't have the bald eagle nest in
 17 your project footprint in your project survey so you didn't
 18 check the status of the bald eagle nest at all in 2017. Is
 19 that accurate?
 20 **MS. LIEBERMAN:** Unfortunately, Andrea is the one
 21 that managed the environmental survey. I don't have a
 22 direct response to the effort that was conducted at this
 23 site for you today.
 24 I will tell you that our standard approach is to

Page 327

1 survey within the project area, this is for rafter nests,
 2 including eagle nests. So, we survey the project. Then out
 3 to 2 miles for all nests, eagle and other rafters, and out
 4 to 10 miles for eagle nests. My understanding is that the
 5 eagle nest was found four miles outside the project
 6 boundary, but I cannot confirm whether that active nest was
 7 checked a second time. Certainly, get back to you.
 8 **MS. WINTERLAND:** So, it was within the 10 mile
 9 radius? It was outside --
 10 **MS. LIEBERMAN:** Outside the boundary. Outside two
 11 miles. It was four miles from the project boundary.
 12 **MS. WINTERLAND:** Four miles outside the two mile --
 13 **MS. LIEBERMAN:** The project boundary. And then two
 14 miles outside of the two mile -- four miles outside the
 15 boundary.
 16 **MS. WINTERLAND:** So, it was within the 10 miles
 17 additional radius?
 18 **MS. LIEBERMAN:** Yes.
 19 **MS. WINTERLAND:** Okay. So, again, if you had
 20 studied in 2017, from what I'm gathering, from the Fish and
 21 Wildlife Survey Guidelines, if in 2017 you had included that
 22 eagle nest then there would have been additional stage 2
 23 surveying required, including flight plans. There would
 24 have been stage 3 requirements, which is determining

Page 328

1 mortality. There would have been stage 4 requirements.
 2 **CHAIRMAN FINNIGAN:** You're getting into testimony.
 3 You're --
 4 **MS. WINTERLAND:** So, my question is: If you went
 5 back in 2018 and studied that eagle nest, would those
 6 requirements come into play?
 7 And did Invenergy intentionally reduce the scope of
 8 that survey in order to eliminate some of complications with
 9 the eagles?
 10 **MS. LIEBERMAN:** So, we did nothing to hide
 11 information. Our standard approach is a one-year rafter
 12 nest survey. Again, project boundary, 2 miles and 10 miles.
 13 It's a hypothetical that you are proposing. I can't answer.
 14 **MS. WINTERLAND:** So, the U.S. Fish and Wildlife
 15 Survey Eagle Conservation Plan Guidelines requires --
 16 recommends the 2-year study of breeding peers and a 10-mile
 17 scope outside of the project footprint. Did Invenergy do
 18 that in 2017?
 19 **MS. LIEBERMAN:** Again, I don't have the information
 20 about the level of effort in 2017.
 21 **MS. WINTERLAND:** I don't believe they did.
 22 **CHAIRMAN FINNIGAN:** Any other questions?
 23 Come forward.
 24 **MS. COTTER:** Julie Cotter, 23571 North 2900 East

Page 329

1 Road, Lexington, 61753.
 2 **MS. WALLEY:** Can you spell your last name?
 3 **MS. COTTER:** C-O-T-T-E-R.
 4 My first question is: Do you have a PhD?
 5 **MS. LIEBERMAN:** I do not.
 6 **MS. COTTER:** What's your highest level of
 7 education?
 8 **MS. LIEBERMAN:** I have a JD.
 9 **MS. COTTER:** And what type college do you attend?
 10 **MS. LIEBERMAN:** UC Berkley.
 11 **MS. COTTER:** When you go out and look for these
 12 animal carcasses, there are lots of turkey vultures and
 13 things like that around that instantly eat these. How do
 14 you think that you are getting a correct count of any animal
 15 carcasses? How quickly do you go out there?
 16 **MS. LIEBERMAN:** Yeah. I am not a biological expert
 17 that can speak to the survey scope and methodology.
 18 What I will tell you, quickly, sort of directly
 19 related, an important piece of information here on
 20 carcasses: We work with landowners to cover carcasses and
 21 remove carcasses that could be attractants to wildlife to
 22 minimize potential impacts and risks that could occur
 23 between turbines and birds, for example.
 24 The other note that I will make about carcasses is

Page 330

1 that there are carcass persistence rates that we account for
 2 in our post-construction monitoring protocols. And our
 3 biological experts could speak to the methodologies and
 4 metrics that are used for that approach.
 5 **MS. COTTER:** What, exactly, do you mean when you
 6 say you work with landowners?
 7 **MS. LIEBERMAN:** We work with our participating
 8 landowners to ensure that where non -- what were -- all
 9 carcasses are identified, that they are surveying the lands
 10 to cover or remove those so not to attract other rafter
 11 species that may be close to turbines, minimize any
 12 potential --
 13 **MS. COTTER:** So, landowners then report to you what
 14 they have picked up or found?
 15 **MS. LIEBERMAN:** Not necessarily. That's the best
 16 management practice that we ask them to employ.
 17 **MS. COTTER:** So, you don't really know how many
 18 carcasses are found, if they don't report to you?
 19 **MS. LIEBERMAN:** No, I don't know the number.
 20 **MS. COTTER:** Okay. Thank you.
 21 **MS. LIEBERMAN:** Yeah.
 22 **CHAIRMAN FINNIGAN:** Any other questions from the
 23 audience?
 24 **MS. PITZER:** Terry Pitzer, T-E-R-R-Y P-I-T-Z-E-R,

Page 331

1 29485 East 2100 North Road, Colfax, Illinois, 61728.
 2 I will be asking, obviously, a question to you,
 3 because you're the one testifying right now. And I can't
 4 remember exactly which recommendations the IDNR that you
 5 were talking about. What was it? One and two?
 6 But our whole evening has been -- both of your
 7 testimonies have been in addressing, so far, those
 8 recommendations and why you didn't feel you needed to
 9 comply, the ones where you were not complying, the 500 foot
 10 setback, the different things like that.
 11 I guess my question is: Why does the Zoning Board
 12 of Appeals -- why should they listen to your recommendations
 13 on why you do not need to comply, based on studies that were
 14 most probably funded by the Wind Energy as opposed to the
 15 Illinois Department of Natural Resources recommendations?
 16 **MR. GRIFFIN:** Yeah. I don't think that's a
 17 legitimate question. That's for the ZBA to address what
 18 they feel is important and which recommendations they want
 19 to follow.
 20 **MS. PITZER:** I beg your pardon. I think it's very
 21 legitimate.
 22 **MS. WALLEY:** Hold on just a second.
 23 **CHAIRMAN FINNIGAN:** I guess, if you can answer the
 24 question, go ahead. If you don't think you can, don't.

Page 332

1 It's up to you.
 2 **MR. PARZYCK:** I mean, I think to the
 3 recommendations that come from the IDNR directed at the
 4 County Board, and we have responded to The Board with our
 5 position as to the viability, based on the studies that have
 6 been done by professional organizations, by our experience
 7 and by the protocols that we're going to employ going
 8 forward with the operation of the facility.
 9 As Mr. Griffin indicated, it is up to The Board to
 10 evaluate all of the information and come up with a
 11 recommendation.
 12 We feel that based on our consultants and experts
 13 that have studied this, yes, we do pay for them. We pay for
 14 a lot on this project, but we have employed reputable
 15 organizations to study this, along with our operational
 16 experience and our consultation with the U.S. Fish and
 17 Wildlife and other agencies that we feel that these are
 18 reasonable recommendations or reasonable responses to the
 19 recommendations, but again, it is up to the ZBA to evaluate
 20 all the information.
 21 **MS. PITZER:** Thank you.
 22 **CHAIRMAN FINNIGAN:** Any other questions?
 23 I think that's it on the questions.
 24 We're at about 8:30 right now, so we will take a

Page 333

1 break about 8:30. We are going to quit at 10 o'clock.
 2 So, and tomorrow night we'll be back in this
 3 building at 6 o'clock for continuation. We're not going to
 4 get done tonight, just so we're clear on that.
 5 (Recess.)
 6 **CHAIRMAN FINNIGAN:** Come back to order. Get
 7 everybody to sit down.
 8 I guess at this time I'll ask if you have any more
 9 witnesses?
 10 **MR. GRIFFIN:** Mr. Chairman, we do not have any more
 11 witness in our official case, so thank you very much.
 12 We'll let other interested parties present their
 13 testimony in determining whether or not we have any
 14 rebuttal, but that will be done at that stage. Okay. Thank
 15 you.
 16 **CHAIRMAN FINNIGAN:** Okay. Thank you very much.
 17 So, we're at the point where we're at number three,
 18 if you got the hearing procedure, and I'm going to let our
 19 lawyer explain what this means, but basically, you're going
 20 to be coming up and if you want to give testimony, we're
 21 going to swear you in, your name and address, stuff like
 22 that, but she can explain a little better.
 23 **MS. WALLEY:** What Chairman Finnigan said is
 24 correct. Now is the time for public comment. So, as I

Page 334

1 indicated before, we will do our best to call you up in the
 2 order that you signed up.
 3 If you are qualified as an expert, and that
 4 determination is made by The Board, you will be allotted
 5 30 minutes. And again, we'll time you. I'll give you a two
 6 minute warning, one minute warning.
 7 Otherwise, we are -- the time for -- the testimony
 8 time limit is limited to ten minutes. And again, you'll get
 9 your warning and that sort of thing.
 10 You will also be subject to cross-examination, that
 11 means other individuals can come and ask you questions, the
 12 same as you were allowed to ask questions of the applicant's
 13 witnesses.
 14 And then at that point you would be allowed to sit
 15 back down and keep going through until everyone that wishes
 16 to speak has had their chance.
 17 Any questions?
 18 **CHAIRMAN FINNIGAN:** One clarification: Somebody
 19 said closing statement, that would be later.
 20 **MS. WALLEY:** Sure.
 21 At this time you can come up and make your
 22 presentation. Anyone that provides testimony has an
 23 opportunity to make a closing argument at the very end of
 24 the case, it's up to you. You don't have to do that. It's

Page 335

1 certainly your choice.
 2 The Applicant will have an opportunity to make a
 3 closing argument before the hearing closes. So, you may
 4 have heard someone refer to a closing argument earlier, you
 5 can do that or you can make one statement and leave it at
 6 that, it's up to you.
 7 **CHAIRMAN FINNIGAN:** Mr. Dick has a list of people
 8 that signed up to give testimony. He's got the leeway to
 9 call the names. So I'm going to let him do that.
 10 **MR. DICK:** Bill Thacker.
 11 **MR. THACKER:** Well, I did sign up, but I didn't
 12 think I would be the first one out of the shoot.
 13 **CHAIRMAN FINNIGAN:** That's all right. It will be
 14 easy from there.
 15 **MR. THACKER:** I'm certainly not as polished as most
 16 of the folks that have spoken here.
 17 **CHAIRMAN FINNIGAN:** Would you like to be sworn in?
 18 **MR. THACKER:** Sure.
 19
 20 **WILLIAM THACKER,**
 21 was first duly sworn; and then testified as follows:
 22
 23 **CHAIRMAN FINNIGAN:** Would you state your name and
 24 address for the record?

Page 336

1 **MR. THACKER:** Sure.
 2 I'm William Thacker. I live at 25899 East 3000
 3 North Road, Chenoa, 61726.
 4 **CHAIRMAN FINNIGAN:** Could you spell your last name?
 5 **MR. THACKER:** T-H-A-C-K-E-R.
 6 I have prepared here something that was suggested
 7 is what remarks I wanted to say and a couple of other
 8 things. So, I've got several packages here that I wouldn't
 9 mind sharing with you all. I don't know what protocol is
 10 for that.
 11 **MR. DICK:** Do you have enough for all the members?
 12 **MR. THACKER:** Yeah, I've got 15 or so here.
 13 Invenergy will probably want some, but we have been in
 14 communication. So, they've got some of it. Here's another
 15 one.
 16 **MR. DICK:** You signed up as a neutral observer; is
 17 that correct?
 18 **MR. THACKER:** I did. I did. And I didn't
 19 necessarily feel that I needed to sign one way or another.
 20 And I've sat through here, for now I've been here, oh, three
 21 sessions. And I think I'm still -- still hanging in the
 22 middle.
 23 **MR. DICK:** We'll call this Neutral Exhibit
 24 Number 1.

Page 337

1 **MR. THACKER:** Okay. That works.
 2 Okay. Again, thanks for offering me the
 3 opportunity to speak here. I do appreciate it and I'm going
 4 to just, basically, read my letter and some comments and
 5 some of the other things that I might have included I'll
 6 read as well. And then, of course, I'll be happy to answer
 7 any questions.
 8 My wife, Janis Thacker, and I are the owners of the
 9 residential airport, Thacker Airport mentioned in the
 10 Invenergy application, (paragraph 3.7.4) located two miles
 11 southwest of Chenoa.
 12 Thacker Airport is licensed by the Illinois
 13 Department of Aeronautics as a residential airport and is,
 14 in fact, one of the oldest airports in McLean County,
 15 originally established in 1947. The airport's historical
 16 significance has been written about several times in the
 17 Pantagraph and other area newspapers, most recently on
 18 April 26, 2015 in "A Page From Our Past" by Bill Kemp of the
 19 McLean County Historical Society.
 20 I've actually, included -- there's been several
 21 articles, I included that one as the next three pages, five
 22 pages total in the -- after the initial letter I've got in
 23 there. I won't read it, but you're certainly welcome to.
 24 But it does talk about the airport being established and why

Page 338

1 it was part of the GI Bill. And then it was, originally, a
 2 public airport. And when economic times couldn't keep it
 3 going, I came back into the picture to keep -- to keep it at
 4 least as a flying field to provide flight instruction for
 5 people.
 6 So, Thacker Field is, again, a residential airport
 7 licensed by the Illinois Department of Aeronautics and as
 8 such, does not necessarily come under the purview of the
 9 Federal Aviation Administration, since it is classified for
 10 private use. Therefore, the FAA may not comment on Thacker
 11 Airport during the impact study that is to be submitted as
 12 Appendix E of the application.
 13 I haven't yet seen it. I don't think it's been
 14 submitted yet, at least it's not on-line.
 15 The Illinois Department of Aeronautics Airport
 16 Layout Standards mandates a no-penetrations of 7:1 on the
 17 side transition services out to 5,000 feet and 20:1 off the
 18 ends to 3,000 feet.
 19 And I reference -- I provided that statute, that's
 20 also in one of the last the two exhibits that are -- it's in
 21 the packet there.
 22 A 500-foot turbine would need to be at least
 23 3500 feet from the side of the runway if it were to actually
 24 meet that statute, and that's a statute for airports. And

Page 339

1 again, Thacker Field is or Thacker Airport is a residential
 2 airport certified under that statute that's included in the
 3 packet there.
 4 Thacker Airport is the specific reason that my wife
 5 and I moved to McLean County in 1990. Since then we've made
 6 significant improvements in the airport property. We have
 7 built hangers, installed runway lights, improved drainage,
 8 remodeled our house, etc. It's been our mission to share
 9 the airport and aviation, in general, with our neighbors and
 10 friends and family.
 11 Thacker Airport has an average 4 to 500 operations
 12 per year. We have taken thousands of people for sightseeing
 13 rides, assisted local farmers in doing crop and drainage
 14 surveys, inspecting storm damage, looking missing livestock.
 15 We have been called several times by first responders to
 16 assist in search and rescue missions as well. Dozens of
 17 local people have learned to fly the Thacker Airport.
 18 And now, one of the letters that's included in here
 19 from one -- one fellow.
 20 Many have gone on to careers in aviation. Thacker
 21 Airport has produced airplane mechanics, flight instructors,
 22 corporate airline and military pilots.
 23 We are very proud of one young man from Lexington
 24 that did his initial flight training at Thacker Airport and

Page 340

1 is now a Commander in the US Navy flying F-18 Super Hornets.
 2 Flight instruction is "integrality". Thacker
 3 Airport has been a very safe and friendly environment for
 4 McLean County residents to learn to fly at.
 5 We have several -- we have clear approaches. Even
 6 a three-phase wire at the north end of strip have been
 7 buried at my expense.
 8 The nearest cell tower is two miles away. Having
 9 few obstacles in the airport environment greatly enhances
 10 aviation safety.
 11 In the application of Invenergy states that minimum
 12 setback is respected 1,000 feet from the sides of the runway
 13 and more than a mile from the ends. A typical traffic
 14 pattern though at an airport is to fly a downwind leg, which
 15 is a parallel course to the runway, at a spacing of
 16 approximately one-half mile from the side of runway.
 17 As proposed, there will be two turbines that will
 18 actually be between the normal downwind flight paths and the
 19 runway.
 20 Invenergy states when addressing crop dusting
 21 operations in their application that the turbines are far
 22 enough apart to fly between. However, they don't mention is
 23 that there is aerial application surcharge for doing so,
 24 because of the inherent safety risk to pilots and planes.

Page 341

1 I see a crop duster in the back. I think he
 2 probably is going to be on the docket to speak more
 3 specifically about that, that's not my concern right now.
 4 I'm worried about two turbines that are close to
 5 the runway and will be an issue at Thacker Airport,
 6 especially for student pilots. I had expressed these
 7 concerns in an email I sent last Friday before figuring out
 8 and hearing what you guys said about communicating outside
 9 to Mr. Dick, Board of Appeals Director.
 10 And he, Mr. Gordon Gray, of Invenergy contacted me
 11 after receiving a copy of that email, forwarded by him to
 12 Mr. Dick. Mr. Gray said Invenergy is willing to work to
 13 mitigate legitimate issues, especially with nonparticipants
 14 to minimize projects impacts.
 15 I explained that turbines 22 and 23, and they are
 16 on the very last page, shows section 16, which is where I
 17 live and specifically, turbines 22 and 23 -- you can also
 18 see the runway. I have to kind of apologize. I couldn't
 19 mark it very brightly, but it is on that -- on that plat
 20 map.
 21 I explained turbines 22 and 23 would be
 22 significantly closer than one-half mile to the side of the
 23 runway and on side the traffic pattern for approach to
 24 Thacker Field. Obstacles that close to the runway would be

Page 342

1 a degradation to flight safety.
 2 He stated the application had been made for 117
 3 turbines. That in reality, they had hoped for a total of
 4 100 turbines actually being built. After consulting with
 5 his colleagues, Mr. Gray suggested turbine number 22 could
 6 be eliminated and that number 23 could either be eliminated
 7 or moved. In the interests of flight safety, neither
 8 turbine 22 or 23 should be erected.
 9 Thacker Airport is a unique 12-acre property that
 10 is developed as an airport and as such, values depend on it
 11 being safe and pilot-friendly.
 12 The two turbines, numbers 22 and 23, that are
 13 proposed to be erected within the standard traffic pattern
 14 will affect flight safety and devalue the property.
 15 Should The Board decide to suggest approval for
 16 this wind farm then they should also mandate elimination of
 17 turbines number 22 and 23.
 18 Invenergy has said many times during these public
 19 hearings that they're willing to work with the public to see
 20 the project through.
 21 I appreciate the spirit of corporation thus far,
 22 but should the McLean County Board approve the proposed wind
 23 farm without that mandate, there's no assurance that the
 24 above stated legitimate concerns will be addressed.

Page 343

1 Hopefully, we can work together to protect a
 2 current level of safety and value of Thacker Field.
 3 The next few pages is that newspaper article from
 4 the Pantagraph, explains kind of the history of Thacker
 5 Airport.
 6 Next is a letter from AOPA, which is the Aircraft
 7 Owners and Pilots Association. It's the largest owners' --
 8 it's the largest aviation organization representing 350,000
 9 pilots, aircraft owners and aviation enthusiasts.
 10 And I'll just summarize, because you all have it,
 11 you can read it, but I do think it's important for a couple
 12 of paragraphs to come out here.
 13 On behalf of the Aircraft Owners and Pilots
 14 Association, AOPA, asking that the McLean County Zoning
 15 Boards of Appeals make the below stated changes as part of
 16 the written permits of the project: Remove turbines 22 and
 17 23 from the scope of project.
 18 AOPA views a local zoning board as the last line of
 19 defense for property owners. And in this case, a property
 20 owner, who happens to own and operate a regularly used
 21 private airport. The safe operation of the airport is the
 22 greatest concern to AOPA and the airport owner. The airport
 23 is used for primary flight operations, which require an open
 24 and safe operating area around the airport.

Page 344

1 Okay. The owner of the airport's had several
 2 conversations with representatives of Invenergy. Mr. Gordon
 3 Gray has related to the airport owner that turbine 22 could
 4 be eliminated, 23 moved or eliminated. It's the AOPA's
 5 opinion that it should be removed.
 6 I wish I had more time.
 7 **MS. WALLEY:** Fifteen seconds.
 8 **MR. THACKER:** I do thank you for the opportunity to
 9 hear this. I do hope you'll spend the time -- I wanted to
 10 get into this next letter that's included in there, because
 11 I think it's relevant. He brings to light a true experience
 12 there and the importance of having clear flight paths
 13 towards the airport.
 14 Questions?
 15 **CHAIRMAN FINNIGAN:** Questions from The Board?
 16 **MR. ZIMMERMAN:** Mr. Thacker, if 23 were -- were
 17 moved, in what direction would it be moved?
 18 **MR. THACKER:** Well, to get it, if you follow the
 19 statute, a 500-foot turbine would have to be moved
 20 3500 feet. Typical traffic pattern is 2500 feet.
 21 **MR. ZIMMERMAN:** How far is turbine number 23 away
 22 from your --
 23 **MR. THACKER:** At this point it's about 1200 feet, I
 24 think -- 1500 -- 12 to 1500. It's hard to tell on that map.

Page 345

1 I don't know how to tell it. I just look at the section
 2 lines. It would definitely be inside the traffic pattern.
 3 As you're flying around the field, you're flying parallel to
 4 the runway, you would have to look through the turbine to
 5 see the runway.
 6 **MS. TURNER:** You say you're looking through the
 7 turbine to see the runway?
 8 **MR. THACKER:** Yes.
 9 **MS. TURNER:** Is it, other than the sight, does the
 10 height impact or anything else impact the approach?
 11 **MR. THACKER:** If you want to abide by the seven to
 12 one slope requirement that the Illinois statute has in
 13 there, yes, the height, definitely, has an effect and that's
 14 what takes it out to 3500 feet.
 15 That area is protected, actually, to 5,000 feet.
 16 Now, at 5,000 feet you can put the Empire State Building.
 17 It doesn't matter.
 18 **MS. TURNER:** Okay. Good.
 19 Is there anyone from the AOPA here tonight?
 20 **MR. THACKER:** No. No. They're available for
 21 comment though and you can email it back or I can have them
 22 call.
 23 **CHAIRMAN FINNIGAN:** Any other questions from The
 24 Board?

Page 346

1 **MR. BANNERT:** On your map I see number 22 and 23
 2 circled. Where in relation to those two towers --
 3 **MR. THACKER:** Looking at the runway, you can see
 4 the runway very clearly. Look at the S in section 16,
 5 that's the runway. So, that's gives you a half mile right
 6 there.
 7 **MR. BANNERT:** Okay.
 8 **CHAIRMAN FINNIGAN:** Any questions from staff?
 9 **MR. DICK:** How far are you suggesting that turbine
 10 23 be from your runway?
 11 **MR. THACKER:** Well, if we're going to abide by the
 12 seven to one, it should be 3500 feet.
 13 **MR. DICK:** Thank you.
 14 **CHAIRMAN FINNIGAN:** Would the Applicant have
 15 questions for this witness?
 16 **MR. GRIFFIN:** We don't have any questions.
 17 **CHAIRMAN FINNIGAN:** Would anyone in the audience
 18 have questions for this witness?
 19 (No response.)
 20 **CHAIRMAN FINNIGAN:** You're off the hook.
 21 **MR. THACKER:** Thanks. I do appreciate speaking
 22 with you folks.
 23 **MR. DICK:** John Capasso.
 24 **CHAIRMAN FINNIGAN:** Would you like to be sworn in?

Page 347

1 **MR. CAPASSO:** You bet.
 2
 3 **JOHN CAPASSO,**
 4 was first duly sworn; and then testified as follows:
 5
 6 **CHAIRMAN FINNIGAN:** Would you state your name and
 7 address and spell your last name?
 8 **MR. CAPASSO:** My name is John Capasso: J-O-H-N
 9 C-A-P-A-S-S-O.
 10 My address is 503 North Second Street, Fairbury,
 11 Illinois 61739.
 12 I appreciate everything presented. I am a retired
 13 school superintendent and now just a concerned citizen and
 14 taxpayer in one of the affected school districts. I want it
 15 to be made very clear that I represent no one, just me.
 16 So, I have learned a lot in the last three meetings
 17 and I'm sure you all have, my goodness, an abundance of
 18 information. Lots of questions. I have to say, lots of
 19 answers.
 20 As I said, we've learned a lot and I really
 21 appreciate the process that you have allowed us all tonight
 22 and previous meetings to hear everything. And I appreciate
 23 your patience. And I don't know how you do it. You've got
 24 my vote, whatever that's worth.

Page 348

1 Speaking of whatever it's worth, my opinion is
 2 that -- that you ought to seriously consider recommending
 3 this wind farm project as presented. And my great hope is
 4 that the turbines find a way to multiply, perhaps like
 5 rabbits, that is my opinion.
 6 In 23 years as a superintendent I did learn a few
 7 things. They were all in rural schools. All my experiences
 8 in rural schools is rural schools need money more than ever.
 9 They cannot make it on a tax base that is principally farms
 10 and residential. They need industry. They need mineral.
 11 They need other sources of income that have a potential to
 12 grow exponentially.
 13 School mergers, there have been a number of them in
 14 the area, I, myself, have been involved in several. They
 15 buy chunks of time, but don't solve the problem, other
 16 resources are needed.
 17 In looking at the situation, it appears that the
 18 Prairie Central School District, and I'll use that as an
 19 example, because that's the one I know the best, that's the
 20 one that I worked for 15 years as superintendent.
 21 Thirty-two turbines. According to the Illinois Department
 22 of Revenue formula, which holds that the fair cash value of
 23 a turbine is \$360,000, a trending factor of just a little
 24 more than 1.1 and assessment at .3333 will make a turbine

Page 349

1 taxable at \$198,000. So, given 32 that would bring an EAB
 2 of \$6,336,000 or increase the equalized assessed value by
 3 that much. That would translate into a gross figure, to the
 4 lady's question about gross versus net, I think that's an
 5 excellent question, gross figure of 1,172,000 and some
 6 change, but a net figure, that means after you take out the
 7 general state aid, after the one year's grace period and
 8 depreciate the turbines four percent per year and factor in
 9 2.8 percent natural increase in EAB in that area, we're
 10 talking about a net gain in four years of \$646,200,
 11 \$646,200, that's four years. So, that's one-year grace, you
 12 know, not interacting with general state aid and then three
 13 following years where it would interact with state aid. So,
 14 the total after four years \$646,200.

