

COLES COUNTY PLANNING & DEVELOPMENT COMMITTEE
SPECIAL USE PERMIT APPLICATION HEARING FOR
THE COMMERCIAL SOLAR ENERGY FACILITY
GLACIER MORaine, LLC, SUBMITTED BY THE
SHELBY COUNTY ENERGY CENTER AND
PREPARED BY EARTHRise ENERGY, PBLLC

August 25, 2025
6:00 p.m. - 9:00 p.m.

Hearing Facilitator:
Scott Kains

Counsel for Coles County:
Andrew Keyt
Alex Rives

Counsel for the Applicant:
Kyle Barry
Also Appearing for the Applicant:
Joseph Horn
Emre Ozmen
Bradley Steffen

County Board Members:
Mike Clayton
Darrell Cox
John Doty
David Johnson
Tom Royal
Rick Shook
Michael Watts, Chairman
Bristole Zimmerman

Coles County Regional Planning:
Kelly Lockhart, Executive Director

Lydia G. Madlem, CSR, RPR
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I N D E X

WITNESSES

PAGE

EMRE OZMEN

Direct by Mr. Barry	19
Examination by Mr. Kains	23
Cross by Mr. Cox	31
Cross by Mr. Clayton	32
Cross by Mr. Shook	34
Cross by Mr. Sherman	37
Cross by Mr. Keyt	46
Cross by Mr. Watts	52

BRADLEY STEFFEN

Direct by Mr. Barry	67
Examination by Mr. Kains	71
Cross by Mr. Keyt	72
Cont'd Direct by Mr. Barry	73
Cross by Mr. Watts	83
Cross by Mr. Cox	85
Cross by Mr. Shook	86
Cross by Mr. Uphoff	88
Cross by Mr. Sherman	93
Cont'd Cross by Mr. Keyt	101

E X H I B I T S

NUMBER

DESCRIPTION

PAGE

(None.)

1 MR. KAINS: All right, go ahead, Mr. Chairman.

2 MR. WATTS: Good evening. I'm gonna call this --
3 I'm gonna call to order the meeting of the Coles County
4 Planning and Development Committee to reshape the public
5 hearing regarding the special use permit application for
6 the commercial solar energy facility Glacier Moraine, LLC,
7 as submitted by the Shelby County Energy Center and
8 prepared by Earthrise Energy.

9 If you'd all stand and join me in the Pledge of
10 Allegiance.

11 (Pledge of Allegiance.)

12 MR. WATTS: Okay, for the roll call:

13 Mike Clayton?

14 MR. CLAYTON: Here.

15 MR. WATTS: Darrell Cox?

16 MR. COX: Here.

17 MR. WATTS: Jeremy Doughty?

18 Tad Freezeland?

19 And I'm Michael Watts, Chairman presiding.

20 Per the published hearing rules, the minutes of
21 the chairperson and the planning committee can be
22 modified, the procedures, and -- with reasonable
23 discretion. So, I'm gonna entertain a motion for the
24 committee to amend the agenda to defer public comment to

1 the item per -- as listed in the order of the public
2 hearing as published, rather than doing that now. Do I
3 hear a motion to that effect?

4 MR. CLAYTON: I'll make that motion.

5 MR. WATTS: So -- okay. Clayton. Second?

6 MR. COX: (Raises hand.)

7 MR. WATTS: Second by Cox. All those in favor,
8 say "aye."

9 MR. CLAYTON: Aye.

10 MR. WATTS: Aye.

11 MR. COX: Aye.

12 MR. WATTS: Okay, thank you. The motion carries.

13 So, the next item of business is Mr. Keyt to
14 introduce the project and the overview as counsel for the
15 County.

16 MR. KEYT: Okay. Thank you, Chairman. (Taps on
17 the microphone.) Thank you, Chairman.

18 The application has been filed by Glacier
19 Moraine, LLC, which is a subsidiary of Earthrise Energy, a
20 Public Benefit LLC. The application is in regard to a
21 210-megawatt total solar facility, allocated as
22 127 megawatts in Cumberland County and 83 megawatts in
23 Coles County. The application is for approximately
24 100 acres within the Coles County area/jurisdiction.

1 The appropriate fees have been paid for their
2 application. The application has been submitted and the
3 proper notices have been published and sent to adjacent
4 residences.

5 MR. WATTS: Thank you. And at this point, I'd
6 like to introduce our facilitator, Mr. Scott Kains. And I
7 will formally turn the meeting over to you.

8 MR. KAINS: All right, very good. Thank you,
9 Mr. Chairman. And good evening, folks.

10 My name is Scott Kains, and I'm the hearing
11 facilitator. I have been selected by Coles County to
12 serve in this role. I'm a licensed attorney and have been
13 for 34 years. I'm from Springfield, don't hold that
14 against me. Or you could hold the fact that I've been a
15 licensed attorney for 34 years against me.

16 My job is to make sure that this public hearing
17 is conducted fairly, that we allow the Applicant the
18 opportunity to present its case through evidence, through
19 documents, and testimony. We also have the opportunity
20 for members of the public, as well as the decision-makers
21 here on the Planning and Development Committee and there
22 are also Coles County Board Members here as well. They
23 are the decision-makers. They will also get to ask
24 questions.

1 When it's time to ask questions, I'll let
2 everybody know. We go in an order. We first allow the
3 committee members to ask questions, then County Board
4 members, any other members of units local government, then
5 the general public. Counsel for both the Applicant here
6 and for the County over here will be allowed to ask
7 questions as well. And the final questions, again, will
8 come from the Planning and Development Committee.

9 All right, the rules and procedures are as
10 follows. They need to be read and put in the record.

11 We've already, on the hearing procedure, gone
12 through the first five items. No reason to rehash those.

13 It is time now for the reading of hearing
14 procedures and rules:

15 First, we will hear evidence from the Applicant.
16 The Applicant shall present testimony and evidence as I
17 said. Each of the Applicant's witnesses shall remain
18 present for questioning by the Planning and Development
19 Committee of Coles County or others until such time as the
20 witness is excused by the Chairman or by me.

21 Members of Planning and Development Committee
22 shall have the opportunity to question the Applicant's
23 witnesses providing testimony and may question witnesses
24 at any time during the hearing.

1 All persons present shall have the opportunity to
2 question witnesses in the following order:

3 I've already run through that, I'll run through
4 it again just so everybody is clear. The first questions
5 come from members of the Coles County Planning and
6 Development Committee, then units of local government
7 including school districts, then the interested parties
8 represented by licensed attorneys, other interested
9 parties including members of the public. Then, there will
10 be questions from Coles County staff and consultants.

11 We have Regional Planning Commission Director
12 Kelly Lockhart present in the room. And also the County
13 is represented by Andy Keyt and Alex Rives. They are
14 attorneys from the Peoria area.

15 And the final questions will come from members of
16 the Planning and Development Committee.

17 After the evidence from the Applicant, there will
18 be the opportunity for persons in favor of the application
19 to produce evidence by testimony or documentation. And
20 then there will be the order of questioning as I just
21 delineated.

22 Then, we will have evidence from licensed
23 attorneys represented -- representing interested parties
24 in opposition of the application, questions for them.

1 Evidence from persons opposed to the application, but not
2 represented by a licensed attorney, and there will be
3 questions for them. Evidence from persons who are
4 neutral, and there will be questions in the order that we
5 delineated a moment ago for those persons.

6 Then, there will be the identification of written
7 comments and entry into the record regarding the
8 application, evidence from Coles County staff and
9 consultants, and there will be a public comment period
10 after that.

11 Public comment is not evidence and will not be
12 considered by the committee or the County Board in
13 rendering a decision on the application. Public comment
14 time limit is three minutes per person.

15 Committee members, County officials, staff and
16 consultants may recall any witness who has testified for
17 further information or evidence at any time.

18 Once we have all the evidence in, I will close
19 the evidence, and then it will be time for closing
20 statements by the Applicant and closing statements by any
21 objectors. Introduction of new evidence during closing
22 statement will not be permitted.

23 And then there will be committee deliberation and
24 vote. They will first discuss findings of fact, then

1 conditions that may attach to the application or to the
2 permit if -- the siting permit if it -- if it is granted.
3 And then there will be a recommendation from this
4 committee to the full County Board. Following that, there
5 will be adjournment.

6 Now, some specific hearing rules.

7 Mr. Keyt, I want to commend you for condensing
8 the hearing rules down to two pages.

9 Rule number one, these provisions shall govern
10 the public hearing before the Coles County Planning and
11 Development Committee concerning the special use permit
12 application of Glacier Moraine Solar, LLC. The Chairman
13 and the Planning and Development Committee may modify the
14 same in its reasonable discretion.

15 Two, a court reporter shall be present at every
16 hearing and voting meeting in order to provide a
17 transcript of the proceedings. Transcripts will be
18 prepared by the court reporter and sent to the Planning
19 and Development Committee. The cost for all transcripts
20 of hearings or voting meetings before the Planning and
21 Development Committee shall be borne by the Applicant, and
22 the cost of the transcript shall be paid directly to the
23 court reporting service.

24 One bit of information about the importance of

1 the court reporter: This young lady, Lydia, has taken a
2 number of hearings, a numbers of nights of a previous
3 public hearing in Coles County. And her turnaround on the
4 transcripts has been just absolutely amazing.

5 For her to do her job, I would request that the
6 phones be either silenced or turned off. It's harder than
7 heck to take down a bunch of people talking or phones
8 ringing and so, we would just simply ask that if you keep
9 any discussions that you may have in the room to a -- very
10 much a minimum. And trying to think what else. I think
11 that's pretty much it, but she takes down everything.
12 Without this committee and its vote and this court
13 reporter, this thing doesn't get done.

14 Number three, the hearing shall occur on the date
15 and time set forth in the published notice. All necessary
16 additional hearing dates shall be scheduled at the
17 discretion of the Planning and Development Committee.

18 Number four, the chairperson or acting chair,
19 including myself, shall preside over the hearing. The
20 chair or acting chair, including myself, shall have the
21 authority to control the hearing proceedings to determine
22 time limits of witness testimony and cross-examination in
23 his or her discretion, require appearances of all
24 witnesses, restrict witness testimony, including

1 restriction of testimony for failure to appear pursuant to
2 scheduled required witness appearance, to schedule the
3 appearance of witnesses and require their appearances on
4 dates set forth in the scheduling order, restrict
5 witnesses from testifying for failure to appear on the
6 date scheduled for that witness's testimony, adopt
7 reasonable limits upon the questioning of the witnesses by
8 the Applicant and interested parties, and take other
9 action deemed reasonably necessary by the chair in order
10 to conduct the hearing in an orderly, efficient, and
11 professional manner.

12 One comment on this: I'm not gonna be super
13 strict on denying somebody the right to testify in this
14 hearing. If you can't make it, if we go several nights,
15 and you can't make it on a subsequent night, I'm gonna try
16 to work around that so we allow everyone who wants to
17 speak to have that opportunity.

18 Rule number five -- by the way, twelve rules, so
19 I'm gonna get to them -- number five, the hearing before
20 the Planning and Development Committee shall not be
21 governed by and the committee shall not be bound by the
22 strict rules of evidence. The committee may exclude
23 irrelevant material and unduly repetitious testimony and
24 any other testimony or evidence that in the discretion of

1 the chair is not pertinent to the proceedings. Tactics
2 designed to delay the proceedings are not permitted.

3 Rule number six, all witnesses shall testify
4 under oath.

5 At the discretion of the chair, Planning and
6 Development Committee members shall be permitted to
7 question witnesses at any time during the hearing, and the
8 Planning and Development Committee members may request
9 that additional information or evidence be presented
10 during the hearing.

11 Public hearings may be held by less than a quorum
12 of the committee. However, a quorum of members must
13 attend pursuant to the Illinois Open Meetings Act in order
14 to act on the application.

15 Number nine, the discretion to admit testimony,
16 documents, or other evidence lies solely within the
17 discretion of the hearing facilitator. The determination
18 of qualifications of an expert shall be within my
19 discretion as well. Expert witnesses must adequately
20 demonstrate their qualifications prior to rendering an
21 opinion on a matter. All studies relied upon in an
22 expert's written submissions must be disclosed.

23 Rule number ten, the Planning and Development
24 Committee shall transmit its findings and recommendations

1 to the County Board in written form.

2 Number eleven, audience members must be seated
3 and quiet. Loitering in the hearing room is prohibited.
4 Any person who is unruly, disrupts, or attempts to disrupt
5 the hearing, or otherwise engages in inappropriate
6 behavior will be expelled. Excessive applause, jeering,
7 or other commotion shall be considered disruptive.

8 And finally, number twelve, time limits. Upon
9 demonstration of expertise within a relevant field, expert
10 witnesses shall have 30 minutes to testify. Testimony
11 shall be relevant to the application. Non-expert
12 witnesses who are residents of Coles County and also
13 residents of Neoga Township in Cumberland County shall
14 have 30 minutes to testify. Non-expert witnesses who are
15 nonresidents of Coles County shall have five minutes to
16 testify. And cross-examination of each witness by members
17 of the public or persons representing members of the
18 public shall be limited to ten minutes per person,
19 30 minutes in total. So, cross-examination of any given
20 specific witness, cross-examination is limited to
21 30 minutes. Examination of each witness by members of the
22 committee, by County officials, and staff or consultants
23 shall not be limited by time.

24 Phew. All right, we got that done.

1 MR. CLAYTON: On time limits, on -- on (a), it
2 says 15 minutes in our -- in our published rules that
3 we -- that we went...

4 MR. WATTS: No, it says 30.

5 MR. CLAYTON: So --

6 MR. KAINS: Okay, gentlemen, could you please
7 speak up since we're on the record.

8 MR. CLAYTON: On (a), on time limits, in our
9 published thing, it says, "Upon demonstration of expertise
10 within a relevant field, expert witnesses are allowed
11 15 minutes to testify. Testimony shall be relevant to the
12 application." You just said 30.

13 MR. KAINS: Okay, I'm reading the rules that were
14 handed to me.

15 So, which is it, Mr. Keyt, do you know?

16 MR. KEYT: I believe it's 30 minutes.

17 MR. JOHNSON: Mine says 30.

18 MR. WATTS: Yeah, I think that's what I have, too.

19 MR. KAINS: Chairman Watts says he has 30.

20 MR. COX: Denied, you're wrong.

21 (Simultaneous speaking amongst County Board
22 members.)

23 MR. KAINS: Okay, hang on. Hang on. Just one
24 person at a time.

1 Mr. Clayton, you --

2 MR. CLAYTON: I just want to make sure that what
3 we have published goes with what we are doing here.

4 MR. WATTS: 30 minutes is what's published on the
5 website.

6 MR. CLAYTON: Okay, then that's all I needed.
7 Thank you.

8 MR. KAINS: 30 minutes is what's published on the
9 website.

10 MR. KEYT: It's -- it's 30.

11 MR. KAINS: 30 minutes for experts?

12 MR. WATTS: Correct.

13 MR. KAINS: 30 minutes for folks from Coles
14 County?

15 MR. WATTS: No, 15 minutes.

16 MR. KAINS: I'm sorry.

17 MR. WATTS: (a) is 30, (b) is 15.

18 MR. KAINS: Let's go off the record.

19 MR. WATTS: Okay.

20 (Discussion off the record.)

21 MR. KAINS: All right, we can go back on the
22 record. Okay, so the time limits as approved by the
23 Planning and Development Committee of Coles County at its
24 most recent meeting in earlier -- earlier in August are as

1 I read:

2 30 minutes for expert witnesses, 30 minutes for
3 residents of Coles County, and also residents of Neoga
4 Township in Cumberland County, they also will have
5 30 minutes. Nonresidents of Coles County shall have
6 five minutes to testify. Cross-examination, as I read,
7 ten minutes per person per witness, and a witness will be
8 subject to cross-examination for a total of 30 minutes --
9 no more than 30 minutes.

10 All right, Mr. Chairman, Mr. Clayton, does that
11 satisfy your concerns?

12 MR. CLAYTON: It does.

13 MR. KAINS: Okay, very good. Thank you,
14 gentlemen.

15 Mr. Keyt, also thank you for clarifying and,
16 Mr. Lockhart, thank you as well.

17 All right, ladies and gentlemen, the Applicant
18 Glacier Moraine Solar, LLC, is represented by an attorney
19 named Mr. Kyle Barry. There's four guys sitting at
20 the table, he's the guy with the suit.

21 (Audience members laughing.)

22 MR. KAINS: The other guys don't have to wear
23 suits. I don't know why lawyers have to wear suits and
24 ties, but there's some rule about it somewhere, but --

1 MR. CLAYTON: Easier to identify.

2 MR. KAINS: -- Mr. -- Mr. Barry is an attorney
3 from Chatham, Illinois, a suburb of Springfield.

4 MR. BARRY: Actually, I live in Springfield.

5 MR. KAINS: Oh, you do?

6 MR. BARRY: Yes.

7 MR. KAINS: And you're on the Chatham School
8 Board?

9 MR. BARRY: The Ball-Chatham School Board -- I'm
10 not anymore, but it was -- it includes residents of
11 Springfield as well.

12 MR. KAINS: I stand corrected. Thank you,
13 Mr. Barry. And the gentlemen seated on either side of him
14 are representatives of Glacier Moraine Solar, a subsidiary
15 of Earthrise.

16 All right, Mr. Barry, do you wish to give an
17 opening statement or do you wish to proceed right to
18 calling witnesses?

19 MR. BARRY: I would like to give a brief opening
20 statement with your permission.

21 MR. KAINS: I will -- I will allow that, but
22 brief. No more than ten minutes.

23 MR. BARRY: Thank you, Mr. Kains, and good
24 evening.

1 Good evening, Mr. Chairman, members of the
2 committee.

3 And good evening, Mr. Keyt, et al.

4 MS. RIVES: (Laughs.)

5 MR. BARRY: My -- as Mr. Kains indicated, my name
6 is Kyle Barry. I am an attorney with the law firm of
7 McGuireWoods. My office is in Springfield, and I also
8 live in Springfield, as -- as we just discussed. And I'm
9 here tonight representing the Applicant.

10 As Mr. Keyt already indicated, the Applicant is
11 seeking a special use permit on three parcels,
12 representing 17 megawatts of a larger solar project, the
13 majority of which has already been approved by Cumberland
14 County. So, again, this -- we're here tonight to talk
15 about three parcels that are located within the
16 jurisdiction of Coles County.

17 We have three witnesses who are going to speak
18 tonight. And they're going to speak about the application
19 materials, some of those application materials are in a --
20 in a big book next to Mr. Keyt. And the intention of the
21 witnesses here tonight is to demonstrate through their
22 testimony, as well as the papers on Mr. Keyt's desk, as
23 well as other papers, that the project has -- the
24 Applicant has submitted sufficient evidence to demonstrate

1 compliance with the Coles County Solar Siting Ordinance
2 such that -- with the hope that this committee will issue
3 a recommendation to the County Board that it approve the
4 special use permit for the construction, maintenance, and
5 operation of this project.

6 So, with that, at this time, I'd like to ask the
7 first witness to step up to the witness stand. And I'm
8 going to hand the first witness the microphone.

9 MR. OZMEN: Thank you.

10 MR. KAINS: Good evening, sir, could you please
11 raise your right hand.

12 (Witness sworn.)

13 MR. KAINS: Very good, thank you.

14 Go ahead, Mr. Barry.

15 MR. BARRY: Thank you.

16 EMRE OZMEN,
17 called as a witness on behalf of the Applicant,
18 being first duly sworn,
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BARRY:

22 Q. Could you please state your name for the record.

23 A. Yes, my name is Emre Ozmen.

24 Q. And can you tell us who you work for?

1 A. I work --

2 MR. KAINS: First of all, could we have a
3 spelling on his name?

4 THE WITNESS: Sure, it's E-m-r-e, last name
5 O-z-m-e-n.

6 BY MR. BARRY:

7 Q. Mr. Ozmen, can you tell us who you work for?

8 A. Yes, I work for Earthrise Energy. I am the
9 director of development.

10 Q. And what's your connection to the Applicant here
11 tonight?

12 A. I am the lead developer of the Glacier Moraine
13 Solar Project.

14 Q. And I understand you have some slides in a
15 PowerPoint, correct?

16 A. I do.

17 Q. At this time, I would ask you to proceed and take
18 us through some of those slides.

19 A. All right. On behalf of Earthrise Energy, I
20 would like to thank the Coles County Planning and
21 Development Committee and the public for hearing our
22 project this evening.

23 We have compiled a presentation to introduce the
24 project, our company, our community engagement activities,

1 and policy, and our approach towards project design and
2 engineering with a philosophy of avoidance of natural
3 resources.

4 Next slide, please.

5 MR. KAINS: Hang on just a second. Where is your
6 person who runs the sound? We need his mic up.

7 THE WITNESS: I can speak a little louder, too.

8 MR. KAINS: Okay, perfect.

9 THE WITNESS: Okay.

10 MR. KAINS: Because I noticed that some folks are
11 having a hard time. If you can't hear, give me that
12 signal and I -- and Mrs. Sherman is already giving me the
13 signal, so.

14 THE WITNESS: I think this is okay, right?

15 MR. KAINS: Yeah, that's -- that's much --

16 THE WITNESS: Okay.

17 MR. KAINS: -- better, Mr. Ozmen.

18 THE WITNESS: All right. Our presenters this
19 evening are myself, internal experts, and leadership from
20 Earthrise, ranging from community engagement,
21 environmental, and engineering.

22 Earthrise has also completed numerous studies and
23 analyses per the ordinance in regards to environmental
24 impacts, which can be located in Appendices E through L,

1 and economics impacts in Appendix C, and property value
2 impacts in Appendix D.

3 Next slide, please.

4 I'd like to talk a little bit about who Earthrise
5 Energy is and what we do. We are a company headquartered
6 in Arlington, Virginia. We own and operate 1.7 gigawatts
7 of natural gas peaker power plants in the State of
8 Illinois. For those that are unaware, natural gas peaker
9 plants are a critical infrastructure to the grid and they
10 supply reliable power when it is most needed, such as
11 summer heat waves or winter storms.

12 We also have a 1.5 gigawatt pipeline of solar
13 projects. These solar projects are meant to interconnect
14 to the natural gas plants, and they are meant to operate
15 in conjunction with each other.

16 MR. KAINS: Hang on, Mr. Ozmen.

17 You have not tendered him as an expert witness,
18 Mr. Barry. For him to get 30 minutes of testimony, he's
19 gonna have to be qualified as an expert witness.

20 Could you just run through the voir dire of his
21 qualifications?

22 MR. BARRY: Yes, well, what -- how many minutes
23 does he get if he's not an expert?

24 MR. KAINS: Five.

1 BY MR. BARRY:

2 Q. Okay. Well, I -- I guess, Mr. Ozmen, can you --
3 what -- tell us what your role in the project is again?

4 A. I am the lead developer of the project.

5 Q. And so, are you familiar with the -- the
6 development of the project?

7 A. Yes.

8 Q. And so, do you have knowledge about the issues
9 associated with the overall operations, etc., that will
10 result from the project?

11 A. That is correct.

12 Q. And do you -- are you familiar with the things
13 like the size and setbacks, etc., with the project?

14 A. Yes, sir.

15 MR. BARRY: I...

16 MR. KAINS: I have a few additional questions.

17 EXAMINATION

18 BY MR. KAINS:

19 Q. Mr. Ozmen, have you served as a lead developer on
20 any other solar energy projects?

21 A. I have.

22 Q. How many?

23 A. Roughly about six.

24 Q. Six? Have any been within the State of Illinois?

1 A. None.

2 Q. Okay. Very good. How long have you been with
3 your company?

4 A. I've been with the company for close to two years
5 now.

6 Q. And your jobs -- your job immediately preceding
7 working the Earthrise?

8 A. It was also in development.

9 Q. Okay. And did you have the opportunity at that
10 position to serve as a developer on solar energy projects?

11 A. I have in Arkansas and Minnesota.

12 Q. And approximately how many projects did you work
13 on there?

14 A. Those were four projects, two in Arkansas, two in
15 Arizona -- or sorry, Minnesota.

16 Q. What is your educational background, college?

17 A. I have a bachelor's in energy business and
18 finance from the Pennsylvania State University.

19 Q. All right. Have you testified previously in a
20 public hearing with respect to any of the projects that
21 you developed?

22 A. I have.

23 Q. Okay. Approximately how many times have you
24 testified?

1 A. Once.

2 MR. KAINS: Okay. Mr. Keyt, voir dire?

3 MR. KEYT: No further questions.

4 MR. KAINS: Do you have -- Mr. Barry, do you have
5 any additional questions for your witness?

6 MR. BARRY: No.

7 MR. KAINS: All right. Mr. Keyt, do you have a
8 position on whether you think he should be qualified as an
9 expert?

10 MR. KEYT: I have no objection to him being
11 qualified as an expert.

12 MR. KAINS: I find that Mr. Ozmen -- Ozmen is an
13 expert witness in developing solar projects. He's
14 testified that he has been the developer on ten projects,
15 four at a previous company, six at Earthrise. And so,
16 despite the fact that he's only testified once, I would
17 say congratulations to you on that, Mr. Ozmen, but you're
18 gonna get -- you're gonna get some questions here tonight.

19 But I'm going to find that this gentleman is an
20 expert witness, and he will have 30 minutes, minus the
21 first two minutes of things that y'all went through, but
22 my questions of him do not count toward that 30 minutes.
23 So, he'll have 28 more minutes.

24 So, go right ahead, Mr. Barry.

1 MR. BARRY: Thank you, Mr. Kains. I'm confident
2 that Mr. Ozmen will not need the full 28 minutes.

3 THE WITNESS: I am very confident of that as
4 well. The last I practiced, I was able to complete this
5 in about six-and-a-half to seven minutes.

6 MR. KAINS: Okay. Go right ahead, then. I won't
7 interrupt you again.

8 THE WITNESS: Thank you. Okay, where was I?
9 Okay, yes.

10 So, at Earthrise Energy, we have a 1.5 gigawatt
11 portfolio of projects currently in development,
12 270 megawatts of those -- of which are currently in
13 construction in Gibson City.

14 Next slide, please.

15 So, Earthrise is registered as a Public Benefit
16 LLC, which means we align our goals and the long-term --
17 with the long-term needs of our stakeholders, both
18 internal and external. We pride ourselves in the
19 community work that we do and continue to desire to be
20 more of an integrated part of the community. In this area
21 alone, we've given more than \$700,000 in this community in
22 RISE Grants, scholarships, and community sponsorships.

23 Our focus of late has been helping Neoga recover
24 from both the March 17th tornado and several other summer

1 storms by providing our largest-ever grant to the Neoga
2 CUSD 3, which will help pay for any outstanding needs that
3 insurance does not cover, as well as the Neoga PTO and
4 Neoga FFA Booster's Club.

5 We recently made another significant contribution
6 to the Embarras River Basin Agency to further help with
7 home damage recovery efforts. Outside of tornado recovery
8 efforts, we have awarded grants to both Eastern Illinois
9 University and Lake Land College for low-income
10 scholarships and student emergency funds. A grant to the
11 Toledo Area Emergency Ambulance Service to help with
12 payroll, purchasing supplies, and other needs to keep the
13 ambulance up and running. We have awarded grants to the
14 Eastern Illinois Food Bank and Autism Acceptance of
15 Cumberland County and many more. We are committed to
16 being a good long-term partner and member of the community
17 that we operate in.

18 Next slide, please.

19 These are just some examples of letters of
20 support that we've received for this project.

21 Next slide, please.

22 So, now I'd like to talk a little bit about the
23 project itself. So, the area with -- which is in the
24 jurisdiction of Coles County can be seen there in the

1 yellow box, where the three parcels are. That is roughly
2 around 17 megawatts. The majority of the remainder of the
3 project -- as Mr. Barry mentioned -- was already approved
4 by Cumberland County in July. That can be seen in the
5 green boxes down below on the bottom-half of the image.

6 The fence line for the project will be located
7 50 feet from public rights of way and adjacent parcels and
8 150 feet from any adjacent dwellings. This is at least 50
9 to 150 feet. There are multiple occasions within the
10 project design where this is more than that.

11 We have also received the interconnection
12 agreements necessary and with an approval here, we'll be
13 able to match the capacity at the Shelby County Energy
14 Center natural gas peaker plant and further provide
15 stability and reliability into the grid on the cusp of an
16 era of -- of unexpected rapid increase in power demand.

17 The next slide shows a zoomed-in version of the
18 three parcels in question today. These parcels form
19 roughly 132 acres, of which 120 is expected to have solar
20 infrastructure on it.

21 Next slide, please.

22 So, next I'd like to talk a little bit about the
23 economic and employment impacts of this project. The
24 project will utilize union labor as we are doing currently

1 at our in-construction project in Gibson City. Earthrise
2 is committed to using union labor on all of our projects.
3 Construction of the project is expected to generate more
4 than 42.2 million dollars in new property tax revenues
5 over 50 years, 24.8 million of which is expected to be
6 distributed amongst three school districts. The remainder
7 will be distributed amongst the County emergency services
8 and other service providers. 243 local union jobs are
9 expected to be created from this project, and
10 8.7 long-term jobs will be created within Coles and
11 Cumberland County, which will have millions of dollars of
12 direct and indirect and induced impacts to surrounding
13 businesses.

14 Participating landowners will receive stable,
15 long-term lease income. That, combined with the annual
16 revenues of the employment from this project, all
17 strengthen the local economy.

18 Through our RISE Grant program, we have given
19 over two million dollars and continue to walk with the
20 communities we operate in mind. A recent example being
21 our contribution to the Neoga School District. We are now
22 in the final stages of entering into a multi-year
23 community benefits agreement with the Neoga CUSD 3 that
24 will have a lasting impact and contribution to the

1 community.

2 In addition, we are also working with the Mattoon
3 Library and Mattoon CUSD 2 to establish multi-year
4 agreements and expect to complete those within the month
5 of September.

6 Next slide, please.

7 I will now ask Bradley Steffen, our expert from
8 the consulting contractor ERM, to now talk about the
9 environmental vegetation management plan and landscape
10 plan of the project.

11 MR. KAINS: Before Mr. Steffen comes up, we're
12 gonna have questions for Mr. Ozmen.

13 Mr. Barry, is he done with his part of the
14 testimony?

15 MR. BARRY: He is.

16 MR. KAINS: Okay. Very good. I -- I like to
17 take witnesses one at a time, rather than just have them
18 stream up here because that way, if folks have questions
19 for this gentleman, they can -- while they're right on top
20 of their heads, they can -- they can go ahead and ask
21 questions.

22 MR. BARRY: Okay. Yeah, I would just like to
23 point out that some of those questions may be better
24 directed and -- at witnesses -- later witnesses that are

1 more knowledgeable.

2 MR. KAINS: Yes.

3 MR. BARRY: So, to the extent that Mr. Ozmen
4 doesn't know the answer to a question, then I would ask
5 you to ask him to defer to a subsequent witness, please.

6 MR. KAINS: Absolutely. Yes, Mr. Ozmen, if you
7 don't know the answer to the question, it's perfectly fine
8 to say "I don't know, but Mr. Steffen or Mr. McFall would
9 have the answer."

10 THE WITNESS: Yes, sir.

11 MR. KAINS: Okay, very good. All right,
12 questions first from the members of the Planning and
13 Development Committee? Mr. Cox?

14 CROSS-EXAMINATION

15 BY MR. COX:

16 Q. Darrell Cox. You testified that the setback is
17 150 feet from adjacent dwellings. How many adjacent
18 dwellings are in this footprint?

19 A. There is one to two that I know of. The one that
20 I do know for sure, we have already spoken with the
21 homeowner and we are coming to a resolution with them.

22 Q. What about the other one?

23 A. We have not come -- become aware of anybody else.
24 Nobody else has approached us. The project is located all

1 next to farmland.

2 Q. Can you expound upon --

3 A. I believe the closest other neighbor is actually
4 one of the administrators in the City of Mattoon.

5 Q. Can you -- when you say a resolution, what does
6 that mean?

7 A. He approached us and he said that our project was
8 surrounding him 360 degrees, and so we immediately met
9 after that. And, you know, I just -- I asked him, you
10 know, "What is it that you can do here? What -- what do
11 you want to see?" And he asked that we purchase his home,
12 and so we said yes.

13 MR. COX: Okay, thank you.

14 MR. KAINS: Mr. Ozmen, is that person in the room
15 tonight?

16 THE WITNESS: Yes.

17 MR. KAINS: Okay. Very good. All right, we'll
18 probably hear from him later.

19 All right, then any question -- any other
20 questions for Mr. Ozmen from members of the Planning and
21 Development Committee? Mr. Clayton?

22 CROSS-EXAMINATION

23 BY MR. CLAYTON:

24 Q. Two questions: When you start to site projects

1 like this, do you ever look at other types of land, you
2 know, instead of productive farm ground, do you look at
3 set aside ground, do you look at waste ground, do you look
4 at things that could be in the -- the federal stuff and
5 can you put those in places like that?

6 A. Sure, that's a great question. Thank you for
7 asking. In usual development, this may be the case. Even
8 here with Earthrise, we do look for the most suitable land
9 to your -- to your point, you know, other than farmland.
10 With Earthrise, because we have our natural gas plants,
11 the solar projects we develop have to be relatively close
12 to those gas plants, or else we'd have -- we'd end up
13 having to run, you know, very long lines -- transmission
14 lines. And so that's actually kind of the main reason
15 that kept us within this area. And in that area, we, you
16 know, agreed and entered into lease agreements with
17 landowners that are willingly entering into this project.

18 Q. My second question is you talked about employment
19 during construction, have you guys ever run a study that
20 tells us how many jobs could be affected whether by
21 lessening how many hours they get to work or even
22 completely eliminate jobs for every acre of solar panels
23 that you put in?

24 A. I can defer my answer to our expert, but --

1 Strategic Economic Research, Dr. David Loomis.

2 MR. CLAYTON: Thank you.

3 MR. KAINS: Very good. All right, any other
4 questions from members of the committee?

5 Questions from members of the County Board?
6 Mr. Richard Shook?

7 MR. SHOOK: Thank you, sir.

8 My name is Rick Shook. I'm from Mattoon,
9 District 8.

10 CROSS-EXAMINATION

11 BY MR. SHOOK:

12 Q. You said a minute ago that you folks is gonna
13 donate -- donated like to Eastern and food banks and stuff
14 like that, and how much was that, again?

15 A. In this area, over \$700,000.

16 Q. Okay, and how much in -- and you said for
17 50 years, how much will that be?

18 A. The property taxes?

19 Q. Well, with the money that we will receive in --
20 in the total of 50 years?

21 A. From the property taxes, it's anticipated to be
22 roughly 42.2 million but there are also residual benefits
23 that I mentioned such as the community benefits
24 agreements. But because those are not finalized yet, I

1 don't think it would be correct to give final numbers for
2 those.

3 Q. 42 million over 50 years ain't that much, I don't
4 think. But -- and another one, you folks said that
5 you've -- and like I said, again, donated money to help
6 the communities and stuff, Mattoon had a little problem
7 with their water and we're needing some -- a little --
8 maybe some financial help. Have you folks thought about
9 helping out the financial situation of Mattoon's water?
10 Because we'd appreciate it.

11 A. You've actually brought up a wonderful point. We
12 have been in discussion with the city for a couple of
13 months now. We were actually engaging in another
14 initiative, however the water problem came up in the midst
15 of that. And so now, we are actually speaking with them
16 and how we can engage with their watershed management plan
17 and how we can contribute, what we can do with regards to
18 that. And if -- if you'd would like to, you know, speak
19 with the -- the City of Mattoon, the planning committee,
20 they can -- they can vouch for this.

21 MR. SHOOK: Okay, because I've been -- I was a
22 city employee for -- city employee of Mattoon for 34 years
23 and I was just a little bit -- I was gonna call them and
24 ask them about that, but I thought I would ask you guys

1 first. I thank you.

2 THE WITNESS: Thank you.

3 MR. KAINS: Thank you, Mr. Shook.

4 Any other questions from members of the County
5 Board?

6 Questions for Mr. Ozmen from members of units of
7 local government, including school districts?

8 Questions from interested parties represented by
9 licensed attorneys? And just for the record, are there
10 any other licensed attorneys in the room besides myself,
11 Mr. Barry, Mr. Keyt, and Ms. Rives? Anybody willing to
12 admit? All right. Then, I will skip that one as we go.

13 Other interested parties, including members of
14 the public?

15 All right, let's just see a show of hands of
16 folks who are either opposed to the project or neutral on
17 the project who would like to ask questions of Mr. Ozmen.

18 MR. SHERMAN: (Raises hand.)

19 MR. KAINS: Mr. Sherman. Anyone else? The
20 reason I said "folks who are opposed or neutral on the
21 project," I'm not going to allow what's called friendly
22 cross-examination. If you're on the same side of an issue
23 as a witness, I don't allow folks on the same side to
24 attempt to bolster their view or this gentleman's

1 testimony. So, I only will allow folks who are on the
2 opposite side of the issue or who are neutral on the
3 issue.

4 So, we have Mr. Sherman. Is there anyone else
5 who wishes to ask Mr. Ozmen questions?

6 All right, Mr. Sherman, you'll have ten minutes
7 from the time you get up here. Mr. Sherman, for the
8 record, has probably read this application more thoroughly
9 than almost anyone in the room, except perhaps the author
10 of it and perhaps their counsel.

11 All right, Mr. Sherman, can you see okay to --

12 MR. SHERMAN: After reading this, I'm not so
13 sure, but yes.

14 MR. KAINS: (Laughs.) All right, let me find
15 my -- my phone to put the stopwatch on you, sir. All
16 right, Mr. Sherman you may go ahead with your
17 cross-examination. You have ten minutes, sir.

18 MR. SHERMAN: All right, thank you.

19 CROSS-EXAMINATION

20 BY MR. SHERMAN:

21 Q. Mr. Ozmen, I've got several questions, and I'm
22 gonna be kind of going all over the place. And if -- if
23 you don't feel comfortable, then defer me to somebody else
24 because I realize this is -- this is your first time being

1 up there and being up there one other time, I -- I feel
2 your pain.

3 So, you said there was three parcels of land?

4 A. That is correct, for today's approval hearing,
5 yes.

6 Q. For -- for Coles County?

7 A. Correct.

8 Q. How much -- or is there other land that's in the
9 City of Mattoon?

10 A. There is.

11 Q. And is that included in the three parcels of land?

12 A. It is not.

13 Q. Okay. How many acres of the three parcels of
14 land for the Coles County piece?

15 A. 130 acres, roughly.

16 Q. And does this involve two people, two groups of
17 people between the three leases?

18 A. It is, yes.

19 Q. Okay. Are there any -- any battery energy
20 storage systems that will be a part of this project?

21 A. There will not.

22 Q. There will not? Is there -- the connectivity, is
23 it going to be aboveground or underground to get from
24 these solar panels to the peaker site?

1 A. The connectivity will be aboveground.

2 Q. Aboveground? How far aboveground?

3 A. Roughly four to five miles.

4 Q. Okay, and how -- how tall in addition to that?

5 A. That I will defer to our engineer.

6 Q. Okay, very good. I realize that the jobs are an
7 important component and all that, but can you show me
8 where in the ordinance or in the State statute that jobs
9 is located?

10 MR. BARRY: Objection to the extent the question
11 calls for a legal conclusion, but please answer if you
12 can.

13 MR. KAINS: Well, I'm just going to... If -- if
14 Mr. Ozmen can answer the question, but I will just
15 specifically state that -- and by the way I've stopped
16 your time, Mr. Sherman -- that it has been held and I have
17 ruled on a number of occasions that issues concerning job
18 creation, issues concerning tax revenues that go to
19 various taxing bodies fall under the provision of the
20 general welfare of the County. So, I've allowed it in the
21 past, and I'm going to allow it now.

22 But what was your question again, Mr. Sherman?

23 BY MR. SHERMAN:

24 Q. My question is, where in this ordinance or where

1 in the State statue does it ask for information about the
2 jobs?

3 A. I would defer to our counsel, but, you know,
4 these economic analysis reports are -- are pretty standard
5 and...

6 MR. SHERMAN: If I might -- this is not a
7 question, it's a comment. And this goes back to the
8 planning committee. Mr. Watts is the Chairman of the
9 committee. We were told at a planning committee meeting
10 and then at the full board that things that were
11 immaterial, irrelevant would not be brought up, is that
12 correct?

13 MR. WATTS: That's correct.

14 MR. KEYT: Hold -- hold on, I just -- I'm just
15 gonna object to any question going to the committee. This
16 is not the appropriate venue for a question going to the
17 committee.

18 MR. KAINS: Right.

19 MR. KEYT: The issue that he's, I believe, asking
20 about is whether or not tax or job creation is relevant to
21 the pertinent issue. There is a factor that deals with
22 the public health, safety, welfare, or general morals.
23 This issue, under the case law, deals with the general
24 welfare. It's very clearly a relevant issue under that

1 prong of the LaSalle/Sinclair Factors of which Mr. Kains
2 has ruled on already, stating that it's -- he's gonna
3 allow it in, number one. And number two, it's part of
4 that body of case law that deals with the issue. So, the
5 question of whether or not can he point to that as some
6 factor in the ordinance or in State law, it is already
7 clearly laid out within the State law.

8 But to the extent he's asking a question of the
9 committee, that is not an appropriate venue for that
10 question. We are now here dealing with an application.
11 There's a witness testifying. He can ask a question of
12 the witness. That's my objection.

13 MR. KAINS: Your objection is sustained.
14 Evidence relating to tax revenue, job creation is
15 admissible. It's relevant. It is material under the
16 general welfare prong.

17 So, go ahead and ask another --

18 MR. SHERMAN: Okay.

19 MR. KAINS: -- question now, Mr. Sherman, please.

20 MR. SHERMAN: I would have a lot more questions,
21 then, if I knew that was going to be allowed. That's too
22 bad.

23 BY MR. SHERMAN:

24 Q. Glare -- glare -- will you be talking about glare

1 issues or will there be somebody to speak to that?

2 A. It will be our expert.

3 Q. Okay. On Page 35 of your application, you talk
4 about that none of this will be detrimental. Who makes
5 the determination of what's detrimental and what's not?
6 Is that you?

7 A. Could you read further into that sentence?

8 Q. It says it's not detrimental on -- let's see --
9 on Page 35.

10 MR. WATTS: Under (b)?

11 MR. SHERMAN: Yes.

12 MR. WATTS: "Commercial solar energy facility
13 will not be injurious to the uses and enjoyment of other
14 property in the immediate vicinity for the purposes
15 already permitted, nor substantially diminish and impair
16 property values of surrounding properties."

17 BY MR. SHERMAN:

18 Q. Yes, that is exactly it. It's on Page 35, small
19 letter (b), the project won't -- what -- what Mr. Watts
20 just said. Who determines that, if it's not injurious?

21 A. I believe based on the statement there, that this
22 means that the project itself will not have an impact on
23 adjacent parcels that are not participating. And if in
24 case they do, we speak with those landowners.

1 Q. Okay. What type of solar panels will you be
2 constructing?

3 A. I will defer to our engineer, but they are
4 polysilicon modules.

5 Q. Who is the manufacturer?

6 A. I will defer to our engineer.

7 Q. Okay, very good. Will anything be put into the
8 ground?

9 A. Again, I will defer to our engineer, but those
10 will be steel I-beams.

11 Q. Will there be any concrete?

12 A. Not in the I-beam section. I believe -- again, I
13 will defer to the engineer, but I believe there will be a
14 little bit of concrete on the inverter pads.

15 Q. Okay. I'm assuming somebody else will be talking
16 about wetland conditions and that kind of thing?

17 A. That is correct.

18 MR. SHERMAN: Okay.

19 (Pause.)

20 MR. SHERMAN: I think at this moment, that's
21 probably all I have. I thank you.

22 MR. KAINS: Very good. Thank you, Mr. Sherman,
23 for your questions. And, Mr. Sherman, you had expressed
24 some surprise that you were going to be able -- you didn't

1 think you were gonna be able to ask questions about the
2 financial or the economic impact, taxation, and --

3 MR. SHERMAN: That's true. We were told at
4 committee meetings and then at the full board meeting that
5 we would not be talking about property taxes, we would not
6 be talking about EAV, we would not be talking about jobs,
7 none of that would be discussed.

8 MR. KAINS: Well, --

9 MR. SHERMAN: And if I'm speaking out of turn,
10 please one of the County Board members tell me, that was
11 my understanding.

12 MR. KAINS: Okay. Before we hear anything from
13 them, just want to make clear that you were present for
14 each night of the wind hearing on the -- the -- the
15 hearing for northern Coles County on the
16 Coles/Douglas County line? You were here for every night
17 of that, weren't you?

18 MR. SHERMAN: Yes.

19 MR. KAINS: And you were here for Dr. Loomis'
20 testimony and the testimony of their property valuation
21 expert, I -- I believe it was a gentleman named Lines.

22 MR. SHERMAN: Yes.

23 MR. KAINS: And, in fact, you cross-examined both
24 of them.

1 MR. SHERMAN: Yes.

2 MR. KAINS: Okay, so --

3 MR. SHERMAN: And -- and therein lies my rub that
4 I would be prepared to do that but, again, we were told
5 that that was not gonna be the case. So, I'm extremely
6 disappointed in that.

7 MR. KAINS: Yeah, well, maybe if Dr. Loomis
8 testifies, you'll be able to ask him the questions you
9 want to ask.

10 MR. SHERMAN: Okay, thank you.

11 MR. KAINS: Okay, very good. Thank you,
12 Mr. Sherman.

13 Any other questions from members of the public?

14 Coles County staff and consultants, Mr. Lockhart,
15 do you have any questions for the witness?

16 MR. LOCKHART: No, sir.

17 MR. KAINS: Mr. Keyt, Ms. Rives?

18 MR. KEYT: I have -- I have a few. I think
19 primarily I have questions about decommissioning, but I
20 don't know if those are within your purview or if they're
21 somebody else.

22 THE WITNESS: I can try to answer as best as I
23 can.

24 MR. KEYT: Okay.

1 THE WITNESS: And if not, I can defer.

2 MR. KEYT: Okay. All right.

3 (Pause.)

4 CROSS-EXAMINATION

5 BY MR. KEYT:

6 Q. Okay, so if I understand in your decommissioning
7 plan, the total decommissioning cost is estimated at
8 \$16,531,000, is that correct?

9 A. Correct.

10 Q. And your decommissioning plan indicates that you
11 will post a hundred percent of that amount without any
12 discount for salvage value, is that right?

13 A. Yes.

14 Q. And will that be posted to Coles County?

15 A. Yes, it will.

16 Q. And in relation to that, it's gonna -- your --
17 your request is that it be evaluated every five years?

18 A. That's correct.

19 Q. Okay. Understanding, of course, that the County
20 may retain an engineer to evaluate what the cost estimates
21 are and have discussion and -- and perhaps it has to be
22 adjusted one way or the other in relation to that, is that
23 fair?

24 A. That is fair.

1 Q. Okay. The one thing I'm trying to piece together
2 is in your -- in your application and then -- is the
3 Agricultural Impact Mitigation Agreement. That agreement
4 states that there will be approximately 90 megawatts in
5 810 acres, and so I'm trying to piece together exactly
6 what's being requested and exactly how much is in Coles
7 County because there's different numbers in different
8 parts of the application --

9 A. Yes, sir.

10 Q. -- and I just want to know exactly what the
11 number is that's being requested right now.

12 A. The number being requested from Coles County
13 today, right now, is 17 megawatts. We will still need to
14 go get a permit from the City of Mattoon for roughly 67.

15 Q. Okay. And then that's where you come up to the
16 83 or 84 megawatts --

17 A. Correct.

18 Q. -- within Coles County?

19 A. That's correct.

20 Q. All right. And as -- at this point in time, have
21 you applied to the City of Mattoon?

22 A. Yes, we have.

23 Q. And has there been a hearing for the City of
24 Mattoon?

1 A. There has not.

2 Q. So far the -- the approval so far that you've
3 received is from Cumberland County?

4 A. That's correct.

5 Q. All right. The 810 acres, then, you indicated on
6 one of your slides is 121 acres was under or within the
7 jurisdiction of Coles County for approval, is that what
8 you're saying?

9 A. That is correct.

10 Q. And the remainder of the 810 is within the City
11 of Mattoon's jurisdiction --

12 A. Yes, sir.

13 Q. -- is that what you're stating? Okay,
14 understood. In terms of the panels, do you know -- with
15 the panels and racking system what the wind rating is for
16 those panels and racking system?

17 A. Interestingly enough, I actually found that out
18 very recently, but I won't steal our engineer's thunder
19 and I'll defer to him.

20 Q. The warranty period -- strike that. The -- the
21 project life indicated in the application is 50 years.
22 What is the warranty period for the panels?

23 A. I will defer to our engineer.

24 Q. Okay. In terms of labor being utilized, I assume

1 you'd be willing to have some condition of approval that
2 would be related to utilizing local labor in the sense
3 that if you could find local labor to conduct the work,
4 you would be looking for and using local labor as opposed
5 to out-of-town labor?

6 A. Yes, all -- all Earthrise projects utilize union
7 labor. And to the extent that we can source those -- that
8 labor within the County, that is correct. But we may not
9 able to find as many workers as we need, and so we may
10 need to outsource a certain number that -- what that looks
11 like, I'm not sure right now.

12 Q. Is there already a project labor agreement for
13 the project?

14 A. There is not.

15 Q. Is there plans to obtain a project labor
16 agreement?

17 A. There is.

18 Q. You indicated that at this time, there's no
19 battery storage being sought for the project. Is there
20 any plan for the future for battery storage for the
21 project?

22 A. I'm not sure.

23 Q. Okay, in terms of the site location, is there any
24 grading that is necessary for the property?

1 A. I will defer to our engineer, but as far as I
2 know, it is extremely minimal due to the tracking systems
3 that we are going to utilize.

4 Q. And in terms of noise in relation to the project
5 area, is there any of the inverters -- would any of those
6 be located in the Coles County area that is under the
7 Coles County jurisdiction?

8 A. I'm not sure. I will defer to our engineer, he
9 will know.

10 Q. The substation itself, that is -- if I
11 understood, it was in Cumberland County?

12 A. That is correct.

13 Q. Okay. So, in relation to -- has there been any
14 discussions with the townships or the County engineer in
15 relation to road use?

16 A. Yes, we have engaged in discussions with the
17 County engineer and they have stated that we will progress
18 that road use agreement after our hearing process here.

19 Q. How about in terms of emergency management?

20 A. We have reached out to emergency management and
21 fire services multiple times and have not received a
22 response.

23 Q. In terms of those located in Cumberland County,
24 do you know which fire protection district we're talking

1 about?

2 A. I do not.

3 Q. How about in Coles?

4 A. In Coles, I am not sure.

5 Q. Okay. In relation to the project, I assume you'd
6 be willing to provide any training or equipment that might
7 be necessary for fire fighting at the location?

8 A. Absolutely.

9 Q. Or for emergency response?

10 A. Absolutely.

11 Q. And in terms of if there -- if there is or
12 happens to be an emergency at the site, I assume you'd be
13 willing to reimburse the cost of that emergency expense
14 back to those public agencies?

15 A. Yes, we would.

16 Q. And if there are any costs associated with, say,
17 increased police protection or emergency management, just
18 in relation to the site itself, I assume during
19 construction, you'd be willing to reimburse what those
20 costs may be?

21 A. Correct.

22 MR. KEYT: I have no more questions.

23 MR. KAINS: All right, very good. Thank you,
24 Mr. Keyt.

1 Redirect examination? Any other questions for
2 your witness, Mr. Barry?

3 MR. BARRY: No. Thank you.

4 MR. KAINS: All right, very good.

5 Final questions for the witness come from members
6 of the Planning and Development Committee. Chairman Watts?

7 CROSS-EXAMINATION

8 BY MR. WATTS:

9 Q. Are you the person that's going to speak on
10 decommissioning or is -- is that just all we're gonna get
11 is what we've got from you?

12 A. I can speak about decommissioning if you would
13 like.

14 Q. Okay. Well --

15 MR. KAINS: Mr. Keyt, could you -- could you take
16 your microphone up to --

17 MR. WATTS: Oh, I've got it.

18 MR. KAINS: -- the Chairman? Oh, there it is.
19 Boy, you're fast and a magician. Go ahead, Chairman.

20 MR. WATTS: Don't get used to it. Well, I have a
21 number of things that have to deal with the plans and so
22 forth, so I'll defer to that later person.

23 BY MR. WATTS:

24 Q. But in terms of the financial -- financial

1 assurance that's spelled out in the AIMA, is that the --
2 the absolute of -- of how the investment is gonna take
3 place or is that minimum of the schedule of how that fund
4 will be fulfilled?

5 A. So, I believe that the AIMA states that the
6 evaluation of the removal/decommissioning of the project
7 is to be renewed once every ten years. We are committing
8 to renewing that once every five years, yeah.

9 Q. Right. And in terms of putting funding into the
10 estimated costs for the surety, it's described that --
11 let's see -- 1st anniversary is 10 percent, 6th anniversary
12 is 50 percent, and 11th anniversary is a hundred percent?

13 A. That's correct.

14 Q. Okay.

15 MR. KEYT: Mr. Chairman, if I could, I believe
16 their commitment when I was asking questions was to post a
17 hundred percent, if I understood that correctly, right?

18 THE WITNESS: At year one?

19 MR. KEYT: Correct, that's how I understood what
20 you had indicated.

21 THE WITNESS: I -- I wasn't sure that that was
22 what the question was at that time, if it was a hundred
23 percent or not. I guess I wasn't clear on that one.
24 That -- in that case, I will defer to our vice president

1 of development.

2 MR. KEYT: Okay, all right.

3 MR. KAINS: Do you have your vice president of
4 development here?

5 THE WITNESS: Yes.

6 MR. FISCHER: Yeah, that's me.

7 MR. KAINS: Okay, good. Mr. Chairman, go
8 right ahead.

9 MR. WATTS: That was it.

10 MR. KAINS: Okay, very good. Any other questions
11 for this witness from members of the committee? All
12 right, very good.

13 Mr. Ozmen, thank you for your testimony. You --

14 THE WITNESS: Thank you.

15 MR. KAINS: -- may step down.

16 MR. CLAYTON: Mr. Kains?

17 MR. KAINS: Yes?

18 MR. CLAYTON: I would like to get together with
19 our other two committee people and talk about something
20 right here, is that acceptable? Because I believe that
21 Mr. Sherman is absolutely correct in what we have done.

22 Maybe you weren't notified of this, but we do
23 not -- and I don't want to speak for you guys -- do not
24 want any of these economics stuff presented here. We --

1 we thought it -- and to tell you the truth, to present
2 these economic possibilities and then not let somebody
3 later on down the road bring in something that because
4 they're not a lawyer can't be put into evidence is
5 something that I'm very, very, very against and was very
6 disappointed in our last hearing in.

7 MR. KAINS: Mr. Keyt, do you have anything?

8 MR. KEYT: I'm not aware of that decision, but
9 I -- I wasn't -- I haven't been made aware of that issue
10 as being -- not being allowed, but I suggest maybe we
11 confer about that issue at a recess.

12 (Indiscernible discussion between County
13 Board members.)

14 MR. COX: That we can discuss this during a
15 recess.

16 (Indiscernible discussion between County
17 Board members.)

18 MR. KAINS: Well, you guys can't -- you guys have
19 to be on the record because it's an open meeting.

20 MR. CLAYTON: Well, we already have made that
21 determination. We voted on it in committee, we brought it
22 up in before the full board, the full board approved it.
23 So, we cannot go on like this because we are going against
24 the rules that we made ourselves, which we were told we

1 were, you know, eligible to make. So, unless we get that
2 fixed, then you need to suspend this hearing completely.
3 Because I don't want to hear any more about it.