15 So, then comes the question: What's that worth in
 16 the grand scheme of things, you know, given a school's, you
 17 know, typical budget? Well, to me it's worth plunking 95
 18 homes, 95 \$200,000 homes in the school district without any
 19 kids in them. It's the same thing as plunking 161 100-acre
 20 farms in the school district. And maybe the best news of
 21 all would be to recall 12 teachers with that kind of money.
 22 So, what do I call that? I call it a good start. I call it
 23 a good start, that's just me.

24 I've heard several observations, both in these

Page 350

1 proceedings and at earlier times, earlier venues, property
 2 values will fall with wind farms. This is very troubling
 3 for a guy like me who's trying to, you know, maintain a
 4 budget, put an education before kids. I guess you could --
 5 you could take a coyote as a pet, but I've got eight cats in
 6 there, that's a problem. So, you don't want wind farms to
 7 eat your EAB. So, I'm very concerned about that.

8 And I went to the county clerk's office in
 9 Livingston County, which is where the school district is.
 10 And I asked for all the tax computations she could come up
 11 with, very, very cooperative, good lady. And she gave me
 12 11 years of tax computations for every taxing body in
 13 Livingston County. Livingston's smaller than McLean, so
 14 it's a manageable number, perhaps wouldn't be here, but
 15 11 years of tax computations. My concern was comparing
 16 taxing districts with wind farms and taxing districts
 17 without wind farms during that 11-year period as 250
 18 turbines entered Livingston County, okay, on the issue of
 19 change in residential EAB. Okay. So, comparison: Taxing
 20 districts with wind farms, taxing districts without wind
 21 farms on the change in residential EAB. And I found it to
 22 be a virtual dead heat. The difference was one
 23 one-hundredth of a percentage difference, statistically
 24 insignificant. Okay. I was a little surprised myself, but

Page 351

1 there it is.

2 I also heard that schools will lose money in the
 3 exchange on wind farms. So I, again, got very troubled by
 4 that. And I polled my colleagues in the area who had wind
 5 farms and I asked them: Are you -- are you making money on
 6 these things? What's the deal? Every one of them
 7 representing their school district was making money, was
 8 netting money on them and were happy they had them.

9 And let's see, the laws of economics do not apply
 10 to this area. I suspect the same thing will happen. Yes,
 11 as a nearby district, in fact, made the bold statement that
 12 the wind farm has saved ours school district financially.
 13 Words to live by, in my opinion.

14 The fault in rural school finance is deficit
 15 spending, sometimes deficit financing. We have to borrow
 16 money and keep borrowing money to put a quality product up
 17 there. And it's not enough to suffice in the education
 18 world, as I'm sure you all know, it has to thrive, it has to
 19 change with the changing needs of kids who are heading into
 20 this changing world, it has to evolve with them and that's
 21 expensive.

22 I once had an old, wise old owl insurance guy ask
 23 me the question when we were considering a health insurance
 24 program, he asked me the question: Do you want to have

Page 352

1 heart bypass surgery today or do you want to have it ten
 2 years ago? I said: Well, today. Why? Because they're
 3 probably better at it than they were ten years ago. That's
 4 right, they are. Guess what else? It's more expensive now
 5 than it was then, probably twice as expensive. So, to keep
 6 up, to reach state-of-the-art, the cutting edge, the
 7 bleeding edge, it's expensive.

8 The need is for money. The need is for industry
 9 and mineral in the rural areas.

10 We prefer higher taxes to a wind farm, I have heard
 11 that one. I guess my short response to that is: Be careful
 12 when you wish for.

13 People will move out if the wind farms come in.
 14 I've heard that one several times. Well, I don't know about
 15 the rest of you, but in my neck of the woods they're moving
 16 out now in the rural areas, it's like a drain.

17 Prairie Central lost eight percent of its student
 18 population in a little more than a decade, eight percent.
 19 Nary a wind farm in sight.

20 Okay. My colleagues and I in Livingston County did
 21 a little study on enrollment trends for high school, just
 22 high school kids, in Livingston County. Okay. Bear with me
 23 here. We came to the conclusion that by 2026, if all the
 24 strong trends remain, all of the Livingston County's high

Page 353

1 schoolers will fit in one building. Maybe that's good,
 2 maybe that's not so good, but there is it is.
 3 So, in case you haven't guessed, I'm very much for
 4 the wind turbines. I'm very much for this project.
 5 Thank you for the warning there. I didn't realize
 6 I was rambling on so.
 7 I believe they're good for schools. I believe we
 8 teach our kids about alternative forms of energy. We need
 9 to practice what we preach, as educators. And this is a
 10 rare financial opportunity, not just for schools, but for
 11 all taxing bodies. So, I -- I urge you to give this serious
 12 consideration. You all strike me as very good people. I
 13 appreciate what you do. I appreciate your unlimited
 14 willingness to listen clearly. So, thank you for listening
 15 to me. Goodnight.
 16 **CHAIRMAN FINNIGAN:** You can't go yet.
 17 Any questions from The Board?
 18 **MS. TURNER:** I have one quick question. Well, one,
 19 I want to say: We're not elected. No one would even bother
 20 to vote, so...
 21 Two, what percentage of the -- you said that
 22 Prairie Central would net around 646,000 in year four. What
 23 percentage of their budget is that?
 24 They run a budget of -- you're asking me to do math

Page 354

1 on the spot here, that's not good. It's a budget of
 2 probably right now \$20 million. So, 20 million against a
 3 four-year -- a four-year total of 646,000. Off the top of
 4 your head, there you go.
 5 That's 32 turbines and I can't remember what the
 6 distribution is Ridge View, Lexington, Prairie
 7 Central/Chenoa. I don't remember what it is, but it's 32,
 8 what I base that on.
 9 **CHAIRMAN FINNIGAN:** Any other questions?
 10 (No response.)
 11 **CHAIRMAN FINNIGAN:** Do you have any questions,
 12 staff?
 13 **MR. DICK:** What part of Prairie Central is in
 14 McLean County?
 15 **MR. CAPASSO:** It would be the southern part of
 16 Chenoa area. And if you consider the old Prairie Central
 17 area, the far southwest portion of that so, 60 to 80 million
 18 in EAB, something like that.
 19 **MR. DICK:** Does Prairie Central have more than 32
 20 turbines in its district?
 21 **MR. CAPASSO:** We don't have any right now. This
 22 is -- these are proposed, 32 is the number I --
 23 **MR. DICK:** For this particular wind farm you were
 24 thinking that you would have maybe 32?

Page 355

1 **MR. CAPASSO:** That's the number I --
 2 **MR. DICK:** You're doing this, because you still
 3 work there?
 4 **MR. CAPASSO:** I do not work there.
 5 **MR. DICK:** You're doing this, because you don't
 6 have anything better to do?
 7 **MR. CAPASSO:** Correct.
 8 **MR. DICK:** Kind of like us.
 9 **MR. CAPASSO:** You thought you'd really stump me
 10 with that one, didn't you?
 11 **CHAIRMAN FINNIGAN:** I guess you're trying to -- you
 12 feel like it's important to you; is that right?
 13 **MR. CAPASSO:** It's very important to me. As I
 14 think I mentioned, I was at Prairie Central for 15 years and
 15 we, you know, fought to put food on the table and they still
 16 are there and I feel compelled to make these comments. I
 17 really appreciate you listening to me.
 18 **CHAIRMAN FINNIGAN:** That's what we're here for.
 19 Any questions from the Applicant?
 20 **MR. GRIFFIN:** No.
 21 **CHAIRMAN FINNIGAN:** Okay. Questions from the
 22 audience? Come forward.
 23 **MR. SCHWASS:** This is a concern to us as well.
 24 Okay. Glen Schwass. Again, I'm representing 27709

Page 356

1 North 2550 East Road, Lexington, Illinois.
 2 And I, again, this is of importance to us and thank
 3 you for your time as well. Thank you as well for your time.
 4 So, you said \$20 million budget, that is a \$20
 5 million budget for the school district for Prairie Central
 6 per year?
 7 **MR. CAPASSO:** Correct.
 8 **MR. SCHWASS:** And the \$600,000 of revenue generated
 9 over four years?
 10 **MR. CAPASSO:** That is correct.
 11 **MR. SCHWASS:** Okay. So, that would be comparable
 12 to an \$80 million budget over four years. If it's \$20
 13 million per year, times four, would be \$80 million over a
 14 four-year period?
 15 **MR. CAPASSO:** Yeah. Yes.
 16 **MR. SCHWASS:** Okay. And it's \$600,000 over four
 17 years of revenue generated?
 18 **MR. CAPASSO:** 646, uh-huh.
 19 **MR. SCHWASS:** I'm not a mathematician either, but
 20 that's less than one percent of the school's budget.
 21 **MR. CAPASSO:** Okay. Is there a question there?
 22 **MR. SCHWASS:** Yeah.
 23 So, we confirmed it's less than one percent of the
 24 budget of revenue generated. And it -- that one percent

1 comes in from the turbines, then that's going to be a deduct
 2 from the state revenue.
 3 **MR. CAPASSO:** No. No. No, that's with the deduct
 4 already in there.
 5 **MR. SCHWASS:** Okay. So, my question, I guess, will
 6 be: Shouldn't we be holding our politicians more
 7 accountable? I mean, what do we gain? You get the \$600,000
 8 gain, but yet, they're taking away money. I'm thinking they
 9 should be more accountable, you know. You're robbing Peter
 10 to pay Paul.
 11 **MR. CAPASSO:** That's not really a question for me.
 12 You need to get Mr. Brady in here to answer that.
 13 **MR. SCHWASS:** That was my question. It's less than
 14 one percent of the school's budget then?
 15 **MR. CAPASSO:** 646,000 here and 646 there, pretty
 16 soon you're talking real money.
 17 **MR. SCHWASS:** Over \$80 million.
 18 **CHAIRMAN FINNIGAN:** Any other questions?
 19 Come on forward, new face.
 20 **MR. HILL:** No, it's used.
 21 **CHAIRMAN FINNIGAN:** New to us.
 22 State your name and address.
 23 **MR. HILL:** David Hill, 29725 East 2100 North Road,
 24 Colfax.

1 **MR. CAPASSO:** They have the right to be wrong.
 2 **CHAIRMAN FINNIGAN:** Okay. Any other questions?
 3 I think we're free to go. Push the button.
 4 Appreciate you coming.
 5 **MR. DICK:** Angelo Capparella.
 6
 7 ANGELO CAPPARELLA,
 8 was first duly sworn; and then testified as follows:
 9
 10 **CHAIRMAN FINNIGAN:** Would state your name and
 11 address for the record?
 12 **DR. CAPPARELLA:** Right. Angelo Capparella:
 13 A-N-G-E-L-O C-A-P-P-A-R-E-L-L-A, 907 South Bell Avenue,
 14 Normal, Illinois.
 15 And I have two exhibits, neutral exhibits, that I
 16 wanted to present. Let me keep one copy for myself. That
 17 one and that one, so that I don't belabor any of these
 18 points too much.
 19 First, very quick background, I'm the volunteer,
 20 volunteer, I don't get paid for this Conservation Chair of
 21 John Wesley Powell Audubon Society, which is the local
 22 chapter of the National Audubon Society and our service area
 23 includes all of McLean County and some adjacent counties.
 24 Professionally, I do get paid, even by the state,

1 I just have one question: Based on the plan, how
 2 close would your residence be to the nearest turbine?
 3 **MR. CAPASSO:** Not anywhere close.
 4 **MR. HILL:** Thank you.
 5 **CHAIRMAN FINNIGAN:** Okay. Any other questions?
 6 Got one more coming.
 7 Name and address.
 8 **MR. GILLIAN:** Terry Gillian, 116 Delane Drive in
 9 Lexington. 61753.
 10 I have a question: Beings you're familiar with the
 11 Prairie Central District, I haul grain to Gibson City and go
 12 on 24 and 47, there were a lot of no wind placards up, they
 13 didn't want the wind mills. There was a wind mill plan --
 14 farm plan, but it never succeeded. What happened there?
 15 **MR. CAPASSO:** I don't know. You'd have to ask the
 16 Livingston County equivalent of this body in Livingston
 17 County and the County Board. I don't know. I didn't make
 18 that decision.
 19 **MR. GILLIAN:** You weren't following along with it?
 20 **MR. CAPASSO:** I followed along with it. I know it
 21 didn't happen. I didn't have anything to do with the
 22 decision. As you can tell, I'm on the other side of the
 23 matter.
 24 **MR. GILLIAN:** Yeah. Okay.

1 but as Associate Professor of Birds and Zoology at Illinois
 2 State University.
 3 And the first exhibit that I handed out was my
 4 comments. I first had a series of four recommendations for
 5 the Zoning Board of Appeals that I encourage you to consider
 6 making and carrying on to the full County Board. And so, I
 7 wanted to go briefly through each one of those to at least
 8 tell you the rationale. Make sure you have -- everybody has
 9 the first one.
 10 So, the first one is entitled Comments on the
 11 Wildlife Portion of This Particular Case. The very first
 12 recommendation that I wanted to make to the ZBA is that they
 13 require IDNR's recommendations one and six be applied to
 14 this project.
 15 We've heard the Applicant say that they are willing
 16 to do number one, which is great. And number six, although
 17 they weren't seeming quite clear or clearly understanding
 18 what the INAI limited area is of the Mackinaw, Hemline so,
 19 but they could go and get a GIS map from IDNR to find out
 20 what those boundaries are, the half-mile setback from the
 21 Mackinaw and the Hemline Creek.
 22 Second, and the reason for that is because these
 23 are -- Illinois Natural Area Inventory sites are really
 24 special.

Page 361

1 And on the very back page of the comments, for
 2 those who aren't familiar with all of this, page four, the
 3 importance of the Mackinaw River, plus Hemline Creek, is an
 4 INAI area, because it has -- meets several categories: High
 5 quality natural community, specific suitable habitat for
 6 state listed species, state dedicated nature preserves and
 7 water preserves, including a number from Heartland's
 8 Foundation, which has been working the last 50 years to
 9 establish a network of nature preserves that are all open to
 10 the public and not taxpayer supported, but 501-C3 supported
 11 and unusual concentrations of flora or fauna.
 12 So, we're kind of exceptional in having the
 13 Mackinaw River in our area. A lot of rivers are in much
 14 poorer condition across the state.
 15 I wanted to emphasize this requirement of one-half
 16 mile setback to Hemline Creek, which I enumerated, again,
 17 starting on page 25, specific reasons why this makes sense.
 18 If you want to be consistent with the IDNR recommendation
 19 that they already said that they would accept, because it is
 20 an INAI site and because it's wrapped in the Mackinaw River
 21 INAI site.
 22 So, if they're going to go with number six, then
 23 they have to go with Hemline Creek to have the half-mile
 24 setback, otherwise it would be very a inconsistent

Page 362

1 application. And it makes sense anyway, because somebody
 2 may be aware the Nature Conservancy during the 1990's, did a
 3 full-body survey of the Mackinaw River watershed. And the
 4 Hemline confluence area came out such a high priority
 5 protection area that they actually bought land there for a
 6 nature preserve, which was later transferred to Heartland's
 7 Foundation. So, we do have some data on that particular
 8 stream, which is important to recognize.
 9 Comments -- I'm sorry. Recommendation number
 10 three, equate the meaning of credible evidence as being data
 11 for evaluating the rejected IDNR recommendations two through
 12 five and seven.
 13 Now, we've heard tonight that they are willing to
 14 adopt, at least, recommendation three, and unclear about
 15 what's going on with the other ones.
 16 I want to emphasize or just remind you that back in
 17 November I was very grateful that the ZBA and the County
 18 Board enhanced the wildlife protections, wind farm "sittings"
 19 through its ordinance. The ordinance which says required
 20 implementation of IDNR recommendations based on pre-siting
 21 study results, unless credible evidence is presented against
 22 the recommendation.
 23 So, what you have to decide is what is credible
 24 evidence for the points where the IDNR and where the

Page 363

1 Invenergy is claiming the IDNR that they shouldn't -- that
 2 they don't feel that need to follow IDNR recommendations.
 3 As scientists, credible evidence is easy to find
 4 and that is -- is data. That's what evidence is, not
 5 opinions, but data actual data.
 6 And unfortunately, this process has moved so
 7 rapidly on the wildlife portion that we haven't had time to
 8 even present, much less talk about, data. And you can see
 9 that in the Invenergy response and in my comments tonight,
 10 because frankly, I haven't seen some of this stuff for less
 11 than a week.
 12 So, how do I respond and do the research? I found
 13 one of the papers just on my phone tonight after we were
 14 discussing that.
 15 So, in any event, however, I did want to emphasize
 16 your thinking in terms of one recommendation number five,
 17 the minimum 500-foot setback, it sounds like, if I
 18 understood things, that Invenergy is still saying that this
 19 is more than is needed, but first I did emphasize Hemline
 20 Creek should have a half mile for reasons that I've already
 21 enumerated. And that we might need to think of some other
 22 creeks that need that as well, because frankly, what we're
 23 finding is that, in fact, as we take a closer look at some
 24 of these streams, that they actually have more biodiversity

Page 364

1 than we realize, despite years of work by the Nature
 2 Conservancy and IDNR and others, there's still a lot of
 3 streams we haven't really surveyed well.
 4 That kind of gets me on page two to these other
 5 rejected recommendations in terms of what kind -- what is
 6 data? So, to a scientist data consists of three different
 7 components: Published papers, or we always call that
 8 primary or secondary literature; published documents,
 9 sometimes referred to as the gray literature, it can be
 10 produced by agencies, it can be produced by wind farm
 11 companies or their environmental consultants and/or
 12 unpublished information that's available to the public. So
 13 that, for example, you can go to the Gibson City Office and
 14 ask DNR for what -- they've got fish specimens from some of
 15 these streams, like Hemline Creek.
 16 I can't tell you where to go on this, because
 17 again, I'm struggling with the fact that we're dealing with
 18 a deficit of data. Some of the deficit is just the nature
 19 of the beast in that some of these studies have never been
 20 done, perhaps. Other is that we're reacting so rapidly to
 21 claims and counterclaims, without having the chance to
 22 really dig into the literature.
 23 So, if I was doing a peer review, I would actually
 24 go into the literature and see which of these three types of

Page 365

1 data exist or don't exist, try to make an assessment based
 2 on that. And unfortunately, you will not have the time
 3 either, nor will I.
 4 I did want to address one particular claim in
 5 Invenergy's January 4th letter, which they gave as part of
 6 the reason for ejecting two of the five recommendations.
 7 And basically, they stated most of the perennial streams in
 8 the project area have been modified to steep ditches flowing
 9 in straight lines and are unlikely to support fish and
 10 mussels.
 11 That brings us to the second exhibit that I gave
 12 you, which gives data on two such Mackinaw River streams.
 13 You'll see from the photographs of two streams, which you
 14 may already know, Grape Creek and Frog Alley, they look
 15 terrible. They're channelized. They've got -- they look
 16 like steep ditches flowing in straight lines. And the
 17 average person, myself included, until I actually got into
 18 these things, not these two specific, but related ones, is
 19 that, yeah, these things must not be very bio diverse, but
 20 in fact, since the late 1990's IDNR and the Nature
 21 Conservancy and more recently, Dr. Bill Perry, an aquatic
 22 ecologist at ISU, have been inexcusably studying Grape Creek
 23 and Frog Alley as part of an overall study to see if there
 24 are ways to improve stream quality in terms of the water

Page 366

1 based on reducing nutrient inputs and the like. But
 2 concomitant with that is they also collected biodiversity
 3 data and it has a surprisingly high number of species. So,
 4 these are not biologically devoid, even if they look like
 5 ditches.
 6 And then finally, I do want you to think about the
 7 public hearing process. You're setting a precedent on how
 8 wind farm stuff will be dealt with. And I was upset, to be
 9 honest, that none of this information, the IDNR
 10 recommendations, the responses by Invenergy, the public has
 11 not seen any of it. And I really think this should have
 12 been part of the initial application that was filed in mid
 13 December so that we all had a chance to look at it, review
 14 it and research it. And so, please, consider in the future
 15 not to do this, because I think it's done a disservice to
 16 the well-deserved intent of the ordinance. Thank you.
 17 **CHAIRMAN FINNIGAN:** Questions from The Board?
 18 **MR. ZIMMERMAN:** Dr. Capparella, have you,
 19 personally, participated in any fish or mussel surveys in
 20 some of the streams around McLean County?
 21 **DR. CAPPARELLA:** Yes.
 22 **MR. ZIMMERMAN:** What have been your personal
 23 discoveries there?
 24 **DR. CAPPARELLA:** I've assisted in two mussel

Page 367

1 surveys, one in Timber Creek and one in Kickapoo Creek. And
 2 the one in Kickapoo Creek was amazing. It was, again, a
 3 stream that in all ag and yet it had so much diversity that
 4 Robert Stefoni, the IDNR biologist, who was there to guide
 5 us, said this has so much biodiversity it can be rated --
 6 rated as an Illinois Natural Area Inventory stream segment,
 7 which was so done. And that taught me that you can't
 8 evaluate the streams based on the land.
 9 The other survey I've done fish wise, I've done a
 10 lot of fish surveys in the main stem of the Mackinaw and to
 11 some extent in the tributaries, because I've already been
 12 looking for mudpuppies and -- but I also did a survey at
 13 the, some of you may be familiar, stretch of Kickapoo Creek
 14 at The Grove, which is a big development just east of town.
 15 Well, when that was first proposed it was just a channelized
 16 ditch, but Audubon was concerned that there may be more
 17 biodiversity. We weren't happy with the proposal of the
 18 dam, because we knew that would completely sever the life of
 19 the stream.
 20 So, a few volunteers got together, IDNR Biologist
 21 Trent Thomas, and we, literally, got in the river, surveyed
 22 it. We were quite surprised, again, at the fish diversity,
 23 which then leveraged our approach to go to the developer and
 24 say: Please, don't do a dam, do something else.

Page 368

1 And that lead to the wonderful stream restoration
 2 project that you see at The Grove today, where the
 3 developer, fortunately, had very good environmental ethics
 4 and said: All right. We can do something different. Let's
 5 re-meander the stream, make it even better, put in woodland
 6 and the like. There's even more fish there than there were
 7 before at The Grove.
 8 So, the one thing I've learned is, yeah, our
 9 streams, some of them look pretty beat up, but they're
 10 actually doing a much better job than we realized and that's
 11 why I didn't want you to leave with the impression from the
 12 statement in their letter that these are just pretty much
 13 devoid of biodiversity, they're not.
 14 **MS. TURNER:** Do you have any concerns or reason for
 15 concerns that wind farms or wind mills affect that
 16 biodiversity? And if so, why?
 17 **DR. CAPPARELLA:** Which specific biodiversity?
 18 Basically, we got birds at play, bats at play and aquatic.
 19 **MS. TURNER:** The aquatic.
 20 **DR. CAPPARELLA:** The aquatic. Yes, I do. We got
 21 to remember that the quality of our main rivers are
 22 dependent on the quality of our head water streams, it's all
 23 connected. Just like your venous system, you know, it's not
 24 the big or not the big arteries, it's the stuff that feeds

1 into it.

2 And so, I do think we need to be careful about
3 impacts, whether it's sedimentation disturbance, potentially
4 noise, although I totally agree with Invenergy, it's kind of
5 an open area. So, I'm happy to hear that they might
6 consider working with IDNR to study that.

7 So, I think that some of these prudent setbacks
8 will help ensure that we don't make a mistake, you know,
9 don't want to go overboard with it, but I think a little bit
10 more -- I think what IDNR recommended, they are the
11 professionals, after all, and we do need to remember the
12 ordinance, basically, says that you sort of accept IDNR
13 recommendations, unless you have data to the contrary. You
14 just haven't seen that data. Lack of data is not data, in
15 my mind as a scientist.

16 The other thing to keep in mind is because the
17 county, unlike other counties, has not invested in staff
18 that have biological knowledge. You, typically, basically,
19 just use IDNR, as well as EPA, to kind of guide you into
20 things. And so, I think if you did decide to reject any of
21 these recommendations that you would be setting a precedent
22 that makes me wonder about the actual implementation of the
23 ordinance. I'm not saying, in fact, notice I did not say
24 that IDNR was right or Invenergy was right. I'm saying the

1 stream conditions, that's where the technicality comes in.

2 **MS. TURNER:** Was the IDNR or the IDNR mapping those
3 studies, because I assume that's where a lot of costs come
4 in is organizing and putting that data together and that
5 type of stuff?

6 **DR. CAPPARELLA:** Yeah. Sadly, we have so gutted
7 IDNR in this state that they just have the insufficient
8 staff to do a lot on their own, although they do what they
9 can. This is where volunteers, citizen scientists would
10 play a role in terms of helping them under their guidance,
11 knowing that if you follow the right protocols that it can
12 be, actually, information can be lured to the natural
13 heritage database and be official as opposed to just being,
14 you know, a bunch of people playing in the creek. That's
15 really important, you want to make sure you're doing the
16 actual protocols properly. The more that we have worked
17 with volunteers to help the professionals do that, the more
18 we've helped them gather a lot of critical data.

19 **MR. ZIMMERMAN:** To get that into the database,
20 you're talking about like the Illinois Natural Areas
21 Inventory, is that the kind of -- you collect the data with
22 volunteers and then it gets committed by professionals to
23 the state and it becomes part of the record and --

24 **DR. CAPPARELLA:** Right.

1 process has done so rapidly with too little data that I'm
2 not sure who's right in a lot of cases. Although, in a few
3 cases I know some statements were made that were wrong. So,
4 I'm in the unenviable position as a scientist of saying: I
5 don't know. I'm trying to figure out, you know, how would I
6 guide myself through thinking about these remaining five
7 recommendations.

8 **MS. TURNER:** And are you aware, you said you've
9 been involved in a few of the studies, are you aware, I know
10 you said you volunteered your time, are you aware of the
11 costs that are associated with those studies?

12 **DR. CAPPARELLA:** Which studies?

13 **MS. TURNER:** The aquatic, as you were studying the
14 streams.

15 **DR. CAPPARELLA:** Basically, no cost.

16 I know with the mussel studies, we did them in a
17 day and we just followed proper protocol. We had a bunch of
18 volunteers from the community who were willing to get wet
19 for a day do it. The key was doing it at the right time of
20 year, the right stream conditions.

21 Same with fish studies, lot of those can be done in
22 a day. The costs are, actually, quite minimal and yet, the
23 data it yield can be very useful. But again, the key is
24 doing it at the right time of year and under the right

1 Sadly, I found Eco Cat, which we mentioned earlier,
2 which is a consultation process, to be woefully insufficient
3 in this state, because there's such a vacuolization of
4 information. You have to know where to ferret it out. And
5 even today I'm still finding little places to ferret things
6 out even within IDNR. They don't always know exactly where
7 to go. And then sadly, they often rarely consult with local
8 experts at universities or even local naturalists, it's just
9 the way things work, unfortunately. That's why this public
10 hearing process is so important, because it does provide us
11 locals with the opportunity, if we have some biological
12 knowledge and data, to provide that to you.

13 Again, in terms of the Grape Creek and Frog Alley,
14 there's a lot of data that exists with DNR and the Nature
15 Conservancy and ISU, which made me worry when I saw that
16 particular statement that these perennial streams are
17 biologically dead, basically, that they must have never
18 talked to IDNR or the Nature Conservancy or ISU or at least
19 the aquatic people at ISU, because they knew different,
20 that's why I prepared that second exhibit to illustrate.

21 **MR. KURITZ:** So, what concerns you the most about
22 the wind farms and their interaction with the waterways, is
23 it the operation of the wind farm and the turbines turning
24 and producing the energy or is it the construction phase?

Page 373

1 **DR. CAPPARELLA:** Well, both. It's hard for me to
 2 say, because I don't consider myself a complete expert on
 3 that, that's why we have the IDNR.
 4 So, the IDNR official, who provided this, Keith
 5 Shank, he's the person I go to to get guidance on things.
 6 And he's the person that's in charge of monitoring
 7 literature, their own internal reports, their own internal
 8 biologists, to then try to come up with the best
 9 recommendations tailored to specific wind farms and specific
 10 areas.
 11 So I, basically, you know, go with what they say,
 12 because I figure that, you know, they're the ones that I
 13 acknowledge as the true experts, not myself.
 14 Now, I know certain things and I try to funnel
 15 information to IDNR as I get it to make sure that they have
 16 data like where bald eagle nests are located and things, but
 17 in terms of they're -- they're, to me, the professionals
 18 that need to be listened to, which is why they're in the
 19 ordinance. And there has -- it's not to say they're always
 20 right, as any scientist will tell you, they could be wrong,
 21 but it takes credible evidence in the form of data, I think,
 22 to, basically, argue against the recommendations. And as a
 23 scientist, kind of reading from a little bit outside the
 24 field, I try to assess who has the better argument. And I'm

Page 374

1 just not seeing in the three pages of Invenergy's submission
 2 any argument at all, other than opinion or statements that
 3 are not supported by data. And in one case a statement that
 4 I've given you data in the second exhibit is, actually,
 5 contrary to our actual knowledge.
 6 So, I just was getting a little nervous with all of
 7 this in terms of, essentially, of I saw initially, at least
 8 they were rejecting five of the seven recommendations. That
 9 seemed a little extreme to me. I could see them wanting to
 10 modify a couple of them, perhaps, but it just seemed to be a
 11 little overboard. And then the other two that they were
 12 willing to do, they are only willing to do if you guys said
 13 to do it, that bothers me too, because it sounded like we
 14 know this is the right thing to do, but we're not going to
 15 do it unless you make us. Now it sounds like the tone was
 16 better tonight, which I really thank them for that. They're
 17 willing to do it, regardless, but I was just getting a
 18 little worried about, you know, just how appropriately these
 19 IDNR recommendations were entered into the public hearing
 20 and the lack of time to give me time -- if I did not
 21 actually include, say, that you should adopt two through
 22 five and seven, because I don't know. I don't feel as
 23 scientist I can't say.
 24 So, you're in the unenviable position of deciding

Page 375

1 who has the more credible evidence. Who are you going to,
 2 you know, how are you going to balance that? What's --
 3 what's the burden of proof? That's always a difficult one
 4 in these kind of cases, because either side could be right.
 5 **MR. ZIMMERMAN:** Your area of expertise is on -- is
 6 on birds, is it not?
 7 Actually, I've worked on both, birds and bats,
 8 mudpuppies, lesser extent on fish, reptiles, amphibians,
 9 done a little bit of work on wind farm issues.
 10 My lab did a big study on bat mortality causes, as
 11 well as population impacts. I've been doing -- I've been
 12 helping Heartland Community College with their wind turbine
 13 study. They're trying to determine if it's worth investing
 14 in the computer programs to turn the blades off during times
 15 of bat migration, when that could be a mortality factor.
 16 So, the last three years, two years, I've been helping them
 17 with that design and we've been checking it. And next year
 18 they'll put into place the computer program and we'll see if
 19 it, actually, reduces mortality, which I think it will.
 20 The wind farm industry has done a great job with
 21 reducing mortality by implementing things like that
 22 recommendation one. I give them great credit for that.
 23 **MR. ZIMMERMAN:** So, with bats, the recommendation
 24 number one to slow the wind speed, would you describe that

Page 376

1 slightly?
 2 **DR. CAPPARELLA:** Yeah.
 3 Basically, you know, actually quite a shock to find
 4 that bats were being much more impacted than birds by wind
 5 farms. I mean, tremendously, impacted tens of thousands at
 6 a single site could be impacted at big wind farms in part
 7 because we don't know enough about bat migration. We didn't
 8 realize that these three species, particularly, migrate in
 9 these over corn fields in these large numbers as a broad
 10 front about at the elevation of these big, metal structures
 11 to which they have not had any time to adapt.
 12 And so, what the research has shown is that if you
 13 can curtail the kick-in -- if you can -- we know what types
 14 of weather conditions tend to predict bat movements during
 15 the fall and the fall is the worst time. And if you can --
 16 and they don't like to migrate if the wind's too much. So,
 17 if you can curtail or wait to kick in the spinning of the
 18 blades during the correct weather conditions during the fall
 19 when the bats are moving, so that it kicks in at a higher
 20 speed than they like to move in, then you can reduce
 21 mortality, I think, you know, I think Invenergy mentioned
 22 50 percent. I've seen others claim up to 90 percent. So,
 23 it's a great technique.
 24 And I'm glad Invenergy said that they will accept

1 recommendation number one. It really does reduce bat
 2 mortality for migrating bats. And then the set-asides that
 3 they mention, the thousand feet with the Indiana Bat, will
 4 protect, I think, our breeding bats from what are maternity
 5 colonies.
 6 **MR. KURITZ:** How about rafters?
 7 **DR. CAPPARELLA:** Overall, it's not been that big of
 8 a problem in the way that they've set them up here. I may
 9 have read an IDNR publication. We did have one Osprey that
 10 was killed.
 11 I know last year we had an amazingly decapitated
 12 Red-Tail Hawk at the Heartland Community College, but to be
 13 honest, roads and other things are much more deadly on
 14 hawks. I don't -- I don't consider this to be a big problem
 15 for birds in terms of mortality.
 16 You do need to realize though, and this comes to
 17 thinking about the setbacks and the other big potential
 18 impact of wind farms is not mortality, but displacement.
 19 It's been found, for example, that if you put wildlife
 20 habitat next to a turbine, there's something about the
 21 turbine that will be a disincentive to grassland birds to
 22 breed there. And so, I've always told landowners if you
 23 want your to have CRP that's wildlife based, don't put it
 24 next to your turbine, put a certain distance away. That's

1 Overall the IDNR recommendations seem reasonable to
 2 me in the face of a lot of uncertainty that we still all
 3 have. And I'm glad that the wind industry, as a whole, is
 4 investing a lot of research dollars to get a better handle
 5 on what are appropriate setbacks for different types of
 6 organisms.
 7 **CHAIRMAN FINNIGAN:** Questions from the staff?
 8 **MR. DICK:** No.
 9 **CHAIRMAN FINNIGAN:** Okay. Anyone in the audience
 10 like to have any questions for this witness?
 11 **MR. GRIFFIN:** Dr. Capparella, I'm Jim Griffin,
 12 zoning attorney for the project, in case you didn't know
 13 that. Just a few questions.
 14 **MR. DICK:** Mr. Griffin, could you give your name
 15 and your law firm?
 16 **MR. GRIFFIN:** Sure. Jim Griffin. Law firm of
 17 Shane Banks, 70 West Madison Street, Suite 5300, Chicago,
 18 Illinois 60602.
 19 Dr. Capparella, are you aware of the fact that for
 20 the past several years IDNR comments on wind farms have
 21 included questions about impacts on aquatic life of wind
 22 turbines?
 23 **DR. CAPPARELLA:** I've only briefly read the wind
 24 farm comment from the Livingston County project, prior to

1 true for both grassland, as well as woodland birds.
 2 So, it's not just mortality, but displacement that
 3 we worry about. That's why we wanted to see enough of a
 4 setback from breeding areas of nature preserves, INAI sites
 5 and the like. So, mortality and displacement from breeding
 6 are the two things we've got to worry about with birds, but
 7 overall, I haven't seen it to be a big mortality factor.
 8 **MR. ZIMMERMAN:** What about setbacks? What setbacks
 9 would you recommend?
 10 **DR. CAPPARELLA:** One-mile setback from the -- all
 11 of the INAI sites, the Mackinaw River and the Hemline Creek
 12 and I'm sorry -- the half-mile setback seems reasonable.
 13 The 1,000-foot setback that they're going to do
 14 from rafter nests and from other areas. And I would say
 15 maybe do more of that with some of the perennial streams
 16 that have riparian or at least 500 feet from the upper part
 17 of the perennial streams should do fine.
 18 It is true that as in the IDNR, remember, there are
 19 certain rafters that are threatened in Illinois, like
 20 Northern Harriers, that are displaced from hunting in wind
 21 farm turbine fields, but I don't feel that's an overall
 22 problem for the species as a whole within Illinois.
 23 So, again, I don't have a lot of bird concerns. I
 24 worry more about bats.

1 that I was mainly reading them for the previous Invenergy
 2 projects at White Oak and then the Horizon, which goes back
 3 a ways, back when they were more focused on birds and bats.
 4 **MR. GRIFFIN:** So, for those other projects, you're
 5 not aware that the County Board in those cases required any
 6 studies be done on aquatic species, are you?
 7 **DR. CAPPARELLA:** I have no knowledge of that.
 8 **MR. GRIFFIN:** And you had, in your opinion,
 9 materials you recommend a half-mile setback to Hemline
 10 Creek?
 11 **DR. CAPPARELLA:** I didn't recommend that. I
 12 recommended adopting the recommendation of the Illinois
 13 Department of Natural Resources.
 14 **MR. GRIFFIN:** Okay. So, you recommend --
 15 **DR. CAPPARELLA:** I endorse their recommendation,
 16 yeah.
 17 **MR. GRIFFIN:** And -- but you don't have, yourself,
 18 any knowledge or studies to support that recommendation?
 19 **DR. CAPPARELLA:** I do not have, myself that, no. I
 20 assume the IDNR must or they wouldn't be making these kind
 21 of recommendations.
 22 **MR. GRIFFIN:** Why do you assume that?
 23 **DR. CAPPARELLA:** Because they're the professional
 24 biologists that are paid by the state to be in charge of

Page 381

1 natural resources, that's their whole job.
 2 And most of the ones, in fact, all of the ones I've
 3 ever worked with, take their profession seriously. They're
 4 trained in the biological sciences. They're mandated to
 5 maintain state natural history databases. So, they're sort
 6 of our designated professionals to weigh in on these natural
 7 resource issues.
 8 **MR. GRIFFIN:** You're aware there's a number of wind
 9 farms existing in Illinois?
 10 **DR. CAPPARELLA:** Oh, yes.
 11 **MR. GRIFFIN:** Are you aware of any reports that
 12 wind farms have had a negative impact on aquatic species?
 13 **DR. CAPPARELLA:** No, but I'm not privy to those
 14 reports, in part, because I didn't have time to, actually,
 15 really search for that, because of the rapidity with which
 16 or the recency, it's been less than a week since we went got
 17 any of the recommendations and they were not distributed to
 18 the general public. And so, I don't know if they exist or
 19 not. If I would find them, if I looked, or if they're, you
 20 know, kind of, what we call, that unpublished literature
 21 that exists out there. So, I just don't know. I haven't
 22 had time to look and/or to ask.
 23 **MR. GRIFFIN:** But you are -- you're aware of
 24 impacts on birds and bats, though, correct?

Page 382

1 **DR. CAPPARELLA:** There's a longer history of
 2 studies on those, yes.
 3 **MR. GRIFFIN:** But you're not aware of any
 4 information on impacts on aquatic species, correct?
 5 **DR. CAPPARELLA:** I don't follow the aquatic ecology
 6 conservation literature.
 7 Birds and bats are vertebra or sometimes called
 8 high vertebra, so that's really my area of the specialty
 9 and what I keep up with and what I've worked in. That's
 10 part of why in the second exhibit, when you get a chance to
 11 look at it, I reached out to an aquatic ecologist at
 12 Illinois State to help me understand the evaluation in the
 13 one case of the status of our streams even when they've been
 14 channelized. So, I'm just not the person to ask. I wish
 15 you had an IDNR person here to ask.
 16 **MR. GRIFFIN:** You do understand that when there's
 17 no -- no problem has been identified with an impact on
 18 species that may mean there is no impact, correct?
 19 **DR. CAPPARELLA:** It could mean that or it could
 20 mean nobody has compared baseline data before and after. I
 21 mean, a lot of the studies --
 22 **MR. GRIFFIN:** Let me ask you: Why do you think
 23 there's been a lot of studies on bats?
 24 **DR. CAPPARELLA:** Well, that only happened after the

Page 383

1 first wind farms went up and suddenly, people doing bird
 2 surveys were not finding that many birds, but they were
 3 being inundated with bats. So, it was a problem that
 4 developed after that that was recognized at that point.
 5 We're -- I think many people would like to say:
 6 Let's not do that again. Let's try to do some baseline
 7 studies and then compare the pre-siting, post-siting is a
 8 great mechanism that's been traditional. Basically, let's
 9 get data before you do the manipulation of the landscape and
 10 then after and that's the way, ultimately, to go.
 11 It may be that in the future we can relax or maybe
 12 have to expand some of these setbacks, but I think it's a
 13 huge mistake, you never do that in human medicine to say
 14 that just because you haven't seen an effect the fact that
 15 you haven't looked yet doesn't mean there isn't one. If you
 16 follow. That's thinking words of a scientist. Does that
 17 make sense?
 18 **MR. GRIFFIN:** Well, no, certainly we appreciate and
 19 I know we've been in contact with you.
 20 **DR. CAPPARELLA:** They've been very, very open with
 21 that. I appreciate that.
 22 And to be honest, my whole approach with wind farms
 23 is I want to help them do the right thing. I want to make
 24 sure they don't get caught in some sort of disastrous, you

Page 384

1 know, event in the future where some -- like what happened
 2 in California, where they had all of the dead rafters and
 3 things like that.
 4 I want to make sure also, that there's an advocate
 5 at the local level for our natural areas of the like. I
 6 know that any time you hire environmental consulting firms
 7 it's hard to do it all, because again, the information is so
 8 disbursed. So, one of the things that we try to do at
 9 Audubon is try to, at least, centralize, very locally, our
 10 knowledge base. And we're always willing to help In Bridge
 11 or Invenergy or whomever, we all reach out say: Look, we've
 12 got data. We love to share our ideas that you might want to
 13 explore just to make sure that when you do your siting you
 14 do it appropriately. And we're going to help you do it, no
 15 pay at all, because we care about your natural resources.
 16 **MR. GRIFFIN:** All right. Well, thank you.
 17 I don't have any more questions. Thank you.
 18 **CHAIRMAN FINNIGAN:** Would anyone in the audience
 19 have questions?
 20 (No response.)
 21 **CHAIRMAN FINNIGAN:** I can't believe it. I think
 22 you're dismissed.
 23 **DR. CAPPARELLA:** All right. Thank you.
 24 **CHAIRMAN FINNIGAN:** And I think we're about seven

1 minutes from 10 o'clock. So, I think we're going to quit
2 for the night. We're going to come back here tomorrow night
3 and continue tomorrow night at 6 o'clock, same place.

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5 Meeting concluded at 10:00 p.m.

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	acres (2) 313:2,9	384:4	340:3,9,14;341:5;	325:21
\$	across (5) 276:13;284:12; 319:18;321:12;361:14	aerial (1) 340:23	342:9,10;343:5,21,21, 22,22,24;344:3,13	animal (2) 329:12,14
\$1.2 (1) 280:23	act (1) 283:24	Aeronautics (3) 337:13;338:7,15	airports (2) 337:14;338:24	animals (1) 313:18
\$1.3 (1) 280:23	active (2) 326:12;327:6	affect (5) 300:18,23;311:16; 342:14;368:15	airport's (2) 337:15;344:1	annual (2) 321:23;325:14
\$198,000 (1) 349:1	activity (1) 322:6	affected (1) 347:14	alert (1) 325:16	annually (1) 317:20
\$20 (4) 354:2;356:4,4,12	acts (1) 316:5	affecting (1) 314:16	alerting (1) 324:18	anticipate (1) 278:6
\$200,000 (1) 349:18	actual (5) 279:17;363:5; 369:22;371:16;374:5	affects (1) 302:19	Alley (3) 365:14,23;372:13	anymore (1) 293:15
\$360,000 (1) 348:23	actually (26) 279:6;281:4;294:21; 298:18;321:22;322:17; 325:4;326:12;337:20; 338:23;340:18;342:4; 345:15;362:5;363:24; 364:23;365:17;368:10; 370:22;371:12;374:4, 21;375:7,19;376:3; 381:14	ag (1) 367:3	allocate (2) 279:3,11	AOPA (5) 343:6,14,18,22; 345:19
\$6,336,000 (1) 349:2	adapt (1) 376:11	again (41) 276:24;277:22; 280:15;281:9,12; 286:12,16;287:2,10; 290:20;291:11;296:22; 297:13;315:24;317:12; 319:16;320:8;321:14; 325:13,23;327:19; 328:12,19;332:19; 334:5,8;337:2;338:6; 339:1;351:3;355:24; 356:2;361:16;364:17; 367:2,22;370:23; 372:13;378:23;383:6; 384:7	allocated (1) 278:24	AOPA's (1) 344:4
\$600,000 (3) 356:8,16;357:7	adaptive (3) 316:20,22;324:10	against (5) 276:9,19;354:2; 362:21;373:22	allotted (3) 276:12,13;334:4	apart (1) 340:22
\$607,000 (3) 280:9;281:2,8	add (1) 280:17	agencies (4) 316:24;319:20; 332:17;364:10	allowed (6) 274:23;305:9,13; 334:12,14;347:21	apologize (1) 341:18
\$611,000 (1) 280:13	address (22) 274:11;277:22; 284:24;300:15;303:17, 24;307:3;308:16; 311:22;315:6,7;317:1; 323:17;331:17;333:21; 335:24;347:7,10; 357:22;358:7;359:11; 365:4	ago (4) 315:18;322:20; 352:2,3	allowing (1) 324:21	Appeals (5) 274:15;331:12; 341:9;343:15;360:5
\$646,200 (3) 349:10,11,14	addressed (1) 342:24	agree (3) 288:17;323:23;369:4	ally (1) 289:14	appears (1) 348:17
\$80 (3) 356:12,13;357:17	addressing (3) 323:8;331:7;340:20	agreeing (2) 296:12;300:8	alone (1) 280:10	Appendix (1) 338:12
A	adjacent (8) 285:6;286:21;287:3, 9;288:2;292:24; 308:20;359:23	agricultural (10) 285:19;286:3,4,12, 21,22;287:3,4,9,13	along (4) 313:9;332:15; 358:19,20	Applicant (10) 276:2,10,18;283:3; 288:7;319:6;335:2; 346:14;355:19;360:15
abide (2) 345:11;346:11	Administration (1) 338:9	ahead (3) 288:18;314:19; 331:24	alternating (2) 319:4;353:8	applicant's (1) 334:12
ability (1) 281:23	adopt (4) 323:21;324:7; 362:14;374:21	Aid (5) 278:12;279:18; 349:7,12,13	although (4) 360:16;369:4;370:2; 371:8	application (10) 305:3;326:7;337:10; 338:12;340:11,21,23; 342:2;362:1;366:12
able (2) 282:20;284:16	adopted (1) 326:8	Aircraft (3) 343:6,9,13	always (7) 299:23;364:7;372:6; 373:19;375:3;377:22; 384:10	applied (2) 284:3;360:13
above (2) 297:21;342:24	adopting (1) 380:12	airline (1) 339:22	ally (1) 289:14	apply (1) 351:9
absolutely (2) 282:9;292:4	advocate (1)	airplane (1) 339:21	alone (1) 280:10	Appreciate (13) 300:14;337:3; 342:21;346:21;347:12, 21,22;353:13,13; 355:17;359:4;383:18, 21
abundance (1) 347:17		airport (32) 337:9,9,12,13,24; 338:2,6,11,15;339:1,2, 4,6,9,11,17,21,24;	along (4) 313:9;332:15; 358:19,20	approach (12) 275:23;315:24; 316:14;317:13,16; 326:24;328:11;330:4; 341:23;345:10;367:23; 383:22
accept (3) 361:19;369:12; 376:24			alternatively (2) 319:4;353:8	approached (2) 275:18;316:7
access (1) 288:14			although (4) 360:16;369:4;370:2; 371:8	approaches (1) 340:5
accordance (2) 288:16;316:5			always (7) 299:23;364:7;372:6; 373:19;375:3;377:22; 384:10	appropriately (2) 279:2;379:5
According (1) 348:21			amazing (1) 367:2	appropriately (2) 374:18;384:14
account (1) 330:1			amazingly (1) 377:11	
accountable (2) 357:7,9			amount (1) 318:12	
accurate (2) 280:15;326:19			amphibians (1) 375:8	
acknowledge (1) 373:13			Amy (3) 277:23;303:22; 325:24	
acoustic (1) 301:17			and/or (2) 364:11;381:22	
acquired (1) 317:14			Andrea (4) 315:16;316:4; 322:16;326:20	
			Angelo (6) 295:5;296:18;323:5; 359:5,7,12	
			A-N-G-E-L-O (4) 295:5;296:18;323:5; 359:13	
			Angelo's (1)	