4 MR. WATTS: Well, and you're --

5 MR. KAINS: Use your microphone, Mr. Watts,
6 please.

7 MR. CLAYTON: I talk loud.

8 MR. WATTS: You do. And you're -- you're
9 correct, we didn't discuss that we would eliminate
10 anything that we considered to be extraneous or those
11 kinds of things that are not strictly required for the
12 application. But I -- if we do talk to somebody that did
13 have a question about property value, which I think is
14 relevant, and then also I'll refer to our counsel about
15 what we should or should not include so that we -- we are
16 within the bounds of what the application requires. We
17 did not -- we didn't engage in that -- in this discussion.
18 So, I agree with you, but I also would defer to some
19 extent to our counsel so that we are in compliance as
20 well.

21 MR. CLAYTON: Well, if -- if it's not part of the
22 requirements under the application, then it's not
23 required.

24 MR. KAINS: Just a second, Mr. Barry, I'm gonna

1 get to you.

2 Mr. Clayton, do you have anything further on this
3 issue?

4 MR. CLAYTON: I do not.

5 MR. KAINS: Okay. Mr. Keyt, do you have anything
6 you'd like to say?

7 MR. KEYT: Well, I'm not aware of what has
8 occurred, so I probably need some clarification from my
9 client here about what exactly occurred and what exactly
10 was voted on or determined what to include or not to
11 include. Your -- I will say, your ordinance specifically
12 lists the LaSalle/Sinclair Factors as part of the
13 ordinance considerations, in which there -- which in your
14 ordinance are listed as hearing factors.

15 So, I probably need some clarification about what
16 has happened because I'm not -- I'm not privy to what has
17 occurred on that context. But subject to that, it is
18 listed in the ordinance. But, I mean, in terms of the
19 LaSalle/Sinclair Factors and specifically the hearing
20 factors list health, safety, welfare of the general
21 public, morals. So, I -- I probably need a little
22 clarification with my client to be able to speak further
23 because I don't want to say --

24 MR. KAINS: Right.

1 MR. KEYT: -- something that they've already
2 decided and I don't know that. So, I think that's one
3 thing I probably need some more information about.

4 MR. KAINS: Mr. Barry, do you want to address
5 this issue now or do you want to wait until Mr. Keyt has
6 had a chance to talk with his client?

7 MR. BARRY: I think I'd prefer to wait.

8 MR. KAINS: Yep. All right, the Planning and
9 Development Committee of the Coles County Board is in
10 recess until 7:30.

11 Mr. Keyt, I'm going to direct in -- during the
12 recess, you are to meet with your client. However,
13 because the Open Meetings Act is very restrictive, only
14 two board members can meet at the same time.

15 So, Mr. Keyt, I'll direct you to speak with
16 Mr. Watts and one of the other committee members, and then
17 Mr. Watts and the other committee member during the
18 20-minute recess. And if 20 minutes isn't enough, we'll
19 just -- we'll stay in recess until you can get with your
20 clients to get an understanding.

21 Because I have to tell you, I was completely
22 unaware of what Mr. Clayton expressed. And if that's what
23 the committee and the County Board have decided, then
24 that's what they've decided. Now, whether it's something

1 that will withstand constitutional muster is another
2 issue, but that's for you, Mr. Keyt, to determine.

3 So, the committee is in recess until 7:30 or
4 until such time as Mr. Keyt has a chance to meet with --

5 MR. SHOOK: Can I --

6 MR. KAINS: -- his clients. Yes, Mr. Shook?

7 MR. SHOOK: Thank you. I don't remember the
8 County Board discussing that -- discussing this.

9 MR. WATTS: We did.

10 MR. SHOOK: We did?

11 MR. CLAYTON: Yep.

12 MR. SHOOK: Okay.

13 MR. KEYT: I think if I can just help clarify
14 that -- but I -- I just need to talk to two at a time
15 and --

16 MR. KAINS: Yep.

17 MR. KEYT: -- we'll figure it.

18 MR. KAINS: We're in recess till 7:30 or until
19 such time as Mr. Keyt is ready. We're in recess. Thank
20 you.

21 (Recess.)

22 MR. KAINS: All right, let's go back on the
23 record.

24 Mr. Keyt, to you --

1 MR. KEYT: Okay.

2 MR. KAINS: -- with respect to the question of
3 whether the evidence relating to economic impact, property
4 tax revenue generated by the project, jobs, other assorted
5 economic impacts is considered -- is to be considered in
6 this hearing. Go ahead.

7 MR. KEYT: So, the short answer to that question
8 is yes. So, the board did pass the rules related to the
9 hearing to help with efficiency and orderliness of the --
10 of the hearing. There appears that there was maybe some
11 confusion about what exactly was -- was for the public
12 about exactly what was voted on, but at the end of the
13 day, it appears that the County Board voted on those
14 hearing rules that you had read at the outset here,
15 Mr. Kains. Those are the hearing rules. Those are the
16 prescription as to how the hearing is to be conducted.

17 To put it in sort of a short phrase, the -- the
18 rules govern the context about how evidence is gonna be
19 presented. It does not present -- or govern what --
20 exactly what the content would be. So, the specific issue
21 of whether or not taxation is relevant or job creation is
22 relevant, there is specific case law on that issue. The
23 board has not limited that in their passage of those
24 hearing rules. The specific case law does allow that

1 issue as Mr. Kains pointed out during our outset here.

2 Just for the benefit, perhaps, of the public and
3 the Applicant, information is relevant to the hearing if
4 it goes to the ordinance, State law requirement, federal
5 law requirement as to whether or not the County Board
6 should approve of the project or not. The County Board
7 provided hearing rules, which limit the time frame for the
8 presentation of evidence. They did not limit what the
9 context -- content of that would be. So, if it goes to
10 the ordinance, if it goes to information presented as part
11 of the ordinance, it is relevant to the hearing. And they
12 can present that within the time limits that are
13 prescribed.

14 I'm happy to answer any question that anybody
15 might have. It looks like Mr. Shook might have a question
16 on that.

17 MR. SHOOK: You mean the committee, not the
18 County Board?

19 MR. KEYT: The -- the committee consented.

20 MR. SHOOK: Okay. Well, you kept saying County
21 Board.

22 MR. KEYT: Yeah, yeah, I'm sorry.

23 MR. SHOOK: No, no, no, it wasn't County Board,
24 it was the committee.

1 MR. KEYT: Yeah, I'm sorry. The committee made
2 that --

3 MR. SHOOK: Okay, but we would want to make that
4 clear because --

5 MR. KEYT: Yeah. Yes, that's fine. Correct, the
6 committee had passed this --

7 MR. SHOOK: Okay.

8 MR. KEYT: -- vote.

9 MR. WATTS: No, the board did vote on the rules.

10 MR. KEYT: Okay.

11 MR. SHOOK: No, no, I don't remember that.

12 MR. KEYT: So, just for clarity, though, just to
13 maybe put the issue -- specific issue to rest, it is the
14 issue of taxation and job creation, those issues are
15 relevant for discussion and presentation of evidence
16 thereon. So, if that -- I think that settles the issue
17 that was presented.

18 The time frames as to when and how to present
19 that evidence is prescribed within their hearing rules.
20 The issue of that is -- is relevant for people for
21 discussion.

22 MR. KAINS: Is the committee all clear on what
23 Mr. Keyt said?

24 MR. CLAYTON: (Nods head.)

1 MR. COX: Yes.

2 MR. CLAYTON: Yes.

3 MR. KAINS: Okay.

4 MR. WATTS: I want to add one thing -- and that's
5 what we discussed -- is that anything that is in the
6 application is open for question or comment by anybody in
7 the public.

8 MR. KAINS: That is --

9 MR. KEYT: Correct.

10 MR. KAINS: -- true.

11 MR. KEYT: Correct.

12 MR. KAINS: That is true.

13 MR. KEYT: And if someone wants to present
14 counterevidence as to information that's in the
15 application, they can do that as well.

16 MR. KAINS: So then, Mr. Sherman, you will be
17 able to ask questions. If Dr. Loomis were to testify, you
18 can ask questions of him about his report that's in the
19 application. Similarly, when it's time to testify, my
20 recollection is you're a Coles County resident, so you'll
21 have 30 minutes. You'll be able to address those issues
22 in your testimony as well.

23 MR. SHERMAN: Okay.

24 MR. KAINS: Okay. Mr. Barry, do you have

1 anything to add?

2 MR. BARRY: I think the -- the only thing I
3 wanted to add is that so long as the hearing factors
4 remain part of the solar siting ordinance, I don't think
5 the Applicant has a choice but to present evidence that
6 satisfy -- to try to demonstrate that it satisfied those
7 standards. So, I mean, I agree with Mr. Keyt's
8 description and conclusion, but I would just add that
9 unless the County Board has adopted an amendment, which
10 requires a -- a hearing and a -- the following of the
11 process under State statute, I don't believe that these
12 hearing factors have changed. And so, I mean, the --
13 the -- the hearing factors in the ordinance are the
14 County's law, the County's law is still on the books, so I
15 think we -- the Applicant has to present the evidence
16 to -- directed at satisfying -- to demonstrate that it
17 satisfied those standards.

18 And, again, as you've -- you've mentioned and
19 Mr. Keyt mentioned, there's a reference to that the
20 facility will not be detrimental to the general welfare.
21 Well, the evidence we presented is designed to show that
22 not only will it not be detrimental, but that it will
23 promote the general welfare through such things as
24 additional taxes, jobs, etc.

1 So, that -- that's all I really wanted to say.
2 But, you know, if -- if I'm mistaken and the County Board
3 did change its -- the language in the ordinance, then we'd
4 like to know because I'm not aware of it.

5 MR. KEYT: Can I -- can I make sure everybody
6 understands?

7 MR. KAINS: Yes.

8 MR. KEYT: The ordinance standards have not
9 changed. Whatever is in the ordinance is required for the
10 Applicant to meet. You know, whatever evidence someone
11 from the public wants to present that go to the hearing --
12 or go to the ordinance or go to the hearing factors is all
13 relevant. The specific question of taxation, which I
14 understand people may not know that part, is there is case
15 law on that specific issue, which you've pointed out, and
16 it is relevant under the general welfare factor.

17 So, that specific issue, I think we resolved.
18 But if it's in the ordinance, if it's in the hearing
19 factors, if it's in State law, if it's in federal law, and
20 it goes to whether or not the Applicant should be or not
21 approved, then that is fair game for the people to
22 present. Keeping in mind, there are time limits as to the
23 presentation of evidence.

24 MR. KAINS: So, without beating this horse even

1 further, because it's been dead for about a half-hour,
2 we're all done with this issue. The law is the law. The
3 ordinance is the ordinance. It hasn't been changed.

4 Thank you for your work, Mr. Keyt.

5 And committee members, thank you.

6 Mr. Barry, you may call your -- after you dim the
7 lights, you may call your next witness.

8 MR. BARRY: Thank you, Mr. Kains. At this time,
9 I'd like to call Mr. Brad Steffen.

10 MR. KAINS: Mr. Steffen, good evening, sir.

11 MR. STEFFEN: Good evening.

12 MR. KAINS: Do you solemnly swear -- get your
13 hand up, buddy.

14 (Witness sworn.)

15 MR. KAINS: Very good, thank you. You may be
16 seated. All right, do you have that? Okay, good. Okay,
17 you may have to have it right up --

18 THE WITNESS: Yep.

19 MR. KAINS: Okay. Go ahead, Mr. Barry. Your
20 witness.

21 MR. BARRY: Thank you.

22 BRADLEY STEFFEN,
23 called as a witness on behalf of the Applicant,
24 being first duly sworn,

1 was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BARRY:

4 Q. Would you please state your name and spell it for
5 the record.

6 A. My name is Bradley Steffen, B-r-a-d-l-e-y,
7 S-t-e-f-f-e-n.

8 Q. And what is your position of employment,
9 Mr. Steffen?

10 A. I am a project manager with Environmental
11 Resources Management, or ERM.

12 Q. And do you have a degree from a university?

13 A. I do, I have a bachelor's and master's degree
14 from Southern Illinois University.

15 Q. And what experience do you have -- or are you a
16 wildlife biologist?

17 A. Yes, I am a certified wildlife biologist through
18 the Wildlife Society and have been providing client
19 services for a variety of -- as it says on the screen
20 here -- a variety of marketed sectors for 17 years,
21 specifically endangered species that compliance -- meet
22 the compliance and their natural resource compliance
23 issues.

24 Q. And how long have you been a wildlife biologist?

1 A. About 17 years.

2 Q. I think you just covered some of your experience,
3 does that experience include consulting with the U.S. Fish
4 and Wildlife Service?

5 A. Yes.

6 Q. Does it include consulting with the Illinois
7 Department of Natural Resources?

8 A. Yes.

9 Q. Does it include consulting with the Illinois SHPO,
10 or State Historic Preservation Office?

11 A. Yes, sir.

12 Q. That's S-H-P-O. Have you testified as a witness
13 previously?

14 A. Yes.

15 Q. Have you testified as a witness in connection
16 with your role as a wildlife biologist?

17 A. Yes, sir.

18 Q. And so, how many times have you testified?

19 A. Three times in the -- the State of Illinois.

20 Q. Okay. What about other states?

21 A. Twice in other states.

22 Q. Okay. Have you otherwise participated in
23 hearings and applications like this one?

24 A. Yes, sir.

1 Q. Ballpark number?

2 A. Probably 20 or 30 as a subject matter expert and
3 then it would be three or four as the expert witness.

4 Q. And then what is your role in connection with
5 this proposed project?

6 A. ERM, my company, has been contracted by the
7 project to oversee the environmental due diligence for
8 parcels associated with the project.

9 MR. BARRY: Mr. Kains, you may have additional
10 questions. At this time, I'd like that -- to ask that
11 Mr. Steffen be certified as an expert witness.

12 MR. KAINS: Thank you. I don't have any
13 additional questions. Mr. Keyt?

14 MR. KEYT: I don't have any questions, I don't
15 think.

16 MR. KAINS: Do you object to him being qualified
17 as an expert?

18 MR. KEYT: I do not.

19 MR. KAINS: Okay, I'm going to find that
20 Mr. Steffen does qualify as an expert witness. He will be
21 allowed to testify in the area of wildlife biology, and I
22 assume that's going to mean some of the necessary
23 certifications from State and federal -- what is it --
24 State Department of Conservation and some federal agency.

1 So, he -- he is in as an expert witness with respect to
2 wildlife biology.

3 MR. BARRY: Thank you.

4 BY MR. BARRY:

5 Q. So, do you also have expertise in other areas?

6 A. Yes, especially with these solar projects, I will
7 be talking about the glare study, the noise study, and
8 some of the AIMA things as well.

9 Q. Is that the Agricultural Impact Mitigation
10 Agreement?

11 A. Yes, AIMA.

12 Q. And how about -- do you have experience preparing
13 vegetation management plans?

14 A. Yes, for both this project and other projects out
15 of the State of Illinois.

16 Q. And what about in -- I guess, does the -- your
17 experience as a wildlife biologist include environmental
18 issues?

19 A. Yes, sir, yeah.

20 Q. Okay. And what about wetland delineations?

21 A. Yes, I've managed and overseen lots and lots of
22 wetland delineations in Illinois and throughout the
23 Midwest.

24 MR. BARRY: Okay. So, Mr. Kains, I would also

1 ask that he be allowed to testify about the vegetation
2 management plan and -- and wetland issues, and I think
3 that was it.

4 THE WITNESS: I'll also be --

5 MR. KAINS: Also -- also noise, glare, and
6 vegetative screening, so I'm just gonna follow-up.

7 EXAMINATION

8 BY MR. KAINS:

9 Q. Mr. Steffen, have you been involved in developing
10 or reviewing the development of noise and glare studies
11 with respect to solar farms?

12 A. I've been responsible for reviewing those work
13 projects that are put together by teams with ERM.

14 Q. Approximately how many occasions?

15 A. About five.

16 Q. Okay. And vegetative screening, do you have
17 experience in that area?

18 A. Yes, I've helped develop vegetative management
19 plans for a variety of different projects, including solar
20 projects.

21 MR. KAINS: Mr. Keyt?

22 MR. KEYT: That was a lot of topics.

23 MR. KAINS: How about we start with noise and
24 glare?

CROSS-EXAMINATION

BY MR. KEYT:

Q. All right. Are you a professional engineer in relation to noise?

A. I am not.

Q. In relation -- other than your master's degree in zoology, what other degrees do you have?

A. I have an associate's in biology from Illinois Central College and then a bachelor's in zoology and a master's in zoology. But as an environmental consultant as the project manager, I have a large group of teams of experts who do several things, including the noise studies and the sound studies. And then, as the project manager, I'm responsible for reviewing those and ensuring their accuracy. And in the -- the folks that put together the noise studies and sound studies are registered engineers in the State of Illinois.

Q. In relation to decommissioning, specifically, do you have -- well, let me ask you this: Do you have any professional engineer licensure?

A. I do not, no, sir.

MR. KEYT: Okay. I -- I think if he's -- I mean, this is just my prospective. I -- if he's gonna testify as to the wildlife portion and any portion that he's had

1 specific involvement in preparing a report, I don't
2 necessarily have an objection to that, but if we're going
3 beyond and into areas that we would require the
4 presentation to be done by -- not necessarily a
5 presentation -- but the preparation of materials by a
6 professional engineer that's licensed, I don't -- I object
7 to that.

8 MR. KAINS: Mr. Barry, do you have an engineer
9 who could testify to noise?

10 MR. BARRY: Well, I don't know about noise, but
11 certainly decommissioning.

12 MR. KAINS: Sure.

13 MR. BARRY: But -- and I think maybe I didn't ask
14 this question.

15 CONTINUED DIRECT EXAMINATION

16 BY MR. BARRY:

17 Q. But, Mr. Steffen, who prepared the noise study
18 that's listed as -- or included in the application
19 materials as -- as Appendix F?

20 A. That was an employee of ERM who is a professional
21 engineer who does many, many of these noise studies.

22 Q. And -- and do -- do -- do -- you oversaw that effort?

23 A. Yes, sir.

24 Q. And who prepared the -- the glare study that's

1 attached as Appendix G?

2 A. Also the ERM employee.

3 Q. Okay. And but you're not going to testify about
4 any decommissioning issues, correct?

5 A. No, sir.

6 MR. KAINS: Mr. Keyt, do you have anything
7 further for this witness?

8 MR. KEYT: I do not, no.

9 MR. KAINS: I'm going to allow Mr. Steffen to
10 testify as an expert witness with respect to his field of
11 wildlife biology, wetlands work, vegetative screening,
12 noise, and glare. I'm going to -- even though he's not an
13 engineer, I'm going to allow him to testify because he is
14 the project manager and people within his company prepared
15 these reports and apparently engineering license stamped
16 documents -- those are contained in the application,
17 Mr. Barry?

18 MR. BARRY: Correct.

19 MR. KAINS: Okay, very good. So, Mr. Steffen is
20 in as an expert witness. The only difference is that
21 instead of getting five minutes to testify, he gets
22 30 minutes to testify.

23 And I don't suppose you're gonna spend the whole
24 30 minutes, are you?

1 THE WITNESS: I will do my very best not to use
2 all 30 minutes.

3 MR. BARRY: I -- I sure hope he doesn't, but at
4 this time, if you could please walk us through your
5 PowerPoint presentation or your slides.

6 THE WITNESS: Sure. The next slide, please.

7 So, as we've just gone through, my background
8 involves natural resources. And ERM was contracted to go
9 through the environmental due diligence with these
10 parcels.

11 We talked about wetlands earlier. There may be
12 some questions.

13 So, ERM teams over the last probably 18 months
14 have spent a lot of time out in the field, both boots on
15 the ground doing surveys, many of which you may have seen
16 out there, as well as desktop studies to address these
17 particular resources. And in general -- the project as a
18 whole and what we've done, we'd do these over the last
19 18 months, we've used those -- that information that was
20 gathered during those surveys and incorporated those into
21 project design and where possible, to the greatest extent
22 practical, prioritizing avoidance of impacts to those
23 species.

24 BY MR. BARRY:

1 Q. And, Mr. Steffen, did one of those surveys
2 include a Wetland Delineation Report?

3 A. Yes, it did.

4 Q. Is that Appendix I in the application materials?

5 A. Yes, sir.

6 Q. And that was something prepared by ERM, correct?

7 A. Yes, sir.

8 And so throughout the whole project, we've --
9 we've avoided impacts to wetlands, including wetlands and
10 water body features that will be regulated by the Army
11 Corps of Engineer. We've also conducted a threatened
12 endanger species review, both on the federal level with
13 the U.S. Fish and Wildlife Service under the project
14 interior, as well as the Illinois Department of Natural
15 Resources through the EcoCAT Program. And in both of
16 those cases, we've -- we're -- the EcoCAT, we've
17 determined through consultation if there is any effects
18 to -- no records of any listed species or sensitive
19 resources. Fish and wildlife -- also, we've -- when we
20 put the species that are potentially present and, again,
21 if there's any impacts to habitat for those species, and
22 thereby no effects to those individual species as a result
23 of the project.

24 In addition, we also conducted a pedestrian

1 cultural resources survey throughout the -- the project
2 parcels, and those results of those surveys have been
3 submitted to the State and Historic Preservation Office
4 and we are currently working through SHPO approval for
5 those.

6 And then also, we've done preliminary drain tile
7 assessment in reaching out to participating landowners to
8 determine what drain tile exists currently in the field.
9 And then also, as unexpected drain tile's encountered
10 during construction, will be repaired consistent with the
11 obligations in the AIMA.

12 The next slide, please.

13 So, in addition to these State and federal
14 endangered species and habitat requirements, the project
15 will also comply with the Pollinator-Friendly Solar Site
16 Act as sited here. Specifically, the project will reduce
17 runoff and erosion at the site through standard best
18 management practices during the course of construction.
19 And also, we will avoid the use of invasive or noxious
20 weeds. And above and beyond this, the project has chosen
21 to voluntarily opt for certification as a
22 pollinator-friendly solar site, which includes the
23 installation and maintenance and ongoing monitoring of
24 native perennial vegetation and habitat for both

1 pollinators and native birds.

2 As part of that, to that end, we've developed a
3 Vegetation Management Plan for the site, which will
4 prescribe everything from site preparation to initial
5 vegetation installation, as well as ongoing long-term and
6 short-term monitoring and maintenance required to keep
7 that vegetation.

8 Q. Is that -- the Vegetative Management Plan
9 Appendix H to the application?

10 A. Yes, sir.

11 And as part of the certification of the
12 pollinator-friendly solar site, the project will complete
13 a pollinator solar site scorecard, which will ensure that
14 the project is in sync with the requirements of that
15 statute. And as you can see, after three years and once
16 every five years, the project will continue to update that
17 and revisit that and make sure that those statutes are met
18 for the life of the project.

19 Next slide, please.

20 So, in addition to the vegetation -- vegetation
21 management plan, as part of that plan, there is a
22 landscape plan, which will delineate where the vegetation
23 will be planted, and that vegetation includes the native
24 or naturalized vegetation that will occur underneath the

1 panels, as well as any vegetative screening that will be
2 required per the ordinance or per landing -- landowner or
3 other stakeholder discussions.

4 And this document, the landscape plan, as well as
5 the vegetation management plan, are intended to be -- I --
6 we call them evergreen documents -- documents that will be
7 revisited throughout the life of the project to -- both by
8 the project, as well as applicable stakeholders, to make
9 sure that all of those conditions are being met and
10 continued throughout the life of the project.

11 All right, if we could go to the next slide.

12 So, these next couple of slides will -- as part
13 of our scope, we put together some visual simulations of
14 what the potential vegetation -- vegetative screening
15 could look like. Understand that this is not what it will
16 like it. This is just to kind of give you an idea of what
17 the -- the vegetation could look like at year five and
18 year ten, and that's based on the individual species that
19 are chosen and the growth habits of those species and
20 the -- the mortality and things like that moving forward.
21 So, this is the evergreen (indiscernible), the visual
22 screening.

23 If we could go to the next slide.

24 This would be -- for this particular case, we

1 have evergreen and redbud. Again, it's an evergreen
2 document, again, changing and not finalized. And ever --
3 redbuds may not be the official species that is chosen as
4 the -- the decorative, and a lot of that is going to be
5 dependent upon the availability of different species,
6 growth habits and things like that. And so that -- that
7 part of the plan will be updated as we move forward.

8 Next slide.

9 So, again, the sound and glare studies. For the
10 sound study, we looked at the compliance with the Illinois
11 Pollution Control Board sound regulations and using
12 manufacturer specifications, we modeled what the potential
13 noise was going to be. And those -- that mainly showed
14 that the project would meet those limits. And in
15 generally, the sound will be very low at residential
16 locations comparable to or below typical daytime sound
17 levels in -- in rural areas, as characterized by the
18 project area. And sound, if any, would be effectively
19 inaudible at night when the project is not conducting
20 electricity.

21 And the next thing that we -- we looked at was
22 the using the solar forge glare hazard analysis program to
23 analyze the potential for glare from the project. And the
24 solar forge tool assumes that there's no screening. And

1 so the information that we get back from the tool includes
2 no vegetative screening. There were a few spots that
3 showed the potential for some amount of glare. But,
4 again, we are going to provide vegetative screening around
5 the perimeter of the project per the ordinance, and then
6 we'll work with any landowners or anyone that approaches
7 the -- the project to -- to mitigate any potential impacts
8 resulting from glare.

9 Q. So, just to be clear, you mentioned there's --
10 the study showed a certain amount of glare, correct?

11 A. Correct.

12 Q. But the project will be taking steps to mitigate
13 that glare to eliminate it, correct?

14 A. Correct. Correct.

15 Q. And that's primarily mitigated by the vegetative
16 screening -- screening?

17 A. The vegetative screening, other screening, it
18 could be engineering controls, it could be tilting the --
19 the solar -- the panels to eliminate the possibility of
20 glare during the potential times when glare could be
21 present. So, a mixture of screening and engineering
22 controls will be utilized, yeah.

23 Q. And in your experiences, one of the reasons to do
24 the glare study is to identify potential glare issues, is

1 that correct?

2 A. Correct.

3 Q. And then is it also designed to -- is the study
4 designed to look -- to evaluate -- to eliminate any
5 potential glare?

6 A. Yes, that is the plan. So, we -- we look at
7 where the -- the glare could potentially occur and then
8 use that information to properly mitigate it, again, with
9 vegetative screening, engineering controls, or -- or other
10 processes.

11 Q. Thank you.

12 A. I think I have one more slide. Yeah.

13 And the final slide is the -- the AIMA here in
14 Illinois. A big take away -- I think Joseph, who will be
15 talking next, will be talking more about this -- but we
16 have entered into the agreement and will be responsible to
17 living up to the requirements of those agreements.

18 MR. KAINS: Is that it?

19 THE WITNESS: I think that concludes my
20 testimony.

21 BY MR. BARRY:

22 Q. And is it in the --

23 A. Oh.

24 Q. -- AIMA Appendix O to the application materials?

1 A. Yes, sir.

2 MR. BARRY: Thank you. That's all the questions
3 I have for Mr. Steffen at this time.

4 MR. KAINS: Very good. Thank you, Mr. Barry.

5 Mr. Steffen, thank you for your testimony. Now,
6 the questions begin.

7 All right, gentlemen on the Planning and
8 Development Committee, questions regarding his testimony
9 for Mr. Steffen? Mr. Chairman?

10 MR. WATTS: Thank you, I do have some questions.

11 CROSS-EXAMINATION

12 BY MR. WATTS:

13 Q. In the section on perennial seeding in terms of
14 the proposed mixes will provide nesting and forging
15 habitat for birds, my question to you is upon
16 decommissioning, what's gonna happen if that habitat is
17 restored to farmland? And how will that be handled in
18 terms of nesting?

19 A. It would all depend on the species. If it's a --
20 a common species, they would probably be covered under the
21 Migratory Bird Tree Treaty Act, MBTA, but there -- but I
22 wouldn't expect any additional federal or State
23 regulations for federally- or State-listed species. And
24 that -- that we would lose that habitat, if -- if habitat

1 was created.

2 Q. But -- but would there be timelines so that it
3 would be done when the birds are not nesting?

4 A. Yes. And, in fact, all of the -- all of the work
5 that we're planning to do would be outside of the nesting
6 season to be protective of all birds, which are protected
7 under the Migratory Bird Treaty Act. So, we would avoid
8 the nesting season.