<p>approval (1) 342:15</p> <p>approve (1) 342:22</p> <p>approximately (1) 340:16</p> <p>April (1) 337:18</p> <p>aquatic (33) 284:20,24;285:16; 287:11;288:21;300:18, 23;302:19;304:9; 309:19;311:16,20; 313:13,18;314:1,4,9, 16;319:1,8;320:14; 365:21;368:18,19,20; 370:13;372:19;379:21; 380:6;381:12;382:4,5, 11</p> <p>area (45) 285:7,10,11,11,14, 19,23,24;286:2;287:8; 289:21;292:8;295:20, 20;296:5;298:16; 300:13;312:7,8,10,19, 22;324:22;327:1; 337:17;343:24;345:15; 348:14;349:9;351:4, 10;354:16,17;359:22; 360:18,23;361:4,13; 362:4,5;365:8;367:6; 369:5;375:5;382:8</p> <p>areas (12) 289:12;294:6; 299:16,18,20;352:9,16; 371:20;373:10;378:4, 14;384:5</p> <p>argue (1) 373:22</p> <p>arguing (1) 323:8</p> <p>argument (5) 334:23;335:3,4; 373:24;374:2</p> <p>Army (1) 288:16</p> <p>around (10) 285:10;286:10; 292:1;312:19;324:22; 329:13;343:24;345:3; 353:22;366:20</p> <p>arrangement (1) 286:20</p> <p>arrived (1) 296:16</p> <p>arteries (1) 368:24</p> <p>article (1) 343:3</p> <p>articles (1) 337:21</p> <p>assess (4) 319:9,10,23;373:24</p>	<p>assessed (1) 349:2</p> <p>assessing (1) 316:7</p> <p>assessment (2) 348:24;365:1</p> <p>assist (1) 339:16</p> <p>assistance (1) 320:24</p> <p>assistant (1) 274:9</p> <p>assisted (2) 339:13;366:24</p> <p>Associate (1) 360:1</p> <p>associated (1) 370:11</p> <p>Association (2) 343:7,14</p> <p>assume (6) 279:6;292:3;320:3; 371:3;380:20,22</p> <p>assumption (3) 279:2,5,13</p> <p>assumptions (1) 279:24</p> <p>assurance (1) 342:23</p> <p>assure (2) 274:19;276:19</p> <p>attend (2) 275:7;329:9</p> <p>attention (2) 299:24;317:4</p> <p>attorney (3) 274:2,9;379:12</p> <p>Attorney's (1) 274:10</p> <p>attract (1) 330:10</p> <p>attractants (1) 329:21</p> <p>attracts (1) 299:24</p> <p>audience (12) 276:4,8;282:13; 295:1;309:4;312:1; 323:2;330:23;346:17; 355:22;379:9;384:18</p> <p>Audubon (4) 359:21,22;367:16; 384:9</p> <p>available (3) 312:24;345:20; 364:12</p> <p>Avenue (4) 295:6;296:19;323:6; 359:13</p> <p>average (2) 339:11;365:17</p> <p>Aviation (6) 338:9;339:9,20;</p>	<p>340:10;343:8,9</p> <p>avoid (1) 323:16</p> <p>avoidance (4) 316:11;318:18; 323:13,20</p> <p>aware (19) 297:6,18;298:3,5; 303:10;314:8;319:24; 320:7;325:16;362:2; 370:8,9,10;379:19; 380:5;381:8,11,23; 382:3</p> <p>away (9) 286:2;305:15; 312:17;313:7;314:12; 340:8;344:21;357:8; 377:24</p>	<p>B</p> <p>back (34) 274:4;279:15; 283:16;285:13,24; 287:8;292:16;293:7; 294:18;297:24;304:23; 309:1,23;310:17; 311:4,8,21;315:22; 317:2;323:14;324:8; 327:7;328:5;333:2,6; 334:15;338:3;341:1; 345:21;361:1;362:16; 380:2,3;385:2</p> <p>background (4) 282:4;315:11; 322:19;359:19</p> <p>balance (1) 375:2</p> <p>bald (4) 313:15;326:16,18; 373:16</p> <p>ballpark (3) 290:11,14,15</p> <p>Banks (1) 379:17</p> <p>BANNERT (2) 346:1,7</p> <p>base (3) 348:9;354:8;384:10</p> <p>based (25) 279:14;289:14; 293:19,19,20;299:18; 300:22;304:9,18; 305:3;312:5,6;314:15; 321:2,4,14;331:13; 332:5,12;358:1; 362:20;365:1;366:1; 367:8;377:23</p> <p>baseline (2) 382:20;383:6</p> <p>basically (20) 288:15;296:13; 299:4,20;300:4;303:2;</p>	<p>307:17;325:7;333:19; 337:4;365:7;368:18; 369:12,18;370:15; 372:17;373:11,22; 376:3;383:8</p> <p>basis (4) 279:1;291:11;303:3, 15</p> <p>bat (10) 294:16,16;323:16; 324:12;375:10,15; 376:7,14;377:1,3</p> <p>bats (19) 294:8;316:13; 323:10,13,17;325:9; 368:18;375:7,23; 376:4,19;377:2,4; 378:24;380:3;381:24; 382:7,23;383:3</p> <p>Bear (1) 352:22</p> <p>beast (1) 364:19</p> <p>beat (1) 368:9</p> <p>becomes (3) 286:3;287:8;371:23</p> <p>beds (1) 303:8</p> <p>beeper (1) 276:15</p> <p>beg (1) 331:20</p> <p>begin (2) 283:13;320:21</p> <p>beginning (1) 298:16</p> <p>behalf (1) 343:13</p> <p>behavior (1) 287:11</p> <p>behind (1) 282:4</p> <p>Beings (1) 358:10</p> <p>belabor (2) 282:2;359:17</p> <p>Bell (3) 295:6;296:19;359:13</p> <p>below (2) 313:20;343:15</p> <p>benefit (2) 278:3;279:7</p> <p>Berkley (1) 329:10</p> <p>best (11) 276:15;299:17,17, 23,23;321:4;330:15; 334:1;348:19;349:20; 373:8</p> <p>bet (1) 347:1</p> <p>better (10)</p>	<p>277:11;291:9; 333:22;352:3;355:6; 368:5,10;373:24; 374:16;379:4</p> <p>beyond (4) 285:15;286:4; 326:15,15</p> <p>big (10) 367:14;368:24,24; 375:10;376:6,10; 377:7,14,17;378:7</p> <p>Bill (4) 335:10;337:18; 338:1;365:21</p> <p>bio (1) 365:19</p> <p>biodiversity (7) 363:24;366:2;367:5, 17;368:13,16,17</p> <p>biological (11) 292:23;301:5; 318:21;320:9;322:8; 324:15;329:16;330:3; 369:18;372:11;381:4</p> <p>biologically (3) 317:21;366:4;372:17</p> <p>biologist (5) 290:16;291:8,20; 367:4,20</p> <p>biologists (3) 291:1;373:8;380:24</p> <p>biotic (1) 299:18</p> <p>bird (2) 378:23;383:1</p> <p>birds (21) 294:17;316:13; 317:20;318:1;321:7; 323:9,18;329:23; 360:1;368:18;375:6,7; 376:4;377:15,21; 378:1,6;380:3;381:24; 382:7;383:2</p> <p>bit (12) 274:3;275:4;278:10; 282:16;283:23,24; 303:17;318:6;322:19; 369:9;373:23;375:9</p> <p>blades (2) 375:14;376:18</p> <p>blanket (1) 284:12</p> <p>bleeding (1) 352:7</p> <p>Board (45) 274:15,20,23,24; 275:14,15,16,17,20,23; 276:14,20;282:3; 289:1;290:11,18,24; 291:5,15,19;292:11; 314:23;315:10;317:6, 18;319:12;324:1; 331:11;332:4,4,9;</p>
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<p>334:4;341:9;342:15, 22;343:18;344:15; 345:24;353:17;358:17; 360:5,6;362:18; 366:17;380:5</p> <p>Boards (1) 343:15</p> <p>bodies (1) 353:11</p> <p>body (2) 350:12;358:16</p> <p>bold (1) 351:11</p> <p>bonus (1) 280:20</p> <p>books (1) 281:4</p> <p>borrow (1) 351:15</p> <p>borrowing (1) 351:16</p> <p>boss (1) 293:9</p> <p>both (9) 286:1;290:2;301:23; 320:8;331:6;349:24; 373:1;375:7;378:1</p> <p>bother (1) 353:19</p> <p>bothers (1) 374:13</p> <p>bottom (1) 285:22</p> <p>bought (1) 362:5</p> <p>boundaries (1) 360:20</p> <p>boundary (8) 298:13,15;327:6,10, 11,13,15;328:12</p> <p>Brady (1) 357:12</p> <p>brand (1) 279:1</p> <p>break (2) 297:9;333:1</p> <p>breed (1) 377:22</p> <p>breeding (4) 328:16;377:4;378:4, 5</p> <p>Bridge (1) 384:10</p> <p>brief (4) 282:1,5,11;283:6</p> <p>briefly (2) 360:7;379:23</p> <p>brightly (1) 341:19</p> <p>bring (2) 274:4;349:1</p> <p>brings (2) 344:11;365:11</p>	<p>broad (1) 376:9</p> <p>brush (1) 275:3</p> <p>Buck (1) 286:9</p> <p>budget (11) 349:17;350:4; 353:23,24;354:1; 356:4,5,12,20,24; 357:14</p> <p>buffer (1) 318:20</p> <p>build (2) 305:9,13</p> <p>buildable (1) 289:11</p> <p>building (3) 333:3;345:16;353:1</p> <p>built (3) 279:17;339:7;342:4</p> <p>bulk (1) 287:20</p> <p>bunch (2) 370:17;371:14</p> <p>burden (3) 290:13,22;375:3</p> <p>buried (1) 340:7</p> <p>button (2) 277:21;359:3</p> <p>buy (1) 348:15</p> <p>bypass (1) 352:1</p>	<p>316:12;320:23;321:10; 324:23;329:2,17; 331:23,24;333:22; 334:11,21;335:5,5; 341:17;343:1,11; 345:16,21,21;346:3; 358:22;363:8;364:9, 10,13;367:5;368:4; 370:21,23;371:9,11,12; 376:13,13,15,17,20; 383:11</p> <p>Capasso (24) 346:23;347:1,3,8,8; 354:15,21;355:1,4,7,9, 13;356:7,10,15,18,21; 357:3,11,15;358:3,15, 20;359:1</p> <p>C-A-P-A-S-S-O (1) 347:9</p> <p>CAPPARELLA (74) 295:4,5,15,22;296:3, 17,22;297:13;298:2,9, 12,18;299:3,8,12,16; 300:7,14;301:2,5,7,9, 13,19;302:4,8,11,20; 303:1,6,9,12,20;323:5, 5,22;324:8,20;325:2,7, 19;359:5,7,12,12; 366:18,21,24;368:17, 20;370:12,15;371:6, 24;373:1;376:2;377:7; 378:10;379:11,19,23; 380:7,11,15,19,23; 381:10,13;382:1,5,19, 24;383:20;384:23</p> <p>C-A-P-P-A-R-E-L-L-A (4) 295:5;296:18;323:6; 359:13</p> <p>carcass (4) 324:14,15,21;330:1</p> <p>carcasses (9) 325:11;329:12,15, 20,20,21,24;330:9,18</p> <p>care (1) 384:15</p> <p>careers (1) 339:20</p> <p>careful (2) 352:11;369:2</p> <p>cares (1) 311:13</p> <p>carrying (1) 360:6</p> <p>case (16) 276:2;279:6;280:6,7; 301:1;305:6,8,19; 333:11;334:24;343:19; 353:3;360:11;374:3; 379:12;382:13</p> <p>case-by-case (1) 291:11</p> <p>cases (4) 370:2,3;375:4;380:5</p>	<p>cash (1) 348:22</p> <p>Cat (1) 372:1</p> <p>catches (1) 281:4</p> <p>categories (1) 361:4</p> <p>cats (1) 350:5</p> <p>caught (2) 280:20;383:24</p> <p>causes (2) 301:15;375:10</p> <p>causing (1) 304:8</p> <p>caution (1) 305:23</p> <p>cell (1) 340:8</p> <p>Central (9) 348:18;352:17; 353:22;354:13,16,19; 355:14;356:5;358:11</p> <p>Central/Chenoa (1) 354:7</p> <p>centralize (1) 384:9</p> <p>certain (3) 373:14;377:24; 378:19</p> <p>Certainly (8) 291:4;307:1;315:12; 327:7;335:1,15; 337:23;383:18</p> <p>certified (2) 291:22;339:2</p> <p>Chair (1) 359:20</p> <p>CHAIRMAN (72) 274:1;277:10,11; 281:16,18,21;282:7,10; 283:15;289:1;293:3,5, 11,24;294:11,24; 296:20;300:5;303:24; 306:12;307:2;309:3; 311:24;313:8;314:18, 21;315:5;319:12; 322:24;323:2;325:20, 23;328:2,22;330:22; 331:23;332:22;333:6, 10,16,23;334:18;335:7, 13,17,23;336:4; 344:15;345:23;346:8, 14,17,20,24;347:6; 353:16;354:9,11; 355:11,18,21;357:18, 21;358:5;359:2,10; 366:17;379:7,9; 384:18,21,24</p> <p>chance (4) 334:16;364:21; 366:13;382:10</p>	<p>change (5) 281:1;349:6;350:19, 21;351:19</p> <p>changes (1) 343:15</p> <p>changing (2) 351:19,20</p> <p>channel (11) 288:9,10;296:13; 297:7,11,12;298:24; 299:1,7;300:11,11</p> <p>channelized (3) 365:15;367:15; 382:14</p> <p>chapter (1) 359:22</p> <p>character (1) 285:15</p> <p>characteristics (2) 286:16;301:22</p> <p>characterizations (1) 284:9</p> <p>characterize (1) 317:24</p> <p>charge (3) 293:17;373:6;380:24</p> <p>check (3) 305:12,18;326:18</p> <p>checked (1) 327:7</p> <p>checking (1) 375:17</p> <p>Chenoa (3) 336:3;337:11;354:16</p> <p>Chicago (2) 315:8;379:17</p> <p>chief (1) 276:2</p> <p>choice (1) 335:1</p> <p>chunks (1) 348:15</p> <p>circled (1) 346:2</p> <p>circumstances (7) 291:22;316:19; 317:13;321:16;322:5; 324:18;325:16</p> <p>cite (2) 317:11;320:12</p> <p>citing (1) 316:10</p> <p>citizen (2) 347:13;371:9</p> <p>City (2) 358:11;364:13</p> <p>Civil (1) 274:9</p> <p>claim (3) 291:8;365:4;376:22</p> <p>claiming (1) 363:1</p> <p>claims (1)</p>
	C			
	<p>calculated (1) 278:18</p> <p>calculation (3) 278:5,7;279:23</p> <p>calculations (4) 278:9,12,15;281:12</p> <p>California (1) 384:2</p> <p>call (12) 278:22;283:2; 316:20;334:1;335:9; 336:23;345:22;349:22, 22,22;364:7;381:20</p> <p>called (2) 339:15;382:7</p> <p>came (3) 338:3;352:23;362:4</p> <p>can (64) 274:19;275:7,20; 276:5,15,19;278:9; 279:4,14,19;282:24,24; 283:13,13;286:11; 287:7;293:10;301:14; 306:4;307:5;308:24; 310:4,17,22,24;311:2;</p>			

<p>364:21 clarification (7) 274:6;295:7;297:1; 300:15;303:23;304:4; 334:18 clarify (2) 296:2;309:17 clarity (1) 282:16 classified (1) 338:9 clear (8) 296:9;297:15; 314:19;333:4;340:5; 344:12;347:15;360:17 clearly (4) 280:21;346:4; 353:14;360:17 clerk's (1) 350:8 close (7) 292:1;312:16; 330:11;341:4,24; 358:2,3 closed (1) 293:14 closely (1) 306:1 closer (3) 284:6;341:22;363:23 closes (1) 335:3 closest (3) 312:7,10,22 closing (5) 309:9;334:19,23; 335:3,4 Colfax (6) 277:24;304:2;307:4; 326:1;331:1;357:24 colleague (2) 282:17;284:24 colleagues (3) 342:5;351:4;352:20 collect (1) 371:21 collected (2) 317:8;366:2 college (3) 329:9;375:12;377:12 colonies (1) 377:5 coming (6) 278:12;283:13; 312:2;333:20;358:6; 359:4 Commander (1) 340:1 comment (12) 283:22;285:4; 288:11;294:8,9; 300:21;311:15;314:15; 333:24;338:10;345:21;</p>	<p>379:24 comments (10) 294:7;315:17;337:4; 355:16;360:4,10; 361:1;362:9;363:9; 379:20 commissions (1) 293:2 commitment (1) 318:2 committed (1) 371:22 communicating (1) 341:8 communication (3) 274:13,14;336:14 community (5) 322:23;361:5; 370:18;375:12;377:12 companies (1) 364:11 comparable (1) 356:11 compare (1) 383:7 compared (1) 382:20 comparing (1) 350:15 comparison (1) 350:19 compelled (1) 355:16 complete (1) 373:2 completely (2) 326:8;367:18 compliance (3) 287:19;288:22;308:1 compliant (1) 299:1 complications (1) 328:8 comply (3) 307:22;331:9,13 complying (1) 331:9 components (2) 299:18;364:7 computations (3) 350:10,12,15 computer (3) 283:13;375:14,18 concentrations (1) 361:11 concern (5) 274:13;341:3; 343:22;350:15;355:23 concerned (4) 299:24;347:13; 350:7;367:16 concerning (1) 326:6</p>	<p>concerns (7) 311:22;341:7; 342:24;368:14,15; 372:21;378:23 concluded (1) 385:5 conclusion (2) 311:21;352:23 concomitant (1) 366:2 condition (1) 361:14 conditions (4) 370:20;371:1; 376:14,18 conduct (2) 316:14,23 conducted (1) 326:22 confined (2) 274:21;275:22 confirm (1) 327:6 confirmed (1) 356:23 confirming (1) 304:14 Confluence (14) 285:3,7,12,14; 295:20,21;297:23; 300:12,13;307:15; 308:7,8;312:20;362:4 conjunction (1) 303:18 connected (1) 368:23 Conservancy (5) 362:2;364:2;365:21; 372:15,18 conservation (8) 301:5;321:11; 322:23;326:6,9; 328:15;359:20;382:6 conservative (3) 279:5,8,9 consider (11) 275:20;288:6;319:6, 14;348:2;354:16; 360:5;366:14;369:6; 373:2;377:14 considerably (1) 281:14 consideration (2) 275:17;353:12 considered (1) 306:9 considering (1) 351:23 consistent (5) 287:17;288:10; 317:16;321:13;361:18 consistently (1) 294:18</p>	<p>consists (1) 364:6 construct (1) 317:11 construction (6) 284:19;286:13; 287:14;292:10;315:23; 372:24 consult (2) 293:12;372:7 consultants (5) 318:21;322:9; 324:16;332:12;364:11 consultation (4) 293:14;316:23; 332:16;372:2 consultations (1) 319:19 consulting (2) 342:4;384:6 contact (1) 383:19 contacted (1) 341:10 context (1) 301:14 contingent (1) 323:24 continuation (1) 333:3 continue (2) 320:1;385:3 continued (2) 318:21;325:3 continues (1) 274:22 continuing (1) 276:2 contractor (2) 292:16,17 contrary (2) 369:13;374:5 contribution (1) 278:6 contributions (1) 280:8 conversation (2) 304:5;318:21 conversations (3) 274:24;321:12;344:2 cooperative (1) 350:11 coordination (1) 319:19 copy (2) 341:11;359:16 corn (2) 325:11;376:9 corporate (1) 339:22 corporation (1) 342:21 Corps (1)</p>	<p>288:16 correctly (2) 300:20;324:4 correlation (1) 314:8 corridor (2) 286:14,15 corridors (1) 312:14 cost (3) 290:12,14;370:15 costs (3) 370:11,22;371:3 COTTER (10) 328:24,24;329:3,6,9, 11;330:5,13,17,20 C-O-T-T-E-R (1) 329:3 counselor (1) 311:6 count (1) 329:14 counterclaims (1) 364:21 counties (2) 359:23;369:17 country (2) 319:19;321:13 County (38) 274:10,24;275:14, 16,17,20,23;288:6; 289:10;293:18,23; 294:2;310:1;324:3; 332:4;337:14,19; 339:5;340:4;342:22; 343:14;350:8,9,13,18; 352:20,22;354:14; 358:16,17,17;359:23; 360:6;362:17;366:20; 369:17;379:24;380:5 County's (1) 352:24 couple (10) 274:11;278:16,20; 282:16;295:7;323:7, 12;336:7;343:11; 374:10 coupled (1) 323:20 course (2) 337:6;340:15 Court (2) 296:16;307:11 cover (3) 324:16;329:20; 330:10 coyote (1) 350:5 credible (6) 362:10,21,23;363:3; 373:21;375:1 credit (1) 375:22</p>
---	--	---	--	--

<p>Creek (44) 285:3,10,15,15,22; 286:1,9,10,20,22; 287:2,4,7,7,22;295:20; 297:18;298:5,13; 299:10;300:11;304:24; 305:5;307:16,19; 312:7;313:7,10; 360:21;361:3,16,23; 363:20;364:15;365:14, 22;367:1,1,2,13; 371:14;372:13;378:11; 380:10</p> <p>creeks (5) 287:9;288:3,3;292:2; 363:22</p> <p>criteria (3) 288:17;289:13,14</p> <p>critical (1) 371:18</p> <p>crop (3) 339:13;340:20;341:1</p> <p>crops (3) 324:13,21;325:10</p> <p>cross (1) 291:13</p> <p>cross-examination (1) 334:10</p> <p>crossings (1) 291:12</p> <p>CRP (3) 286:21;287:4;377:23</p> <p>culvert (2) 288:16;290:2</p> <p>current (2) 278:16;343:2</p> <p>currently (2) 317:6;318:19</p> <p>curtail (2) 376:13,17</p> <p>curtailing (1) 323:13</p> <p>cutting (2) 289:6;352:6</p>	<p>372:12,14;373:16,21; 374:3,4;382:20;383:9; 384:12</p> <p>database (2) 371:13,19</p> <p>databases (1) 381:5</p> <p>date (1) 300:24</p> <p>David (1) 357:23</p> <p>day (7) 290:20;313:14,19; 318:15;370:17,19,22</p> <p>days (6) 290:17,19,21;291:5; 318:16,16</p> <p>dead (3) 350:22;372:17;384:2</p> <p>deadly (1) 377:13</p> <p>deal (3) 282:14;285:11;351:6</p> <p>dealing (1) 364:17</p> <p>dealt (1) 366:8</p> <p>decade (1) 352:18</p> <p>decapitated (1) 377:11</p> <p>December (1) 366:13</p> <p>decide (3) 342:15;362:23; 369:20</p> <p>decided (2) 319:8;326:13</p> <p>deciding (1) 374:24</p> <p>decision (2) 358:18,22</p> <p>deck (2) 282:12;285:9</p> <p>dedicated (1) 361:6</p> <p>deduct (2) 357:1,3</p> <p>defense (1) 343:19</p> <p>defensible (1) 318:4</p> <p>deferred (1) 294:22</p> <p>deficit (4) 351:14,15;364:18,18</p> <p>define (1) 312:12</p> <p>defined (1) 297:14</p> <p>defining (1) 299:9</p> <p>definitely (2)</p>	<p>345:2,13</p> <p>definition (1) 300:2</p> <p>degradation (1) 342:1</p> <p>Delane (1) 358:8</p> <p>demonstrate (1) 321:14</p> <p>Department (7) 317:22;331:15; 337:13;338:7,15; 348:21;380:13</p> <p>depend (1) 342:10</p> <p>dependent (1) 368:22</p> <p>depending (2) 318:12,15</p> <p>depends (2) 290:21;292:17</p> <p>depreciate (1) 349:8</p> <p>describe (1) 375:24</p> <p>description (1) 300:3</p> <p>design (1) 375:17</p> <p>designated (2) 324:22;381:6</p> <p>designates (1) 299:20</p> <p>designation (4) 298:4,5,14;299:13</p> <p>desire (2) 279:22;291:12</p> <p>despite (1) 364:1</p> <p>determination (1) 334:4</p> <p>determinations (1) 316:11</p> <p>determine (4) 302:12;316:2; 319:13;375:13</p> <p>determined (1) 276:11</p> <p>determining (2) 327:24;333:13</p> <p>devalue (1) 342:14</p> <p>developed (3) 316:21;342:10;383:4</p> <p>developer (2) 367:23;368:3</p> <p>development (2) 321:11;367:14</p> <p>devoid (2) 366:4;368:13</p> <p>diagonally (1) 285:23</p> <p>DICK (23)</p>	<p>282:21;283:2,4; 306:14;335:7,10; 336:11,16,23;341:9,12; 346:9,13,23;354:13,19, 23;355:2,5,8;359:5; 379:8,14</p> <p>difference (8) 278:2;295:10,14; 296:1,10;297:2; 350:22,23</p> <p>different (12) 277:20;285:15,16, 17,18;296:8;301:22; 331:10;364:6;368:4; 372:19;379:5</p> <p>difficult (4) 278:20;284:11; 289:19;375:3</p> <p>difficulty (1) 289:18</p> <p>dig (1) 364:22</p> <p>digging (1) 306:17</p> <p>dime (1) 290:14</p> <p>direct (3) 284:17,20;326:22</p> <p>directed (1) 332:3</p> <p>direction (1) 344:17</p> <p>directly (1) 329:18</p> <p>Director (1) 341:9</p> <p>disagreed (1) 301:7</p> <p>disappear (1) 308:15</p> <p>disastrous (1) 383:24</p> <p>disbursed (1) 384:8</p> <p>discouraged (1) 276:22</p> <p>discoveries (1) 366:23</p> <p>discuss (2) 275:4;294:22</p> <p>discussed (1) 306:15</p> <p>discusses (1) 314:6</p> <p>discussing (1) 363:14</p> <p>discussion (8) 282:14,18;283:6,22; 299:4,9;304:8;307:15</p> <p>disincentive (1) 377:21</p> <p>dismiss (1) 287:23</p>	<p>dismissed (1) 384:22</p> <p>displaced (1) 378:20</p> <p>displacement (3) 377:18;378:2,5</p> <p>disrupt (2) 287:14;288:20</p> <p>disservice (1) 366:15</p> <p>distance (1) 377:24</p> <p>distinguishing (1) 320:22</p> <p>distributed (1) 381:17</p> <p>distribution (1) 354:6</p> <p>district (14) 278:13;280:3,19; 281:11;348:18;349:18, 20;350:9;351:7,11,12; 354:20;356:5;358:11</p> <p>districts (8) 278:4,5,21;347:14; 350:16,16,20,20</p> <p>disturb (2) 286:14;288:14</p> <p>disturbance (5) 288:9,10;318:13,14; 369:3</p> <p>disturbances (1) 318:8</p> <p>ditch (1) 367:16</p> <p>ditches (3) 365:8,16;366:5</p> <p>diverse (1) 365:19</p> <p>diversity (2) 367:3,22</p> <p>Division (2) 274:10;299:21</p> <p>DNR (2) 364:14;372:14</p> <p>docket (1) 341:2</p> <p>documentation (1) 300:24</p> <p>documented (2) 302:17;304:7</p> <p>documents (1) 364:8</p> <p>dollars (1) 379:4</p> <p>done (27) 276:3,4,8;277:12; 278:5,9,11;279:15,21; 291:21;294:20;302:21, 24;321:19;332:6; 333:4,14;364:20; 366:15;367:7,9,9; 370:1,21;375:9,20;</p>
---	--	--	---	--

D

<p>380:6 double (1) 280:20 down (5) 277:5,13,16;333:7; 334:15 downstream (6) 288:8;290:2,10; 297:21;298:1;318:10 downwind (2) 340:14,18 Dozens (1) 339:16 DR (70) 295:4,15,22;296:3, 17,22;297:13;298:2,9, 12,18;299:3,8,12,16; 300:7,14;301:2,5,7,9, 13,19;302:4,8,11,20; 303:1,6,9,12,20;323:5, 22;324:8,20;325:2,7, 19;359:12;365:21; 366:18,21,24;368:17, 20;370:12,15;371:6, 24;373:1;376:2;377:7; 378:10;379:11,19,23; 380:7,11,15,19,23; 381:10,13;382:1,5,19, 24;383:20;384:23 drain (2) 288:9;352:16 drainage (2) 339:7,13 Drive (1) 358:8 ducks (2) 313:13,15 duly (4) 315:3;335:21;347:4; 359:8 during (15) 275:8,21;292:10; 316:18;322:6;325:8,9; 338:11;342:18;350:17; 362:2;375:14;376:14, 18,18 duster (1) 341:1 dusting (1) 340:20</p>	<p>earlier (4) 335:4;350:1,1;372:1 early (1) 280:18 ears (1) 291:10 easily (1) 313:6 East (12) 277:24;304:2;307:4; 309:7;312:3;326:1; 328:24;331:1.336:2; 356:1;357:23;367:14 easy (2) 335:14;363:3 eat (2) 329:13;350:7 Eco (1) 372:1 ecologist (2) 365:22;382:11 ecology (1) 382:5 economic (3) 278:3;280:15;338:2 economics (1) 351:9 edge (12) 285:14;297:24; 300:12;305:24;306:3, 6,9,11,16;307:20; 352:6,7 education (3) 329:7;350:4;351:17 educators (1) 353:9 effect (4) 313:17,18;345:13; 383:14 effectively (1) 324:23 effects (3) 309:21;310:6;319:7 effort (5) 292:10;318:12,12; 326:22;328:20 eggs (1) 326:13 eight (4) 322:20;350:5; 352:17,18 either (7) 276:9;298:2,2;342:6; 356:19;365:3;375:4 ejecting (1) 365:6 elaborate (1) 310:4 elected (1) 353:19 elevation (1) 376:10 eliminate (1)</p>	<p>328:8 eliminated (4) 342:6,6;344:4,4 elimination (1) 342:16 else (5) 276:12;326:3; 345:10;352:4;367:24 elsewhere (1) 285:18 EMA (1) 292:5 email (3) 341:7,11;345:21 emphasize (4) 361:15;362:16; 363:15,19 Empire (1) 345:16 employ (5) 316:20;321:16,17; 330:16;332:7 employed (2) 316:12;332:14 employing (1) 323:12 encourage (3) 275:6,18;360:5 end (4) 293:13;295:20; 334:23;340:6 endorse (1) 380:15 ends (2) 338:18;340:13 energy (13) 294:4;315:14,24; 316:4,6,6,20;317:18; 319:8;321:10;331:14; 353:8;372:24 Energy's (1) 316:14 engage (4) 274:23;275:2;319:9, 23 engaged (1) 274:17 engineer (1) 291:7 Engineers (1) 288:16 enhanced (1) 362:18 enhances (1) 340:9 enough (6) 307:1;336:11; 340:22;351:17;376:7; 378:3 enrollment (1) 352:21 ensure (3) 325:15;330:8;369:8</p>	<p>entered (2) 350:18;374:19 entertain (1) 315:21 enthusiasts (1) 343:9 entire (8) 296:4,13,14,14; 297:6,12,14;302:12 entitled (1) 360:10 enumerated (2) 361:16;363:21 environment (2) 340:3,9 environmental (6) 310:9;322:21; 326:21;364:11;368:3; 384:6 EPA (1) 369:19 equalized (1) 349:2 equate (1) 362:10 equivalent (1) 358:16 erected (2) 342:8,13 Erin (8) 282:17;283:23; 284:24;303:17;314:21; 315:2,7,9 especially (3) 292:5;341:6,13 essentially (3) 286:3;294:16;374:7 establish (1) 361:9 established (2) 337:15,24 estimated (1) 280:24 etc (3) 289:11;318:16;339:8 ethics (1) 368:3 evaluate (3) 332:10,19;367:8 evaluating (1) 362:11 evaluation (1) 382:12 even (13) 292:2;304:8;340:5; 353:19;359:24;363:8; 366:4;368:5,6;372:5,6, 8;382:13 evening (5) 274:7;284:1;313:22; 315:15;331:6 event (5) 324:12;325:5,8;</p>	<p>363:15;384:1 eventually (1) 291:2 everybody (5) 274:20;276:17; 315:13;333:7;360:8 everybody's (1) 278:22 everyone (1) 334:15 evidence (11) 287:24;304:7,20; 309:18;362:10,21,24; 363:3,4;373:21;375:1 evolve (1) 351:20 ex (1) 274:13 exactly (7) 284:15;291:15; 295:8;308:12;330:5; 331:4;372:6 example (7) 294:8,19;321:22; 329:23;348:19;364:13; 377:19 excavated (1) 292:8 excellent (1) 349:5 exceptional (1) 361:12 exchange (1) 351:3 excuse (3) 315:19;318:4,23 exhibit (8) 282:22;283:2; 336:23;360:3;365:11; 372:20;374:4;382:10 exhibits (3) 338:20;359:15,15 exist (3) 365:1,1;381:18 existing (1) 381:9 exists (2) 372:14;381:21 expand (2) 315:15;383:12 expanding (1) 325:21 expect (1) 291:12 expecting (1) 318:14 expense (1) 340:7 expensive (5) 291:13;351:21; 352:4,5,7 experience (8) 294:18;317:18;</p>
E				
<p>EAB (7) 278:7;349:1,9;350:7, 19,21;354:18 eagle (13) 326:6,9,12,16,18; 327:2,3,4,5,22;328:5, 15;373:16 eagles (5) 313:12,15;326:3,4; 328:9</p>				