9 Q. Okay. And then let's see, where am I... This is
10 Appendix K for wildlife on Page, looks like, 3. There are
11 a number of recommendations. ERM recommends avoiding
12 project activities in the forested habitat to avoid
13 habitat loss or incidental take of species and there's
14 also another one regarding if clearing of trees is
15 necessary, are those recommendations gonna be actually
16 made part of the plan or are they just simply
17 recommendations?

18 A. They will be made part of the plan. Right now,
19 we are going to avoid any impacts to the species that are
20 tree-clearing to avoid impacts to bats specifically.

21 Q. Okay. And also, regarding vegetation, there are
22 a couple of places where it recommended vegetation buffers
23 be installed along County Road 700 East and also County
24 Road 350 East. Are those recommendations gonna actually

1 be implemented?

2 A. Yes, both of those particular callouts are
3 included in the landscape plan and include the vegetative
4 screening in both of those areas.

5 Q. Okay. And I'm just wondering, a couple of
6 reports were pending, when will those be forthcoming?

7 A. We have all of the information for the PBRAs
8 which we're -- we're talking about today with those
9 particular parcels. There's a few outstanding parcels
10 associated with transmission lines. We're expecting to
11 get out to finish those last few areas, and then we'll be
12 submitting final reports for all of those.

13 MR. WATTS: Okay, I think that's... Everything
14 from me. Thank you.

15 MR. KAINS: Thank you. Thank you, Mr. Chairman.

16 Any other questions for this witness from members
17 of the Planning and Development Committee?

18 MR. COX: I...

19 MR. KAINS: Yes, Mr. Cox?

20 CROSS-EXAMINATION

21 BY MR. COX:

22 Q. And what's the current land use and what has it
23 been used for in the last three years?

24 A. For the parcels in question?

1 Q. Yes.

2 A. They are in agricultural production. And as far
3 as I know, the --

4 Q. Are we talking cows, are we talking corn, or
5 beans? What we talking about?

6 A. It would depend on the year. It -- corn, beans.

7 MR. COX: Okay, thank you.

8 MR. KAINS: Thank you, Mr. Cox.

9 Any other questions from members of the
10 committee?

11 County Board? Mr. Shook?

12 CROSS-EXAMINATION

13 BY MR. SHOOK:

14 Q. You talk about the -- the vegetation, stuff like
15 that, are you talking about like grass, planting bushes,
16 and stuff like that, is that what you're talking about?

17 A. Yeah, so underneath the panels themselves, we
18 use -- we'll be looking at a native or naturalized kind of
19 grass, low-growing, species that are not gonna get real
20 high and -- and interfere with the solar panels
21 themselves. And then outside of the -- where the solar
22 panels are, there will be some vegetative screening of
23 evergreen trees and some deciduous trees as well. So,
24 both -- both the vegetation underneath the panels, as well

1 as vegetative and -- and landscaping around the perimeter.

2 Q. And like you said, you'll be planting trees, too,
3 and --

4 A. Yes.

5 Q. -- stuff like that --

6 A. Yep.

7 Q. -- around the area?

8 A. Yep.

9 MR. SHOOK: Okay.

10 MR. KAINS: Very good. Thank you, Mr. Shook.

11 Any other questions from members of the County
12 Board?

13 Questions for Mr. Steffen from members of units
14 of local government, including school districts?

15 Questions from members of public who are either
16 opposed to or neutral on the application?

17 MR. UPHOFF: (Raises hand.)

18 MR. KAINS: Yes, gentleman in the back with his
19 hand up, come on up, please, to the podium.

20 Good evening, sir. What's your name?

21 MR. UPHOFF: My name is John Uphoff.

22 MR. KAINS: And can you spell you last name?

23 MR. UPHOFF: U-p-h-o-f-f.

24 MR. KAINS: All right, Mr. Uphoff, where do you

1 live?

2 MR. UPHOFF: I live within a quarter-mile of --
3 south of this solar -- projected solar farm.

4 MR. KAINS: What -- what's your town address?

5 MR. UPHOFF: Mattoon.

6 MR. KAINS: Oh, okay. But you're, you said, a
7 quarter of a mile from this proposed project?

8 MR. UPHOFF: Yes.

9 MR. KAINS: All right, this gentleman is a Coles
10 County resident. Well, for purposes of cross-examination,
11 you get ten minutes. So, do you have a microphone there,
12 Mr. Uphoff?

13 MR. UPHOFF: There is.

14 MR. KAINS: Could you please -- is it on?

15 MR. UPHOFF: I think so.

16 MR. KAINS: Okay. All right, go ahead with your
17 questions for the witness, please.

18 CROSS-EXAMINATION

19 BY MR. UPHOFF:

20 Q. Okay, maybe I didn't hear this, but what is the
21 qualification for a wetland?

22 A. So, for the -- the wetland survey, we used the
23 1987 U.S. Army Corps of Engineers Wetland Delineation
24 Manual with the applicable supplement for this particular

1 part of the country. But generally, wetlands require
2 three things -- one being soil, has to have certain
3 characteristics of soil. You need to have water present,
4 as well as vegetation. So, when we send crews out,
5 they're walking out and they're looking to make sure
6 that's there vegetation that is wetland obligate, it only
7 grows in wetlands, and that the soil meets certain
8 characteristics, as well as water being on site. And when
9 all three of those conditions are present, then we would
10 mark that as a wetland. And then, as we said earlier, the
11 project, what we've done, is we've taken those identified
12 wetlands and we've avoided them to make sure that there
13 are no impacts to those resources.

14 Q. Okay. The wetland, then, it has to have water on
15 it at all times?

16 A. No.

17 Q. Okay. If a tile is put through the wetlands,
18 does it still qualify as being wetland?

19 A. If some of those soil characteristics are -- are
20 still present and water is present in those three
21 things -- but in many cases of -- Illinois used to be a
22 giant wetland, and it's been tiled and drained and now
23 those no longer meet the criteria of being regulated by
24 the Army Corps of Engineers.

1 Q. Okay. So, if I could show you a picture in
2 February of a thousand migratory birds on this property,
3 does -- what would you say about that?

4 A. I would have to understand what the migratory
5 birds were and what the --

6 Q. Snow geese.

7 A. Snow geese are -- are regulated as a thing that
8 you can hunt. Not -- I mean, they are protected under the
9 Migratory Bird Treaty Act, which typically protects
10 nesting seasons. So, if you have a migratory flock of
11 snow geese moving through, you know, the MBTA protections
12 would apply there.

13 Q. Okay. I've got it on my phone right now, I can
14 show you pictures of it. Okay, I'm gonna move on to
15 another...

16 MR. KAINS: Mr. Uphoff, could you talk more into
17 your mic --

18 MR. UPHOFF: Okay.

19 MR. KAINS: -- because I don't know that folks in
20 the back can hear you.

21 MR. UPHOFF: All right.

22 BY MR. UPHOFF:

23 Q. What do you know about primitive native American
24 campsites?

1 A. I personally -- that's not my background, but I
2 have a very robust cultural resources department at our
3 company that goes out and does thousands and thousands of
4 these surveys. And before we came out to do surveys on
5 the project, we did a desktop review of the area. And
6 this whole area was at low likelihood to come across any
7 primitive cultural remains, either prehistoric or -- the
8 general cutoff is -- is 50 years, if something is older
9 than 50 years, it has to be addressed as a cultural
10 resource. Many times that's a, you know, a nail that fell
11 off the back of a tractor or a tab can, and in some cases,
12 arrowheads and other artifacts. And so we -- we did the
13 desktop analysis, and there's low likelihood of coming
14 across any -- any cultural items.

15 And then we did a pedestrian survey where we sent
16 our experts out in the field and they walked near
17 transects and periodically stopped and they did shovel
18 tests to see if they came back with different materials
19 associated with any sort of cultural remains.

20 Q. How close -- if -- if I would show you one -- how
21 close to the property are you allowed it to be?

22 A. That's a -- that's a process that we work through
23 with the SHPO to determine what setbacks are going to be.
24 And one thing we didn't talk about in the thing, we also

1 are going to put together what's called an unintended or
2 unanticipated discovery plan, so while we're going out and
3 we're doing surveys and we've not identified any cultural
4 remains, we will have in place a plan that if while we're
5 doing construction we come across any sort of artifact,
6 that will trigger a series of responses to make sure that
7 we treat those artifacts as they should be treated and
8 make sure that that is the process with the State Historic
9 Preservation Office.

10 MY UPHOFF: Okay, in 1953, '54, my parents farmed
11 this part of this property. I -- I -- when I was born, we
12 lived on -- where Paul Daily lives today, which is going
13 on two sides of this. I can show you pictures when I was
14 a little kid of the water run -- or clear up over the
15 road, I can show you the water last year, I can show you
16 water several years ago or, you know, like four or
17 five years ago, I had. And now, after the tile has been
18 put in there.

19 So, with that being said, I'm going to make
20 another statement here. And that's due to the young
21 farmers, this -- I'll have to come back to this one on the
22 other side. But there are concerns in my area of this has
23 been wetland. One -- probably a -- I'm gonna say a
24 two-foot tile did not drain. Now there's been another

1 tile put in, it seems to be working now, so it's dry now.

2 So, I'm saying, this has been wetlands for years
3 and now you're allowing it to be turned into solar. Thank
4 you.

5 MR. KAINS: Okay. Thank you, Mr. Uphoff.

6 Any other questions from folks either opposed to
7 the project or neutral on the project? Mr. Sherman?

8 MR. KEYT: Mr. -- Mr. Kains, I wasn't sure if
9 that was a question that --

10 MR. KAINS: It was not -- it was not a question.
11 It was just -- it was just a statement.

12 (Pause.)

13 MR. SHERMAN: Okay.

14 MR. KAINS: All right, Mr. Sherman, whenever
15 you're ready, go right ahead with questions for
16 Mr. Steffen.

17 MR. SHERMAN: Okay, I -- I know Mr. Watts asked
18 this question a little bit ago, I didn't catch all of it.

19 CROSS-EXAMINATION

20 BY MR. SHERMAN:

21 Q. Did you say that you would be providing buffering
22 on 700 East?

23 A. Yes, sir.

24 Q. Okay. And what form will that be?

1 A. I would have to go back and defer to -- to the
2 landscape plan. And, again, I don't know that it's been
3 finalized, but it would either be an evergreen-only buffer
4 or an evergreen and deciduous tree buffer.

5 Q. Okay. Okay. On the application on Page 18,
6 3.2.2, it talks about wetlands. So, are there wetlands or
7 not?

8 A. There are wetlands that were identified in the
9 field, but -- that met the criteria of the current Clean
10 Water Act requirements, but all of those wetlands that we
11 identified were then incorporated into project design and
12 any impacts to those wetland features or water body
13 features were omitted or avoided in the site plan so that
14 no impacts to those resources would occur.

15 Q. And does that include what the gentleman just
16 talked about, anything that had been tiled that might have
17 been a wetland before and is now tile?

18 A. No, what we are looking at are areas that
19 currently fit the definition of the Army Corps of
20 Engineers as being a functional wetland and are regulated
21 by the Army Corps.

22 Q. Okay. On the ERM number -- back in the appendix
23 on -- on glare, it talks about that there are glare
24 issues, is that correct?

1 A. There are some glare issues that were identified
2 as a part of the solar forge hazard software.

3 Q. And what is going to be done to rectify those
4 glare issues?

5 A. And, again, we are going to -- either a mixture
6 of vegetative screening, engineering controls, shifting
7 the panels to make sure that there's no glare at the -- at
8 the time that the glare would occur.

9 Q. Would --

10 A. So --

11 Q. I'm sorry, go ahead.

12 A. I was just gonna say that between those things,
13 we're committed to ensuring that those glare impacts are
14 mitigated.

15 Q. Okay. Who checks on that? Does somebody do that
16 once a week, every day?

17 A. I don't have an answer to that. I will defer to
18 a -- an Earthrise representative.

19 Q. So, who do I ask that question to?

20 MR. HORN: (Raises hand.)

21 MR. SHERMAN: Okay, so you're -- you're next?

22 MR. HORN: Yep.

23 MR. SHERMAN: Okay, all right.

24 MR. KAINS: Hang on just a second. What --

1 what's your name, sir?

2 MR. HORN: Joseph Horn.

3 MR. KAINS: How do you spell your last name?

4 MR. HORN: H-o-r-n.

5 MR. KAINS: Okay. You got that?

6 COURT REPORTER: (Nods head.)

7 MR. SHERMAN: I apologize, I'm not sure who to
8 ask what question to, so thank you.

9 MR. KAINS: You're fine, Mr. Sherman.

10 BY MR. SHERMAN:

11 Q. Let's see... In -- in Appendix O of the -- the
12 AIMA Agreement, are -- are there stipulations to the
13 landowners and -- and neighbors of the landowners -- I'm
14 more concerned about the neighbors of the landowners --
15 making sure that their property is taken care of?

16 A. I will -- I will defer to that a --

17 Q. Okay.

18 A. -- an Earthrise representative.

19 Q. Okay, and now I'm gonna need to find it.

20 Somewhere in the appendix it talks about eagles. There
21 are eagles in that area, correct?

22 A. There are no eagles that were reported from the
23 EcoCAT review. There's a potential for eagles to occur in
24 the area.

1 Q. Okay.

2 A. But no official documents or records of eagles.

3 Q. Okay, because there's a place in the document
4 on -- on the resource list in the I -- is it IPaC -- I
5 don't know what this is -- but the IPaC resource list and
6 it says -- it's stamped on every single page, "Not for
7 consultation," but yet it directly says, "There are eagles
8 in the area."

9 A. I would have to go back and -- and look at that,
10 the... Excuse me.

11 Q. It also has a chart -- well, in fact, I just
12 found it. It talks -- there's a section that says that
13 bald and eagles -- "There are bald eagles and/or golden
14 eagles in your project area."

15 A. So, a lot of the time -- so IPaC stands for
16 Information and Planning and Conservation tool from the
17 U.S. Fish and Wildlife Service. In many cases, when it
18 shows up and says that something's in your project area,
19 it has the potential to occur in your project area. We
20 also can rely on the EcoCAT through the State and usually
21 the EcoCAT will tell us if there are those resources
22 within a mile or so.

23 Again, with the avoidance of forested habitat, we
24 wouldn't expect to have any impacts on eagles, as we're

1 not clearing any trees. If there was a nest that is
2 identified or occurs in the project area, we could comply
3 with the Bald Eagle/Golden Eagle Protection Act, or BGEPA,
4 through the use of -- of buffers during construction
5 during the nesting period typically February, end of March
6 time frame.

7 And, again, if -- if there are eagle nests that
8 are identified, those buffers are pretty standard practice
9 with construction projects and are protective of eagles
10 through the Bald Eagle/Golden Eagle Protection Act.

11 Q. So, how do -- how do you remedy that? How do you
12 take care of making sure that they're not -- not harmed?

13 A. Well, I will say, when we're out in the field as
14 part of our habitat surveys, we're looking for potential
15 roosters for bats and looking for habitat for all of the
16 other species. We had not noted any bald eagle nests. We
17 can go back through that documentation, we can
18 double-check and make sure there are no nests that we will
19 be impacting. And if there are nests, again, we can -- we
20 could utilize buffers during construction to be protective
21 of these eagles based on the guidelines from Fish and
22 Wildlife Service.

23 Q. Okay. And there again, throughout the
24 application, and I'm -- I can't find the exact page of it,

1 there are charts that show the -- the breeding times, the
2 migratory times of different birds, and there's a lot of
3 them that are identified for this project area that are
4 either breeding or migratory during that time. How -- how
5 do you -- again, how do you -- how do you make sure
6 they're protected? I mean, as the gentleman talked about,
7 there's snow geese, there's eagles, there's --

8 A. Yep.

9 Q. -- monarch butterflies. How -- how do you take
10 care of all that?

11 A. So, again, with the Migratory Bird Treaty Act, a
12 lot of the stipulations around that and protective for
13 migratory birds are relative to the nesting season.
14 Again, in standing agricultural production, there is not
15 habitat, really. And so, a lot of what we're talking
16 about are impacts that would occur because of the project
17 are not actually in habitats, so we're not having any
18 effects on those species. And, again, by timing of
19 construction outside of the nesting season, birds fly,
20 right? And so, kind of, the general thought is as there's
21 disturbance involved with the project, those animals will
22 flush, and the real critical time is when there's chicks
23 that are unable to fly or -- or when there's eggs in the
24 nest. And so, timing of construction can be protective of

1 these species as well --

2 Q. So --

3 A. -- if there's some amount of habitat.

4 Q. So who's --

5 A. Which obviously there isn't.

6 Q. -- going to guarantee that these birds and
7 animals and wildlife are going to be protected during that
8 time? Are they gonna shut down construction? How --
9 how --

10 A. Well, again, construction would occur during
11 outside of that nesting season. And so, there won't be
12 any impacts to -- to those birds if they're not nesting
13 because that's -- that's what the MBTA -- that's what
14 those protections are really driving at, are -- is
15 protection of nests and nonvolant or young that cannot
16 fly.

17 Q. And so --

18 A. So, the timing of the construction will be
19 protective of those species.

20 Q. And somebody's gonna check on that?

21 A. Yep.

22 MR. SHERMAN: Okay, thank you.

23 MR. KAINS: Very good. Thank you for your
24 questions, Mr. Sherman.

1 Any other folks with questions for Mr. Steffen
2 who are either opposed to the project or neutral? Very
3 good.

4 The Coles County staff and consultants, Regional
5 Planning Director, Mr. Lockhart?

6 MR. LOCKHART: No, sir.

7 MR. KAINS: All right. Mr. Keyt?

8 MR. KEYT: My microphone might have answered that
9 question. All right. Sir, I have got a -- a couple of
10 areas just to ask you some questions about, but.

11 THE WITNESS: For sure.

12 CONTINUED CROSS-EXAMINATION

13 BY MR. KEYT:

14 Q. To follow-up one that Mr. Uphoff had asked, is in
15 relation to the -- the wetlands question. Has there been
16 a determination as to what specific areas -- where the
17 wetlands would all occur within the project site that's in
18 Coles County, specifically?

19 A. Yes, we have looked at all of the parcels in
20 Coles County, specifically the three that are the subject
21 of tonight's hearing, and there were no wetlands
22 identified on those parcels.

23 Q. So, the wetlands that you're talking about are on
24 parcels that are either in Cumberland County or under the

1 jurisdiction of the City of --

2 A. Correct.

3 Q. -- Mattoon, is that correct?

4 A. Correct.

5 Q. If I understand your testimony correctly, the
6 areas where there are wetlands, the project area will --
7 or the project will avoid those specific wetlands, is that
8 fair?

9 A. That is correct.

10 Q. All right.

11 A. And such that there will be no spill into waters
12 in the United States, which require a permit from the Army
13 Corps of Engineers.

14 Q. Understood. The question about drain tile, the
15 three parcels that are in question in relation to the
16 drain tiles, are there any parcels that -- will those
17 three parcels that have drain tile of any type on them?

18 A. Not that we were able to identify. Again, we've
19 just done a preliminary drain tile survey and reached out
20 to landowners, didn't always get a hundred percent
21 response back, but we are not aware of any drain tile on
22 these particular properties.

23 Q. Okay, other than reaching out to landowners, have
24 any other action taken to determine whether there were

1 drain tiles on those properties?

2 A. At this time, no.

3 Q. Have you conferred with either -- with the --
4 strike that. Is there a drainage district over those
5 three parcels?

6 A. There is and believe have been -- I think reached
7 out to them and have been unable to talk with them.

8 Q. If there are drain tiles on the parcels you'll, I
9 assume, be agreeable to working with those drainage
10 districts to determine how to best address construction
11 and those drain tiles?

12 A. Yep, and I will -- I will defer to an Earthrise
13 representative, but that is my understanding.

14 Q. In terms of vegetative screening on the project,
15 you've not yet made a determination of the species that
16 you're going to use?

17 A. That's correct.

18 Q. Would you be agreeable to submitting a vegetation
19 screening plan to the County for approval?

20 A. I will defer to an Earthrise representative.

21 Q. Did the EcoCAT that was provided from the State
22 have any recommendations or suggestions?

23 A. I don't believe so, other than allowing 18 inches
24 off of the ground in the fencing so that wildlife can

1 enter and egress the site.

2 Q. Okay. I think you may defer this question, but I
3 assume you'd be agreeable to following those Illinois
4 Department of Natural Resources' recommendations or
5 suggestions?

6 A. Yes, I will defer that question.

7 Q. All right. In terms of vegetation management, if
8 I understand correctly, you're planning -- or Earthrise --
9 excuse me -- is planning to have a pollinator-friendly
10 site under the State statutory requirement?

11 A. Correct.

12 Q. There are certain requirements that the State has
13 in order to qualify for the pollinator-friendly -- for a
14 designation as a pollinator-friendly site, is that fair?

15 A. That is fair.

16 Q. If the site does not comply with the
17 pollinator-friendly or can't get compliant with the
18 pollinator-friendly requirements, what would be the -- be
19 the plan for vegetation management on the site?

20 A. We fill out an initial scorecard. We are very
21 confident that we can get to the required number on the
22 scorecard to receive that. And we will -- we will be in
23 compliance with the -- with the -- the nondiscretionary,
24 voluntary part of the law, which is not to use noxious

1 weeds and produce a (indiscernible) and runoff. But I
2 think the -- the vegetation management plan -- plan as
3 written will, again, be used to drive site vegetation over
4 the life of the project in terms of -- of monitoring
5 maintenance and...

6 Q. But let me just presume -- just hypothetically
7 presume for the moment that you can't get compliant on the
8 scorecard to get high enough to meet the
9 pollinator-friendly requirements. What would be the plan,
10 then, for vegetation management?

11 A. I -- I could probably defer this to -- to
12 Earthrise, yeah.

13 Q. Okay. In terms of noise in relation to the
14 project, what portion of the solar project would produce
15 noise that would need to be regulated?

16 A. The biggest thing that we looked at was the
17 substation, and there's some noise created by the
18 inverters. But, again, based on our modeling, there is no
19 noise above the -- the thresholds at the property lines.

20 Q. Is the substation in Coles County?

21 A. No.

22 Q. Is -- how close is the substation to Coles
23 County, if you know?

24 A. I -- I do not know the answer to that.

1 Q. Okay, are there any inverters in Coles County?

2 A. Yes.

3 Q. Okay, how many inverters are in or on those
4 project parcels? Let me put it that way.

5 A. I'd have to defer to an Earthrise representative.

6 Q. In terms of construction, is the plan for the
7 piles to be driven or screwed in?

8 A. I will defer to the engineer, who will speak
9 next.

10 Q. Okay. In relation to glare on the site, if there
11 is a glare issue, fair to say that Earthrise will ensure
12 that there is no glare beyond what would be -- or I'm
13 sorry -- there is no glare either to an occupied community
14 residence, an occupied community building, or on the
15 public roadway?

16 A. Yes, that is correct.

17 Q. In terms of construction, when is the
18 construction planned to occur?

19 A. I would defer that to an Earthrise representative.

20 Q. Do you know how long the construction period will
21 last?

22 A. I'll also defer to an Earthrise representative.

23 Q. Okay.

24 (Pause.)

1 Q. Based on -- based on your knowledge, is there
2 some time frame to avoid in order to avoid conflicts with
3 either wildlife or -- sorry -- to avoid conflicts with
4 wildlife?

5 A. It depends on the kind of the species. But,
6 obviously, the migratory birds, we're looking at the
7 nesting season, which varies between species. Generally,
8 I think we say between May and August. We outline in our
9 report what those typical dates are that would be
10 protective of those species.

11 Q. Okay, in terms of the -- the SHPO, has that --
12 has the SHPO concluded their review of the project?

13 A. They've concluded the review of all of the PV
14 rays. There are still, like I said, a few outstanding
15 parcels associated with transmission that we have not
16 looked at.

17 Q. Are any of that -- any of those specific areas
18 within Coles County?

19 A. No.

20 MR. KEYT: All right, that's all the questions I
21 have.

22 MR. KAINS: Thank you, Mr. Keyt.

23 Just for the public's information and the County
24 Board and committee's information, this witness is not an

1 employee of the Applicant company, he's a consultant who
2 was retained to do a lot of different studies. His
3 company did a lot of different studies, so when he's
4 deferring questions to Earthrise as he indicated in his
5 answers on a number of questions, he's not ducking the
6 question. It's just, it's not his company, not his
7 project.

8 All right. Redirect, Mr. Barry?

9 MR. BARRY: No. Thank you.

10 MR. KAINS: All right, very good. Final
11 questions for the witness come from members of the
12 Planning and Development Committee. All right, very good.

13 Mr. Steffen, thank you. You may --

14 THE WITNESS: Thank you.

15 MR. KAINS: -- step down.

16 All right, it's ten-till. How many witnesses do
17 you have left, Mr. Barry? You've got Mr. Horn here. Will
18 he be next?

19 MR. BARRY: Correct.

20 MR. KAINS: And then you have a couple of
21 gentlemen in the gallery.

22 MR. BARRY: Yeah, I think we're gonna have to
23 bring them up to answer some questions because they were
24 referred to earlier, but they don't -- they're not gonna

1 go through any PowerPoint presentation.

2 MR. KAINS: What do you guys think? Tomorrow
3 night? We've got a come back tomorrow night for Mr. Horn
4 anyway and anybody who wants to testify in the audience.
5 Do we want to hear from one of these fellas tonight or do
6 we want to just hear from all three of the remaining
7 witnesses for the Applicant tomorrow night?

8 (Indiscernible discussion between County
9 Board members.)

10 MR. COX: Up to you.

11 MR. SHOOK: We're gonna be here, so.

12 MR. COX: Today's Saturday for me.

13 MR. SHOOK: Me, too.

14 MR. KAINS: Every day is Saturday, right,
15 Mr. Cox?

16 MR. COX: Right.

17 MR. WATTS: So, Mr. Clayton would like to go
18 home, I guess we'll defer to --

19 MR. KAINS: I -- I think Mr. Clayton has the
20 right idea. Some of us have kind of a ways to go home,
21 but all right.

22 Then, Mr. Barry, who will be your first witness
23 tomorrow night?

24 MR. BARRY: Mr. Horn.

1 MR. KAINS: Okay. And then you'll follow that up
2 with -- I see Dr. Loomis in the crowd and the gentleman in
3 the first row.

4 MR. BARRY: Yeah, I think -- I think after that,
5 we intend to present two more witnesses or at least make
6 them available for questions.

7 MR. KAINS: Okay.

8 MR. BARRY: At this time.

9 MR. KAINS: Yeah, and are you anticipating having
10 any of the -- I see folks with buttons. I think they're
11 in support of. Are you gonna call them or are they gonna
12 testify on their own or are they just not going to?

13 MR. BARRY: I can't speak for those folks, but I
14 can just say that I don't intend to call them as
15 witnesses.

16 MR. KAINS: Okay. So, you've got Mr. Horn and
17 then you're making available the other two witnesses for
18 questions?

19 MR. BARRY: At this time, correct.

20 MR. KAINS: Okay. And Dr. Loomis is on economic
21 impact, jobs, property tax revenue.

22 And, Mr. Barry, if you could help me with the
23 gentleman's name...

24 MR. BARRY: Mr. Fischer was deferred to on one of

1 the financial issues, I believe.

2 MR. KAINS: Okay. And what is his role with the
3 company?

4 MR. BARRY: Mr. Fischer is the vice president of
5 development.

6 MR. KAINS: Okay. So, we'll hear from Mr. Horn,
7 Mr. Fischer, Dr. Loomis tomorrow night.

8 MR. BARRY: That's correct, unless -- I think
9 that's the answer, I mean, we're prepared to proceed
10 tonight, but I understand the folks want to go home.

11 MR. KAINS: Yeah. And then we're gonna have
12 folks from the audience, members of the public can
13 testify, if you're in favor of if, if you're opposed, if
14 you're neutral. You don't have to testify. We're just
15 gonna give you that opportunity because it's called a
16 public hearing and we want to hear from the public. So,
17 we'll have testimony from folks in the public tomorrow.
18 We'll also have written comments.

19 Mr. Lockhart, do we have any written comments on
20 this project so far?

21 MR. LOCKHART: We have a few things. They're on
22 our website, though. And according to our rules, I don't
23 believe we're reading them in.