<p>318:2;321:10,12; 332:6,16;344:11 experiences (1) 348:7 expert (7) 276:11;302:2; 320:18,19;329:16; 334:3;373:2 expertise (1) 375:5 experts (6) 320:8,9;330:3; 332:12;372:8;373:13 explain (3) 317:3;333:19,22 explained (2) 341:15,21 explaining (2) 275:11;283:23 explains (1) 343:4 explore (1) 384:13 exploring (2) 320:1,11 exponentially (1) 348:12 expressed (1) 341:6 extend (1) 275:14 extended (1) 299:8 extent (2) 367:11;375:8 extraordinary (1) 292:12 extreme (1) 374:9</p>	<p>349:8;375:15;378:7 facts (1) 282:4 Fair (4) 307:1;322:15; 325:12;348:22 Fairbury (1) 347:10 fairly (4) 291:16;294:5,7; 317:24 fall (5) 292:16;350:2; 376:15,15,18 familiar (5) 295:10;299:12; 358:10;361:2;367:13 family (2) 313:14;339:10 far (9) 312:7,10,21;331:7; 340:21;342:21;344:21; 346:9;354:17 farm (19) 279:7;280:14;281:8; 342:16,23;348:3; 351:12;352:10,19; 354:23;358:14;362:18; 364:10;366:8;372:23; 375:9,20;378:21; 379:24 farmed (1) 286:3 farmers (1) 339:13 farms (23) 279:17;348:9; 349:20;350:2,6,16,17, 20,21;351:3,5;352:13; 368:15;372:22;373:9; 376:5,6;377:18; 379:20;381:9,12; 383:1,22 farm's (1) 280:19 farther (1) 277:5 fatality (1) 324:3 fault (1) 351:14 fauna (2) 294:16;361:11 favor (2) 276:9,19 federal (2) 319:20;338:9 feeds (1) 368:24 feel (12) 284:8;319:16;331:8, 18;332:12,17;336:19; 355:12,16;363:2;</p>	<p>374:22;378:21 feet (42) 283:17;284:4,6; 286:9,19;287:1,6,12, 16,17,19,21,21;289:5, 8;300:19;303:4,16; 304:24;305:5,15; 306:20;308:6,7;312:6; 313:1;314:12,15; 323:14;338:17,18,23; 340:12;344:20,20,23; 345:14,15,16;346:12; 377:3;378:16 fellow (1) 339:19 fences (2) 291:24;292:7 ferret (2) 372:4,5 few (11) 277:13;312:5,9; 314:22;340:9;343:3; 348:6;367:20;370:2,9; 379:13 field (12) 286:12,23;287:4,13; 325:11;338:4,6;339:1; 341:24;343:2;345:3; 373:24 fields (2) 376:9;378:21 Fifteen (1) 344:7 figure (10) 279:12,21;290:13, 15;322:14;349:3,5,6; 370:5;373:12 figuring (1) 341:7 filed (1) 366:12 fill (1) 321:9 finally (2) 281:4;366:6 finance (1) 351:14 financial (2) 290:22;353:10 financially (1) 351:12 financing (1) 351:15 find (14) 279:1;298:19;309:8; 318:23;319:3;324:9, 23;325:4,10;348:4; 360:19;363:3;376:3; 381:19 finding (4) 318:1;363:23;372:5; 383:2 findings (4)</p>	<p>317:16;321:14,14; 323:19 fine (1) 378:17 FINNIGAN (66) 274:1;277:10,11; 281:16,18;282:7; 289:1;293:3,5,24; 294:11,24;296:20; 300:5;303:24;306:12; 307:2;309:3;311:24; 313:8;314:18;315:5; 319:12;322:24;323:2; 325:20,23;328:2,22; 330:22;331:23;332:22; 333:6,16,23;334:18; 335:7,13,17,23;336:4; 344:15;345:23;346:8, 14,17,20,24;347:6; 353:16;354:9,11; 355:11,18,21;357:18, 21;358:5;359:2,10; 366:17;379:7,9; 384:18,21,24 firm (2) 379:15,16 firms (1) 384:6 first (28) 280:4,18;282:1; 283:20;286:7;294:8; 295:9;297:1;315:3; 316:18;321:5;324:20, 21;329:4;335:12,21; 339:15;347:4;359:8, 19;360:3,4,9,10,11; 363:19;367:15;383:1 fish (17) 288:7;301:18;316:5; 318:9;326:8;327:20; 328:14;332:16;364:14; 365:9;366:19;367:9, 10,22;368:6;370:21; 375:8 fit (1) 353:1 five (17) 283:7,17,21;286:19; 301:2;305:22;307:12; 315:19,19;318:17; 337:21;362:12;363:16; 365:6;370:6;374:8,22 flicker (3) 289:11;319:8,11 flight (11) 327:23;338:4; 339:21,24;340:2,18; 342:1,7,14;343:23; 344:12 flood (3) 305:4,4,21 floodplain (9) 305:3,10,13,18,24;</p>	<p>306:3,14,16,24 flora (1) 361:11 flowing (2) 365:8,16 fly (4) 339:17;340:4,14,22 flying (4) 338:4;340:1;345:3,3 focused (1) 380:3 folks (4) 282:24;283:14; 335:16;346:22 follow (9) 295:16,18;297:5; 331:19;344:18;363:2; 371:11;382:5;383:16 followed (3) 279:18;358:20; 370:17 following (4) 289:12;317:14; 349:13;358:19 follows (4) 315:3;335:21;347:4; 359:8 follow-up (1) 294:13 food (1) 355:15 foot (3) 284:2;312:13;331:9 footprint (5) 326:10,15,16,17; 328:17 forest (1) 286:10 forgotten (1) 277:5 form (1) 373:21 formal (1) 302:21 formally (1) 274:12 former (1) 278:16 forming (1) 322:22 forms (1) 353:8 formula (3) 278:23;279:16; 348:22 fortunately (1) 368:3 forward (11) 277:3,15,18;295:2; 309:5;312:2;323:4; 328:23;332:8;355:22; 357:19 forwarded (1)</p>
F				
<p>F-18 (1) 340:1 FAA (1) 338:10 face (2) 357:19;379:2 faced (1) 325:10 facilities (4) 317:11,24;322:22; 325:14 facility (4) 316:17;317:5,10; 332:8 fact (12) 275:5;305:19;306:1; 337:14;351:11;363:23; 364:17;365:20;369:23; 379:19;381:2;383:14 factor (5) 320:22;348:23;</p>	<p>farm's (1) 280:19 farther (1) 277:5 fatality (1) 324:3 fault (1) 351:14 fauna (2) 294:16;361:11 favor (2) 276:9,19 federal (2) 319:20;338:9 feeds (1) 368:24 feel (12) 284:8;319:16;331:8, 18;332:12,17;336:19; 355:12,16;363:2;</p>	<p>figuring (1) 341:7 filed (1) 366:12 fill (1) 321:9 finally (2) 281:4;366:6 finance (1) 351:14 financial (2) 290:22;353:10 financially (1) 351:12 financing (1) 351:15 find (14) 279:1;298:19;309:8; 318:23;319:3;324:9, 23;325:4,10;348:4; 360:19;363:3;376:3; 381:19 finding (4) 318:1;363:23;372:5; 383:2 findings (4)</p>	<p>fish (17) 288:7;301:18;316:5; 318:9;326:8;327:20; 328:14;332:16;364:14; 365:9;366:19;367:9, 10,22;368:6;370:21; 375:8 fit (1) 353:1 five (17) 283:7,17,21;286:19; 301:2;305:22;307:12; 315:19,19;318:17; 337:21;362:12;363:16; 365:6;370:6;374:8,22 flicker (3) 289:11;319:8,11 flight (11) 327:23;338:4; 339:21,24;340:2,18; 342:1,7,14;343:23; 344:12 flood (3) 305:4,4,21 floodplain (9) 305:3,10,13,18,24;</p>	<p>form (1) 373:21 formal (1) 302:21 formally (1) 274:12 former (1) 278:16 forming (1) 322:22 forms (1) 353:8 formula (3) 278:23;279:16; 348:22 fortunately (1) 368:3 forward (11) 277:3,15,18;295:2; 309:5;312:2;323:4; 328:23;332:8;355:22; 357:19 forwarded (1)</p>

<p>341:11 fought (1) 355:15 found (12) 294:17;303:11,14; 319:17;320:11;327:5; 330:14,18;350:21; 363:12;372:1;377:19 Foundation (3) 296:7;361:8;362:7 four (26) 280:7,12,24;281:3; 284:5;287:15,20; 298:9;300:3;310:15; 312:9;327:5,11,12,14; 349:8,10,11,14;353:22; 356:9,12,13,16;360:4; 361:2 fourth (1) 304:22 four-year (3) 354:3,3;356:14 frankly (3) 291:13;363:10,22 free (1) 359:3 frequently (1) 326:4 fresh (1) 301:17 Friday (1) 341:7 friendly (1) 340:3 friends (1) 339:10 Frog (3) 365:14,23;372:13 front (2) 282:12;376:10 full (3) 280:18;300:2;360:6 full-body (1) 362:3 fully (1) 298:21 funded (1) 331:14 funding (3) 278:21,24;279:16 funnel (1) 373:14 further (4) 286:2;317:2,4; 318:22 future (3) 366:14;383:11;384:1</p>	<p>321:9 gather (1) 371:18 gathering (1) 327:20 gave (4) 320:20;350:11; 365:5,11 General (10) 278:12;294:1,5,7,9; 303:6;339:9;349:7,12; 381:18 generated (3) 356:8,17,24 gentleman's (1) 311:11 gentlemen (1) 274:7 gets (5) 277:3;280:19; 292:13;364:4;371:22 GI (1) 338:1 Giampoli (2) 315:16;322:16 Gibson (2) 358:11;364:13 Gillian (4) 358:8,8,19,24 GIS (1) 360:19 given (5) 276:12;301:13; 349:1,16;374:4 gives (3) 291:9;346:5;365:12 glad (4) 274:18,18;376:24; 379:3 Glen (2) 309:6;355:24 goes (5) 283:7;286:2,2; 297:16;380:2 Good (16) 274:7;277:11; 279:23;285:11;298:12; 315:12;345:18;349:22, 23;350:11;353:1,2,7, 12;354:1;368:3 goodness (1) 347:17 Goodnight (1) 353:15 Gordon (2) 341:10;344:2 grace (2) 349:7,11 grain (1) 358:11 grand (1) 349:16 grandfathered (1)</p>	<p>278:22 granted (1) 279:16 Grape (3) 365:14,22;372:13 grassland (2) 377:21;378:1 grateful (1) 362:17 Gray (5) 341:10,12;342:5; 344:3;364:9 great (8) 282:14;289:3;348:3; 360:16;375:20,22; 376:23;383:8 greater (1) 284:4 greatest (1) 343:22 great-horned (1) 313:15 greatly (1) 340:9 GRIFFIN (32) 281:21;283:3; 293:10;294:3;310:7, 12;314:20;315:9; 324:5;331:16;332:9; 333:10;346:16;355:20; 379:11,11,14,16,16; 380:4,8,14,17,22; 381:8,11,23;382:3,16, 22;383:18;384:16 gross (7) 278:2,3;280:15; 281:14;349:3,4,5 Grove (3) 367:14;368:2,7 grow (1) 348:12 growing (2) 321:5;325:9 GSA (1) 278:12 guess (9) 307:11;331:11,23; 333:8;350:4;352:4,11; 355:11;357:5 guessed (1) 353:3 guidance (3) 326:9;371:10;373:5 guide (4) 311:7;367:4;369:19; 370:6 Guidelines (5) 316:6,7;326:6; 327:21;328:15 gutted (1) 371:6 guy (2) 350:3;351:22</p>	<p>guys (4) 274:16;319:15; 341:8;374:12</p> <p style="text-align: center;">H</p> <p>habitat (10) 286:10;294:6;312:7, 8,10,22;313:9;323:14; 361:5;377:20 hairs (1) 289:6 half (14) 277:4;283:18; 285:13,24;297:5,11,19; 300:10;307:23;308:8, 14;309:1;346:5;363:20 half-mile (8) 283:9;285:4,5; 295:19;360:20;361:23; 378:12;380:9 handed (1) 360:3 handle (1) 379:4 handy (1) 276:14 hangers (1) 339:7 hanging (1) 336:21 happen (3) 292:8;351:10;358:21 happened (4) 322:2;358:14; 382:24;384:1 happens (1) 343:20 happy (4) 337:6;351:8;367:17; 369:5 hard (4) 309:8;344:24;373:1; 384:7 harmful (1) 304:6 Harriers (1) 378:20 haul (1) 358:11 Hawk (1) 377:12 hawks (1) 377:14 hazards (2) 310:3,6 head (3) 321:23;354:4;368:22 heading (1) 351:19 health (5) 310:1,2,6;311:22; 351:23</p>	<p>hear (11) 274:20;276:17,18, 18,20;300:19;313:13; 322:11;344:9;347:22; 369:5 heard (13) 277:4;312:8,15; 315:16;322:16,18; 335:4;349:24;351:2; 352:10,14;360:15; 362:13 hearing (13) 274:12,16,21;275:9, 19,21,22;333:18; 335:3;341:8;366:7; 372:10;374:19 hearings (2) 310:16;342:19 heart (2) 315:9;352:1 Heartland (3) 324:11;375:12; 377:12 Heartland's (3) 296:7;361:7;362:6 heat (1) 350:22 heavily (1) 286:21 height (2) 345:10,13 Hello (1) 295:4 help (6) 369:8;371:17; 382:12;383:23;384:10, 14 helped (1) 371:18 helping (3) 371:10;375:12,16 helps (1) 289:3 Hemline (27) 285:3,10,14,22; 286:1;287:7,7;295:19; 297:18;298:4,13; 299:10;300:11;304:24; 305:5;307:16,19; 360:18,21;361:3,16,23; 362:4;363:19;364:15; 378:11;380:9 Here's (1) 336:14 Heritage (3) 299:22;300:1;371:13 herons (1) 313:15 hide (1) 328:10 high (7) 352:21,22,24;361:4; 362:4;366:3;382:8</p>
G				
<p>gain (3) 349:10;357:7,8 gap (1)</p>				

<p>higher (2) 352:10;376:19</p> <p>highest (1) 329:6</p> <p>HILL (4) 357:20,23,23;358:4</p> <p>hire (1) 384:6</p> <p>historical (2) 337:15,19</p> <p>History (4) 299:21;343:4;381:5; 382:1</p> <p>Hold (1) 331:22</p> <p>holding (1) 357:6</p> <p>holds (1) 348:22</p> <p>homes (2) 349:18,18</p> <p>honest (4) 303:13;366:9; 377:13;383:22</p> <p>hook (1) 346:20</p> <p>hope (4) 277:15;296:12; 344:9;348:3</p> <p>hoped (1) 342:3</p> <p>Hopefully (1) 343:1</p> <p>Horizon (1) 380:2</p> <p>Hornets (1) 340:1</p> <p>hour (2) 277:3,3</p> <p>house (2) 307:17;339:8</p> <p>housing (1) 289:11</p> <p>huge (1) 383:13</p> <p>human (1) 383:13</p> <p>hundred (5) 287:21;290:10,12, 17,18</p> <p>hunting (1) 378:20</p> <p>hypothetical (1) 328:13</p>	<p>291:16;299:22;326:12; 330:9;382:17</p> <p>identify (2) 284:1;288:4</p> <p>identifying (1) 311:19</p> <p>IDNR (66) 281:24;282:15; 284:22;285:4;287:23; 293:5,12,15,21;294:4; 296:8;297:14;298:3,6; 299:4,9;300:3,21; 301:3;303:18;310:16; 313:23,23;314:6,12,22; 315:19;317:17,17; 319:4,9,23;331:4; 332:3;360:19;361:18; 362:11,20,24;363:1,2; 364:2;365:20;366:9; 367:4,20;369:6,10,12, 19,24;371:2,2,7;372:6, 18;373:3,4,15;374:19; 377:9;378:18;379:1, 20;380:20;382:15</p> <p>IDNR's (3) 282:5;318:1;360:13</p> <p>Illinois (31) 277:24;296:5; 299:16,21;304:3; 307:4;312:4;315:8; 317:19,24;326:1; 331:1,15;337:12; 338:7,15;345:12; 347:11;348:21;356:1; 359:14;360:1,23; 367:6;371:20;378:19, 22;379:18;380:12; 381:9;382:12</p> <p>illustrate (1) 372:20</p> <p>imagine (2) 275:17,23</p> <p>immediately (1) 292:9</p> <p>impact (15) 284:17,20;288:12; 292:18;309:15;311:1; 314:9;316:16;338:11; 345:10,10;377:18; 381:12;382:17,18</p> <p>impacted (3) 376:4,5,6</p> <p>impacting (2) 309:19;320:13</p> <p>impacts (11) 284:23;310:9; 313:24;319:1;329:22; 341:14;369:3;375:11; 379:21;381:24;382:4</p> <p>implementation (2) 362:20;369:22</p> <p>implementing (1) 375:21</p>	<p>importance (3) 344:12;356:2;361:3</p> <p>important (9) 282:3;329:19; 331:18;343:11;355:12, 13;362:8;371:15; 372:10</p> <p>importantly (1) 317:22</p> <p>imposing (1) 288:6</p> <p>impression (1) 368:11</p> <p>improve (1) 365:24</p> <p>improved (1) 339:7</p> <p>improvements (1) 339:6</p> <p>INAI (17) 295:12,17;296:15; 297:3,15;298:4,14; 299:5,10,13;300:2; 360:18;361:4,20,21; 378:4,11</p> <p>incidents (1) 325:18</p> <p>include (3) 299:10;301:23; 374:21</p> <p>included (10) 298:14;327:21; 337:5,20,21;339:2,18; 344:10;365:17;379:21</p> <p>includes (1) 359:23</p> <p>including (3) 327:2,23;361:7</p> <p>income (1) 348:11</p> <p>inconsistent (1) 361:24</p> <p>incorrect (1) 309:12</p> <p>increase (3) 280:9;349:2,9</p> <p>incremental (1) 280:12</p> <p>indeed (1) 280:24</p> <p>Indiana (1) 377:3</p> <p>indicate (7) 300:24;302:17; 303:15;311:17,17; 316:16;320:4</p> <p>indicated (3) 314:7;332:9;334:1</p> <p>indicates (3) 298:7,8;302:24</p> <p>indicating (2) 303:4;304:20</p> <p>indication (3)</p>	<p>300:15;302:23; 308:17</p> <p>indicative (1) 279:20</p> <p>individuals (1) 334:11</p> <p>industry (4) 348:10;352:8; 375:20;379:3</p> <p>inexcusably (1) 365:22</p> <p>infiltrating (1) 292:23</p> <p>inform (2) 316:9;317:14</p> <p>information (29) 276:6;282:18; 311:18;312:23;313:5, 11;314:24;316:2,10; 317:6,8,10,14;319:24; 320:3;321:6;328:11, 19;329:19;332:10,20; 347:18;364:12;366:9; 371:12;372:4;373:15; 382:4;384:7</p> <p>informative (2) 280:1;281:9</p> <p>inherent (1) 340:24</p> <p>initial (4) 318:22;337:22; 339:24;366:12</p> <p>initially (1) 374:7</p> <p>initiate (1) 304:18</p> <p>inputs (1) 366:1</p> <p>inside (1) 345:2</p> <p>insignificant (1) 350:24</p> <p>inspecting (1) 339:14</p> <p>installed (1) 339:7</p> <p>instance (1) 280:2</p> <p>instantly (1) 329:13</p> <p>instructed (1) 275:6</p> <p>instruction (2) 338:4;340:2</p> <p>instructors (1) 339:21</p> <p>insufficient (2) 371:7;372:2</p> <p>insurance (2) 351:22,23</p> <p>integrality (1) 340:2</p> <p>intended (1)</p>	<p>317:3</p> <p>intending (1) 275:5</p> <p>intent (1) 366:16</p> <p>intentionally (1) 328:7</p> <p>interact (1) 349:13</p> <p>interacting (1) 349:12</p> <p>interaction (2) 321:7;372:22</p> <p>interested (3) 275:8;307:21;333:12</p> <p>interests (1) 342:7</p> <p>internal (2) 373:7,7</p> <p>into (19) 278:22;285:23; 292:24;315:9;322:4; 328:2,6;338:3;344:10; 349:3;351:19;364:22, 24;365:17;369:1,19; 371:19;374:19;375:18</p> <p>inundated (1) 383:3</p> <p>Invenergy (22) 278:3;322:20;328:7, 17;336:13;337:10; 340:11,20;341:10,12; 342:18;344:2;363:1,9, 18;366:10;369:4,24; 376:21,24;380:1; 384:11</p> <p>Invenergy's (2) 365:5;374:1</p> <p>Inventory (5) 296:6;299:17; 360:23;367:6;371:21</p> <p>invested (1) 369:17</p> <p>investigate (2) 305:7;306:1</p> <p>investing (2) 375:13;379:4</p> <p>involved (4) 278:17;279:24; 348:14;370:9</p> <p>issue (4) 304:12;319:21; 341:5;350:18</p> <p>issues (4) 284:22;341:13; 375:9;381:7</p> <p>ISU (4) 365:22;372:15,18,19</p> <p>item (1) 288:4</p> <p>items (2) 282:16;313:24</p>
I				
<p>ideas (1) 384:12</p> <p>identification (1) 325:15</p> <p>identified (7) 286:8;288:12;</p>				

J	320:14 kind (22)	304:4;307:5;309:10; 314:10;315:16;318:8; 329:2;336:4;338:20; 341:7,16;343:18; 347:7,16;361:8; 375:16;377:11	315:20;317:17;320:12; 324:2;337:4,22;343:6; 344:10;365:5;368:12	litany (1) 320:19 literally (1) 367:21 literature (9) 318:24;320:6;364:8, 9,22,24;373:7;381:20; 382:6 little (30) 274:3;275:4;277:20; 278:10;282:16;283:23, 24;286:9;292:2; 303:17;310:22;315:10; 318:14;320:21;321:6; 322:19;333:22;348:23; 350:24;352:18,21; 369:9;370:1;372:5; 373:23;374:6,9,11,18; 375:9 live (4) 296:9;336:2;341:17; 351:13 lives (1) 284:21 livestock (1) 339:14 Livingston (9) 350:9,13,18;352:20, 22,24;358:16,16; 379:24 Livingston's (1) 350:13 local (7) 339:13,17;343:18; 359:21;372:7,8;384:5 locally (1) 384:9 locals (1) 372:11 located (6) 284:11,15;286:12; 289:4;337:10;373:16 location (4) 284:17,18;286:11,16 locations (1) 284:3 longer (3) 321:19,19;382:1 look (18) 297:8;301:20; 303:13;305:20;306:18; 329:11;345:1,4;346:4; 363:23;365:14,15; 366:4,13;368:9; 381:22;382:11;384:11 looked (10) 278:15;280:5,5; 289:19;306:22;321:8; 322:2;326:8;381:19; 383:15 looking (9) 303:18;305:23; 319:15;323:15;339:14;
<p>Janis (1) 337:8 January (6) 276:23,23;277:2; 316:4;317:17;365:5 JD (1) 329:8 Jim (4) 307:3;316:4;379:11, 16 job (4) 277:11;368:10; 375:20;381:1 John (4) 346:23;347:3,8; 359:21 J-O-H-N (1) 347:8 joined (1) 322:19 Julie (1) 328:24</p>	<p>275:3;278:22; 280:19;282:8;289:3; 307:13;309:11;325:21; 341:18;343:4;349:21; 355:8;361:12;364:4,5; 369:4,19;371:21; 373:23;375:4;380:20; 381:20 kitchen (1) 307:14 knew (4) 297:1;301:9;367:18; 372:19 knowing (1) 371:11 knowledge (6) 369:18;372:12; 374:5;380:7,18;384:10 known (2) 292:6;311:18 KURITZ (2) 372:21;377:6</p>	<p>lastly (1) 318:17 late (1) 365:20 later (8) 299:19;300:15; 308:17;309:10;322:7, 8;334:19;362:6 law (2) 379:15,16 laws (1) 351:9 lawyer (1) 333:19 Layout (1) 338:16 lead (1) 368:1 learn (2) 340:4;348:6 learned (4) 339:17;347:16,20; 368:8 least (9) 338:4,14,22;360:7; 362:14;372:18;374:7; 378:16;384:9 leave (2) 335:5;368:11 leeway (1) 335:8 leg (1) 340:14 legal (1) 311:6 legislature (2) 279:2,10 legitimate (4) 331:17,21;341:13; 342:24 length (1) 296:4 lens (1) 322:23 less (9) 281:14;289:5; 322:13;356:20,23; 357:13;363:8,10; 381:16 lesser (1) 375:8 letter (26) 282:15;293:13,14, 19;296:8;297:14; 298:3,6;299:4,9; 300:22;301:3;310:16; 313:23,23;314:6;</p>	<p>letters (3) 294:4,5;339:18 Leutkehans (1) 274:5 level (9) 309:14;311:4;316:2; 318:11,12;328:20; 329:6;343:2;384:5 levels (4) 310:24;311:1,9,22 leveraged (1) 367:23 Lexington (9) 280:2;281:10;309:7; 312:4;329:1;339:23; 354:6;356:1;358:9 licensed (2) 337:12;338:7 Lieberman (34) 282:17;294:22; 314:21;315:2,7,7,12; 319:16;320:6,15,17; 321:4,21;322:15; 323:11;324:7,14,24; 325:6,12;326:20; 327:10,13,18;328:10, 19;329:5,8,10,16; 330:7,15,19,21 life (19) 280:4;284:20,24; 285:16;288:21;300:23; 302:19;304:9;309:19; 311:16,20;313:14,18; 314:1,4,9,16;367:18; 379:21 light (3) 277:21;323:22; 344:11 lights (1) 339:7 limit (2) 310:14;334:8 limited (5) 289:21;310:8,10; 334:8;360:18 line (2) 285:22;343:18 lines (3) 345:2;365:9,16 list (3) 277:5;299:17;335:7 listed (3) 296:5,14;361:6 listen (3) 274:17;331:12; 353:14 listened (1) 373:18 listening (2) 353:14;355:17</p>	
K	L			
<p>keep (11) 282:10;313:17; 334:15;338:2,3,3; 351:16;352:5;359:16; 369:16;382:9 keeping (1) 314:12 Keith (1) 373:4 Kemp (1) 337:18 kept (1) 276:24 Kevin (4) 315:17;318:6,14,18 key (2) 370:19,23 kick (1) 376:17 Kickapoo (3) 367:1,2,13 kick-in (1) 376:13 kicks (1) 376:19 kids (5) 349:19;350:4; 351:19;352:22;353:8 kill (1) 317:20 killed (1) 377:10 killing (1) 317:20 kilometers (1)</p>	<p>lab (1) 375:10 labeled (1) 310:2 Lack (2) 369:14;374:20 ladies (1) 274:7 lady (1) 350:11 lady's (1) 349:4 Land (13) 283:10,19;286:4,21; 287:9;295:11,16,23; 296:7,15;297:2;362:5; 367:8 landowners (6) 319:21;329:20; 330:6,8,13;377:22 lands (1) 330:9 landscape (1) 383:9 language (1) 319:5 large (1) 376:9 largely (1) 323:16 largest (2) 343:7,8 last (25) 274:22;278:13; 280:18;282:14;287:5; 288:4,19;294:14;</p>	<p>learned (4) 339:17;347:16,20; 368:8 least (9) 338:4,14,22;360:7; 362:14;372:18;374:7; 378:16;384:9 leave (2) 335:5;368:11 leeway (1) 335:8 leg (1) 340:14 legal (1) 311:6 legislature (2) 279:2,10 legitimate (4) 331:17,21;341:13; 342:24 length (1) 296:4 lens (1) 322:23 less (9) 281:14;289:5; 322:13;356:20,23; 357:13;363:8,10; 381:16 lesser (1) 375:8 letter (26) 282:15;293:13,14, 19;296:8;297:14; 298:3,6;299:4,9; 300:22;301:3;310:16; 313:23,23;314:6;</p>	<p>life (19) 280:4;284:20,24; 285:16;288:21;300:23; 302:19;304:9;309:19; 311:16,20;313:14,18; 314:1,4,9,16;367:18; 379:21 light (3) 277:21;323:22; 344:11 lights (1) 339:7 limit (2) 310:14;334:8 limited (5) 289:21;310:8,10; 334:8;360:18 line (2) 285:22;343:18 lines (3) 345:2;365:9,16 list (3) 277:5;299:17;335:7 listed (3) 296:5,14;361:6 listen (3) 274:17;331:12; 353:14 listened (1) 373:18 listening (2) 353:14;355:17</p>	

<p>345:6;346:3;348:17; 367:12 looks (3) 285:8;306:20;308:19 Loomis (4) 277:16;278:11; 280:17;281:7 lose (1) 351:2 losses (1) 317:21 lost (1) 352:17 lot (23) 277:11;283:22; 292:13;303:12;307:14; 332:14;347:16,20; 358:12;361:13;364:2; 367:10;370:2,21; 371:3,8,18;372:14; 378:23;379:2,4; 382:21,23 lots (3) 329:12;347:18,18 love (1) 384:12 low (1) 316:16 lower (2) 285:3,10 lured (1) 371:12</p>	<p>287:7;324:3;361:17; 362:1;369:22 making (4) 351:5,7;360:6; 380:20 MALE (8) 275:14;290:11,18, 24;291:5,15,19;292:11 man (1) 339:23 manageable (1) 350:14 managed (1) 326:21 management (4) 316:20,22;324:10; 330:16 mandate (2) 342:16,23 mandated (2) 324:1;381:4 mandates (1) 338:16 manipulation (1) 383:9 manner (1) 275:22 many (14) 275:7;279:24; 291:12;313:2,9; 314:12;317:7,20; 322:4;330:17;339:20; 342:18;383:2,5 map (9) 297:9,16;305:21,24; 307:12;341:20;344:24; 346:1;360:19 mapping (1) 371:2 mark (1) 341:19 masks (2) 301:17;302:2 materials (1) 380:9 maternity (1) 377:4 math (1) 353:24 mathematician (1) 356:19 matter (7) 275:1,3,17;279:11; 293:16;345:17;358:23 may (18) 276:10;285:2; 305:24;308:15;310:22; 319:3;322:2;323:7; 330:11;335:3;338:10; 362:2;365:14;367:13, 16;377:8;382:18; 383:11 maybe (7)</p>	<p>296:2;349:20;353:1, 2;354:24;378:15; 383:11 McLean (12) 274:10;294:2; 337:14,19;339:5; 340:4;342:22;343:14; 350:13;354:14;359:23; 366:20 mean (15) 289:7;293:8;294:1, 22;299:4;320:23; 330:5;332:2;357:7; 376:5;382:18,19,20,21; 383:15 meandering (1) 285:21 meaning (1) 362:10 meaningful (1) 307:17 means (9) 274:14;284:5; 288:15;293:14;297:6; 324:2;333:19;334:11; 349:6 measure (2) 308:8;319:7 measures (2) 316:11;319:6 mechanics (1) 339:21 mechanism (2) 323:21;383:8 medicine (1) 383:13 meet (2) 285:5;338:24 meeting (3) 275:2;315:12;385:5 meetings (3) 275:7;347:16,22 meets (1) 361:4 member (12) 274:15;275:14,23; 276:4,20;290:11,18,24; 291:5,15,19;292:11 members (4) 274:24;275:1,18; 336:11 mention (4) 300:16;323:10; 340:22;377:3 mentioned (10) 281:22;294:15; 297:18;305:2;313:19; 321:18;337:9;355:14; 372:1;376:21 mentioning (1) 298:15 mergers (1) 348:13</p>	<p>metal (1) 376:10 meters (7) 288:8;290:10,10,12, 17,18;318:9 methodologies (1) 330:3 methodology (1) 329:17 metrics (1) 330:4 mid (1) 366:12 middle (2) 286:12;336:22 midst (1) 287:13 might (12) 291:1;293:10,20; 298:20;300:18;306:12; 321:18,18;337:5; 363:21;369:5;384:12 migrate (2) 376:8,16 migrating (1) 377:2 migration (3) 325:9;375:15;376:7 mile (22) 283:19;285:13,24; 295:16;296:12;297:5, 11,19;300:10;307:23; 308:8,14;309:1;327:8, 12,14;340:13,16; 341:22;346:5;361:16; 363:20 miles (17) 326:10,14,14,15; 327:3,4,5,11,11,12,14, 14,16;328:12,12; 337:10;340:8 military (1) 339:22 mill (1) 358:13 million (15) 280:3,4,12,23,23; 281:6;354:2,2,17; 356:4,5,12,13,13; 357:17 mills (2) 358:13;368:15 mind (3) 336:9;369:15,16 mine (1) 282:24 mineral (2) 348:10;352:9 minimal (1) 370:22 minimization (1) 316:11 minimize (4)</p>	<p>316:12;329:22; 330:11;341:14 minimum (2) 340:11;363:17 minute (4) 276:14;322:12; 334:6,6 minutes (7) 276:12,13,13,16; 334:5,8;385:1 missing (1) 339:14 mission (1) 339:8 missions (1) 339:16 mistake (2) 369:8;383:13 mitigate (1) 341:13 modifications (1) 317:1 modified (1) 365:8 modify (2) 283:24;374:10 modifying (1) 318:7 moment (4) 284:7;285:8;315:18, 22 money (14) 278:22;279:2,10; 348:8;349:21;351:2,5, 7,8,16,16;352:8;357:8, 16 monies (2) 278:24;279:6 monitoring (16) 315:24;316:3,8,15, 23;317:7,23;318:3; 319:22;321:8,15,24; 323:17,19;330:2;373:6 morality (1) 325:8 more (48) 274:4;277:14; 278:10;280:9;281:5; 287:8;291:13;292:2, 19,21;293:24;294:1, 13;311:23;312:2; 314:24;317:20,22; 321:23;324:23;333:8, 10;340:13;341:2; 344:6;348:8,24;352:4, 18;354:19;357:6,9; 358:6;363:19,24; 365:21;367:16;368:6; 369:10;371:16,17; 375:1;376:4;377:13; 378:15,24;380:3; 384:17 mortality (15)</p>
M				
<p>Ma'am (1) 325:23 Mackinaw (41) 283:10,19;285:3,6,6, 9,13,21;286:1;295:11, 12,17,19,22;296:4,5, 13;297:2,3,6,12;298:4, 23;299:1,4,6;300:10, 12;307:15,24;308:6; 312:19;360:18,21; 361:3,13,20;362:3; 365:12;367:10;378:11 Madison (1) 379:17 magic (2) 288:1;303:4 main (11) 296:13;297:7,11,12; 298:24;299:1,6; 300:10,11;367:10; 368:21 mainly (1) 380:1 maintain (2) 350:3;381:5 maintaining (1) 300:10 makes (5)</p>	<p>map (9) 297:9,16;305:21,24; 307:12;341:20;344:24; 346:1;360:19 mapping (1) 371:2 mark (1) 341:19 masks (2) 301:17;302:2 materials (1) 380:9 maternity (1) 377:4 math (1) 353:24 mathematician (1) 356:19 matter (7) 275:1,3,17;279:11; 293:16;345:17;358:23 may (18) 276:10;285:2; 305:24;308:15;310:22; 319:3;322:2;323:7; 330:11;335:3;338:10; 362:2;365:14;367:13, 16;377:8;382:18; 383:11 maybe (7)</p>	<p>296:2;349:20;353:1, 2;354:24;378:15; 383:11 McLean (12) 274:10;294:2; 337:14,19;339:5; 340:4;342:22;343:14; 350:13;354:14;359:23; 366:20 mean (15) 289:7;293:8;294:1, 22;299:4;320:23; 330:5;332:2;357:7; 376:5;382:18,19,20,21; 383:15 meandering (1) 285:21 meaning (1) 362:10 meaningful (1) 307:17 means (9) 274:14;284:5; 288:15;293:14;297:6; 324:2;333:19;334:11; 349:6 measure (2) 308:8;319:7 measures (2) 316:11;319:6 mechanics (1) 339:21 mechanism (2) 323:21;383:8 medicine (1) 383:13 meet (2) 285:5;338:24 meeting (3) 275:2;315:12;385:5 meetings (3) 275:7;347:16,22 meets (1) 361:4 member (12) 274:15;275:14,23; 276:4,20;290:11,18,24; 291:5,15,19;292:11 members (4) 274:24;275:1,18; 336:11 mention (4) 300:16;323:10; 340:22;377:3 mentioned (10) 281:22;294:15; 297:18;305:2;313:19; 321:18;337:9;355:14; 372:1;376:21 mentioning (1) 298:15 mergers (1) 348:13</p>	<p>metal (1) 376:10 meters (7) 288:8;290:10,10,12, 17,18;318:9 methodologies (1) 330:3 methodology (1) 329:17 metrics (1) 330:4 mid (1) 366:12 middle (2) 286:12;336:22 midst (1) 287:13 might (12) 291:1;293:10,20; 298:20;300:18;306:12; 321:18,18;337:5; 363:21;369:5;384:12 migrate (2) 376:8,16 migrating (1) 377:2 migration (3) 325:9;375:15;376:7 mile (22) 283:19;285:13,24; 295:16;296:12;297:5, 11,19;300:10;307:23; 308:8,14;309:1;327:8, 12,14;340:13,16; 341:22;346:5;361:16; 363:20 miles (17) 326:10,14,14,15; 327:3,4,5,11,11,12,14, 14,16;328:12,12; 337:10;340:8 military (1) 339:22 mill (1) 358:13 million (15) 280:3,4,12,23,23; 281:6;354:2,2,17; 356:4,5,12,13,13; 357:17 mills (2) 358:13;368:15 mind (3) 336:9;369:15,16 mine (1) 282:24 mineral (2) 348:10;352:9 minimal (1) 370:22 minimization (1) 316:11 minimize (4)</p>	<p>316:12;329:22; 330:11;341:14 minimum (2) 340:11;363:17 minute (4) 276:14;322:12; 334:6,6 minutes (7) 276:12,13,13,16; 334:5,8;385:1 missing (1) 339:14 mission (1) 339:8 missions (1) 339:16 mistake (2) 369:8;383:13 mitigate (1) 341:13 modifications (1) 317:1 modified (1) 365:8 modify (2) 283:24;374:10 modifying (1) 318:7 moment (4) 284:7;285:8;315:18, 22 money (14) 278:22;279:2,10; 348:8;349:21;351:2,5, 7,8,16,16;352:8;357:8, 16 monies (2) 278:24;279:6 monitoring (16) 315:24;316:3,8,15, 23;317:7,23;318:3; 319:22;321:8,15,24; 323:17,19;330:2;373:6 morality (1) 325:8 more (48) 274:4;277:14; 278:10;280:9;281:5; 287:8;291:13;292:2, 19,21;293:24;294:1, 13;311:23;312:2; 314:24;317:20,22; 321:23;324:23;333:8, 10;340:13;341:2; 344:6;348:8,24;352:4, 18;354:19;357:6,9; 358:6;363:19,24; 365:21;367:16;368:6; 369:10;371:16,17; 375:1;376:4;377:13; 378:15,24;380:3; 384:17 mortality (15)</p>

<p>323:24;324:12; 325:5;328:1;375:10, 15,19,21;376:21;377:2, 15,18;378:2,5,7 most (8) 279:5,10;331:14; 335:15;337:17;365:7; 372:21;381:2 move (11) 281:19;289:15,15, 19;306:2;307:23; 308:24;313:7;324:8; 352:13;376:20 moved (7) 339:5;342:7;344:4, 17,17,19;363:6 movements (1) 376:14 moving (2) 352:15;376:19 much (18) 279:2;290:13; 323:18;333:11,16; 349:3;353:3,4;359:18; 361:13;363:8;367:3,5; 368:10,12;376:4,16; 377:13 muddy (1) 288:19 mudpuppies (2) 367:12;375:8 multi-faceted (1) 301:14 multiply (1) 348:4 mussel (7) 288:7;290:12;291:3; 318:9;366:19,24; 370:16 mussels (1) 365:10 must (3) 365:19;372:17; 380:20 myself (8) 348:14;350:24; 359:16;365:17;370:6; 373:2,13;380:19</p>	<p>352:19 national (2) 322:21;359:22 Natural (20) 296:5;299:16,18,21, 21,22;300:1;331:15; 349:9;360:23;361:5; 367:6;371:12,20; 380:13;381:1,5,6; 384:5,15 naturalists (1) 372:8 nature (10) 361:6,9;362:2,6; 364:1,18;365:20; 372:14,18;378:4 Navy (1) 340:1 nearby (1) 351:11 nearest (2) 340:8;358:2 necessarily (3) 330:15;336:19;338:8 necessary (7) 316:23,24;317:9,12; 318:24;319:17;321:15 neck (1) 352:15 need (25) 282:24;288:14; 290:14,18;297:16; 314:24;325:1;326:14; 331:13;338:22;348:8, 10,10,11;352:8,8; 353:8;357:12;363:2, 21,22;369:2,11; 373:18;377:16 needed (6) 320:5;326:14;331:8; 336:19;348:16;363:19 needs (2) 306:21;351:19 negative (4) 304:15;309:14; 310:6;381:12 neighborhood (1) 326:3 neighbors (1) 339:9 neither (1) 342:7 nervous (1) 374:6 nest (8) 326:13,16,18;327:5, 6,22;328:5,12 nests (6) 327:1,2,3,4;373:16; 378:14 net (11) 278:5,9,11;280:8,14; 281:7,13;349:4,6,10;</p>	<p>353:22 netting (1) 351:8 network (1) 361:9 neutral (3) 336:16,23;359:15 new (10) 278:21,22,24;279:1, 2,6;282:22;322:5; 357:19,21 news (1) 349:20 newspaper (1) 343:3 newspapers (1) 337:17 next (16) 281:19;283:3,11; 285:2;286:5,18,24; 314:20;317:15;337:21; 343:3,6;344:10; 375:17;377:20,24 night (11) 276:23;277:14,17; 281:24;282:8;309:24; 315:17;333:2;385:2,2, 3 nights (1) 276:3 nobody (2) 304:11;382:20 noise (28) 289:10;301:16,17, 23;302:1,2,13,18; 309:13,15,19,21; 310:24;311:1,4,11,12, 13,13,22;319:2,7,10; 320:9,13,18,19;369:4 non (1) 330:8 none (2) 317:20;366:9 nonparticipants (1) 341:13 nonprofit (1) 322:21 no-penetrations (1) 338:16 nor (9) 284:18,20;286:14; 291:22;298:18;302:7, 17;304:7;365:3 Normal (5) 295:6;296:19;323:6; 340:18;359:14 North (14) 277:23;307:4;308:9, 22;309:7;312:3; 325:24;328:24;331:1; 336:3;340:6;347:10; 356:1;357:23 Northeast (2)</p>	<p>308:10,23 Northern (1) 378:20 northwest (1) 308:10 note (3) 306:15;323:12; 329:24 notice (1) 369:23 noticed (1) 326:6 noting (1) 317:23 November (1) 362:17 number (49) 286:7;288:1,5,22; 289:24;294:4,9;297:5; 298:20,21;304:23; 305:4,22,22;307:21,22; 312:6,8,11,16,22; 313:2,17,20;318:4; 323:8;324:9;330:19; 333:17;336:24;342:5, 6,17;344:21;346:1; 348:13;350:14;354:22; 355:1;360:16,16; 361:7,22;362:9; 363:16;366:3;375:24; 377:1;381:8 numbers (8) 278:2,18;279:19; 281:13,14;291:9; 342:12;376:9 nutrient (1) 366:1</p>	<p>322:1 occurring (3) 319:1;324:18;325:17 o'clock (4) 333:1,3;385:1,3 off (11) 275:3;289:4;297:11; 304:24;305:5;314:4; 321:22;338:17;346:20; 354:3;375:14 offering (1) 337:2 Office (3) 274:10;350:8;364:13 official (3) 333:11;371:13;373:4 officials (1) 310:1 often (2) 289:20;372:7 old (5) 278:23;279:16; 351:22,22;354:16 oldest (1) 337:14 Once (4) 276:4;281:3;315:24; 351:22 One (107) 274:12;281:20; 282:21,24;283:3; 284:12;285:8;286:2,7, 7;287:2,16,16,16,17; 288:4;290:6,15;292:1, 17;294:13,15;303:18; 306:15;308:15,19,24; 312:2,18;314:10; 316:14;317:3,13; 318:3,15;320:22; 321:2,13,18,23;322:12; 323:9,18,23;324:9; 326:20;331:3,5;334:6, 18;335:5,12;336:15, 19;337:14,21;338:20; 339:18,19,19,23; 345:12;346:12;347:14, 15;348:19,20;349:7; 350:22;351:6;352:11, 14;353:1,18,18,19; 355:10;356:20,23,24; 357:14;358:1,6; 359:16,17,17;360:7,9, 10,13,16;363:13,16; 365:4;367:1,1,2;368:8; 374:3;375:3,22,24; 377:1,9;382:13; 383:15;384:8 one-half (5) 295:16;296:12; 340:16;341:22;361:15 one-hundredth (1) 350:23 One-mile (1)</p>	
O					
<p style="text-align: center;">N</p>			<p>Oak (1) 380:2 object (2) 279:12;310:7 observations (1) 349:24 observer (1) 336:16 observing (1) 291:19 obstacles (2) 340:9;341:24 obviously (3) 293:1;294:5;331:2 occupants (1) 287:11 occur (7) 316:19;317:4;318:8, 13;320:23;325:18; 329:22 occurred (1) 317:23 occurrences (1)</p>		

378:10 onerous (1) 290:13 ones (7) 289:16;331:9; 362:15;365:18;373:12; 381:2,2 one-year (3) 294:16;328:11; 349:11 on-line (1) 338:14 only (8) 275:20;276:7;285:6; 305:5;326:14;374:12; 379:23;382:24 onto (1) 292:16 open (4) 343:23;361:9;369:5; 383:20 operate (2) 317:11;343:20 operating (1) 343:24 operation (10) 280:19;286:13; 287:13;316:19,21; 317:5;318:2;332:8; 343:21;372:23 operational (7) 316:17,24;319:18; 321:9;324:16;325:14; 332:15 operations (4) 316:13;339:11; 340:21;343:23 opinion (6) 344:5;348:1,5; 351:13;374:2;380:8 opinions (1) 363:5 opportunity (7) 315:15;334:23; 335:2;337:3;344:8; 353:10;372:11 opposed (3) 281:6;331:14;371:13 opposite (1) 275:5 order (5) 279:9;281:1;328:8; 333:6;334:2 ordinance (6) 362:19,19;366:16; 369:12,23;373:19 organisms (3) 300:18;319:8;379:6 organization (2) 322:21;343:8 organizations (2) 332:6,15 organizing (1)	371:4 originally (3) 281:5;337:15;338:1 Osprey (1) 377:9 others (3) 319:21;364:2;376:22 Otherwise (2) 334:7;361:24 ought (1) 348:2 ours (1) 351:12 ourselves (1) 288:7 out (48) 279:15;280:17; 281:12;282:21;283:16; 284:22;286:22;287:15; 288:2,19;290:13,16,23; 292:14;298:19;305:17; 311:9,10;313:15; 314:10;322:14,17; 324:17;325:13;326:14, 14,15;327:2,3;329:11, 15;335:12;338:17; 341:7;343:12;345:14; 349:6;352:13,16; 360:3,19;362:4;370:5; 372:4,6;381:21; 382:11;384:11 outside (19) 274:16;275:1; 286:17;306:10,11; 308:14;309:1;313:19; 318:19;327:5,9,10,10, 12,14,14;328:17; 341:8;373:23 over (11) 277:9;280:4;290:6; 294:17,20;356:9,12,13, 16;357:17;376:9 overall (5) 365:23;377:7;378:7, 21;379:1 overboard (2) 369:9;374:11 overlay (2) 289:9,20 owl (1) 351:22 owls (2) 313:12,15 own (5) 318:1;343:20;371:8; 373:7,7 owned (1) 296:7 owner (4) 343:20,22;344:1,3 owners (5) 337:8;343:7,9,13,19 owners' (1)	343:7 P packages (1) 336:8 packet (2) 338:21;339:3 Page (9) 298:9;300:3;301:2; 337:18;341:16;361:1, 2,17;364:4 pages (4) 337:21,22;343:3; 374:1 paid (4) 317:4;359:20,24; 380:24 Pantagraph (2) 337:17;343:4 paper (4) 302:5,9,12,17 papers (3) 302:17;363:13;364:7 paragraph (1) 337:10 paragraphs (1) 343:12 parallel (2) 340:15;345:3 pardon (1) 331:20 park (1) 324:11 part (15) 291:20,21;292:9; 338:1;343:15;354:13, 15;365:5,23;366:12; 371:23;376:6;378:16; 381:14;382:10 parte (1) 274:13 participate (3) 274:18,19;275:8 participated (2) 291:2;366:19 participating (1) 330:7 particular (18) 274:16,21;275:2,3; 276:5,7;289:16;292:2; 293:16;294:7;306:14; 310:16;312:16;354:23; 360:11;362:7;365:4; 372:16 particularly (4) 307:21;316:13; 321:7;376:8 parties (1) 333:12 parts (2) 294:1;303:19 Parzyck (83)	281:23;282:1,5,9,21, 23;283:5;289:9,18,23; 290:4,9,15,20;291:4,7, 18;292:4,15;293:4; 294:21;295:13,18,24; 297:8,23;298:7,10,17, 23;299:6,11,14;300:9, 21;301:4,6,8,11,16,21; 302:1,6,10,16,22; 303:3,7,10,14,21; 304:7,15,18;305:1,6, 11,16,23;306:4,6,8,10, 23;307:1,13;308:1,12, 19,24;309:17;310:15; 311:2,15;312:12,19,23; 313:4,11,21;314:5,14; 332:2 Parzyck's (1) 310:8 pass (1) 282:21 past (4) 307:19;321:18; 337:18;379:20 paths (2) 340:18;344:12 patience (1) 347:23 pattern (5) 340:14;341:23; 342:13;344:20;345:2 patterns (1) 322:9 Patton (4) 287:1;312:6;313:7, 10 Paul (1) 357:10 pay (4) 332:13,13;357:10; 384:15 peer (2) 301:9;364:23 peers (1) 328:16 people (15) 277:13;281:11; 299:24;304:16;311:19; 335:7;338:5;339:12, 17;352:13;353:12; 371:14;372:19;383:1,5 per (6) 288:14;293:13; 339:12;349:8;356:6,13 percent (12) 280:13;281:5;349:8, 9;352:17,18;356:20,23, 24;357:14;376:22,22 percentage (3) 350:23;353:21,23 perennial (13) 283:8,18;284:4,6,9; 288:9;290:6;314:13;	318:18;365:7;372:16; 378:15,17 perfect (1) 305:19 perform (1) 288:7 perhaps (4) 348:4;350:14; 364:20;374:10 period (5) 304:6;325:9;349:7; 350:17;356:14 permits (1) 343:16 Perry (1) 365:21 persistence (1) 330:1 person (5) 365:17;373:5,6; 382:14,15 personal (1) 366:22 personally (1) 366:19 perspective (1) 306:23 pertain (1) 294:6 pet (1) 350:5 Peter (1) 357:9 phase (1) 372:24 PhD (1) 329:4 phenomenon (1) 300:17 Phil (1) 306:12 phone (1) 363:13 photo (3) 285:8,21;286:8 photographs (1) 365:13 photos (2) 284:10,16 physical (2) 288:9;318:8 picked (2) 279:12;330:14 picture (6) 285:2;289:3;304:24; 305:3;306:20;338:3 pictures (1) 283:1 piece (1) 329:19 pilot-friendly (1) 342:11 pilots (6)
--	--	--	---	---