24 MR. KAINS: We're not gonna read them? I'll

1 just --

2 MR. LOCKHART: Yeah.

3 MR. KAINS: -- I'll just reference the website
4 then. Thank you, Mr. Lockhart.

5 And then, Mr. Keyt, do you have evidence on
6 behalf of your client, Coles County?

7 MR. KEYT: No, not at this time.

8 MR. KAINS: Okay. So, we'll have the three
9 witnesses that Mr. Barry's gonna have available tomorrow
10 night and then members of the public to testify. We'll
11 also have public comment, and then we'll close the
12 evidence.

13 Mr. Keyt, are you anticipating doing findings and
14 conditions, etc., tomorrow night?

15 MR. KEYT: Yeah, I think if we can do that, we
16 would prefer to do that, if the committee wants that.

17 MR. KAINS: Okay, depends on how long the
18 witnesses go?

19 MR. KEYT: Yeah, I mean, keeping in mind that we
20 have to adjust those as we go along. And so, it may --
21 you know, it may just depend on how long it goes.

22 MR. KAINS: Okay. Then, I was informed and I
23 have been so misinformed or uninformed that -- do we want
24 to start -- do we want to start at 6:00 or 5:00?

1 Mr. Chairman, gentlemen on the committee?

2 MR. WATTS: We could start at 5:00 if that would
3 help facilitate getting through everything tomorrow.

4 MR. KAINS: Everybody okay with 5:00? Mr. Barry,
5 you and your team, 5:00? Mr. Keyt, you and your team?

6 MR. KEYT: Yep.

7 MR. BARRY: Yes.

8 MR. KAINS: Okay. And, Mr. Uphoff, will you be
9 able to be here tomorrow night?

10 MR. UPHOFF: Absolutely.

11 MR. KAINS: Okay, good. Thank you.

12 Mr. Sherman and Mrs. Sherman, are you gonna be
13 able to be here tomorrow night at 5:00?

14 MR. SHERMAN: I will.

15 MR. KAINS: Okay, very good. And now I'm trying
16 to remember the gentleman who lives in the project area.
17 Is it Todd?

18 MR. YURS: Yeah.

19 MR. KAINS: Yeah, what was your last name, Todd?

20 MR. YURS: Yurs.

21 MR. KAINS: Gurst?

22 MR. YURS: Yurs.

23 MR. KAINS: How is that?

24 MR. YURS: Y-u-r-s.

1 MR. KAINS: Y-u-r-s? Okay, let me write that
2 down. Will you be able to be here tomorrow night?

3 MR. YURS: I'll be here late, but I'll be here.

4 MR. KAINS: Okay. All right. Real good, thank
5 you.

6 And folks in the gallery, thank you so much for
7 your attention tonight.

8 Ladies and gentlemen of the County Board, thank
9 you.

10 Counsel, we will see you tomorrow night.

11 The Planning and Development Committee of the
12 Coles County Board is in recess until tomorrow night,
13 August 26th, 2025, at 5 o'clock p.m., in this very room,
14 Courtroom 1, Coles County Courthouse, 651 Jackson Avenue,
15 Charleston, Illinois.

16 Thank you, we're in recess till 5:00 tomorrow
17 night.

18 (End of hearing.)
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CERTIFICATE OF REPORTER

I, LYDIA G. MADLEM, an Official Court Reporter
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certify that the foregoing Report of Proceedings was
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Dated this 2nd day of September, 2025.

\$	3	83 [3] - 2:10; 4:22; 47:16 84 [1] - 47:16 85 [1] - 2:11 86 [1] - 2:11 88 [1] - 2:12	adjacent [6] - 5:3; 28:7; 31:17; 42:23 adjournment [1] - 9:5 adjust [1] - 112:20 adjusted [1] - 46:22 administrators [1] - 32:4 admissible [1] - 41:15 admit [2] - 12:15; 36:12 adopt [1] - 11:6 adopted [1] - 64:9 affected [1] - 33:20 agencies [1] - 51:14 agency [1] - 69:24 Agency [1] - 27:6 agenda [1] - 3:24 ago [5] - 8:5; 34:12; 92:16; 93:18 agree [2] - 56:18; 64:7 agreeable [3] - 103:9, 18; 104:3 agreed [1] - 33:16 agreement [6] - 29:23; 47:3; 49:12, 16; 50:18; 82:16 Agreement [3] - 47:3; 70:10; 96:12 agreements [5] - 28:12; 30:4; 33:16; 34:24; 82:17 Agricultural [2] - 47:3; 70:9 agricultural [2] - 86:2; 99:14 ahead [14] - 3:1; 19:14; 25:24; 26:6; 30:20; 37:16; 41:17; 52:19; 54:8; 60:6; 66:19; 88:16; 93:15; 95:11 AIMA [8] - 53:1, 5; 70:8, 11; 77:11; 82:13, 24; 96:12 ain't [1] - 35:3 al [1] - 18:3 Alex [2] - 1:9; 7:13 align [1] - 26:16 Allegiance [2] - 3:10 allocated [1] - 4:21 allow [12] - 5:17; 6:2; 11:16; 17:21; 36:21, 23; 37:1; 39:21; 41:3; 60:24; 74:9, 13 allowed [8] - 6:6; 14:10; 39:20; 41:21; 55:10; 69:21; 71:1; 91:21 allowing [2] - 93:3;	103:23 almost [1] - 37:9 alone [1] - 26:21 amazing [1] - 10:4 Ambulance [1] - 27:11 ambulance [1] - 27:13 amend [1] - 3:24 amendment [1] - 64:9 American [1] - 90:23 amount [4] - 46:11; 81:3, 10; 100:3 analyses [1] - 21:23 analysis [3] - 40:4; 80:22; 91:13 analyze [1] - 80:23 AND [1] - 1:3 and.. [2] - 40:5; 105:5 Andrew [1] - 1:8 Andy [1] - 7:13 animals [2] - 99:21; 100:7 anniversary [3] - 53:11 annual [1] - 29:15 another.. [1] - 90:15 answer [13] - 31:4, 7, 9; 33:24; 39:11, 14; 45:22; 60:7; 61:14; 95:17; 105:24; 108:23; 111:9 answered [1] - 101:8 answers [1] - 108:5 anticipated [1] - 34:21 anticipating [2] - 110:9; 112:13 anyway [1] - 109:4 apologize [1] - 96:7 appear [2] - 11:1, 5 appearance [2] - 11:2 appearances [2] - 10:23; 11:3 Appearing [1] - 1:11 Appendices [1] - 21:24 appendix [2] - 94:22; 96:20 Appendix [9] - 22:1; 73:19; 74:1; 76:4; 78:9; 82:24; 84:10; 96:11 applause [1] - 13:6 applicable [2] - 79:8; 88:24 Applicant [24] - 1:10; 5:17; 6:5, 15-16; 7:17; 8:20; 9:21; 11:8; 16:17; 18:9, 24; 19:17; 20:10; 61:3; 64:5, 15;
\$16,531,000 [1] - 46:8 \$700,000 [2] - 26:21; 34:15	3 [3] - 27:2; 29:23; 84:10 3.2.2 [1] - 94:6 30 [28] - 13:10, 14, 19, 21; 14:4, 12, 16-17, 19; 15:4, 8, 10-11, 13, 17; 16:2, 5, 8-9; 22:18; 25:20, 22; 63:21; 69:2; 74:22, 24; 75:2 31 [1] - 2:4 32 [1] - 2:5 34 [4] - 2:5; 5:13, 15; 35:22 35 [3] - 42:3, 9, 18 350 [1] - 84:24 360 [1] - 32:8 37 [1] - 2:6			
'				
'54 [1] - 92:10		9		
0		90 [1] - 47:4 93 [1] - 2:12 9:00 [1] - 1:5		
084.004988 [2] - 1:22; 115:16		A		
1		ability [1] - 115:10 able [13] - 26:4; 28:13; 43:24; 44:1; 45:8; 49:9; 57:22; 63:17, 21; 102:18; 113:9, 13; 114:2 aboveground [4] - 38:23; 39:1 absolute [1] - 53:2 absolutely [6] - 10:4; 31:6; 51:8, 10; 54:21; 113:10 acceptable [1] - 54:20 Acceptance [1] - 27:14 according [1] - 111:22 accuracy [1] - 72:15 acre [1] - 33:22 acres [7] - 4:24; 28:19; 38:13, 15; 47:5; 48:5 Act [10] - 12:13; 58:13; 77:16; 83:21; 84:7; 90:9; 94:10; 98:3, 10; 99:11 act [1] - 12:14 acting [2] - 10:18, 20 action [2] - 11:9; 102:24 activities [2] - 20:24; 84:12 add [4] - 63:4; 64:1, 3, 8 addition [5] - 30:2; 39:4; 76:24; 77:13; 78:20 additional [8] - 10:16; 12:9; 23:16; 25:5; 64:24; 69:9, 13; 83:22 address [5] - 58:4; 63:21; 75:16; 88:4; 103:10 addressed [1] - 91:9 adequately [1] - 12:19		
1 [1] - 114:14 1.5 [2] - 22:12; 26:10 1.7 [1] - 22:6 10 [1] - 53:11 100 [1] - 4:24 101 [1] - 2:13 11th [1] - 53:12 120 [1] - 28:19 121 [1] - 48:6 127 [1] - 4:22 130 [1] - 38:15 132 [1] - 28:19 15 [4] - 14:2, 11; 15:15, 17 150 [3] - 28:8; 31:17 17 [5] - 18:12; 28:2; 47:13; 67:20; 68:1 17th [1] - 26:24 18 [4] - 75:13, 19; 94:5; 103:23 19 [1] - 2:3 1953 [1] - 92:10 1987 [1] - 88:23 1st [1] - 53:11	4 42 [1] - 35:3 42.2 [2] - 29:4; 34:22 46 [1] - 2:6			
	5			
	5 [1] - 114:13 50 [10] - 28:7; 29:5; 34:17, 20; 35:3; 48:21; 53:12; 91:8 52 [1] - 2:7 5:00 [6] - 112:24; 113:2, 4-5, 13; 114:16			
	6			
	61920 [1] - 1:24 651 [1] - 114:14 67 [2] - 2:8; 47:14 6:00 [2] - 1:5; 112:24 6th [1] - 53:11			
	7			
	700 [2] - 84:23; 93:22 71 [1] - 2:9 72 [1] - 2:9 73 [1] - 2:10 7:30 [3] - 58:10; 59:3, 18			
	8			
2				
2 [1] - 30:3 20 [2] - 58:18; 69:2 20-minute [1] - 58:18 2025 [3] - 1:4; 114:13; 115:21 210-megawatt [1] - 4:21 23 [1] - 2:4 24.8 [1] - 29:5 243 [1] - 29:8 25 [1] - 1:4 26th [1] - 114:13 270 [1] - 26:12 28 [2] - 25:23; 26:2 2nd [1] - 115:21				

65:10, 20; 66:23; 108:1; 109:7 Applicant's [2] - 6:17, 22 application [38] - 3:5; 4:18, 20, 23; 5:2; 7:18, 24; 8:1, 8, 13; 9:1, 12; 12:14; 13:11; 14:12; 18:18; 37:8; 41:10; 42:3; 47:2, 8; 48:21; 56:12, 16, 22; 63:6, 15, 19; 73:18; 74:16; 76:4; 78:9; 82:24; 87:16; 94:5; 98:24 APPLICATION [1] - 1:1 applications [1] - 68:23 applied [1] - 47:21 apply [1] - 90:12 appreciate [1] - 35:10 approach [1] - 21:1 approached [2] - 31:24; 32:7 approaches [1] - 81:6 appropriate [3] - 5:1; 40:16; 41:9 approval [7] - 28:12; 38:4; 48:2, 7; 49:1; 77:4; 103:19 approve [2] - 19:3; 61:6 approved [5] - 15:22; 18:13; 28:3; 55:22; 65:21 area [25] - 7:14; 26:20; 27:23; 33:15; 34:15; 50:5; 69:21; 71:17; 80:18; 87:7; 91:5; 92:22; 96:21, 24; 97:8, 14, 18-19; 98:2; 99:3; 102:6; 113:16 Area [1] - 27:11 area/jurisdiction [1] - 4:24 areas [10] - 70:5; 73:3; 80:17; 85:4, 11; 94:18; 101:10, 16; 102:6; 107:17 Arizona [1] - 24:15 Arkansas [2] - 24:11, 14 Arlington [1] - 22:6 Army [6] - 76:10; 88:23; 89:24; 94:19, 21; 102:12 arrowheads [1] -	91:12 artifact [1] - 92:5 artifacts [2] - 91:12; 92:7 aside [1] - 33:3 assessment [1] - 77:7 associate's [1] - 72:8 associated [6] - 23:9; 51:16; 69:8; 85:10; 91:19; 107:15 assorted [1] - 60:4 assume [7] - 48:24; 51:5, 12, 18; 69:22; 103:9; 104:3 assumes [1] - 80:24 assuming [1] - 43:15 assurance [1] - 53:1 attach [1] - 9:1 attached [1] - 74:1 attempt [1] - 36:24 attempts [1] - 13:4 attend [1] - 12:13 attention [1] - 114:7 attorney [6] - 5:12, 15; 8:2; 16:18; 17:2; 18:6 attorneys [5] - 7:8, 14, 23; 36:9 Audience [1] - 16:21 audience [3] - 13:2; 109:4; 111:12 August [4] - 1:4; 15:24; 107:8; 114:13 author [1] - 37:9 authority [1] - 10:21 Autism [1] - 27:14 availability [1] - 80:5 available [3] - 110:6, 17; 112:9 Avenue [1] - 114:14 avoid [9] - 77:19; 84:7, 12, 19-20; 102:7; 107:2 avoidance [3] - 21:2; 75:22; 97:23 avoided [3] - 76:9; 89:12; 94:13 avoiding [1] - 84:11 awarded [2] - 27:8, 13 aware [6] - 31:23; 55:8; 57:7; 65:4; 102:21 aye [1] - 4:8 Aye [3] - 4:9	background [3] - 24:16; 75:7; 91:1 bad [1] - 41:22 bald [3] - 97:13; 98:16 Bald [2] - 98:3, 10 Ball [1] - 17:9 Ball-Chatham [1] - 17:9 ballpark [1] - 69:1 Bank [1] - 27:14 banks [1] - 34:13 BARRY [48] - 17:4, 6, 9, 19, 23; 18:5; 19:15, 21; 20:6; 22:22; 23:1, 15; 25:6; 26:1; 30:15, 22; 31:3; 39:10; 52:3; 58:7; 64:2; 66:8, 21; 67:3; 69:9; 70:3, 24; 73:10, 13, 16; 74:18; 75:3, 24; 82:21; 83:2; 108:9, 19, 22; 109:24; 110:4, 8, 13, 19, 24; 111:4, 8; 113:7 Barry [30] - 1:10; 2:3, 8, 10; 16:19; 17:2, 13, 16; 18:6; 19:14; 22:18; 25:4, 24; 28:3; 30:13; 36:11; 52:2; 56:24; 58:4; 63:24; 66:6, 19; 73:8; 74:17; 83:4; 108:8, 17; 109:22; 110:22; 113:4 Barry's [1] - 112:9 based [6] - 42:21; 79:18; 98:21; 105:18; 107:1 Basin [1] - 27:6 bats [2] - 84:20; 98:15 battery [3] - 38:19; 49:19 beam [1] - 43:12 beams [1] - 43:10 beans [2] - 86:5 beating [1] - 65:24 become [1] - 31:23 begin [1] - 83:6 behalf [4] - 19:17; 20:19; 66:23; 112:6 behavior [1] - 13:6 below [2] - 28:5; 80:16 Benefit [2] - 4:20; 26:15 benefit [1] - 61:2 benefits [3] - 29:23; 34:22 best [5] - 45:22; 75:1;	77:17; 103:10; 115:10 better [2] - 21:17; 30:23 between [7] - 38:17; 55:12, 16; 95:12; 107:7; 109:8 beyond [3] - 73:3; 77:20; 106:12 BGEPA [1] - 98:3 big [2] - 18:20; 82:14 biggest [1] - 105:16 biologist [5] - 67:16, 24; 68:16; 70:17 biology [4] - 69:21; 70:2; 72:8; 74:11 Bird [4] - 83:21; 84:7; 90:9; 99:11 birds [12] - 78:1; 83:15; 84:3, 6; 90:2, 5; 99:2, 13, 19; 100:6, 12; 107:6 bit [7] - 9:24; 22:4; 27:22; 28:22; 35:23; 43:14; 93:18 Board [33] - 1:13; 5:22; 6:3; 8:12; 9:4; 13:1; 14:21; 17:8; 19:3; 34:5; 36:5; 44:10; 55:13, 17; 58:9, 23; 59:8; 60:13; 61:5, 18, 21, 23; 64:9; 65:2; 80:11; 86:11; 87:12; 107:24; 109:9; 114:8, 12 board [8] - 40:10; 44:4; 55:22; 58:14; 60:8, 23; 62:9 bodies [1] - 39:19 body [3] - 41:4; 76:10; 94:12 bolster [1] - 36:24 book [1] - 18:20 books [1] - 64:14 Booster's [1] - 27:4 boots [1] - 75:14 born [1] - 92:11 borne [1] - 9:21 bottom [1] - 28:5 bottom-half [1] - 28:5 bound [1] - 11:21 bounds [1] - 56:16 box [1] - 28:1 boxes [1] - 28:5 boy [1] - 52:19 Brad [1] - 66:9 Bradley [3] - 1:12; 30:7; 67:6 BRADLEY [3] - 2:8;	66:22; 67:6 breeding [2] - 99:1, 4 brief [2] - 17:19, 22 bring [2] - 55:3; 108:23 Bristole [1] - 1:17 brought [3] - 35:11; 40:11; 55:21 buddy [1] - 66:13 buffer [2] - 94:3 buffering [1] - 93:21 buffers [4] - 84:22; 98:4, 8, 20 building [1] - 106:14 bunch [1] - 10:7 bushes [1] - 86:15 business [2] - 4:13; 24:17 businesses [1] - 29:13 butterflies [1] - 99:9 buttons [1] - 110:10 BY [31] - 1:2; 19:21; 20:6; 23:1, 18; 31:15; 32:23; 34:11; 37:20; 39:23; 41:23; 42:17; 46:5; 52:8, 23; 67:3; 70:4; 71:8; 72:2; 73:16; 75:24; 82:21; 83:12; 85:21; 86:13; 88:19; 90:22; 93:20; 96:10; 101:13
C				
callouts [1] - 85:2 campsites [1] - 90:24 cannot [2] - 55:23; 100:15 capacity [1] - 28:13 care [3] - 96:15; 98:12; 99:10 carries [1] - 4:12 case [11] - 5:18; 33:7; 40:23; 41:4; 42:24; 45:5; 53:24; 60:22, 24; 65:14; 79:24 cases [4] - 76:16; 89:21; 91:11; 97:17 catch [1] - 93:18 CENTER [1] - 1:3 Center [2] - 3:7; 28:14 Central [1] - 72:9 certain [5] - 49:10; 81:10; 89:2, 7; 104:12 certainly [1] - 73:11 CERTIFICATE [1] - 115:3				

certification [2] - 77:21; 78:11 certifications [1] - 69:23 certified [2] - 67:17; 69:11 certify [1] - 115:6 chair [6] - 10:18, 20; 11:9; 12:1, 5 Chairman [10] - 1:17; 3:19; 4:16; 6:20; 9:12; 40:8; 52:6, 18 chairman [10] - 3:1; 5:9; 14:19; 16:10; 18:1; 53:15; 54:7; 83:9; 85:15; 113:1 chairperson [2] - 3:21; 10:18 chance [2] - 58:6; 59:4 change [1] - 65:3 changed [3] - 64:12; 65:9; 66:3 changing [1] - 80:2 characteristics [3] - 89:3, 8, 19 characterized [1] - 80:17 Charleston [2] - 1:24; 114:15 chart [1] - 97:11 charts [1] - 99:1 Chatham [3] - 17:3, 7, 9 check [2] - 98:18; 100:20 checks [1] - 95:15 chicks [1] - 99:22 choice [1] - 64:5 chosen [3] - 77:20; 79:19; 80:3 Circuit [1] - 115:5 city [3] - 35:12, 22 City [10] - 26:13; 29:1; 32:4; 35:19; 38:9; 47:14, 21, 23; 48:10; 102:1 clarification [3] - 57:8, 15, 22 clarify [1] - 59:13 clarifying [1] - 16:15 clarity [1] - 62:12 CLAYTON [21] - 3:14; 4:4, 9; 14:1, 5, 8; 15:2, 6; 16:12; 17:1; 32:23; 34:2; 54:16, 18; 55:20; 56:7, 21; 57:4; 59:11; 62:24; 63:2 Clayton [11] - 1:14;	2:5; 3:13; 4:5; 15:1; 16:10; 32:21; 57:2; 58:22; 109:17, 19 Clean [1] - 94:9 clear [7] - 7:4; 44:13; 53:23; 62:4, 22; 81:9; 92:14 clearing [3] - 84:14, 20; 98:1 clearly [2] - 40:24; 41:7 client [6] - 57:9, 22; 58:6, 12; 67:18; 112:6 clients [2] - 58:20; 59:6 close [7] - 8:18; 24:4; 33:11; 91:20; 105:22; 112:11 closest [1] - 32:3 closing [3] - 8:19 Club [1] - 27:4 COLES [1] - 1:1 Coles [51] - 1:8, 18, 23; 3:3; 4:23; 5:11, 22; 6:19; 7:5, 10; 8:8; 9:10; 10:3; 13:12, 15; 15:13, 23; 16:3, 5; 18:16; 19:1; 20:20; 27:24; 29:10; 38:6, 14; 44:15; 45:14; 46:14; 47:6, 12, 18; 48:7; 50:6; 51:3; 58:9; 63:20; 88:9; 101:4, 18, 20; 105:20, 22; 106:1; 107:18; 112:6; 114:12, 14 Coles/Douglas [1] - 44:16 college [1] - 24:16 College [2] - 27:9; 72:9 combined [1] - 29:15 comfortable [1] - 37:23 coming [2] - 31:21; 91:13 commend [1] - 9:7 comment [8] - 3:24; 8:9, 11, 13; 11:12; 40:7; 63:6; 112:11 comments [3] - 8:7; 111:18 Commercial [1] - 42:12 COMMERCIAL [1] - 1:2 commercial [1] - 3:6 Commission [1] -	7:11 commitment [1] - 53:16 committed [3] - 27:15; 29:2; 95:13 Committee [26] - 3:4; 5:21; 6:8, 19, 21; 7:6, 16; 9:11, 13, 19, 21; 10:17; 11:20; 12:6, 8, 24; 15:23; 20:21; 31:13; 32:21; 52:6; 58:9; 83:8; 85:17; 108:12; 114:11 COMMITTEE [1] - 1:1 committee [40] - 3:21, 24; 6:3; 8:12, 15, 23; 9:4; 10:12; 11:21; 12:12; 13:22; 18:2; 19:2; 34:4; 35:19; 40:8, 15, 17; 41:9; 44:4; 54:11, 19; 55:21; 58:16, 23; 59:3; 61:17, 19, 24; 62:1, 6, 22; 66:5; 86:10; 112:16; 113:1 committee's [1] - 107:24 committing [1] - 53:7 common [1] - 83:20 commotion [1] - 13:7 communities [2] - 29:20; 35:6 community [12] - 20:24; 21:20; 26:19-22; 27:16; 29:23; 30:1; 34:23; 106:13 company [12] - 20:24; 22:5; 24:3; 25:15; 69:6; 74:14; 91:3; 108:1, 3, 6; 111:3 comparable [1] - 80:16 compiled [1] - 20:23 complete [4] - 26:4; 30:4; 78:12; 115:8 completed [1] - 21:22 completely [3] - 33:22; 56:2; 58:21 compliance [7] - 19:1; 56:19; 67:21; 80:10; 104:23 compliant [2] - 104:17; 105:7 comply [3] - 77:15; 98:2; 104:16 component [1] - 39:7 concerned [1] - 96:14	concerning [3] - 9:11; 39:17 concerns [2] - 16:11; 92:22 concluded [2] - 107:12 concludes [1] - 82:19 conclusion [2] - 39:11; 64:8 concrete [2] - 43:11, 14 condensing [1] - 9:7 condition [1] - 49:1 conditions [5] - 9:1; 43:16; 79:9; 89:9; 112:14 conduct [2] - 11:10; 49:3 conducted [4] - 5:17; 60:16; 76:11, 24 conducting [1] - 80:19 confer [1] - 55:11 conferred [1] - 103:3 confident [3] - 26:1, 3; 104:21 conflicts [2] - 107:2 confusion [1] - 60:11 congratulations [1] - 25:17 conjunction [1] - 22:15 connection [3] - 20:10; 68:15; 69:4 connectivity [2] - 38:22; 39:1 consented [1] - 61:19 Conservation [2] - 69:24; 97:16 considerations [1] - 57:13 considered [5] - 8:12; 13:7; 56:10; 60:5 consistent [1] - 77:10 constitutional [1] - 59:1 constructing [1] - 43:2 construction [22] - 19:4; 26:13; 29:1, 3; 33:19; 51:19; 77:10, 18; 92:5; 98:4, 9, 20; 99:19, 24; 100:8, 10, 18; 103:10; 106:6, 17-18, 20 consultant [2] - 72:10; 108:1 consultants [6] - 7:10; 8:9, 16; 13:22;	45:14; 101:4 consultation [2] - 76:17; 97:7 consulting [4] - 30:8; 68:3, 6, 9 Cont'd [2] - 2:10, 13 contained [1] - 74:16 content [2] - 60:20; 61:9 context [3] - 57:17; 60:18; 61:9 continue [3] - 26:19; 29:19; 78:16 CONTINUED [2] - 73:15; 101:12 continued [1] - 79:10 contracted [2] - 69:6; 75:8 contractor [1] - 30:8 contribute [1] - 35:17 contribution [3] - 27:5; 29:21, 24 Control [1] - 80:11 control [1] - 10:21 controls [4] - 81:18, 22; 82:9; 95:6 corn [2] - 86:4, 6 Corps [6] - 76:11; 88:23; 89:24; 94:19, 21; 102:13 correct [49] - 15:12; 20:15; 23:11; 35:1; 38:4, 7; 40:12; 43:17; 46:8, 18; 47:17, 19; 48:4, 9; 49:8; 50:12; 51:21; 53:13, 19; 54:21; 56:9; 62:5; 63:9, 11; 74:4, 18; 76:6; 81:10, 13-14; 82:1; 94:24; 96:21; 102:2-4, 9; 103:17; 104:11; 106:16; 108:19; 110:19; 111:8; 115:8 corrected [1] - 17:12 correctly [3] - 53:17; 102:5; 104:8 cost [5] - 9:19, 22; 46:7, 20; 51:13 costs [3] - 51:16, 20; 53:10 counsel [7] - 4:14; 6:5; 37:10; 40:3; 56:14, 19; 114:10 Counsel [2] - 1:8, 10 count [1] - 25:22 counterevidence [1] - 63:14 country [1] - 89:1
---	---	---	--	---