<p>339:22;340:24; 341:6;343:7,9,13 Pitzer (14) 307:3,3,5,7,9,12; 308:3,16,22;309:2; 330:24,24;331:20; 332:21 P-I-T-Z-E-R (2) 307:7;330:24 placards (1) 358:12 place (3) 322:4;375:18;385:3 places (1) 372:5 plan (10) 287:18;291:24; 292:6,10;316:20; 324:11;328:15;358:1, 13,14 planes (1) 340:24 plans (2) 292:11;327:23 planted (1) 324:22 plat (1) 341:19 play (4) 328:6;368:18,18; 371:10 playing (1) 371:14 please (10) 283:11;286:5,18,24; 287:5;288:24;300:7; 304:1;366:14;367:24 plunking (2) 349:17,19 plus (2) 326:10;361:3 pm (1) 385:5 point (19) 277:7;282:12; 283:16;287:10,24; 288:1;290:23;293:18; 294:24;297:20,20,21; 302:16;305:17;306:20; 333:17;334:14;344:23; 383:4 pointed (4) 280:17;284:22; 287:15;288:19 points (2) 359:18;362:24 polished (1) 335:15 politicians (1) 357:6 polled (1) 351:4 poorer (1)</p>	<p>361:14 population (2) 352:18;375:11 portion (3) 354:17;360:11;363:7 position (3) 332:5;370:4;374:24 positive (1) 281:7 possibility (2) 288:13;314:16 possible (1) 308:24 possibly (1) 306:13 post (1) 315:23 post-construction (9) 316:2,8,15;317:7; 318:3;321:8,23; 323:19;330:2 post-siting (1) 383:7 postulating (2) 302:6,10 potential (10) 284:23;303:17; 304:19;313:24;319:10, 14;329:22;330:12; 348:11;377:17 potentially (5) 288:15;290:17; 297:9;302:14;369:3 Powell (1) 359:21 Power (1) 282:12 practice (2) 330:16;353:9 practices (1) 321:4 Prairie (10) 348:18;352:17; 353:22;354:6,13,16,19; 355:14;356:5;358:11 preach (1) 353:9 precedent (2) 366:7;369:21 precise (1) 279:21 pre-construction (6) 316:1,8,9,15;322:7; 323:20 predict (2) 322:6;376:14 prefer (2) 291:14;352:10 prepared (4) 285:5;309:9;336:6; 372:20 present (8) 276:6,9,12;311:5;</p>	<p>324:16;333:12;359:16; 363:8 presentation (5) 280:2;282:2,6;314:1; 334:22 presented (4) 295:2;347:12;348:3; 362:21 preserve (1) 362:6 preserves (4) 361:6,7,9;378:4 president (1) 315:14 pre-siting (2) 362:20;383:7 press (1) 277:20 pretty (6) 280:21;294:18; 297:15;357:15;368:9, 12 prevention (2) 291:24;292:6 previous (5) 276:3,23;310:18; 347:22;380:1 previously (1) 318:11 primary (2) 343:23;364:8 principally (1) 348:9 printed (1) 279:15 prior (3) 288:10;316:21; 379:24 priority (1) 362:4 private (4) 292:19,20;338:10; 343:21 privy (1) 381:13 probably (6) 331:14;336:13; 341:2;352:3,5;354:2 problem (21) 279:4;302:24; 304:14,19,19,20; 305:15,20;306:21; 311:18,19;319:17; 320:10;324:10;348:15; 350:6;377:8,14; 378:22;382:17;383:3 problematic (2) 304:12;308:20 problems (3) 304:8,10,17 procedure (3) 274:3;295:3;333:18 procedures (1)</p>	<p>292:14 proceedings (2) 276:1;350:1 process (6) 347:21;363:6;366:7; 370:1;372:2,10 produce (2) 302:18;320:21 produced (3) 339:21;364:10,10 producing (1) 372:24 product (1) 351:16 profession (1) 381:3 professional (4) 290:16;311:6;332:6; 380:23 Professionally (1) 359:24 professionals (5) 369:11;371:17,22; 373:17;381:6 Professor (1) 360:1 profile (1) 323:15 program (2) 351:24;375:18 programs (1) 375:14 project (29) 280:4;284:10;287:8; 294:7;316:10;322:4; 326:4,10,16,17,17; 327:1,2,5,11,13; 328:12,17;332:14; 342:20;343:16,17; 348:3;353:4;360:14; 365:8;368:2;379:12,24 projects (6) 278:17;294:4,10; 341:14;380:2,4 proof (1) 375:3 proper (1) 370:17 properly (1) 371:16 property (12) 292:19,20;307:16, 20;313:2,3;339:6; 342:9,14;343:19,19; 350:1 proposal (1) 367:17 propose (1) 282:4 proposed (6) 288:8;340:17; 342:13,22;354:22; 367:15</p>	<p>proposing (1) 328:13 protect (2) 343:1;377:4 protected (1) 345:15 protecting (1) 299:24 protection (2) 299:22;362:5 protections (1) 362:18 protocol (2) 336:9;370:17 protocols (4) 330:2;332:7;371:11, 16 proud (1) 339:23 prove (2) 304:15,17 provide (7) 293:22;314:23; 315:10;320:23;338:4; 372:10,12 provided (3) 317:17;338:19;373:4 provides (1) 334:22 prudent (1) 369:7 public (16) 275:1,18;281:13; 292:24;293:1;333:24; 338:2;342:18,19; 361:10;364:12;366:7, 10;372:9;374:19; 381:18 publication (1) 377:9 Published (2) 364:7,8 publishing (1) 278:3 purposes (2) 280:1;281:10 purview (1) 338:8 push (2) 288:13;359:3 put (16) 280:6;288:14;290:1; 308:4,10;311:9,10; 345:16;350:4;351:16; 355:15;368:5;375:18; 377:19,23,24 puts (1) 284:12 putting (5) 288:2,15,20;292:7; 371:4</p>
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<p style="text-align: center;">Q</p>	<p>reach (3) 296:14;352:6;384:11</p>	<p>recognized (1) 383:4</p>	<p>312:8;335:4</p>	<p>300:7</p>
<p>qualified (1) 334:3</p> <p>quality (5) 351:16;361:5; 365:24;368:21,22</p> <p>question's (1) 309:11</p> <p>quick (3) 322:12;353:18; 359:19</p> <p>quickly (2) 329:15,18</p> <p>quit (2) 333:1;385:1</p> <p>quite (6) 296:9;318:6;360:17; 367:22;370:22;376:3</p> <p>quorum (1) 274:1</p> <p>quote (1) 313:13</p> <p>quoted (3) 280:11,14;281:14</p>	<p>reached (1) 382:11</p> <p>reacting (1) 364:20</p> <p>read (14) 297:13;299:3,3,8; 300:2;301:2;302:8,12; 337:4,6,23;343:11; 377:9;379:23</p> <p>reading (7) 298:3;302:5;324:4; 326:5,7;373:23;380:1</p> <p>ready (1) 281:19</p> <p>real (3) 289:9;291:6;357:16</p> <p>reality (1) 342:3</p> <p>realize (5) 310:2;353:5;364:1; 376:8;377:16</p> <p>realized (1) 368:10</p> <p>really (20) 286:9,15;293:17; 297:4,16;322:14; 330:17;347:20;355:9, 17;357:11;360:23; 364:3,22;366:11; 371:15;374:16;377:1; 381:15;382:8</p> <p>reason (8) 279:4;289:9;299:11; 317:7;339:4;360:22; 365:6;368:14</p> <p>reasonable (4) 332:18,18;378:12; 379:1</p> <p>reasoning (2) 289:2,4</p> <p>reasons (4) 278:20;314:3; 361:17;363:20</p> <p>rebuttal (1) 333:14</p> <p>recall (2) 281:23;349:21</p> <p>receive (2) 275:24;280:11</p> <p>received (3) 280:8,22;281:24</p> <p>receiving (2) 280:9;341:11</p> <p>recency (1) 381:16</p> <p>recently (2) 337:17;365:21</p> <p>Recess (1) 333:5</p> <p>recognize (1) 362:8</p>	<p>recommend (7) 293:21,22;314:12; 378:9;380:9,11,14</p> <p>recommendation (40) 283:7,9,17,18,21; 288:5,5,22;293:19; 295:10;297:5,10; 298:24;299:2;300:9; 303:19;315:23;318:5, 6,17;319:4;321:13; 323:8,10,23;324:4,9; 332:11;360:12;361:18; 362:9,14,22;363:16; 375:22,23;377:1; 380:12,15,18</p> <p>recommendations (34) 281:24;287:23; 293:13,23,24;300:8; 314:23;315:18;331:4, 8,12,15,18;332:3,18, 19;360:4,13;362:11, 20;363:2;364:5;365:6; 366:10;369:13,21; 370:7;373:9,22;374:8, 19;379:1;380:21; 381:17</p> <p>recommended (4) 313:23;318:20; 369:10;380:12</p> <p>recommending (1) 348:2</p> <p>recommends (2) 300:22;328:16</p> <p>reconciled (1) 292:9</p> <p>record (6) 281:13;315:6; 322:11;335:24;359:11; 371:23</p> <p>red (1) 277:21</p> <p>redirect (1) 310:21</p> <p>redirecting (1) 310:22</p> <p>Red-Tail (1) 377:12</p> <p>reduce (5) 323:24;324:3;328:7; 376:20;377:1</p> <p>reduced (1) 280:8</p> <p>reduces (2) 278:6;375:19</p> <p>reducing (2) 366:1;375:21</p> <p>reductions (1) 279:18</p> <p>reevaluated (1) 322:8</p> <p>refer (2)</p>	<p>reference (2) 311:1;338:19</p> <p>referred (2) 310:11;364:9</p> <p>referring (1) 313:24</p> <p>regard (2) 283:6;288:4</p> <p>regarding (3) 282:15,18;295:9</p> <p>regardless (1) 374:17</p> <p>regularly (1) 343:20</p> <p>reject (1) 369:20</p> <p>rejected (2) 362:11;364:5</p> <p>rejecting (1) 374:8</p> <p>related (4) 315:23;329:19; 344:3;365:18</p> <p>relates (2) 294:8;295:9</p> <p>relation (1) 346:2</p> <p>relationship (1) 292:19</p> <p>relax (1) 383:11</p> <p>relevant (1) 344:11</p> <p>relocate (1) 308:20</p> <p>relying (1) 325:17</p> <p>remain (1) 352:24</p> <p>remaining (2) 299:17;370:6</p> <p>remarks (1) 336:7</p> <p>re-meander (1) 368:5</p> <p>remember (7) 282:8;331:4;354:5,7; 368:21;369:11;378:18</p> <p>remind (1) 362:16</p> <p>remodeled (1) 339:8</p> <p>remove (3) 329:21;330:10; 343:16</p> <p>removed (1) 344:5</p> <p>renewable (1) 322:22</p> <p>repairing (1) 312:13</p> <p>rephrase (1)</p>	<p>report (10) 279:15;280:16,22; 281:1;282:5;288:7; 319:7;325:17;330:13, 18</p> <p>reporter (2) 296:16;307:11</p> <p>reporting (1) 325:16</p> <p>reports (3) 373:7;381:11,14</p> <p>represent (1) 347:15</p> <p>representatives (1) 344:2</p> <p>representing (4) 309:6;343:8;351:7; 355:24</p> <p>reproduction (1) 320:14</p> <p>reptiles (1) 375:8</p> <p>reputable (1) 332:14</p> <p>request (1) 290:9</p> <p>require (2) 343:23;360:13</p> <p>required (4) 317:9;327:23; 362:19;380:5</p> <p>requirement (8) 284:12;285:18; 288:6;292:4,15;308:2; 345:12;361:15</p> <p>requirements (5) 289:10,21;327:24; 328:1,6</p> <p>requires (2) 292:6;328:15</p> <p>rescue (1) 339:16</p> <p>research (8) 302:23;303:14; 318:24;321:3;363:12; 366:14;376:12;379:4</p> <p>Reserve (8) 283:10,19;295:11, 17,23;296:7,15;297:2</p> <p>residence (1) 358:2</p> <p>residential (7) 337:9,13;338:6; 339:1;348:10;350:19, 21</p> <p>residents (1) 340:4</p> <p>resource (1) 381:7</p> <p>Resources (5) 331:15;348:16; 380:13;381:1;384:15</p>
<p style="text-align: center;">R</p> <p>rabbits (1) 348:5</p> <p>radius (2) 327:9,17</p> <p>rafter (4) 327:1;328:11; 330:10;378:14</p> <p>rafters (4) 327:3;377:6;378:19; 384:2</p> <p>raised (2) 304:10,11</p> <p>rambling (1) 353:6</p> <p>random (2) 322:3,5</p> <p>range (1) 284:1</p> <p>rapidity (1) 381:15</p> <p>rapidly (3) 363:7;364:20;370:1</p> <p>rare (1) 353:10</p> <p>rarely (2) 317:19;372:7</p> <p>rate (1) 287:10</p> <p>rated (2) 367:5,6</p> <p>rates (1) 330:1</p> <p>rationale (1) 360:8</p>	<p>reach (3) 296:14;352:6;384:11</p> <p>reached (1) 382:11</p> <p>reacting (1) 364:20</p> <p>read (14) 297:13;299:3,3,8; 300:2;301:2;302:8,12; 337:4,6,23;343:11; 377:9;379:23</p> <p>reading (7) 298:3;302:5;324:4; 326:5,7;373:23;380:1</p> <p>ready (1) 281:19</p> <p>real (3) 289:9;291:6;357:16</p> <p>reality (1) 342:3</p> <p>realize (5) 310:2;353:5;364:1; 376:8;377:16</p> <p>realized (1) 368:10</p> <p>really (20) 286:9,15;293:17; 297:4,16;322:14; 330:17;347:20;355:9, 17;357:11;360:23; 364:3,22;366:11; 371:15;374:16;377:1; 381:15;382:8</p> <p>reason (8) 279:4;289:9;299:11; 317:7;339:4;360:22; 365:6;368:14</p> <p>reasonable (4) 332:18,18;378:12; 379:1</p> <p>reasoning (2) 289:2,4</p> <p>reasons (4) 278:20;314:3; 361:17;363:20</p> <p>rebuttal (1) 333:14</p> <p>recall (2) 281:23;349:21</p> <p>receive (2) 275:24;280:11</p> <p>received (3) 280:8,22;281:24</p> <p>receiving (2) 280:9;341:11</p> <p>recency (1) 381:16</p> <p>recently (2) 337:17;365:21</p> <p>Recess (1) 333:5</p> <p>recognize (1) 362:8</p>	<p>recognized (1) 383:4</p> <p>recommend (7) 293:21,22;314:12; 378:9;380:9,11,14</p> <p>recommendation (40) 283:7,9,17,18,21; 288:5,5,22;293:19; 295:10;297:5,10; 298:24;299:2;300:9; 303:19;315:23;318:5, 6,17;319:4;321:13; 323:8,10,23;324:4,9; 332:11;360:12;361:18; 362:9,14,22;363:16; 375:22,23;377:1; 380:12,15,18</p> <p>recommendations (34) 281:24;287:23; 293:13,23,24;300:8; 314:23;315:18;331:4, 8,12,15,18;332:3,18, 19;360:4,13;362:11, 20;363:2;364:5;365:6; 366:10;369:13,21; 370:7;373:9,22;374:8, 19;379:1;380:21; 381:17</p> <p>recommended (4) 313:23;318:20; 369:10;380:12</p> <p>recommending (1) 348:2</p> <p>recommends (2) 300:22;328:16</p> <p>reconciled (1) 292:9</p> <p>record (6) 281:13;315:6; 322:11;335:24;359:11; 371:23</p> <p>red (1) 277:21</p> <p>redirect (1) 310:21</p> <p>redirecting (1) 310:22</p> <p>Red-Tail (1) 377:12</p> <p>reduce (5) 323:24;324:3;328:7; 376:20;377:1</p> <p>reduced (1) 280:8</p> <p>reduces (2) 278:6;375:19</p> <p>reducing (2) 366:1;375:21</p> <p>reductions (1) 279:18</p> <p>reevaluated (1) 322:8</p> <p>refer (2)</p>	<p>312:8;335:4</p> <p>reference (2) 311:1;338:19</p> <p>referred (2) 310:11;364:9</p> <p>referring (1) 313:24</p> <p>regard (2) 283:6;288:4</p> <p>regarding (3) 282:15,18;295:9</p> <p>regardless (1) 374:17</p> <p>regularly (1) 343:20</p> <p>reject (1) 369:20</p> <p>rejected (2) 362:11;364:5</p> <p>rejecting (1) 374:8</p> <p>related (4) 315:23;329:19; 344:3;365:18</p> <p>relates (2) 294:8;295:9</p> <p>relation (1) 346:2</p> <p>relationship (1) 292:19</p> <p>relax (1) 383:11</p> <p>relevant (1) 344:11</p> <p>relocate (1) 308:20</p> <p>relying (1) 325:17</p> <p>remain (1) 352:24</p> <p>remaining (2) 299:17;370:6</p> <p>remarks (1) 336:7</p> <p>re-meander (1) 368:5</p> <p>remember (7) 282:8;331:4;354:5,7; 368:21;369:11;378:18</p> <p>remind (1) 362:16</p> <p>remodeled (1) 339:8</p> <p>remove (3) 329:21;330:10; 343:16</p> <p>removed (1) 344:5</p> <p>renewable (1) 322:22</p> <p>repairing (1) 312:13</p> <p>rephrase (1)</p>	<p>300:7</p> <p>report (10) 279:15;280:16,22; 281:1;282:5;288:7; 319:7;325:17;330:13, 18</p> <p>reporter (2) 296:16;307:11</p> <p>reporting (1) 325:16</p> <p>reports (3) 373:7;381:11,14</p> <p>represent (1) 347:15</p> <p>representatives (1) 344:2</p> <p>representing (4) 309:6;343:8;351:7; 355:24</p> <p>reproduction (1) 320:14</p> <p>reptiles (1) 375:8</p> <p>reputable (1) 332:14</p> <p>request (1) 290:9</p> <p>require (2) 343:23;360:13</p> <p>required (4) 317:9;327:23; 362:19;380:5</p> <p>requirement (8) 284:12;285:18; 288:6;292:4,15;308:2; 345:12;361:15</p> <p>requirements (5) 289:10,21;327:24; 328:1,6</p> <p>requires (2) 292:6;328:15</p> <p>rescue (1) 339:16</p> <p>research (8) 302:23;303:14; 318:24;321:3;363:12; 366:14;376:12;379:4</p> <p>Reserve (8) 283:10,19;295:11, 17,23;296:7,15;297:2</p> <p>residence (1) 358:2</p> <p>residential (7) 337:9,13;338:6; 339:1;348:10;350:19, 21</p> <p>residents (1) 340:4</p> <p>resource (1) 381:7</p> <p>Resources (5) 331:15;348:16; 380:13;381:1;384:15</p>

<p>respect (1) 303:8</p> <p>respected (1) 340:12</p> <p>respond (4) 281:23;293:6,6; 363:12</p> <p>responded (1) 332:4</p> <p>responders (1) 339:15</p> <p>responding (1) 317:12</p> <p>response (20) 275:12,24;277:8; 281:17;282:5,15; 287:18;294:14;298:22; 314:22;315:18;318:7, 22;323:1;326:22; 346:19;352:11;354:10; 363:9;384:20</p> <p>responses (5) 320:20,24;324:5; 332:18;366:10</p> <p>responsibility (3) 292:21,22;315:11</p> <p>responsible (2) 318:2;321:10</p> <p>responsibly (1) 317:11</p> <p>rest (1) 352:15</p> <p>restate (1) 296:20</p> <p>restoration (1) 368:1</p> <p>results (2) 316:16;362:21</p> <p>resume (1) 296:17</p> <p>retired (1) 347:12</p> <p>Revenue (5) 348:22;356:8,17,24; 357:2</p> <p>review (6) 293:15;320:6;322:9; 325:1;364:23;366:13</p> <p>reviewed (1) 301:10</p> <p>rides (1) 339:13</p> <p>Ridge (7) 280:6,7,8,11,22; 281:4;354:6</p> <p>right (45) 285:23;296:3,24; 297:13;298:10,12; 301:19;302:1,11; 305:1;308:6;310:13; 312:20;319:5;320:6, 17;323:13;324:8; 331:3;332:24;335:13;</p>	<p>341:3;346:5;352:4; 354:2,21;355:12; 359:1,12;368:4; 369:24,24;370:2,19,20, 24,24;371:11,24; 373:20;374:14;375:4; 383:23;384:16,23</p> <p>rigorous (1) 290:21</p> <p>riparian (4) 286:10,14,15;378:16</p> <p>risk (8) 316:7,12,16;317:1, 24;323:15,16;340:24</p> <p>risks (2) 317:4;329:22</p> <p>River (48) 283:10,19;285:3,6, 10,13,17,21;286:1,16; 287:11,12,14;288:20; 290:7;292:20;295:11, 12,17,19,22;296:4,5, 13;297:2,3,6,12,15; 298:4,23;299:1,5,6,10; 300:10,12;303:8; 307:15,24;312:20; 361:3,13,20;362:3; 365:12;367:21;378:11</p> <p>riverbed (1) 286:17</p> <p>riverbeds (3) 284:18,20;288:12</p> <p>rivers (3) 292:24;361:13; 368:21</p> <p>Road (18) 277:24;288:14; 289:4;292:24;293:1,2; 304:2;307:4;309:7,15; 311:13;312:3;326:1; 329:1;331:1;336:3; 356:1;357:23</p> <p>roads (1) 377:13</p> <p>robbing (1) 357:9</p> <p>Robert (1) 367:4</p> <p>role (1) 371:10</p> <p>Roll (1) 314:20</p> <p>room (1) 291:1</p> <p>roughly (1) 281:6</p> <p>round (1) 310:10</p> <p>rude (1) 275:5</p> <p>run (1) 353:24</p> <p>running (1)</p>	<p>307:19</p> <p>runway (17) 338:23;339:7; 340:12,15,16,19;341:5, 18,23,24;345:4,5,7; 346:3,4,5,10</p> <p>rural (6) 348:7,8,8;351:14; 352:9,16</p> <p style="text-align: center;">S</p> <p>Sadly (3) 371:6;372:1,7</p> <p>safe (4) 340:3;342:11; 343:21,24</p> <p>safety (6) 340:10,24;342:1,7, 14;343:2</p> <p>Samantha (1) 274:8</p> <p>same (10) 275:22,24;298:2,14; 311:13;334:12;349:19; 351:10;370:21;385:3</p> <p>sandwich (1) 307:16</p> <p>sat (1) 336:20</p> <p>satisfied (1) 293:7</p> <p>save (1) 309:10</p> <p>saved (1) 351:12</p> <p>saw (2) 372:15;374:7</p> <p>saying (12) 287:18;295:8,9; 304:5;305:19;313:13, 17;314:5;363:18; 369:23,24;370:4</p> <p>scale (1) 317:19</p> <p>scheme (1) 349:16</p> <p>school (21) 278:4,5,13,16,21; 280:3,19;281:10; 347:13,14;348:13,18; 349:18,20;350:9; 351:7,12,14;352:21,22; 356:5</p> <p>schoolers (1) 353:1</p> <p>schools (8) 279:3,11;348:7,8,8; 351:2;353:7,10</p> <p>school's (3) 349:16;356:20; 357:14</p> <p>Schwass (18)</p>	<p>309:6,6,21;310:12, 19,21;311:4,21;355:23, 24;356:8,11,16,19,22; 357:5,13,17</p> <p>S-C-H-W-A-S-S (1) 309:7</p> <p>sciences (1) 381:4</p> <p>scientific (1) 319:6</p> <p>scientist (7) 364:6;369:15;370:4; 373:20,23;374:23; 383:16</p> <p>scientists (2) 363:3;371:9</p> <p>scope (4) 328:7,17;329:17; 343:17</p> <p>screen (2) 282:13,23</p> <p>search (2) 339:16;381:15</p> <p>searches (3) 324:15,15,21</p> <p>season (2) 322:2;325:10</p> <p>seasonally (1) 322:9</p> <p>second (11) 276:14;304:21; 316:18;327:7;331:22; 347:10;360:22;365:11; 372:20;374:4;382:10</p> <p>secondary (1) 364:8</p> <p>seconds (1) 344:7</p> <p>section (4) 307:12;341:16; 345:1;346:4</p> <p>sedimentation (1) 369:3</p> <p>seeing (2) 292:13;374:1</p> <p>seem (1) 379:1</p> <p>seemed (3) 309:24;374:9,10</p> <p>seeming (1) 360:17</p> <p>seems (1) 378:12</p> <p>segment (2) 296:14;367:6</p> <p>selection (1) 321:1</p> <p>sense (3) 361:17;362:1;383:17</p> <p>sent (2) 293:5;341:7</p> <p>series (1) 360:4</p>	<p>serious (1) 353:11</p> <p>seriously (2) 348:2;381:3</p> <p>service (1) 359:22</p> <p>Services (2) 316:5;338:17</p> <p>sessions (1) 336:21</p> <p>set (1) 377:8</p> <p>set-asides (1) 377:2</p> <p>setback (35) 283:8,9,17,21;284:4, 12;285:4,5;286:7; 287:12,19,21;288:3; 289:20;292:22;297:5; 300:10,22;303:4; 312:13;313:22;314:4; 318:23;319:4;331:10; 340:12;360:20;361:16, 24;363:17;378:4,10,12, 13;380:9</p> <p>setbacks (10) 283:6;288:1;289:10, 11;369:7;377:17; 378:8,8;379:5;383:12</p> <p>setting (3) 323:14;366:7;369:21</p> <p>seven (6) 345:11;346:12; 362:12;374:8,22; 384:24</p> <p>sever (1) 367:18</p> <p>several (15) 287:21;290:17,19; 291:5;336:8;337:16, 20;339:15;340:5; 344:1;348:14;349:24; 352:14;361:4;379:20</p> <p>shadow (1) 289:10</p> <p>shallow (1) 291:16</p> <p>Shane (1) 379:17</p> <p>Shank (1) 373:5</p> <p>share (3) 317:6;339:8;384:12</p> <p>sharing (1) 336:9</p> <p>sheet (1) 277:2</p> <p>shock (1) 376:3</p> <p>shoot (1) 335:12</p> <p>short (1) 352:11</p>
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<p>shortly (1) 285:1</p> <p>shove (1) 288:13</p> <p>show (1) 309:14</p> <p>showed (1) 280:2</p> <p>shown (2) 317:19;376:12</p> <p>shows (1) 341:16</p> <p>Sibley (1) 297:16</p> <p>side (7) 338:17,23;340:16; 341:22,23;358:22; 375:4</p> <p>sides (1) 340:12</p> <p>sight (2) 345:9;352:19</p> <p>sightseeing (1) 339:12</p> <p>sign (4) 276:24;277:1; 335:11;336:19</p> <p>signals (1) 301:17</p> <p>signed (6) 276:23;277:1;292:5; 334:2;335:8;336:16</p> <p>significance (1) 337:16</p> <p>significant (6) 289:7;290:22; 300:19;317:21;324:19; 339:6</p> <p>significantly (2) 288:3;341:22</p> <p>silt (2) 291:24;292:7</p> <p>similar (4) 275:24;286:20; 287:2,8</p> <p>simply (1) 293:6</p> <p>single (1) 376:6</p> <p>sit (2) 333:7;334:14</p> <p>Site (18) 295:12,17;296:15; 297:3,15;299:5,10; 312:10;321:11;322:8, 10;323:16;324:16; 326:11,23;361:20,21; 376:6</p> <p>sites (6) 292:1;294:6;316:12; 360:23;378:4,11</p> <p>siting (3) 288:11;322:22;</p>	<p>384:13</p> <p>sittings (1) 362:18</p> <p>sits (1) 313:2</p> <p>situation (2) 319:22;348:17</p> <p>six (13) 283:9,18;295:10; 297:5;298:20,21; 300:8,9;307:22; 317:20;360:13,16; 361:22</p> <p>slide (5) 283:11;285:2,9; 286:5,18</p> <p>slides (1) 284:14</p> <p>slightly (1) 376:1</p> <p>slope (1) 345:12</p> <p>slow (2) 310:22;375:24</p> <p>small (1) 289:21</p> <p>smaller (1) 350:13</p> <p>smart (1) 281:11</p> <p>Society (3) 337:19;359:21,22</p> <p>solve (1) 348:15</p> <p>somebody (5) 277:17;279:12; 291:9;334:18;362:1</p> <p>someone (2) 326:3;335:4</p> <p>sometimes (3) 351:15;364:9;382:7</p> <p>soon (1) 357:16</p> <p>sorry (8) 283:12;285:20; 296:23;297:24;307:9; 312:24;362:9;378:12</p> <p>sort (8) 286:20;293:22; 323:15;329:18;334:9; 369:12;381:5;383:24</p> <p>sounded (1) 374:13</p> <p>sounds (3) 302:14;363:17; 374:15</p> <p>sources (1) 348:11</p> <p>South (5) 295:6;296:18;315:8; 323:6;359:13</p> <p>southern (1) 354:15</p>	<p>southwest (2) 337:11;354:17</p> <p>spaces (1) 291:16</p> <p>spacing (1) 340:15</p> <p>sparked (1) 309:11</p> <p>speak (9) 275:8;295:13,24; 320:18;329:17;330:3; 334:16;337:3;341:2</p> <p>speaking (3) 283:14;346:21;348:1</p> <p>special (1) 360:24</p> <p>specialty (1) 382:8</p> <p>species (13) 319:1;322:10; 323:16;325:15;330:11; 361:6;366:3;376:8; 378:22;380:6;381:12; 382:4,18</p> <p>specific (10) 294:2,6;301:12; 339:4;361:5,17; 365:18;368:17;373:9,9</p> <p>specifically (5) 278:4;283:7;315:18; 341:3,17</p> <p>specify (1) 296:8</p> <p>specimens (1) 364:14</p> <p>speed (2) 375:24;376:20</p> <p>spell (4) 307:5;329:2;336:4; 347:7</p> <p>spend (1) 344:9</p> <p>spending (2) 322:20;351:15</p> <p>spent (2) 317:4;318:6</p> <p>spinning (1) 376:17</p> <p>spirit (1) 342:21</p> <p>spoke (1) 294:14</p> <p>spoken (1) 335:16</p> <p>sponsorship (2) 319:10,14</p> <p>spot (2) 307:17;354:1</p> <p>staff (10) 293:20;322:24; 324:17;325:13,17; 346:8;354:12;369:17; 371:8;379:7</p>	<p>stage (5) 276:1;327:22,24; 328:1;333:14</p> <p>stakeholders (1) 319:20</p> <p>standard (4) 314:15;326:24; 328:11;342:13</p> <p>Standards (1) 338:16</p> <p>start (5) 274:12;277:2; 296:22;349:22,23</p> <p>started (2) 281:22;310:1</p> <p>starting (2) 297:20;361:17</p> <p>starts (2) 297:16;298:1</p> <p>state (36) 278:6,12,21;279:18; 280:7,10,20;281:3; 287:11;292:5;294:1; 310:5;315:5;319:20; 322:17;325:23;335:23; 345:16;347:6;349:7, 12,13;357:2,22;359:10, 24;360:2;361:6,6,14; 371:7,23;372:3; 380:24;381:5;382:12</p> <p>stated (6) 300:23;316:4;342:2, 24;343:15;365:7</p> <p>statement (9) 287:18;309:10,18; 334:19;335:5;351:11; 368:12;372:16;374:3</p> <p>statements (2) 370:3;374:2</p> <p>state-of-the-art (1) 352:6</p> <p>states (2) 340:11,20</p> <p>state's (2) 274:9,10</p> <p>stating (1) 295:15</p> <p>statistically (1) 350:23</p> <p>status (3) 296:6;326:18;382:13</p> <p>statute (6) 338:19,24,24;339:2; 344:19;345:12</p> <p>stay (3) 285:12;297:11; 312:17</p> <p>staying (1) 285:24</p> <p>steep (2) 365:8,16</p> <p>Stefoni (1) 367:4</p>	<p>stem (1) 367:10</p> <p>step (3) 315:22;317:2,15</p> <p>steps (1) 323:16</p> <p>still (12) 277:4,15,16;279:21; 336:21,21;355:2,15; 363:18;364:2;372:5; 379:2</p> <p>storm (2) 292:12;339:14</p> <p>storms (1) 292:13</p> <p>storm-water (2) 291:23;292:6</p> <p>straight (2) 365:9,16</p> <p>straightforward (1) 291:17</p> <p>strategy (1) 323:13</p> <p>stream (16) 283:6;284:18,20; 288:9,15;301:18; 318:18;362:8;365:24; 367:3,6,19;368:1,5; 370:20;371:1</p> <p>streambed (1) 286:14</p> <p>streams (32) 283:8,18;284:5,6,9; 290:5,6;291:13; 302:19;304:9;309:20; 311:16,19;314:1,9,13, 16;363:24;364:3,15; 365:7,12,13;366:20; 367:8;368:9,22; 370:14;372:16;378:15, 17;382:13</p> <p>Street (2) 347:10;379:17</p> <p>stretch (1) 367:13</p> <p>strike (1) 353:12</p> <p>strip (2) 287:4;340:6</p> <p>strong (1) 352:24</p> <p>structural (1) 291:7</p> <p>structures (1) 376:10</p> <p>struggling (1) 364:17</p> <p>student (2) 341:6;352:17</p> <p>studied (5) 303:2;320:10; 327:20;328:5;332:13</p> <p>studies (33)</p>
--	--	---	---	--