COUNTY [2] - 1:1, 3 County [103] - 1:8, 13, 18, 23; 3:3, 7; 4:15, 22-24; 5:11, 22; 6:3, 6, 19; 7:5, 10, 12; 8:8, 12, 15; 9:4, 10; 10:3; 13:1, 12-13, 15, 22; 14:21; 15:14, 23; 16:3-5; 18:14, 16; 19:1, 3; 20:20; 27:15, 24; 28:4, 13; 29:7, 11; 34:5; 36:4; 38:6, 14; 39:20; 44:10, 15-16; 45:14; 46:14, 19; 47:7, 12, 18; 48:3, 7; 49:8; 50:6, 11, 14, 17, 23; 55:12, 16; 58:9, 23; 59:8; 60:13; 61:5, 18, 20, 23; 63:20; 64:9; 65:2; 84:23; 86:11; 87:11; 88:10; 101:4, 18, 20, 24; 103:19; 105:20, 23; 106:1; 107:18, 23; 109:8; 112:6; 114:8, 12, 14 County's [2] - 64:14 couple [6] - 35:12; 79:12; 84:22; 85:5; 101:9; 108:20 course [2] - 46:19; 77:18 Court [3] - 1:23; 115:4, 16 COURT [1] - 96:6 court [5] - 9:15, 18, 23; 10:1, 12 Courthouse [2] - 1:23; 114:14 Courtroom [1] - 114:14 cover [1] - 27:3 covered [2] - 68:2; 83:20 cows [1] - 86:4 Cox [10] - 1:14; 2:4, 11; 3:15; 4:7; 31:13, 16; 85:19; 86:8; 109:15 COX [14] - 3:16; 4:6, 11; 14:20; 31:15; 32:13; 55:14; 63:1; 85:18, 21; 86:7; 109:10, 12, 16 created [4] - 29:9; 84:1; 105:17 creation [5] - 39:18; 40:20; 41:14; 60:21; 62:14	crews [1] - 89:4 criteria [2] - 89:23; 94:9 critical [2] - 22:9; 99:22 CROSS [13] - 31:14; 32:22; 34:10; 37:19; 46:4; 52:7; 72:1; 83:11; 85:20; 86:12; 88:18; 93:19; 101:12 cross [10] - 10:22; 13:16, 19-20; 16:6, 8; 36:22; 37:17; 44:23; 88:10 Cross [13] - 2:4-7, 9 CROSS-EXAMINATION [13] - 31:14; 32:22; 34:10; 37:19; 46:4; 52:7; 72:1; 83:11; 85:20; 86:12; 88:18; 93:19; 101:12 cross-examination [9] - 10:22; 13:16, 19-20; 16:6, 8; 36:22; 37:17; 88:10 cross-examined [1] - 44:23 crowd [1] - 110:2 CSR [1] - 1:22 cultural [7] - 77:1; 91:2, 7, 9, 14, 19; 92:3 Cumberland [11] - 4:22; 13:13; 16:4; 18:13; 27:15; 28:4; 29:11; 48:3; 50:11, 23; 101:24 current [2] - 85:22; 94:9 CUSD [3] - 27:2; 29:23; 30:3 cusp [1] - 28:15 cutoff [1] - 91:8	dealing [1] - 41:10 deals [3] - 40:21, 23; 41:4 decided [3] - 58:2, 23 deciduous [2] - 86:23; 94:4 decision [4] - 5:20, 23; 8:13; 55:8 decision-makers [2] - 5:20, 23 decommissioning [10] - 45:19; 46:6, 10; 52:10, 12; 72:18; 73:11; 74:4; 83:16 decorative [1] - 80:4 deemed [1] - 11:9 defer [31] - 3:24; 31:5; 33:24; 37:23; 39:5; 40:3; 43:3, 6, 9, 13; 46:1; 48:19, 23; 50:1, 8; 52:22; 53:24; 56:18; 94:1; 95:17; 96:16; 103:12, 20; 104:2, 6; 105:11; 106:5, 8, 19, 22; 109:18 deferred [1] - 110:24 deferring [1] - 108:4 definition [1] - 94:19 degree [3] - 67:12; 72:6 degrees [2] - 32:8; 72:7 delay [1] - 12:2 deliberation [1] - 8:23 delineate [1] - 78:22 delineated [2] - 7:21; 8:5 Delineation [2] - 76:2; 88:23 delineations [2] - 70:20, 22 demand [1] - 28:16 demonstrate [5] - 12:20; 18:21, 24; 64:6, 16 demonstration [2] - 13:9; 14:9 denied [1] - 14:20 denying [1] - 11:13 Department [4] - 68:7; 69:24; 76:14; 104:4 department [1] - 91:2 dependent [1] - 80:5 described [1] - 53:10 description [1] - 64:8 DESCRIPTION [1] - 2:18 design [4] - 21:1; 28:10; 75:21; 94:11	designation [1] - 104:14 designed [4] - 12:2; 64:21; 82:3 desire [1] - 26:19 desk [1] - 18:22 desktop [3] - 75:16; 91:5, 13 despite [1] - 25:16 determination [5] - 12:17; 42:5; 55:21; 101:16; 103:15 determine [6] - 10:21; 59:2; 77:8; 91:23; 102:24; 103:10 determined [2] - 57:10; 76:17 determines [1] - 42:20 detrimental [5] - 42:4, 8; 64:20, 22 develop [2] - 33:11; 71:18 developed [2] - 24:21; 78:2 developer [5] - 20:12; 23:4, 19; 24:10; 25:14 developing [2] - 25:13; 71:9 Development [26] - 3:4; 5:21; 6:8, 18, 21; 7:6, 16; 9:11, 13, 19, 21; 10:17; 11:20; 12:6, 8, 23; 15:23; 20:21; 31:13; 32:21; 52:6; 58:9; 83:8; 85:17; 108:12; 114:11 DEVELOPMENT [1] - 1:1 development [9] - 20:9; 23:6; 24:8; 26:11; 33:7; 54:1, 4; 71:10; 111:5 difference [1] - 74:20 different [8] - 47:7; 71:19; 80:5; 91:18; 99:2; 108:2 diligence [2] - 69:7; 75:9 dim [1] - 66:6 diminish [1] - 42:15 dire [2] - 22:20; 25:2 Direct [3] - 2:3, 8, 10 direct [3] - 29:12; 58:11, 15 DIRECT [3] - 19:20; 67:2; 73:15 directed [2] - 30:24; 64:16	directly [2] - 9:22; 97:7 Director [3] - 1:19; 7:11; 101:5 director [1] - 20:9 disappointed [2] - 45:6; 55:6 disclosed [1] - 12:22 discount [1] - 46:12 discovery [1] - 92:2 discretion [9] - 3:23; 9:14; 10:17, 23; 11:24; 12:5, 15, 17, 19 discuss [3] - 8:24; 55:14; 56:9 discussed [3] - 18:8; 44:7; 63:5 discussing [2] - 59:8 discussion [8] - 35:12; 46:21; 55:12, 16; 56:17; 62:15, 21; 109:8 Discussion [1] - 15:20 discussions [4] - 10:9; 50:14, 16; 79:3 disrupt [1] - 13:4 disruptive [1] - 13:7 disrupts [1] - 13:4 distributed [2] - 29:6 district [2] - 50:24; 103:4 District [2] - 29:21; 34:9 districts [5] - 7:7; 29:6; 36:7; 87:14; 103:10 disturbance [1] - 99:21 document [3] - 79:4; 80:2; 97:3 documentation [2] - 7:19; 98:17 documents [6] - 5:19; 12:16; 74:16; 79:6; 97:2 dollars [3] - 29:4, 11, 19 donate [1] - 34:13 donated [2] - 34:13; 35:5 done [12] - 10:13; 13:24; 30:13; 54:21; 66:2; 73:4; 75:18; 77:6; 84:3; 89:11; 95:3; 102:19 Doty [1] - 1:15 double [1] - 98:18 double-check [1] -
	D			
	Daily [1] - 92:12 damage [1] - 27:7 Darrell [3] - 1:14; 3:15; 31:16 date [2] - 10:14; 11:6 Dated [1] - 115:21 dates [3] - 10:16; 11:4; 107:9 David [2] - 1:15; 34:1 daytime [1] - 80:16 dead [1] - 66:1 deal [1] - 52:21			

98:18 Doughty [1] - 3:17 down [9] - 9:8; 10:7, 11; 28:5; 54:15; 55:3; 100:8; 108:15; 114:2 Dr [7] - 34:1; 44:19; 45:7; 63:17; 110:2, 20; 111:7 drain [12] - 77:6, 8-9; 92:24; 102:14, 16-17, 19, 21; 103:1, 8, 11 drainage [2] - 103:4, 9 drained [1] - 89:22 drive [1] - 105:3 driven [1] - 106:7 driving [1] - 100:14 dry [1] - 93:1 ducking [1] - 108:5 due [4] - 50:2; 69:7; 75:9; 92:20 duly [2] - 19:18; 66:24 during [20] - 6:24; 8:21; 12:7, 10; 33:19; 51:18; 55:14; 58:11, 17; 61:1; 75:20; 77:10, 18; 81:20; 98:4, 20; 99:4; 100:7, 10 dwellings [3] - 28:8; 31:17	economic [7] - 28:23; 40:4; 44:2; 55:2; 60:3, 5; 110:20 Economic [1] - 34:1 economics [2] - 22:1; 54:24 economy [1] - 29:17 educational [1] - 24:16 effect [1] - 4:3 effectively [1] - 80:18 effects [3] - 76:17, 22; 99:18 efficiency [1] - 60:9 efficient [1] - 11:10 effort [1] - 73:22 efforts [2] - 27:7 eggs [1] - 99:23 egress [1] - 104:1 either [14] - 10:6; 17:13; 36:16; 87:15; 91:7; 93:6; 94:3; 95:5; 99:4; 101:2, 24; 103:3; 106:13; 107:3 electricity [1] - 80:20 eleven [1] - 13:2 eligible [1] - 56:1 eliminate [5] - 33:22; 56:9; 81:13, 19; 82:4 Embarras [1] - 27:6 emergency [8] - 27:10; 29:7; 50:19; 51:9, 12-13, 17 Emergency [1] - 27:11 employee [5] - 35:22; 73:20; 74:2; 108:1 employment [4] - 28:23; 29:16; 33:18; 67:8 EMRE [3] - 2:3; 19:16; 20:4 Emre [2] - 1:12; 19:23 encountered [1] - 77:9 End [1] - 114:18 end [4] - 33:12; 60:12; 78:2; 98:5 endanger [1] - 76:12 endangered [2] - 67:21; 77:14 ENERGY [3] - 1:2 energy [6] - 3:6; 23:20; 24:10, 17; 38:19; 42:12 Energy [8] - 3:7; 4:19; 20:8, 19; 22:5; 26:10; 28:13	engage [2] - 35:16; 56:17 engaged [1] - 50:16 engagement [2] - 20:24; 21:20 engages [1] - 13:5 engaging [1] - 35:13 engineer [18] - 39:5; 43:3, 6, 9, 13; 46:20; 48:23; 50:1, 8, 14, 17; 72:3, 20; 73:6, 8, 21; 74:13; 106:8 Engineer [1] - 76:11 engineer's [1] - 48:18 engineering [7] - 21:2, 21; 74:15; 81:18, 21; 82:9; 95:6 Engineers [4] - 88:23; 89:24; 94:20; 102:13 engineers [1] - 72:16 enjoyment [1] - 42:13 ensure [2] - 78:13; 106:11 ensuring [2] - 72:14; 95:13 enter [1] - 104:1 entered [2] - 33:16; 82:16 entering [2] - 29:22; 33:17 entertain [1] - 3:23 entry [1] - 8:7 environmental [7] - 21:21, 23; 30:9; 69:7; 70:17; 72:10; 75:9 Environmental [1] - 67:10 equipment [1] - 51:6 era [1] - 28:16 ERM [11] - 30:8; 67:11; 69:6; 71:13; 73:20; 74:2; 75:8, 13; 76:6; 84:11; 94:22 erosion [1] - 77:17 especially [1] - 70:6 establish [1] - 30:3 estimated [2] - 46:7; 53:10 estimates [1] - 46:20 et [1] - 18:3 etc [4] - 23:9, 13; 64:24; 112:14 evaluate [2] - 46:20; 82:4 evaluated [1] - 46:17	evaluation [1] - 53:6 evening [11] - 3:2; 5:9; 17:24; 18:1, 3; 19:10; 20:22; 21:19; 66:10; 87:20 evergreen [7] - 79:6, 21; 80:1; 86:23; 94:3 evergreen-only [1] - 94:3 evidence [33] - 5:18; 6:15; 7:17, 19, 22; 8:1, 3, 8, 11, 17-19, 21; 11:22, 24; 12:9, 16; 18:24; 41:14; 55:4; 60:3, 18; 61:8; 62:15, 19; 64:5, 15, 21; 65:10, 23; 112:5, 12 exact [1] - 98:24 exactly [9] - 42:18; 47:5, 10; 57:9; 60:11, 20 Examination [2] - 2:4, 9 examination [11] - 10:22; 13:16, 19-21; 16:6, 8; 36:22; 37:17; 52:1; 88:10 EXAMINATION [18] - 19:20; 23:17; 31:14; 32:22; 34:10; 37:19; 46:4; 52:7; 67:2; 71:7; 72:1; 73:15; 83:11; 85:20; 86:12; 88:18; 93:19; 101:12 examined [3] - 19:19; 44:23; 67:1 example [1] - 29:20 examples [1] - 27:19 except [1] - 37:9 excessive [1] - 13:6 exclude [1] - 11:22 excuse [1] - 104:9 Excuse [1] - 97:10 excused [1] - 6:20 Executive [1] - 1:19 exists [1] - 77:8 expect [3] - 30:4; 83:22; 97:24 expected [4] - 28:19; 29:3, 5, 9 expecting [1] - 85:10 expelled [1] - 13:6 expense [1] - 51:13 experience [6] - 67:15; 68:2; 70:12, 17; 71:17 experiences [1] -	81:23 expert [26] - 12:18; 13:9, 11, 14; 14:10; 16:2; 22:17, 19, 23; 25:9, 11, 13, 20; 30:7; 33:24; 42:2; 44:21; 69:2, 11, 17, 20; 70:1; 74:10, 20 expert's [1] - 12:22 expertise [3] - 13:9; 14:9; 70:5 experts [4] - 15:11; 21:19; 72:12; 91:16 expound [1] - 32:2 expressed [2] - 43:23; 58:22 extent [6] - 31:3; 39:10; 41:8; 49:7; 56:19; 75:21 external [1] - 26:18 extraneous [1] - 56:10 extremely [2] - 45:5; 50:2
F				
facilitate [1] - 113:3 facilitator [3] - 5:6, 11; 12:17 Facilitator [1] - 1:6 facility [4] - 3:6; 4:21; 42:12; 64:20 FACILITY [1] - 1:2 fact [6] - 5:14; 8:24; 25:16; 44:23; 84:4; 97:11 factor [3] - 40:21; 41:6; 65:16 factors [7] - 57:14, 20; 64:3, 12-13; 65:12, 19 Factors [3] - 41:1; 57:12, 19 failure [2] - 11:1, 5 fair [7] - 46:23; 65:21; 102:8; 104:14; 106:11 fairly [1] - 5:17 fall [1] - 39:19 familiar [2] - 23:5, 12 far [6] - 39:2; 48:2; 50:1; 86:2; 111:20 farm [2] - 33:2; 88:3 farmed [1] - 92:10 farmers [1] - 92:21 farmland [3] - 32:1; 33:9; 83:17 farms [1] - 71:11 fast [1] - 52:19 favor [3] - 4:7; 7:18;				

111:13 features [3] - 76:10; 94:12 February [2] - 90:2; 98:5 federal [8] - 33:4; 61:4; 65:19; 69:23; 76:12; 77:13; 83:22 federally [1] - 83:23 fees [1] - 5:1 feet [4] - 28:7-9; 31:17 fell [1] - 91:10 fellas [1] - 109:5 fence [1] - 28:6 fencing [1] - 103:24 few [7] - 23:16; 45:18; 81:2; 85:9, 11; 107:14; 111:21 FFA [1] - 27:4 field [8] - 13:9; 14:10; 74:10; 75:14; 77:8; 91:16; 94:9; 98:13 Fifth [1] - 115:5 fighting [1] - 51:7 figure [1] - 59:17 filed [1] - 4:18 fill [1] - 104:20 final [8] - 6:7; 7:15; 29:22; 35:1; 52:5; 82:13; 85:12; 108:10 finalized [3] - 34:24; 80:2; 94:3 finally [1] - 13:8 finance [1] - 24:18 financial [6] - 35:8; 44:2; 52:24; 111:1 findings [3] - 8:24; 12:24; 112:13 fine [3] - 31:7; 62:5; 96:9 finish [1] - 85:11 fire [3] - 50:21, 24; 51:7 firm [1] - 18:6 first [16] - 6:2, 12, 15; 7:4; 8:24; 19:7, 18; 20:2; 25:21; 31:12; 36:1; 37:24; 66:24; 109:22; 110:3 FISCHER [1] - 54:6 Fischer [3] - 110:24; 111:4, 7 Fish [4] - 68:3; 76:13; 97:17; 98:21 fish [1] - 76:19 fit [1] - 94:19 five [14] - 6:12; 11:18; 13:15; 16:6; 22:24; 39:3; 46:17; 53:8;	71:15; 74:21; 78:16; 79:17; 92:17 fixed [1] - 56:2 flock [1] - 90:10 flush [1] - 99:22 fly [3] - 99:19, 23; 100:16 focus [1] - 26:23 folks [21] - 5:9; 15:13; 21:10; 30:18; 34:12; 35:4, 8; 36:16, 20, 23; 37:1; 72:15; 90:19; 93:6; 101:1; 110:10, 13; 111:10, 12, 17; 114:6 follow [3] - 71:6; 101:14; 110:1 follow-up [2] - 71:6; 101:14 following [4] - 7:2; 9:4; 64:10; 104:3 follows [3] - 6:10; 19:19; 67:1 food [1] - 34:13 Food [1] - 27:14 foot [1] - 92:24 footprint [1] - 31:18 FOR [1] - 1:1 foregoing [1] - 115:6 forested [2] - 84:12; 97:23 forge [3] - 80:22, 24; 95:2 forging [1] - 83:14 form [3] - 13:1; 28:18; 93:24 formally [1] - 5:7 forth [4] - 10:15; 11:4; 52:22; 115:9 forthcoming [1] - 85:6 forward [2] - 79:20; 80:7 four [7] - 10:18; 16:19; 24:14; 25:15; 39:3; 69:3; 92:16 frame [3] - 61:7; 98:6; 107:2 frames [1] - 62:18 Freezeland [1] - 3:18 friendly [9] - 36:21; 77:22; 78:12; 104:9, 13-14, 17-18; 105:9 Friendly [1] - 77:15 fulfilled [1] - 53:4 full [6] - 9:4; 26:2; 40:10; 44:4; 55:22 functional [1] - 94:20 fund [1] - 53:3 funding [1] - 53:9 funds [1] - 27:10	future [1] - 49:20 G gallery [2] - 108:21; 114:6 game [1] - 65:21 gas [6] - 22:7, 14; 28:14; 33:10, 12 gathered [1] - 75:20 geese [4] - 90:6, 11; 99:7 general [12] - 6:5; 39:20; 40:22; 41:16; 57:20; 64:20, 23; 65:16; 75:17; 91:8; 99:20 generally [3] - 80:15; 89:1; 107:7 generate [1] - 29:3 generated [1] - 60:4 gentleman [9] - 25:19; 30:19; 44:21; 87:18; 88:9; 94:15; 99:6; 110:2; 113:16 gentleman's [2] - 36:24; 110:23 gentlemen [8] - 14:6; 16:14, 17; 17:13; 83:7; 108:21; 113:1; 114:8 giant [1] - 89:22 Gibson [2] - 26:13; 29:1 gigawatt [2] - 22:12; 26:10 gigawatts [1] - 22:6 given [3] - 13:19; 26:21; 29:18 Glacier [6] - 3:6; 4:18; 9:12; 16:18; 17:14; 20:12 GLACIER [1] - 1:2 glare [33] - 41:24; 70:7; 71:5, 10, 24; 73:24; 74:12; 80:9, 22-23; 81:3, 8, 10, 13, 20, 24; 82:5, 7; 94:23; 95:1, 4, 7-8, 13; 106:10 goals [1] - 26:16 golden [1] - 97:13 gonna [45] - 3:2, 23; 11:12, 15, 19; 22:19; 25:18; 30:12; 34:12; 35:23; 37:22; 40:15; 41:2; 44:1; 45:5; 46:16; 52:10; 53:2; 56:24; 60:18; 71:6; 72:23; 74:23;	83:16; 84:15, 24; 86:19; 90:14; 92:23; 95:12; 96:19; 100:8, 20; 108:22, 24; 109:11; 110:11; 111:11, 15, 24; 112:9; 113:12 govern [3] - 9:9; 60:18 governed [1] - 11:21 government [4] - 6:4; 7:6; 36:7; 87:14 grading [1] - 49:24 grant [2] - 27:1, 10 Grant [1] - 29:18 granted [1] - 9:2 Grants [1] - 26:22 grants [2] - 27:8, 13 grass [2] - 86:15, 19 great [1] - 33:6 greatest [1] - 75:21 green [1] - 28:5 grid [2] - 22:9; 28:15 ground [6] - 33:2; 43:8; 75:15; 103:24 group [1] - 72:11 groups [1] - 38:16 growing [1] - 86:19 grows [1] - 89:7 growth [2] - 79:19; 80:6 guarantee [1] - 100:6 guess [4] - 23:2; 53:23; 70:16; 109:18 guidelines [1] - 98:21 gurst [1] - 113:21 guy [1] - 16:20 guys [8] - 16:19, 22; 33:19; 35:24; 54:23; 55:18; 109:2 H H-o-r-n [1] - 96:4 habitat [14] - 76:21; 77:14, 24; 83:15, 24; 84:12; 97:23; 98:14; 99:15; 100:3 habitats [1] - 99:17 habits [2] - 79:19; 80:6 half [3] - 26:5; 28:5; 66:1 half-hour [1] - 66:1 hand [8] - 4:6; 19:8, 11; 36:18; 66:13; 87:17, 19; 95:20 handed [1] - 14:14 handled [1] - 83:17 hands [1] - 36:15	hang [5] - 14:23; 21:5; 22:16; 95:24 happy [1] - 61:14 hard [1] - 21:11 harder [1] - 10:6 harmed [1] - 98:12 hazard [2] - 80:22; 95:2 head [2] - 62:24; 96:6 headquartered [1] - 22:5 heads [1] - 30:20 health [2] - 40:22; 57:20 hear [12] - 4:3; 6:15; 21:11; 32:18; 44:12; 56:3; 88:20; 90:20; 109:5; 111:6, 16 HEARING [1] - 1:1 hearing [57] - 3:5, 20; 4:2; 5:10, 16; 6:11, 13, 24; 9:6, 8, 10, 16; 10:3, 14, 16, 19, 21; 11:10, 14, 19; 12:7, 10, 17; 13:3, 5; 20:21; 24:20; 38:4; 44:14; 47:23; 50:18; 55:6; 56:2; 57:14, 19; 60:6, 9-10, 14-16, 24; 61:3, 7, 11; 62:19; 64:3, 10, 12-13; 65:11, 18; 101:21; 111:16; 114:18 Hearing [1] - 1:6 hearings [4] - 9:20; 10:2; 12:11; 68:23 heat [1] - 22:11 heck [1] - 10:7 held [2] - 12:11; 39:16 help [9] - 27:2, 6, 11; 35:5, 8; 59:13; 60:9; 110:22; 113:3 helped [1] - 71:18 helping [2] - 26:23; 35:9 hereby [1] - 115:5 hereinabove [1] - 115:9 high [2] - 86:20; 105:8 Historic [3] - 68:10; 77:3; 92:8 hold [4] - 5:13; 40:14 home [5] - 27:7; 32:11; 109:18, 20; 111:10 homeowner [1] - 31:21 hope [2] - 19:2; 75:3 HORN [4] - 95:20, 22;
---	--	--	--	--

96:2, 4 horn [5] - 108:17; 109:3, 24; 110:16; 111:6 Horn [2] - 1:11; 96:2 horse [1] - 65:24 hour [1] - 66:1 hours [1] - 33:21 hundred [5] - 46:11; 53:12, 17, 22; 102:20 hunt [1] - 90:8 hypothetically [1] - 105:6	importance [1] - 9:24 important [1] - 39:7 in-construction [1] - 29:1 inappropriate [1] - 13:5 inaudible [1] - 80:19 inches [1] - 103:23 incidental [1] - 84:13 include [10] - 56:15; 57:10; 68:3, 6, 9; 70:17; 76:2; 85:3; 94:15 included [3] - 38:11; 73:18; 85:3 includes [4] - 17:10; 77:22; 78:23; 81:1 including [11] - 7:7, 9; 10:19, 24; 36:7, 13; 71:19; 72:12; 76:9; 87:14 income [2] - 27:9; 29:15 incorporated [2] - 75:20; 94:11 increase [1] - 28:16 increased [1] - 51:17 indicated [7] - 18:5, 10; 48:5, 21; 49:18; 53:20; 108:4 indicates [1] - 46:10 indirect [1] - 29:12 Indiscernible [2] - 55:12, 16 indiscernible [3] - 79:21; 105:1; 109:8 individual [2] - 76:22; 79:18 induced [1] - 29:12 Information [1] - 97:16 information [14] - 8:17; 9:24; 12:9; 40:1; 58:3; 61:3, 10; 63:14; 75:19; 81:1; 82:8; 85:7; 107:23 informed [1] - 112:22 infrastructure [2] - 22:9; 28:20 initial [2] - 78:4; 104:20 initiative [1] - 35:14 injurious [2] - 42:13, 20 installation [2] - 77:23; 78:5 installed [1] - 84:23 instead [2] - 33:2; 74:21 insurance [1] - 27:3	integrated [1] - 26:20 intend [2] - 110:5, 14 intended [1] - 79:5 intention [1] - 18:20 interconnect [1] - 22:13 interconnection [1] - 28:11 interested [6] - 7:7, 23; 11:8; 36:8, 13 interestingly [1] - 48:17 interfere [1] - 86:20 interior [1] - 76:14 internal [2] - 21:19; 26:18 interrupt [1] - 26:7 introduce [3] - 4:14; 5:6; 20:23 introduction [1] - 8:21 invasive [1] - 77:19 inverter [1] - 43:14 inverters [4] - 50:5; 105:18; 106:1, 3 investment [1] - 53:2 involve [1] - 38:16 involved [2] - 71:9; 99:21 involvement [1] - 73:1 involves [1] - 75:8 IPaC [3] - 97:4, 15 irrelevant [2] - 11:23; 40:11 issue [26] - 19:2; 36:22; 37:2; 40:19, 21, 23-24; 41:4; 55:9, 11; 57:3; 58:5; 59:2; 60:20, 22; 61:1; 62:13, 16, 20; 65:15, 17; 66:2; 106:11 issues [15] - 23:8; 39:17; 42:1; 62:14; 63:21; 67:23; 70:18; 71:2; 74:4; 81:24; 94:24; 95:1, 4; 111:1 item [2] - 4:1, 13 items [2] - 6:12; 91:14 itself [4] - 27:23; 42:22; 50:10; 51:18	jobs [12] - 24:6; 29:8, 10; 33:20, 22; 39:6, 8; 40:2; 44:6; 60:4; 64:24; 110:21 John [2] - 1:15; 87:21 JOHNSON [1] - 14:17 Johnson [1] - 1:15 join [1] - 3:9 Joseph [3] - 1:11; 82:14; 96:2 Judicial [1] - 115:5 July [1] - 28:4 jurisdiction [6] - 18:16; 27:24; 48:7, 11; 50:7; 102:1	18:5; 26:1; 41:1; 54:16; 60:15; 61:1; 66:8; 69:9; 70:24; 93:8 keep [3] - 10:8; 27:12; 78:6 keeping [2] - 65:22; 112:19 Kelly [2] - 1:19; 7:12 kept [2] - 33:15; 61:20 KEYT [48] - 4:16; 14:16; 15:10; 25:3, 10; 40:14, 19; 45:18, 24; 46:2, 5; 51:22; 53:15, 19; 54:2; 55:8; 57:7; 58:1; 59:13, 17; 60:1, 7; 61:19, 22; 62:1, 5, 8, 10, 12; 63:9, 11, 13; 65:5, 8; 69:14, 18; 71:22; 72:2, 22; 74:8; 93:8; 101:8, 13; 107:20; 112:7, 15, 19; 113:6 Keyt [38] - 1:8; 2:6, 9, 13; 4:13; 7:13; 9:7; 14:15; 16:15; 18:3, 10, 20; 25:2, 7; 36:11; 45:17; 51:24; 52:15; 55:7; 57:5; 58:5, 11, 15; 59:2, 4, 19, 24; 62:23; 64:19; 66:4; 69:13; 71:21; 74:6; 101:7; 107:22; 112:5, 13; 113:5 Keyt's [2] - 18:22; 64:7 kid [1] - 92:14 kind [8] - 33:14; 37:22; 43:16; 79:16; 86:18; 99:20; 107:5; 109:20 kinds [1] - 56:11 knowledge [2] - 23:8; 107:1 knowledgeable [1] - 31:1 Kyle [3] - 1:10; 16:19; 18:6
I I-beam [1] - 43:12 I-beams [1] - 43:10 I.. [3] - 23:15; 84:9; 85:18 idea [2] - 79:16; 109:20 identification [1] - 8:6 identified [9] - 89:11; 92:3; 94:8, 11; 95:1; 98:2, 8; 99:3; 101:22 identify [3] - 17:1; 81:24; 102:18 IL [3] - 1:22, 24; 115:16 Illinois [21] - 12:13; 17:3; 22:8; 23:24; 27:8, 14; 67:14; 68:6, 9, 19; 70:15, 22; 72:8, 17; 76:14; 80:10; 82:14; 89:21; 104:3; 114:15; 115:5 image [1] - 28:5 immaterial [1] - 40:11 immediate [1] - 42:14 immediately [2] - 24:6; 32:8 Impact [2] - 47:3; 70:9 impact [5] - 29:24; 42:22; 44:2; 60:3; 110:21 impacting [1] - 98:19 impacts [19] - 21:24; 22:1; 28:23; 29:12; 60:5; 75:22; 76:9, 21; 81:7; 84:19; 89:13; 94:12, 14; 95:13; 97:24; 99:16; 100:12 impair [1] - 42:15 implemented [1] - 85:1	J Jackson [1] - 114:14 jeering [1] - 13:6 Jeremy [1] - 3:17 job [8] - 5:16; 10:5; 24:6; 39:17; 40:20; 41:14; 60:21; 62:14	K KAINS [161] - 3:1; 5:8; 14:6, 13, 19, 23; 15:8, 11, 13, 16, 18, 21; 16:13, 22; 17:2, 5, 7, 12, 21; 19:10, 13; 20:2; 21:5, 8, 10, 15, 17; 22:16, 24; 23:16, 18; 25:2, 4, 7, 12; 26:6; 30:11, 16; 31:2, 6, 11; 32:14, 17; 34:3; 36:3, 19; 37:14; 39:13; 40:18; 41:13, 19; 43:22; 44:8, 12, 19, 23; 45:2, 7, 11, 17; 51:23; 52:4, 15, 18; 54:3, 7, 10, 15, 17; 55:7, 18; 56:5, 24; 57:5, 24; 58:4, 8; 59:6, 16, 18, 22; 60:2; 62:22; 63:3, 8, 10, 12, 16, 24; 65:7, 24; 66:10, 12, 15, 19; 69:12, 16, 19; 71:5, 8, 21, 23; 73:8, 12; 74:6, 9, 19; 82:18; 83:4; 85:15, 19; 86:8; 87:10, 18, 22, 24; 88:4, 6, 9, 14, 16; 90:16, 19; 93:5, 10, 14; 95:24; 96:3, 5, 9; 100:23; 101:7; 107:22; 108:10, 15, 20; 109:2, 14, 19; 110:1, 7, 9, 16, 20; 111:2, 6, 11, 24; 112:3, 8, 17, 22; 113:4, 8, 11, 15, 19, 21, 23; 114:1, 4 Kains [16] - 1:7; 2:4, 9; 5:6, 10; 17:23;	L labor [11] - 28:24; 29:2; 48:24; 49:2-5, 7-8, 12, 15 ladies [2] - 16:17; 114:8 lady [1] - 10:1 laid [1] - 41:7	

Lake [1] - 27:9 land [7] - 33:1, 8; 38:3, 8, 11, 14; 85:22 Land [1] - 27:9 landing [1] - 79:2 landowner [1] - 79:2 landowners [10] - 29:14; 33:17; 42:24; 77:7; 81:6; 96:13; 102:20, 23 landscape [5] - 30:9; 78:22; 79:4; 85:3; 94:2 landscaping [1] - 87:1 language [1] - 65:3 large [1] - 72:11 larger [1] - 18:12 largest [1] - 27:1 largest-ever [1] - 27:1 LaSalle/Sinclair [3] - 41:1; 57:12, 19 last [12] - 20:4; 26:4; 55:6; 75:13, 18; 85:11, 23; 87:22; 92:15; 96:3; 106:21; 113:19 lasting [1] - 29:24 late [2] - 26:23; 114:3 laughing [1] - 16:21 Laughs [1] - 18:4 laughs [1] - 37:14 law [17] - 18:6; 40:23; 41:4, 6-7; 60:22, 24; 61:4; 64:14; 65:15, 19; 66:2; 104:24 lawyer [1] - 55:4 lawyers [1] - 16:23 lead [3] - 20:12; 23:4, 19 leadership [1] - 21:19 lease [2] - 29:15; 33:16 leases [1] - 38:17 least [2] - 28:8; 110:5 left [1] - 108:17 legal [1] - 39:11 less [1] - 12:11 lessening [1] - 33:21 letter [1] - 42:19 letters [1] - 27:19 level [1] - 76:12 levels [1] - 80:17 Library [1] - 30:3 License [2] - 1:22; 115:16 license [1] - 74:15 licensed [8] - 5:12, 15; 7:8, 22; 8:2; 36:9; 73:6	licensure [1] - 72:20 lies [2] - 12:16; 45:3 life [5] - 48:21; 78:18; 79:7, 10; 105:4 lights [1] - 66:7 likelihood [2] - 91:6, 13 limit [3] - 8:14; 61:7 limited [4] - 13:18, 20, 23; 60:23 limits [9] - 10:22; 11:7; 13:8; 14:1, 8; 15:22; 61:12; 65:22; 80:14 line [2] - 28:6; 44:16 lines [4] - 33:13; 85:10; 105:19 Lines [1] - 44:21 list [3] - 57:20; 97:4 listed [6] - 4:1; 57:14, 18; 73:18; 76:18; 83:23 lists [1] - 57:12 live [4] - 17:4; 18:8; 88:1 lived [1] - 92:12 lives [2] - 92:12; 113:16 living [1] - 82:17 LLC [7] - 1:2; 3:6; 4:19; 9:12; 16:18; 26:16 local [9] - 6:4; 7:6; 29:8, 17; 36:7; 49:2-4; 87:14 located [7] - 18:15; 21:24; 28:6; 31:24; 39:9; 50:6, 23 location [2] - 49:23; 51:7 locations [1] - 80:16 LOCKHART [4] - 45:16; 101:6; 111:21; 112:2 Lockhart [7] - 1:19; 7:12; 16:16; 45:14; 101:5; 111:19; 112:4 loitering [1] - 13:3 long-term [6] - 26:16; 27:16; 29:10, 15; 78:5 look [10] - 33:1-3, 8; 79:15, 17; 82:4, 6; 97:9 looked [5] - 80:10, 21; 101:19; 105:16; 107:16 looking [7] - 49:4; 86:18; 89:5; 94:18;	98:14; 107:6 looks [3] - 49:10; 61:15; 84:10 Loomis [6] - 34:1; 45:7; 63:17; 110:2, 20; 111:7 Loomis' [1] - 44:19 lose [1] - 83:24 loss [1] - 84:13 loud [1] - 56:7 louder [1] - 21:7 low [5] - 27:9; 80:15; 86:19; 91:6, 13 low-growing [1] - 86:19 low-income [1] - 27:9 Lydia [2] - 1:22; 10:1 LYDIA [2] - 115:4, 15	matter [2] - 12:21; 69:2 Mattoon [13] - 30:2; 32:4; 34:8; 35:6, 19, 22; 38:9; 47:14, 21, 24; 88:5; 102:3 Mattoon's [2] - 35:9; 48:11 MBTA [3] - 83:21; 90:11; 100:13 McFall [1] - 31:8 McGuireWoods [1] - 18:7 mean [11] - 32:6; 57:18; 61:17; 64:7, 12; 69:22; 72:22; 90:8; 99:6; 111:9; 112:19 means [2] - 26:16; 42:22 meant [2] - 22:13 meet [8] - 58:12, 14; 59:4; 65:10; 67:21; 80:14; 89:23; 105:8 meeting [7] - 3:3; 5:7; 9:16; 15:24; 40:9; 44:4; 55:19 Meetings [2] - 12:13; 58:13 meetings [2] - 9:20; 44:4 meets [1] - 89:7 megawatts [8] - 4:22; 18:12; 26:12; 28:2; 47:4, 13, 16 member [2] - 27:16; 58:17 members [44] - 5:20; 6:3, 21; 7:5, 9, 15; 8:15; 12:6, 8, 12; 13:2, 16-17, 21; 14:22; 16:21; 18:1; 31:12; 32:20; 34:4; 36:4, 6, 13; 44:10; 45:13; 52:5; 54:11; 55:13, 17; 58:14, 16; 66:5; 85:16; 86:9; 87:11, 13, 15; 108:11; 109:9; 111:12; 112:10 Members [2] - 1:13; 5:22 mentioned [5] - 28:3; 34:23; 64:18; 81:9 met [4] - 32:8; 78:17; 79:9; 94:9 mic [2] - 21:6; 90:17 Michael [2] - 1:17; 3:19 microphone [6] -	4:17; 19:8; 52:16; 56:5; 88:11; 101:8 midst [1] - 35:14 Midwest [1] - 70:23 might [6] - 40:6; 51:6; 61:15; 94:16; 101:8 Migratory [4] - 83:21; 84:7; 90:9; 99:11 migratory [7] - 90:2, 4, 10; 99:2, 4, 13; 107:6 Mike [2] - 1:14; 3:13 mile [3] - 88:2, 7; 97:22 miles [1] - 39:3 million [5] - 29:4, 19; 34:22; 35:3 millions [1] - 29:11 mind [3] - 29:20; 65:22; 112:19 mine [1] - 14:17 minimal [1] - 50:2 minimum [2] - 10:10; 53:3 Minnesota [2] - 24:11, 15 minus [1] - 25:20 minute [1] - 34:12 minutes [41] - 3:20; 8:14; 13:10, 14-15, 18-19, 21; 14:2, 11, 16; 15:4, 8, 11, 13, 15; 16:2, 5-9; 17:22; 22:18, 22; 25:20-23; 26:2, 5; 37:6, 17; 58:18; 63:21; 74:21, 24; 75:2; 88:11 misinformed [1] - 112:23 mistaken [1] - 65:2 mitigate [3] - 81:7, 12; 82:8 mitigated [2] - 81:15; 95:14 Mitigation [2] - 47:3; 70:9 mixes [1] - 83:14 mixture [2] - 81:21; 95:5 modeled [1] - 80:12 modeling [1] - 105:18 modified [1] - 3:22 modify [1] - 9:13 modules [1] - 43:4 moment [3] - 8:5; 43:20; 105:7 monarch [1] - 99:9 money [2] - 34:19; 35:5 monitoring [3] -
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77:23; 78:6; 105:4 month ^[1] - 30:4 months ^[3] - 35:13; 75:13, 19 MORAINE ^[1] - 1:2 Moraine ^[6] - 3:6; 4:19; 9:12; 16:18; 17:14; 20:12 morals ^[2] - 40:22; 57:21 mortality ^[1] - 79:20 most ^[3] - 15:24; 22:10; 33:8 motion ^[4] - 3:23; 4:3, 12 move ^[2] - 80:7; 90:14 moving ^[2] - 79:20; 90:11 MR ^[403] - 3:1, 12, 14-17; 4:4-7, 9-12, 16; 5:5, 8; 14:1, 4-6, 8, 13, 16-20, 23; 15:2, 4, 6, 8, 10-13, 15-19, 21; 16:12, 22; 17:1, 4-7, 9, 12, 19, 21, 23; 18:5; 19:9, 13, 15, 21; 20:2, 6; 21:5, 8, 10, 15, 17; 22:16, 22, 24; 23:1, 15-16, 18; 25:2-4, 6-7, 10, 12; 26:1, 6; 30:11, 15-16, 22; 31:2, 6, 11, 15; 32:13, 17, 23; 34:2, 7, 11; 35:21; 36:3, 18-19; 37:12, 14, 18, 20; 39:10, 13, 23; 40:6, 13-14, 18-19; 41:13, 18-20, 23; 42:10-12, 17; 43:18, 20, 22; 44:3, 8-9, 12, 18-19, 22-23; 45:1-3, 7, 10-11, 16-18, 24; 46:2, 5; 51:22; 52:3, 8, 15, 17-18, 20, 23; 53:15, 19; 54:2, 6-7, 9-10, 15-18; 55:7, 14, 18, 20; 56:4, 7-8, 21, 24; 57:4, 7, 24; 58:1, 4, 7-8; 59:5-7, 9-13, 16-18, 22; 60:1, 7; 61:17, 19-20, 22-23; 62:1, 3, 5, 7-12, 22, 24; 63:1-4, 8-13, 16, 23-24; 64:2; 65:5, 7-8, 24; 66:8, 10-12, 15, 19, 21; 67:3; 69:9, 12, 14, 16,	18-19; 70:3, 24; 71:5, 8, 21-23; 72:2, 22; 73:8, 10, 12-13, 16; 74:6, 8-9, 18-19; 75:3, 24; 82:18, 21; 83:2, 4, 10, 12; 85:13, 15, 18-19, 21; 86:7, 13; 87:9, 17-18, 21-24; 88:2, 4-6, 8-9, 13-16, 19; 90:16, 18-19, 21-22; 93:5, 8, 10, 13-14, 17, 20; 95:20-24; 96:2-5, 7, 9-10; 100:22; 101:6-8, 13; 107:20, 22; 108:9, 15, 19-20, 22; 109:2, 10-14, 16-17, 19, 24; 110:1, 4, 7-9, 13, 16, 19-20, 24; 111:2, 4, 6, 8, 11, 21, 24; 112:2, 7-8, 15, 17, 19, 22; 113:2, 4, 6-8, 10-11, 14-15, 18-24; 114:1, 3 MS ^[1] - 18:4 multi ^[2] - 29:22; 30:3 multi-year ^[2] - 29:22; 30:3 multiple ^[2] - 28:9; 50:21 must ^[4] - 12:12, 19, 22; 13:2 muster ^[1] - 59:1 MY ^[1] - 92:10	nail ^[1] - 91:10 name ^[15] - 5:10; 18:5; 19:22; 20:3; 34:8; 67:4, 6; 87:20-22; 96:1, 3; 113:19 name.. ^[1] - 110:23 named ^[2] - 16:19; 44:21 native ^[5] - 77:24; 78:1, 23; 86:18; 90:23 natural ^[8] - 21:2; 22:7, 14; 28:14; 33:10; 67:22; 75:8 Natural ^[3] - 68:7; 76:14; 104:4 naturalized ^[2] - 78:24; 86:18 near ^[1] - 91:16 necessarily ^[2] - 73:2, 4	necessary ^[7] - 10:15; 11:9; 28:12; 49:24; 51:7; 69:22; 84:15 need ^[15] - 6:10; 21:6; 26:2; 47:13; 49:9; 56:2; 57:8, 15, 21; 58:3; 59:14; 89:3; 96:19; 105:15 needed ^[2] - 15:6; 22:10 needing ^[1] - 35:7 needs ^[3] - 26:17; 27:2, 12 neighbor ^[1] - 32:3 neighbors ^[2] - 96:13 Neoga ^[8] - 13:13; 16:3; 26:23; 27:1, 3-4; 29:21, 23 nest ^[2] - 98:1; 99:24 nesting ^[12] - 83:14, 18; 84:3, 5, 8; 90:10; 98:5; 99:13, 19; 100:11; 107:7 nests ^[5] - 98:7, 16, 18-19; 100:15 neutral ^[8] - 8:4; 36:16, 20; 37:2; 87:16; 93:7; 101:2; 111:14 new ^[2] - 8:21; 29:4 next ^[25] - 4:13; 18:20; 21:4; 22:3; 26:14; 27:18, 21; 28:17, 21-22; 30:6; 32:1; 66:7; 75:6; 77:12; 78:19; 79:11, 23; 80:8, 21; 82:15; 95:21; 106:9; 108:18 night ^[17] - 11:15; 44:14, 16; 80:19; 109:3, 7, 23; 111:7; 112:10, 14; 113:9, 13; 114:2, 10, 12, 17 nights ^[2] - 10:2; 11:14 nine ^[1] - 12:15 nobody ^[1] - 31:24 noise ^[18] - 50:4; 70:7; 71:5, 10, 23; 72:4, 12, 16; 73:9, 17, 21; 74:12; 80:13; 105:13, 15, 17, 19 non ^[2] - 13:11, 14 non-expert ^[2] - 13:11, 14 nondiscretionary ^[1] - 104:23 none ^[3] - 24:1; 42:4;	44:7 None ^[1] - 2:19 nonresidents ^[2] - 13:15; 16:5 nonvolant ^[1] - 100:15 northern ^[1] - 44:15 noted ^[1] - 98:16 notes ^[1] - 115:9 notice ^[1] - 10:15 noticed ^[1] - 21:10 notices ^[1] - 5:3 notified ^[1] - 54:22 noxious ^[2] - 77:19; 104:24 number ^[23] - 9:9; 10:2, 14, 18; 11:18; 12:3, 15, 23; 13:2, 8; 39:17; 41:3; 47:11; 49:10; 52:21; 69:1; 84:11; 94:22; 104:21; 108:5 NUMBER ^[1] - 2:18 numbers ^[3] - 10:2; 35:1; 47:7 numerous ^[1] - 21:22	officials ^[2] - 8:15; 13:22 older ^[1] - 91:8 omitted ^[1] - 94:13 once ^[7] - 8:18; 25:1, 16; 53:7; 78:15; 95:16 one ^[35] - 9:9, 24; 11:12; 14:23; 30:17; 31:19, 22; 32:4; 35:4; 36:12; 38:1; 41:3; 44:10; 46:22; 47:1; 48:6; 53:18, 23; 58:2, 16; 63:4; 68:23; 76:1; 81:23; 82:12; 84:14; 89:2; 91:20, 24; 92:21, 23; 101:14; 109:5; 110:24 ongoing ^[2] - 77:23; 78:5 Open ^[2] - 12:13; 58:13 open ^[2] - 55:19; 63:6 opening ^[2] - 17:17, 19 operate ^[4] - 22:6, 14; 27:17; 29:20 operation ^[1] - 19:5 operations ^[1] - 23:9 opinion ^[1] - 12:21 opportunity ^[8] - 5:18; 6:22; 7:1, 18; 11:17; 24:9; 111:15 opposed ^[8] - 8:1; 36:16, 20; 49:4; 87:16; 93:6; 101:2; 111:13 opposite ^[1] - 37:2 opposition ^[1] - 7:24 opt ^[1] - 77:21 order ^[12] - 3:3; 4:1; 6:2; 7:2, 20; 8:4; 9:16; 11:4, 9; 12:13; 104:13; 107:2 orderliness ^[1] - 60:9 orderly ^[1] - 11:10 Ordinance ^[1] - 19:1 ordinance ^[22] - 21:23; 39:8, 24; 41:6; 57:11, 13-14, 18; 61:4, 10-11; 64:4, 13; 65:3, 8-9, 12, 18; 66:3; 79:2; 81:5 otherwise ^[2] - 13:5; 68:22 ourselves ^[2] - 26:18; 55:24 out-of-town ^[1] - 49:5
O					
o'clock ^[1] - 114:13 O-z-m-e-n ^[1] - 20:5 oath ^[1] - 12:4 object ^[3] - 40:15; 69:16; 73:6 objection ^[5] - 25:10; 39:10; 41:12; 73:2 objectors ^[1] - 8:21 obligate ^[1] - 89:6 obligations ^[1] - 77:11 obtain ^[1] - 49:15 obviously ^[2] - 100:5; 107:6 occasions ^[3] - 28:9; 39:17; 71:14 occupied ^[2] - 106:13 occur ^[11] - 10:14; 78:24; 82:7; 94:14; 95:8; 96:23; 97:19; 99:16; 100:10; 101:17; 106:18 occurred ^[3] - 57:8, 17 occurs ^[1] - 98:2 OF ^[1] - 115:3 Office ^[3] - 68:10; 77:3; 92:9 office ^[1] - 18:7 official ^[2] - 80:3; 97:2 Official ^[3] - 1:23; 115:4, 16					

outline ^[1] - 107:8 outset ^[2] - 60:14; 61:1 outside ^[5] - 27:7; 84:5; 86:21; 99:19; 100:11 outsource ^[1] - 49:10 outstanding ^[3] - 27:2; 85:9; 107:14 overall ^[1] - 23:9 oversaw ^[1] - 73:22 oversee ^[1] - 69:7 overseen ^[1] - 70:21 overview ^[1] - 4:14 own ^[2] - 22:6; 110:12 OZMEN ^[3] - 2:3; 19:9, 16 Ozmen ^[22] - 1:12; 19:23; 20:7; 21:17; 22:16; 23:2, 19; 25:12, 17; 26:2; 30:12; 31:3, 6; 32:14, 20; 36:6, 17; 37:5, 21; 39:14; 54:13	participated ^[1] - 68:22 participating ^[3] - 29:14; 42:23; 77:7 particular ^[6] - 75:17; 79:24; 85:2, 9; 88:24; 102:22 parties ^[6] - 7:7, 9, 23; 11:8; 36:8, 13 partner ^[1] - 27:16 parts ^[1] - 47:8 pass ^[1] - 60:8 passage ^[1] - 60:23 passed ^[1] - 62:6 past ^[1] - 39:21 Paul ^[1] - 92:12 Pause ^[4] - 43:19; 46:3; 93:12; 106:24 pay ^[1] - 27:2 payroll ^[1] - 27:12 PBLLC ^[1] - 1:3 PBRAs ^[1] - 85:7 peaker ^[4] - 22:7; 28:14; 38:24 pedestrian ^[2] - 76:24; 91:15 pending ^[1] - 85:6 Pennsylvania ^[1] - 24:18 people ^[8] - 10:7; 38:16; 54:19; 62:20; 65:14, 21; 74:14 Peoria ^[1] - 7:14 per ^[10] - 3:20; 4:1; 8:14; 13:18; 16:7; 21:23; 79:2; 81:5 percent ^[7] - 46:11; 53:11, 17, 23; 102:20 perennial ^[2] - 77:24; 83:13 perfect ^[1] - 21:8 perfectly ^[1] - 31:7 perhaps ^[4] - 37:9; 46:21; 61:2 perimeter ^[2] - 81:5; 87:1 period ^[5] - 8:9; 48:20, 22; 98:5; 106:20 periodically ^[1] - 91:17 permission ^[1] - 17:20 PERMIT ^[1] - 1:1 permit ^[8] - 3:5; 9:2, 11; 18:11; 19:4; 47:14; 102:12 permitted ^[4] - 8:22; 12:2, 6; 42:15 person ^[9] - 8:14; 13:4, 18; 14:24;	16:7; 21:6; 32:14; 52:9, 22 personally ^[1] - 91:1 persons ^[6] - 7:1, 18; 8:1, 3, 5; 13:17 pertinent ^[2] - 12:1; 40:21 Phew ^[1] - 13:24 philosophy ^[1] - 21:2 phone ^[2] - 37:15; 90:13 phones ^[2] - 10:6 phrase ^[1] - 60:17 picture ^[1] - 90:1 pictures ^[2] - 90:14; 92:13 piece ^[3] - 38:14; 47:1, 5 piles ^[1] - 106:7 pipeline ^[1] - 22:12 place ^[5] - 37:22; 53:3; 92:4; 97:3; 115:9 places ^[2] - 33:5; 84:22 Plan ^[2] - 78:3, 8 plan ^[27] - 30:9; 35:16; 46:7, 10; 49:20; 71:2; 78:21; 79:4; 80:7; 82:6; 84:16, 18; 85:3; 92:2, 4; 94:2, 13; 103:19; 104:19; 105:2, 9; 106:6 planned ^[1] - 106:18 Planning ^[30] - 1:18; 3:4; 5:21; 6:8, 18, 21; 7:5, 11, 16; 9:10, 13, 18, 20; 10:17; 11:20; 12:5, 8, 23; 15:23; 20:20; 31:12; 32:20; 52:6; 58:8; 83:7; 85:17; 97:16; 101:5; 108:12; 114:11 planning ^[7] - 3:21; 35:19; 40:8; 84:5; 104:8 PLANNING ^[1] - 1:1 plans ^[4] - 49:15; 52:21; 70:13; 71:19 plant ^[1] - 28:14 planted ^[1] - 78:23 planting ^[2] - 86:15; 87:2 plants ^[5] - 22:7, 9, 14; 33:10, 12 Pledge ^[2] - 3:9, 11 podium ^[1] - 87:19 point ^[6] - 5:5; 30:23; 33:9; 35:11; 41:5;	47:20 pointed ^[2] - 61:1; 65:15 police ^[1] - 51:17 policy ^[1] - 21:1 Pollinator ^[1] - 77:15 pollinator ^[9] - 77:22; 78:12; 104:9, 13-14, 17-18; 105:9 Pollinator-Friendly ^[1] - 77:15 pollinator-friendly ^[8] - 77:22; 78:12; 104:9, 13-14, 17-18; 105:9 pollinators ^[1] - 78:1 Pollution ^[1] - 80:11 polysilicon ^[1] - 43:4 portfolio ^[1] - 26:11 portion ^[3] - 72:24; 105:14 position ^[3] - 24:10; 25:8; 67:8 possibilities ^[1] - 55:2 possibility ^[1] - 81:19 possible ^[1] - 75:21 post ^[2] - 46:11; 53:16 posted ^[1] - 46:14 potential ^[11] - 79:14; 80:12, 23; 81:3, 7, 20, 24; 82:5; 96:23; 97:19; 98:14 potentially ^[2] - 76:20; 82:7 power ^[3] - 22:7, 10; 28:16 PowerPoint ^[3] - 20:15; 75:5; 109:1 practical ^[1] - 75:22 practice ^[1] - 98:8 practiced ^[1] - 26:4 practices ^[1] - 77:18 preceding ^[1] - 24:6 prefer ^[2] - 58:7; 112:16 prehistoric ^[1] - 91:7 preliminary ^[2] - 77:6; 102:19 preparation ^[2] - 73:5; 78:4 prepared ^[8] - 3:8; 9:18; 45:4; 73:17, 24; 74:14; 76:6; 111:9 PREPARED ^[1] - 1:3 preparing ^[2] - 70:12; 73:1 prescribe ^[1] - 78:4 prescribed ^[2] - 61:13; 62:19	prescription ^[1] - 60:16 present ^[23] - 5:18; 6:16, 18; 7:1, 12; 9:15; 44:13; 55:1; 60:19; 61:12; 62:18; 63:13; 64:5, 15; 65:11, 22; 76:20; 81:21; 89:3, 9, 20; 110:5 presentation ^[8] - 20:23; 61:8; 62:15; 65:23; 73:4; 75:5; 109:1 presented ^[6] - 12:9; 54:24; 60:19; 61:10; 62:17; 64:21 presenters ^[1] - 21:18 Preservation ^[3] - 68:10; 77:3; 92:9 preside ^[1] - 10:19 president ^[3] - 53:24; 54:3; 111:4 presiding ^[1] - 3:19 presume ^[2] - 105:6 pretty ^[3] - 10:11; 40:4; 98:8 previous ^[2] - 10:2; 25:15 previously ^[2] - 24:19; 68:13 pride ^[1] - 26:18 primarily ^[2] - 45:19; 81:15 primitive ^[2] - 90:23; 91:7 prioritizing ^[1] - 75:22 privy ^[1] - 57:16 problem ^[2] - 35:6, 14 procedure ^[1] - 6:11 procedures ^[3] - 3:22; 6:9, 14 proceed ^[3] - 17:17; 20:17; 111:9 Proceedings ^[1] - 115:6 proceedings ^[4] - 9:17; 10:21; 12:1 process ^[4] - 50:18; 64:11; 91:22; 92:8 processes ^[1] - 82:10 produce ^[3] - 7:19; 105:1, 14 production ^[2] - 86:2; 99:14 productive ^[1] - 33:2 professional ^[5] - 11:11; 72:3, 20; 73:6, 20 program ^[2] - 29:18;
P				
p.m ^[3] - 1:5; 114:13 pads ^[1] - 43:14 PAGE ^[2] - 2:2, 18 Page ^[5] - 42:3, 9, 18; 84:10; 94:5 page ^[2] - 97:6; 98:24 pages ^[1] - 9:8 paid ^[2] - 5:1; 9:22 pain ^[1] - 38:2 panels ^[14] - 33:22; 38:24; 43:1; 48:14-16, 22; 79:1; 81:19; 86:17, 20, 22, 24; 95:7 papers ^[2] - 18:22 parcels ^[26] - 18:11, 15; 28:1, 7, 18; 38:3, 11, 13; 42:23; 69:8; 75:10; 77:2; 85:9, 24; 101:19, 22, 24; 102:15-17; 103:5, 8; 106:4; 107:15 parents ^[1] - 92:10 part ^[21] - 26:20; 30:13; 38:20; 41:3; 56:21; 57:12; 61:10; 64:4; 65:14; 78:2, 11, 21; 79:12; 80:7; 84:16, 18; 89:1; 92:11; 95:2; 98:14; 104:24				