279:17;290:2; 292:23;294:19;302:20; 303:5,9,15;304:5,6,10, 11,16,19;309:14; 311:17;314:8;321:19; 331:13;332:5;364:19; 370:9,11,12,16,21; 371:3;380:6,18;382:2, 21,23;383:7	summary (1) 322:12 Super (1) 340:1 superintendent (3) 347:13;348:6,20 superintendents (1) 278:17 supplement (1) 322:18 support (4) 318:24;323:19; 365:9;380:18 supported (4) 318:22;361:10,10; 374:3 supporting (1) 319:6 surcharge (1) 340:23 sure (18) 281:10;295:8; 296:11;303:21;319:5; 334:20;335:18;336:1; 347:17;351:18;360:8; 370:2;371:15;373:15; 379:16;383:24;384:4, 13 surgery (1) 352:1 surprise (1) 291:6 surprised (2) 350:24;367:22 surprisingly (1) 366:3 survey (20) 288:21;290:12; 299:21;306:15;316:16; 318:23;326:5,10,17,21; 327:1,2,21;328:8,12, 15;329:17;362:3; 367:9,12 surveyed (2) 364:3;367:21 surveying (2) 327:23;330:9 surveys (14) 288:8;291:3,21; 292:7;316:1,8,9;318:9; 323:20;339:14;366:19; 367:1,10;383:2 suspect (1) 351:10 swear (1) 333:21 sworn (10) 277:16;282:7,17; 314:24;315:3;335:17, 21;346:24;347:4;359:8 SWPPP (1) 292:6 synonym (2)	302:5,14 system (1) 368:23	T	330:24 testified (8) 282:1;310:15;311:3; 315:3;326:4;335:21; 347:4;359:8 testify (1) 314:22 testifying (1) 331:3 testimonies (1) 331:7 testimony (21) 281:22;293:19; 294:23;295:1;299:19; 305:14,16;307:22; 310:8,18;312:5; 313:21;315:10,16; 325:22;328:2;333:13, 20;334:7,22;335:8 Thacker (39) 335:10,11,15,18,20; 336:1,2,5,12,18;337:1, 8,9,12;338:6,10;339:1, 1,4,11,17,20,24;340:2; 341:5,24;342:9;343:2, 4;344:8,16,18,23; 345:8,11,20;346:3,11, 21 T-H-A-C-K-E-R (1) 336:5 thanks (2) 337:2;346:21 therefore (3) 304:11;318:1;338:10 thinking (7) 297:11;354:24; 357:8;363:16;370:6; 377:17;383:16 third (1) 316:18 Thirty-two (1) 348:21 Thomas (1) 367:21 though (6) 290:23;308:15; 340:14;345:21;377:16; 381:24 thought (5) 278:8;297:10; 300:17,18;355:9 thousand (2) 312:13;377:3 thousands (3) 319:18;339:12;376:5 threatened (1) 378:19 three (24) 288:5,22;289:24; 294:17,20;306:19; 315:19,19;318:4,6,16; 321:2;333:17;336:20; 337:21;347:16;349:12;	362:10,14;364:6,24; 374:1;375:16;376:8 three-phase (1) 340:6 thrive (1) 351:18 throughout (1) 284:9 throw (1) 281:12 Thursday (12) 274:23;278:1;280:2; 282:14;287:18;288:19; 300:24;305:9;315:16; 318:8,20;322:16 thus (1) 342:21 tiered (1) 316:7 timber (9) 307:19,20;312:7,8, 10,17,17,22;367:1 times (9) 289:20;337:16; 338:2;339:15;342:18; 350:1;352:14;356:13; 375:14 title (1) 301:16 today (7) 311:3;322:17; 326:23;352:1,2;368:2; 372:5 together (3) 343:1;367:20;371:4 told (1) 377:22 tomorrow (5) 274:22;277:1;333:2; 385:2,3 tone (1) 374:15 Tonight (11) 274:4,22;277:1; 312:6;333:4;345:19; 347:21;362:13;363:9, 13;374:16 top (2) 321:22;354:3 total (4) 337:22;342:3; 349:14;354:3 totally (1) 369:4 towards (1) 344:13 tower (1) 340:8 towers (1) 346:2 town (1) 367:14 traditional (1)
--	---	---	----------	---	--

<p>383:8 traffic (17) 301:11,16,17,18,21, 23;302:2,3;320:13,15, 16,22;340:13;341:23; 342:13;344:20;345:2 train (1) 325:15 trained (1) 381:4 training (2) 325:14;339:24 transferred (1) 362:6 transition (1) 338:17 translate (1) 349:3 tremendously (1) 376:5 trekking (1) 348:23 trends (2) 352:21,24 Trent (1) 367:21 tributaries (1) 367:11 triggered (1) 321:20 troubled (1) 351:3 troubling (1) 350:2 trucks (1) 320:22 true (4) 344:11;373:13; 378:1,18 try (9) 282:10;310:21; 365:1;373:8,14,24; 383:6;384:8,9 trying (11) 290:12;296:24; 298:21;304:15;311:5; 322:14;325:10;350:3; 355:11;370:5;375:13 turbine (36) 286:7,8,11,13,19,19, 22;287:1,3,6,12; 301:12;304:22;307:21; 308:20;312:10,22; 319:7;324:22;338:22; 342:5,8;344:3,19,21; 345:4,7;346:9;348:23, 24;358:2;375:12; 377:20,21,24;378:21 turbines (59) 283:7;284:1,3,5,11, 13,15,17,19;285:18; 286:6;287:15,20; 288:2,11;292:12;</p>	<p>301:12,18,22;302:18, 18;303:7;304:8; 307:18;309:15,19,19, 22;310:2;311:11; 317:19;318:19;319:2, 18;320:21;321:8; 329:23;330:11;340:17, 21;341:4,15,17,21; 342:3,4,12,17;343:16; 348:4,21;349:8; 350:18;353:4;354:5, 20;357:1;372:23; 379:22 Turkey (2) 286:20;329:12 turn (2) 277:9;375:14 TURNER (19) 289:2,15,22,24; 290:5;294:13;319:13; 320:2,12,16;345:6,9, 18;353:18;368:14,19; 370:8,13;371:2 turning (1) 372:23 twice (1) 352:5 two (39) 276:3;290:21; 295:14;296:1;315:19, 23;318:5,15;321:2; 322:20;323:8;324:9; 326:15;327:10,12,13, 14;331:5;334:5; 337:10;338:20;340:8, 17;341:4;342:12; 346:2;353:21;359:15; 362:11;364:4;365:6, 12,13,18;366:24; 374:11,21;375:16; 378:6 two-case (1) 279:17 type (2) 329:9;371:5 types (4) 319:15;364:24; 376:13;379:5 typical (3) 340:13;344:20; 349:17 typically (1) 369:18</p>	<p>362:14 uncommon (1) 316:19 under (10) 275:17;278:23; 279:16;289:16;292:5; 311:4;338:8;339:2; 370:24;371:10 understood (3) 278:8;295:8;363:18 unenforceable (2) 370:4;374:24 unforeseen (3) 316:19;317:12; 321:16 Unfortunately (4) 326:20;363:6;365:2; 372:9 unique (1) 342:9 universities (1) 372:8 University (1) 360:2 unkind (1) 275:5 unless (3) 362:21;369:13; 374:15 unlike (1) 369:17 unlikely (1) 365:9 unlimited (1) 353:13 unpublished (2) 364:12;381:20 unusual (1) 361:11 up (42) 276:16,23,24;277:1, 1;279:23;280:20; 281:4;282:13;288:8, 19;290:2;291:2; 295:19;297:19;307:19; 313:14;324:13;330:14; 332:1,9,10,19;333:20; 334:1,2,21,24;335:6,8, 11;336:16;350:10; 351:16;352:6;358:12; 368:9;373:8;376:22; 377:8;382:9;383:1 upfront (1) 307:13 upon (2) 293:19,20 upper (2) 285:23;378:16 upset (1) 366:8 upstream (6) 285:13;286:2; 290:10;297:23;300:12;</p>	<p>318:9 urge (1) 353:11 use (9) 302:13;315:15; 316:1,10;321:11,13; 338:10;348:18;369:19 used (6) 316:9;326:9;330:4; 343:20,23;357:20 useful (1) 370:23 uses (1) 322:9 using (5) 278:7;302:13; 317:10,13;321:12 usually (2) 279:4;299:18 utilities (1) 321:5 utility (1) 317:19</p>	<p>315:14 View (7) 280:6,7,8,11,22; 281:4;354:6 views (1) 343:18 virtual (1) 350:22 vitae (1) 322:12 void (1) 309:24 Volunteer (3) 316:6;359:19,20 volunteered (1) 370:10 volunteers (5) 367:20;370:18; 371:9,17,22 vote (2) 347:24;353:20 vultures (1) 329:12</p>
			V	W
			<p>vacuolization (1) 372:3 value (5) 280:12,15;343:2; 348:22;349:2 values (2) 342:10;350:2 variety (1) 284:8 vegetative (1) 286:15 venous (1) 368:23 venues (1) 350:1 verify (1) 305:18 versed (1) 299:14 versus (3) 297:3;321:2;349:4 vertebra (2) 382:7,8 viability (1) 332:5 vibration (20) 284:23,23;301:14, 24;302:5,14,18;303:7; 309:14;311:8,9,12,12, 15,16;313:13;319:2,7, 11;320:21 vibrations (12) 300:17,22;303:6; 304:6,9;309:18; 311:10,19;313:24; 314:4,9,16 vice (1)</p>	<p>Wacker (1) 315:8 wait (1) 376:17 wakes (1) 313:14 WALLEY (17) 274:7,9;275:13,16; 277:9;307:5,8,10; 310:12,20;311:2,23; 329:2;331:22;333:23; 334:20;344:7 wants (3) 274:20;276:20;295:2 warning (5) 276:15;334:6,6,9; 353:5 warranty (2) 292:16,17 washed (1) 292:14 washout (2) 292:8,18 Water (12) 283:10,19;295:11, 16,23;296:7,15;297:2; 301:17;361:7;365:24; 368:22 watershed (1) 362:3 waterways (1) 372:22 way (18) 277:3;279:1;287:8; 293:8;298:2,3;302:21; 307:11,20;308:3,8,18; 311:5;336:19;348:4;</p>
	U			
	<p>UC (1) 329:10 ultimately (1) 383:10 uncertainty (1) 379:2 unclear (1)</p>			

<p>372:9;377:8;383:10 ways (2) 365:24;380:3 weather (2) 376:14,18 week (4) 278:14;280:18; 363:11;381:16 weigh (1) 381:6 welcome (2) 311:23;337:23 well-deserved (1) 366:16 weren't (3) 358:19;360:17; 367:17 Wesley (1) 359:21 west (3) 297:17;308:21; 379:17 wet (1) 370:18 what's (8) 275:20;289:2;329:6; 349:15;351:6;362:15; 375:2,3 Whenever (1) 299:19 White (1) 380:2 whole (6) 299:5;331:6;378:22; 379:3;381:1;383:22 whomever (1) 384:11 who's (4) 293:8,17;350:3; 370:2 wife (2) 337:8;339:4 wildlife (19) 310:9;315:14;316:1, 5,24;319:20;321:11; 322:22;326:5,9; 327:21;328:14;329:21; 332:17;360:11;362:18; 363:7;377:19,23 WILLIAM (2) 335:20;336:2 willing (10) 294:15;341:12; 342:19;360:15;362:13; 370:18;374:12,12,17; 384:10 willingness (1) 353:14 wind (68) 279:7,17;280:14,19; 281:8;294:4;301:12, 12,22;302:18;303:7; 304:8;309:15;311:10;</p>	<p>316:6,6,17;317:5,19; 319:2;320:20;321:5, 10;331:14;342:16,22; 348:3;350:2,6,16,17, 20,20;351:3,4,12; 352:10,13,19;353:4; 354:23;358:12,13,13; 362:18;364:10;366:8; 368:15,15;372:22,23; 373:9;375:9,12,20,24; 376:4,6;377:18; 378:20;379:3,20,21,23; 381:8,12;383:1,22 window (2) 313:16,20 wind's (1) 376:16 Winterland (32) 277:23,23;280:1; 281:3,9;303:22,22; 304:2,13,16,21;305:2, 8,14,21;306:3,5,7,9,11, 18,24;325:21,24,24; 327:8,12,16,19;328:4, 14,21 wire (1) 340:6 Wisconsin (2) 310:1,5 wise (3) 279:19;351:22;367:9 wish (5) 275:8;276:5;344:6; 352:12;382:14 wishes (2) 276:9;334:15 within (17) 284:21;286:6; 287:16,20;298:4,5; 299:9;300:3;320:13; 324:22;325:11;327:1, 8,16;342:13;372:6; 378:22 Without (6) 302:5;342:23; 349:18;350:17,20; 364:21 witness (12) 274:4;276:4,6,7; 281:19;301:23;314:20; 323:3;333:11;346:15, 18;379:10 witnesses (3) 276:3;333:9;334:13 woefully (1) 372:2 wonder (1) 369:22 wondered (1) 308:17 wonderful (1) 368:1 wondering (3)</p>	<p>289:6;320:2,3 wood (4) 297:24;298:15; 313:13,14 wooded (10) 285:7,12,14,24; 286:2;295:20;297:20; 298:1,16;300:13 woodland (2) 368:5;378:1 woods (1) 352:15 Words (2) 351:13;383:16 work (15) 277:2;290:8;293:1; 315:7;329:20;330:6,7; 341:12;342:19;343:1; 355:3,4;364:1;372:9; 375:9 worked (5) 348:20;371:16; 375:7;381:3;382:9 working (3) 322:20;361:8;369:6 works (1) 337:1 world (2) 351:18,20 worried (2) 341:4;374:18 worry (4) 372:15;378:3,6,24 worst (1) 376:15 worth (6) 317:22;347:24; 348:1;349:15,17; 375:13 worthy (1) 299:22 wrapped (1) 361:20 wrestling (1) 324:11 written (2) 337:16;343:16 wrong (3) 359:1;370:3;373:20 wrote (1) 277:16</p>	<p>353:22;356:6,13; 370:20,24;375:17; 377:11 year-over-year (1) 281:1 years (30) 294:17,20;317:7,14; 321:2;322:4,7,7,20,20; 325:4;348:6,20; 349:10,11,13,14; 350:12,15;352:2,3; 355:14;356:9,12,17; 361:8;364:1;375:16, 16;379:20 year's (1) 349:7 yield (1) 370:23 Young (12) 312:3,3,15,21;313:1, 6,9,12;314:3,10,17; 339:23</p>	<p>288:8;290:10;305:4; 318:9;342:4 100-acre (1) 349:19 10-mile (1) 328:16 11 (2) 350:12,15 113 (2) 284:3;318:19 116 (1) 358:8 117 (3) 284:3;318:19;342:2 11-year (1) 350:17 12 (7) 278:24;279:3,11; 283:3;320:13;344:24; 349:21 1200 (1) 344:23 1250 (1) 308:6 12-acre (1) 342:9 15 (3) 336:12;348:20; 355:14 1500 (2) 344:24,24 16 (2) 341:16;346:4 161 (1) 349:19 1650 (1) 308:7 1947 (1) 337:15 1990 (1) 339:5 1990's (2) 362:2;365:20</p>
Z				
<p>ZBA (5) 324:1;331:17; 332:19;360:12;362:17 ZIMMERMAN (11) 321:1,17;322:11; 344:16,21;366:18,22; 371:19;375:5,23;378:8 zone (3) 305:4,4,21 Zoning (7) 274:15;314:23; 331:11;343:14,18; 360:5;379:12 Zoology (1) 360:1</p>				
1				
<p>1 (3) 276:14;315:8;336:24 1,000 (2) 323:14;340:12 1,000-foot (1) 378:13 1,172,000 (1) 349:5 1.1 (1) 348:24 1.29 (1) 280:3 1.8 (2) 280:12;281:6 10 (8) 326:10,14;327:4,8, 16;328:12;333:1;385:1 10:00 (1) 385:5 100 (5)</p>				
2				
<p>2 (4) 326:14;327:3,22; 328:12 2.8 (1) 349:9 20 (1) 354:2 20:1 (1) 338:17 2001 (1) 280:5 2009 (1) 280:22 2010 (1) 280:23 2011 (1) 279:15</p>				
Y				
<p>Yale (1) 312:3 year (33) 280:4,7,12,12,18,24; 281:3;292:17;305:4; 316:14,18,18,18;317:3, 13;318:3;321:2,13,18, 23;323:9,18;324:10, 20;339:12;349:8;</p>				

<p>2015 (1) 337:18 2016 (2) 326:7,12 2017 (6) 326:13,18;327:20, 21;328:18,20 2018 (1) 328:5 2026 (1) 352:23 2100 (3) 307:4;331:1;357:23 22 (10) 341:15,17,21;342:5, 8,12,17;343:16;344:3; 346:1 2250 (1) 312:3 22825 (3) 277:23;304:2;325:24 23 (14) 341:15,17,21;342:6, 8,12,17;343:17;344:4, 16,21;346:1,10;348:6 23571 (1) 328:24 24 (1) 358:12 240-acre (1) 313:6 25 (2) 280:4;361:17 250 (1) 350:17 2500 (1) 344:20 2550 (2) 309:7;356:1 25899 (1) 336:2 26 (1) 337:18 27297 (1) 312:3 27709 (2) 309:7;355:24 2900 (1) 328:24 29485 (2) 307:4;331:1 29725 (1) 357:23 2nd (3) 276:23;277:2;317:17 2-year (1) 328:16</p>	<p>338:18 3.7.4 (1) 337:10 30 (3) 276:12,14;334:5 300 (7) 287:6,12,17;304:24; 305:5,15;306:20 3000 (1) 336:2 300-foot (1) 289:13 3075 (3) 277:23;304:2;325:24 32 (6) 349:1;354:5,7,19,22, 24 3333 (1) 348:24 35 (3) 280:13;281:5;286:19 350,000 (1) 343:8 3500 (4) 338:23;344:20; 345:14;346:12 380 (5) 287:1,16;289:8; 300:19;312:6</p>	<p>503 (1) 347:10 5300 (1) 379:17</p>	<p>14 95 (2) 349:17,18</p>
		6	
		<p>6 (2) 333:3;385:3 60 (1) 354:17 60602 (1) 379:18 60606 (1) 315:8 607 (2) 280:13;281:5 61726 (1) 336:3 61728 (4) 277:24;304:3;307:4; 331:1 61739 (1) 347:11 61753 (2) 329:1;358:9 646 (2) 356:18;357:15 646,000 (3) 353:22;354:3;357:15 65 (8) 287:1;312:6,8,11,22; 313:2,17,20</p>	
	4	7	
	<p>4 (2) 328:1;339:11 400 (2) 286:9;287:16 47 (1) 358:12 475 (2) 286:19;287:16 4th (3) 276:23;316:4;365:5</p>	<p>7:1 (1) 338:16 70 (1) 379:17 78 (2) 308:21,22</p>	
	5	8	
	<p>5,000 (3) 338:17;345:15,16 5.0 (1) 323:14 50 (2) 361:8;376:22 500 (15) 283:17;284:2,4,6; 287:16,19,21;289:5,13; 303:4,16;314:15; 331:9;339:11;378:16 500-foot (12) 283:8,21;286:7; 287:24;289:16;300:22; 313:22;318:17,20; 338:22;344:19;363:17 501-C3 (1) 361:10</p>	<p>8:30 (2) 332:24;333:1 80 (2) 307:21;354:17 800 (1) 313:1 81 (1) 308:22</p>	
3		9	
		<p>90 (1) 376:22 907 (4) 295:5;296:18;323:6; 359:13 91 (4) 287:6;304:23;305:4,</p>	
<p>3 (1) 327:24 3,000 (1)</p>			