80:22 Program [1] - 76:15 progress [1] - 50:17 prohibited [1] - 13:3 project [102] - 4:14; 18:12, 23; 19:5; 20:22, 24; 21:1; 23:3, 6, 10, 13; 27:20, 23; 28:3, 6, 10, 23-24; 29:1, 3, 9, 16; 30:10; 31:24; 32:7; 33:17; 36:16, 21; 38:20; 42:19, 22; 48:21; 49:12, 15, 19, 21; 50:4; 51:5; 53:6; 60:4; 61:6; 67:10; 69:5, 7-8; 70:14; 72:11, 13; 74:14; 75:17, 21; 76:8, 13, 23; 77:1, 14, 16, 20; 78:12, 14, 16, 18; 79:7, 10; 80:14, 18-19, 23; 81:5, 7, 12; 84:12; 88:7; 89:11; 91:5; 93:7; 94:11; 97:14, 18-19; 98:2; 99:3, 16, 21; 101:2, 17; 102:6; 103:14; 105:4, 14; 106:4; 107:12; 108:7; 111:20; 113:16 Project [1] - 20:13 projected [1] - 88:3 projects [20] - 22:13; 23:20; 24:10, 12, 14, 20; 25:13; 26:11; 29:2; 32:24; 33:11; 49:6; 70:6, 14; 71:13, 19-20; 98:9 promote [1] - 64:23 prong [2] - 41:1, 16 proper [1] - 5:3 properly [1] - 82:8 properties [3] - 42:16; 102:22; 103:1 property [17] - 22:1; 29:4; 34:18, 21; 42:14, 16; 44:5, 20; 49:24; 56:13; 60:3; 90:2; 91:21; 92:11; 96:15; 105:19; 110:21 proposed [3] - 69:5; 83:14; 88:7 prospective [1] - 72:23 protected [4] - 84:6;	90:8; 99:6; 100:7 protection [3] - 50:24; 51:17; 100:15 Protection [2] - 98:3, 10 protections [2] - 90:11; 100:14 protective [7] - 84:6; 98:9, 20; 99:12, 24; 100:19; 107:10 protects [1] - 90:9 provide [5] - 9:16; 28:14; 51:6; 81:4; 83:14 provided [2] - 61:7; 103:21 providers [1] - 29:8 providing [4] - 6:23; 27:1; 67:18; 93:21 provision [1] - 39:19 provisions [1] - 9:9 PTO [1] - 27:3 public [35] - 3:4, 24; 4:1; 5:16, 20; 6:5; 7:9; 8:9, 11, 13; 9:10; 10:3; 12:11; 13:17; 20:21; 24:20; 28:7; 36:14; 40:22; 45:13; 51:14; 57:21; 60:11; 61:2; 63:7; 65:11; 87:15; 106:15; 111:12, 16-17; 112:10 Public [2] - 4:20; 26:15 public's [1] - 107:23 published [9] - 3:20; 4:2; 5:3; 10:15; 14:2, 9; 15:3, 8 purchase [1] - 32:11 purchasing [1] - 27:12 purposes [2] - 42:14; 88:10 pursuant [2] - 11:1; 12:13 purview [1] - 45:20 put [17] - 6:10; 33:5, 23; 37:15; 43:7; 55:4; 60:17; 62:13; 71:13; 72:15; 76:20; 79:13; 89:17; 92:1, 18; 93:1; 106:4 putting [1] - 53:9 PV [1] - 107:13	qualifications [3] - 12:18, 20; 22:21 qualified [4] - 22:19; 25:8, 11; 69:16 qualify [3] - 69:20; 89:18; 104:13 quarter [2] - 88:2, 7 quarter-mile [1] - 88:2 questioning [3] - 6:18; 7:20; 11:7 questions [71] - 5:24; 6:1, 3, 7; 7:4, 10, 15, 24; 8:3; 23:16; 25:3, 5, 18, 22; 30:12, 18, 21, 23; 31:12; 32:20, 24; 34:4; 36:4, 6, 8, 17; 37:5, 21; 41:20; 43:23; 44:1; 45:8, 13, 15, 19; 51:22; 52:1, 5; 53:16; 54:10; 63:17; 69:10, 13-14; 75:12; 83:2, 6, 8, 10; 85:16; 86:9; 87:11, 13, 15; 88:17; 93:6, 15; 100:24; 101:1, 10; 107:20; 108:4, 11, 23; 110:6, 18 quiet [1] - 13:3 quorum [2] - 12:11	really [3] - 65:1; 99:15; 100:14 reason [3] - 6:12; 33:14; 36:20 reasonable [3] - 3:22; 9:14; 11:7 reasonably [1] - 11:9 reasons [1] - 81:23 receive [3] - 29:14; 34:19; 104:22 received [4] - 27:20; 28:11; 48:3; 50:21 recent [2] - 15:24; 29:20 recently [2] - 27:5; 48:18 recess [11] - 55:11, 15; 58:10, 12, 18-19; 59:3, 18-19; 114:12, 16 Recess [1] - 59:21 recollection [1] - 63:20 recommendation [2] - 9:3; 19:3 recommendations [7] - 12:24; 84:11, 15, 17, 24; 103:22; 104:4 recommended [1] - 84:22 recommends [1] - 84:11 record [12] - 6:10; 8:7; 14:7; 15:18, 20, 22; 19:22; 36:9; 37:8; 55:19; 59:23; 67:5 records [2] - 76:18; 97:2 recover [1] - 26:23 recovery [2] - 27:7 rectify [1] - 95:3 redbud [1] - 80:1 redbuds [1] - 80:3 redirect [2] - 52:1; 108:8 reduce [1] - 77:16 refer [1] - 56:14 reference [2] - 64:19; 112:3 referred [1] - 108:24 regard [1] - 4:20 regarding [5] - 3:5; 8:7; 83:8; 84:14, 21 regards [2] - 21:23; 35:17 Regional [3] - 1:18; 7:11; 101:4 registered [2] - 26:15; 72:16	regulated [5] - 76:10; 89:23; 90:7; 94:20; 105:15 regulations [2] - 80:11; 83:23 rehash [1] - 6:12 reimburse [2] - 51:13, 19 related [2] - 49:2; 60:8 relating [2] - 41:14; 60:3 relation [14] - 46:16, 22; 50:4, 13, 15; 51:5, 18; 72:4, 6, 18; 101:15; 102:15; 105:13; 106:10 relative [1] - 99:13 relatively [1] - 33:11 relevant [16] - 13:9, 11; 14:10; 40:20, 24; 41:15; 56:14; 60:21; 61:3, 11; 62:15, 20; 65:13, 16 reliability [1] - 28:15 reliable [1] - 22:10 relied [1] - 12:21 rely [1] - 97:20 remain [2] - 6:17; 64:4 remainder [3] - 28:2; 29:6; 48:10 remaining [1] - 109:6 remains [3] - 91:7, 19; 92:4 remedy [1] - 98:11 remember [3] - 59:7; 62:11; 113:16 removal/ decommissioning [1] - 53:6 rendering [2] - 8:13; 12:20 renewed [1] - 53:7 renewing [1] - 53:8 repaired [1] - 77:10 repetitious [1] - 11:23 report [3] - 63:18; 73:1; 107:9 Report [2] - 76:2; 115:6 reported [2] - 96:22; 115:7 Reporter [3] - 1:23; 115:4, 16 reporter [4] - 9:15, 18; 10:1, 13 REPORTER [2] - 96:6; 115:3 reporting [1] - 9:23 reports [4] - 40:4; 74:15; 85:6, 12
Q		qualification [1] - 88:21		
		racking [2] - 48:15 raise [1] - 19:11 raises [2] - 4:6; 36:18 Raises [2] - 87:17; 95:20 ranging [1] - 21:20 rapid [1] - 28:16 rather [2] - 4:2; 30:17 rating [1] - 48:15 rays [1] - 107:14 reached [3] - 50:20; 102:19; 103:6 reaching [2] - 77:7; 102:23 read [7] - 6:10; 16:1, 6; 37:8; 42:7; 60:14; 111:24 reading [4] - 6:13; 14:13; 37:12; 111:23 ready [2] - 59:19; 93:15 real [3] - 86:19; 99:22; 114:4 realize [2] - 37:24; 39:6		

representative [7] - 95:18; 96:18; 103:13, 20; 106:5, 19, 22 representatives [1] - 17:14 represented [6] - 7:8, 13, 23; 8:2; 16:18; 36:8 representing [4] - 7:23; 13:17; 18:9, 12 request [3] - 10:5; 12:8; 46:17 requested [3] - 47:6, 11 require [5] - 10:23; 11:3; 73:3; 89:1; 102:12 required [7] - 11:2; 56:11, 23; 65:9; 78:6; 79:2; 104:21 requirement [3] - 61:4; 104:10 requirements [8] - 56:22; 77:14; 78:14; 82:17; 94:10; 104:12, 18; 105:9 requires [2] - 56:16; 64:10 Research [1] - 34:1 reshape [1] - 3:4 residence [1] - 106:14 residences [1] - 5:4 resident [2] - 63:20; 88:10 residential [1] - 80:15 residents [5] - 13:12; 16:3; 17:10 residual [1] - 34:22 resolution [2] - 31:21; 32:5 resolved [1] - 65:17 resource [4] - 67:22; 91:10; 97:4 resources [9] - 21:3; 75:8, 17; 76:19; 77:1; 89:13; 91:2; 94:14; 97:21 Resources [3] - 67:11; 68:7; 76:15 Resources' [1] - 104:4 respect [5] - 24:20; 60:2; 70:1; 71:11; 74:10 response [3] - 50:22; 51:9; 102:21 responses [1] - 92:6 responsible [3] - 71:12; 72:14; 82:16	rest [1] - 62:13 restored [1] - 83:17 restrict [2] - 10:24; 11:4 restriction [1] - 11:1 restrictive [1] - 58:13 result [2] - 23:10; 76:22 resulting [1] - 81:8 results [1] - 77:2 retain [1] - 46:20 retained [1] - 108:2 revenue [3] - 41:14; 60:4; 110:21 revenues [3] - 29:4, 16; 39:18 review [5] - 76:12; 91:5; 96:23; 107:12 reviewing [3] - 71:10, 12; 72:14 revisit [1] - 78:17 revisited [1] - 79:7 Richard [1] - 34:6 Rick [2] - 1:16; 34:8 rights [1] - 28:7 ringing [1] - 10:8 RISE [2] - 26:22; 29:18 River [1] - 27:6 Rives [4] - 1:9; 7:13; 36:11; 45:17 RIVES [1] - 18:4 road [4] - 50:15, 18; 55:3; 92:15 Road [2] - 84:23 roadway [1] - 106:15 robust [1] - 91:2 role [5] - 5:12; 23:3; 68:16; 69:4; 111:2 roll [1] - 3:12 room [7] - 7:12; 10:9; 13:3; 32:14; 36:10; 37:9; 114:13 roosters [1] - 98:15 roughly [7] - 23:23; 28:1, 19; 34:22; 38:15; 39:3; 47:14 row [1] - 110:3 Royal [1] - 1:16 RPR [1] - 1:22 rub [1] - 45:3 rule [5] - 9:9; 11:18; 12:3, 23; 16:24 ruled [2] - 39:17; 41:2 rules [19] - 3:20; 6:9, 14; 9:6, 8; 11:18, 22; 14:2, 13; 55:24; 60:8, 14-15, 18, 24; 61:7; 62:9, 19; 111:22	run [6] - 7:3; 22:20; 33:13, 19; 92:14 running [1] - 27:13 runoff [2] - 77:17; 105:1 runs [1] - 21:6 rural [1] - 80:17	S S-H-P-O [1] - 68:12 S-t-e-f-f-e-n [1] - 67:7 safety [2] - 40:22; 57:20 salvage [1] - 46:12 satisfied [2] - 64:6, 17 satisfy [2] - 16:11; 64:6 satisfying [1] - 64:16 Saturday [2] - 109:12, 14 schedule [2] - 11:2; 53:3 scheduled [3] - 10:16; 11:2, 6 scheduling [1] - 11:4 scholarships [2] - 26:22; 27:10 School [3] - 17:7, 9; 29:21 school [4] - 7:7; 29:6; 36:7; 87:14 scope [1] - 79:13 scorecard [4] - 78:13; 104:20, 22; 105:8 Scott [3] - 1:7; 5:6, 10 screen [1] - 67:19 screening [20] - 71:6, 16; 74:11; 79:1, 14, 22; 80:24; 81:2, 4, 16-17, 21; 82:9; 85:4; 86:22; 95:6; 103:14, 19 screwed [1] - 106:7 season [6] - 84:6, 8; 99:13, 19; 100:11; 107:7 seasons [1] - 90:10 seated [3] - 13:2; 17:13; 66:16 second [6] - 4:5, 7; 21:5; 33:18; 56:24; 95:24 section [3] - 43:12; 83:13; 97:12 sectors [1] - 67:20 see [11] - 32:11; 36:15; 37:11; 42:8; 53:11; 78:15; 84:9; 91:18; 110:2, 10;	114:10 see.. [1] - 96:11 seeding [1] - 83:13 seeking [1] - 18:11 selected [1] - 5:11 send [1] - 89:4 sense [1] - 49:2 sensitive [1] - 76:18 sent [3] - 5:3; 9:18; 91:15 sentence [1] - 42:7 September [2] - 30:5; 115:21 series [1] - 92:6 serve [2] - 5:12; 24:10 served [1] - 23:19 service [2] - 9:23; 29:8 Service [5] - 27:11; 68:4; 76:13; 97:17; 98:22 services [3] - 29:7; 50:21; 67:19 set [4] - 10:15; 11:4; 33:3; 115:9 setback [1] - 31:16 setbacks [2] - 23:13; 91:23 settles [1] - 62:16 seven [1] - 26:5 several [5] - 11:14; 26:24; 37:21; 72:12; 92:16 shall [27] - 6:16, 22; 7:1; 9:9, 15, 21-22; 10:14, 16, 19-20; 11:20; 12:3, 6, 18, 24; 13:7, 10-11, 13, 15, 18, 23; 14:11; 16:5 Shelby [2] - 3:7; 28:13 SHELBY [1] - 1:3 SHERMAN [30] - 36:18; 37:12, 18, 20; 39:23; 40:6; 41:18, 20, 23; 42:11, 17; 43:18, 20; 44:3, 9, 18, 22; 45:1, 3, 10; 63:23; 93:13, 17, 20; 95:21, 23; 96:7, 10; 100:22; 113:14 Sherman [23] - 2:6, 12; 21:12; 36:19; 37:4, 6-7, 11, 16; 39:16, 22; 41:19; 43:22; 45:12; 54:21; 63:16; 93:7, 14; 96:9; 100:24; 113:12	shifting [1] - 95:6 Shook [10] - 1:16; 2:5, 11; 34:6, 8; 36:3; 59:6; 61:15; 86:11; 87:10 SHOOK [17] - 34:7, 11; 35:21; 59:5, 7, 10, 12; 61:17, 20, 23; 62:3, 7, 11; 86:13; 87:9; 109:11, 13 short [3] - 60:7, 17; 78:6 short-term [1] - 78:6 shorthand [2] - 115:7 shovel [1] - 91:17 show [10] - 36:15; 39:7; 64:21; 90:1, 14; 91:20; 92:13, 15; 99:1 showed [3] - 80:13; 81:3, 10 shows [2] - 28:17; 97:18 SHPO [5] - 68:9; 77:4; 91:23; 107:11 shut [1] - 100:8 side [5] - 17:13; 36:22; 37:2; 92:22 sides [1] - 92:13 signal [2] - 21:12 significant [1] - 27:5 silenced [1] - 10:6 similarly [1] - 63:19 simply [2] - 10:8; 84:16 simulations [1] - 79:13 Simultaneous [1] - 14:21 single [1] - 97:6 site [21] - 32:24; 38:24; 49:23; 51:12, 18; 77:17, 22; 78:3, 12-13; 89:8; 94:13; 101:17; 104:1, 10, 14, 16, 19; 105:3; 106:10 Site [1] - 77:15 sited [1] - 77:16 siting [2] - 9:2; 64:4 Siting [1] - 19:1 sitting [1] - 16:19 situation [1] - 35:9 six [5] - 12:3; 23:23; 25:15; 26:5 six-and-a-half [1] - 26:5 size [1] - 23:13 skip [1] - 36:12
---	--	--	---	---	---

THE [26] - 1:2; 20:4; 21:7, 9, 14, 16, 18; 26:3, 8; 31:10; 32:16; 36:2; 45:22; 46:1; 53:18, 21; 54:5, 14; 66:18; 71:4; 75:1, 6; 82:19; 101:11; 108:14 the.. [1] - 97:10 themselves [2] - 86:17, 21 thereby [1] - 76:22 therein [1] - 45:3 thereon [1] - 62:16 they've [3] - 58:1, 24; 107:13 thoroughly [1] - 37:8 thousand [1] - 90:2 thousands [2] - 91:3 threatened [1] - 76:11 three [25] - 8:14; 10:14; 18:11, 15, 17; 28:1, 18; 29:6; 38:3, 11, 13, 17; 68:19; 69:3; 78:15; 85:23; 89:2, 9, 20; 101:20; 102:15, 17; 103:5; 109:6; 112:8 thresholds [1] - 105:19 throughout [6] - 70:22; 76:8; 77:1; 79:7, 10; 98:23 thunder [1] - 48:18 ties [1] - 16:24 tile [11] - 77:6, 8; 89:17; 92:17, 24; 93:1; 94:17; 102:14, 17, 19, 21 tile's [1] - 77:9 tiled [2] - 89:22; 94:16 tiles [4] - 102:16; 103:1, 8, 11 tilting [1] - 81:18 timelines [1] - 84:2 timing [3] - 99:18, 24; 100:18 to.. [1] - 39:13 today [4] - 28:18; 47:13; 85:8; 92:12 today's [2] - 38:4; 109:12 Todd [2] - 113:17, 19 together [7] - 47:1, 5; 54:18; 71:13; 72:15; 79:13; 92:1 Toledo [1] - 27:11 Tom [1] - 1:16 tomorrow [15] - 109:2, 7, 23; 111:7, 17;	112:9, 14; 113:3, 9, 13; 114:2, 10, 12, 16 tonight [10] - 18:9, 14, 18, 21; 20:11; 25:18; 32:15; 109:5; 111:10; 114:7 tonight's [1] - 101:21 tool [3] - 80:24; 81:1; 97:16 top [1] - 30:19 topics [1] - 71:22 tornado [2] - 26:24; 27:7 total [5] - 4:21; 13:19; 16:8; 34:20; 46:7 toward [1] - 25:22 towards [1] - 21:1 town [2] - 49:5; 88:4 Township [2] - 13:13; 16:4 townships [1] - 50:14 tracking [1] - 50:2 tractor [1] - 91:11 training [1] - 51:6 transcript [3] - 9:17, 22; 115:8 transcripts [3] - 9:17, 19; 10:4 transects [1] - 91:17 transmission [3] - 33:13; 85:10; 107:15 transmit [1] - 12:24 treat [1] - 92:7 treated [1] - 92:7 Treaty [4] - 83:21; 84:7; 90:9; 99:11 Tree [1] - 83:21 tree [2] - 84:20; 94:4 tree-clearing [1] - 84:20 trees [5] - 84:14; 86:23; 87:2; 98:1 trigger [1] - 92:6 true [4] - 44:3; 63:10, 12; 115:7 truth [1] - 55:1 try [3] - 11:15; 45:22; 64:6 trying [4] - 10:10; 47:1, 5; 113:15 turn [2] - 5:7; 44:9 turnaround [1] - 10:3 turned [2] - 10:6; 93:3 twelve [2] - 11:18; 13:8 twice [1] - 68:21 two [19] - 9:8, 15; 24:4, 14; 25:21;	29:19; 31:19; 32:24; 38:16; 41:3; 54:19; 58:14; 59:14; 92:13, 24; 110:5, 17 two-foot [1] - 92:24 type [2] - 43:1; 102:17 types [1] - 33:1 typical [2] - 80:16; 107:9 typically [2] - 90:9; 98:5	71:6; 82:17; 87:19; 92:14; 97:18; 101:14; 108:23; 109:10; 110:1 update [1] - 78:16 updated [1] - 80:7 UPHOFF [14] - 87:17, 21, 23; 88:2, 5, 8, 13, 15, 19; 90:18, 21-22; 92:10; 113:10 Uphoff [8] - 2:12; 87:21, 24; 88:12; 90:16; 93:5; 101:14; 113:8 USE [1] - 1:1 uses [1] - 42:13 usual [1] - 33:7 utilize [4] - 28:24; 49:6; 50:3; 98:20 utilized [2] - 48:24; 81:22 utilizing [1] - 49:2	vote [4] - 8:24; 10:12; 62:8 voted [4] - 55:21; 57:10; 60:12 voting [2] - 9:16, 20 vouch [1] - 35:20	
					W
					wait [2] - 58:5, 7 walk [2] - 29:19; 75:4 walked [1] - 91:16 walking [1] - 89:5 wants [5] - 11:16; 63:13; 65:11; 109:4; 112:16 warranty [2] - 48:20, 22 waste [1] - 33:3 water [12] - 35:7, 9, 14; 76:10; 89:3, 8, 14, 20; 92:14-16; 94:12 Water [1] - 94:10 waters [1] - 102:11 watershed [1] - 35:16 WATTS [34] - 3:2, 12, 15, 17; 4:5, 7, 10, 12; 5:5; 14:4, 18; 15:4, 12, 15, 17, 19; 40:13; 42:10, 12; 52:8, 17, 20, 23; 54:9; 56:4, 8; 59:9; 62:9; 63:4; 83:10, 12; 85:13; 109:17; 113:2 Watts [12] - 1:17; 2:7, 10; 3:19; 14:19; 40:8; 42:19; 52:6; 56:5; 58:16; 93:17 waves [1] - 22:11 ways [1] - 109:20 wear [2] - 16:22 website [4] - 15:5, 9; 111:22; 112:3 weeds [2] - 77:20; 105:1 week [1] - 95:16 welfare [8] - 39:20; 40:22, 24; 41:16; 57:20; 64:20, 23; 65:16 went.. [1] - 14:3 Wetland [2] - 76:2; 88:23 wetland [15] - 43:16; 70:20, 22; 71:2; 88:21; 89:6, 10, 14, 18, 22; 92:23; 94:12, 17, 20
					U
					U-p-h-o-f [1] - 87:23 U.S [4] - 68:3; 76:13; 88:23; 97:17 unable [2] - 99:23; 103:7 unanticipated [1] - 92:2 unaware [2] - 22:8; 58:22 under [17] - 12:4; 39:19; 40:23; 41:15; 42:10; 48:6; 50:6; 56:22; 64:11; 65:16; 76:13; 83:20; 84:7; 90:8; 101:24; 104:10 underground [1] - 38:23 underneath [3] - 78:24; 86:17, 24 understood [5] - 48:14; 50:11; 53:17, 19; 102:14 unduly [1] - 11:23 unexpected [2] - 28:16; 77:9 uninformed [1] - 112:23 unintended [1] - 92:1 union [4] - 28:24; 29:2, 8; 49:6 United [1] - 102:12 units [4] - 6:4; 7:6; 36:6; 87:13 University [3] - 24:18; 27:9; 67:14 university [1] - 67:12 unless [3] - 56:1; 64:9; 111:8 unruly [1] - 13:4 up [28] - 14:7; 19:7; 21:6; 27:13; 30:11, 18; 33:12; 35:11, 14; 37:7; 38:1; 40:11; 47:15; 52:16; 55:22; 66:13, 17;
					V
					valuation [1] - 44:20 value [3] - 22:1; 46:12; 56:13 values [1] - 42:16 varies [1] - 107:7 variety [3] - 67:19; 71:19 various [1] - 39:19 vegetation [26] - 30:9; 70:13; 71:1; 77:24; 78:5, 7, 20, 22-24; 79:5, 14, 17; 84:21; 86:14, 24; 89:4, 6; 103:18; 104:7, 19; 105:2, 10 Vegetation [1] - 78:3 vegetative [16] - 71:6, 16, 18; 74:11; 79:1, 14; 81:2, 4, 15, 17; 82:9; 85:3; 86:22; 87:1; 95:6; 103:14 Vegetative [1] - 78:8 venue [2] - 40:16; 41:9 version [1] - 28:17 vice [3] - 53:24; 54:3; 111:4 vicinity [1] - 42:14 view [1] - 36:24 Virginia [1] - 22:6 visual [2] - 79:13, 21 voir [2] - 22:20; 25:2 voluntarily [1] - 77:21 voluntary [1] - 104:24

wetlands ^[19] - 74:11; 75:11; 76:9; 89:1, 7, 12, 17; 93:2; 94:6, 8, 10; 101:15, 17, 21, 23; 102:6 whole ^[4] - 74:23; 75:18; 76:8; 91:6 wildlife ^[15] - 67:16, 24; 68:16; 69:21; 70:2, 17; 72:24; 74:11; 76:19; 84:10; 100:7; 103:24; 107:3 Wildlife ^[5] - 67:18; 68:4; 76:13; 97:17; 98:22 willing ^[5] - 36:11; 49:1; 51:6, 13, 19 willingly ^[1] - 33:17 wind ^[2] - 44:14; 48:15 winter ^[1] - 22:11 wish ^[2] - 17:16 wishes ^[1] - 37:5 withstand ^[1] - 59:1 witness ^[44] - 6:20; 8:16; 10:22, 24; 11:2; 13:16, 20-21; 16:7; 19:7, 17; 22:17, 19; 25:5, 13, 20; 31:5; 36:23; 41:11; 45:15; 52:2, 5; 54:11; 66:7, 20, 23; 68:12, 15; 69:3, 11, 20; 70:1; 74:7, 10, 20; 85:16; 88:17; 107:24; 108:11; 109:22 Witness ^[2] - 19:12; 66:14 WITNESS ^[24] - 20:4; 21:7, 9, 14, 16, 18; 26:3, 8; 31:10; 32:16; 36:2; 45:22; 46:1; 53:18, 21; 54:5, 14; 66:18; 71:4; 75:1, 6; 82:19; 101:11; 108:14 witness's ^[1] - 11:6 WITNESSES ^[1] - 2:2 witnesses ^[29] - 6:17, 23; 7:2; 10:24; 11:3, 5, 7; 12:3, 7, 19; 13:10, 12, 14; 14:10; 16:2; 17:18; 18:17, 21; 30:17, 24; 108:16; 109:7; 110:5, 15, 17; 112:9, 18 wonderful ^[1] - 35:11	wondering ^[1] - 85:5 workers ^[1] - 49:9 write ^[1] - 114:1 written ^[6] - 8:6; 12:22; 13:1; 105:3; 111:18
Y	
y'all ^[1] - 25:21 Y-u-r-s ^[1] - 113:24 year ^[7] - 29:22; 30:3; 53:18; 79:17; 86:6; 92:15 years ^[22] - 5:13, 15; 24:4; 29:5; 34:17, 20; 35:3, 22; 46:17; 48:21; 53:7; 67:20; 68:1; 78:15; 85:23; 91:8; 92:16; 93:2 yellow ^[1] - 28:1 young ^[3] - 10:1; 92:20; 100:15 YURS ^[6] - 113:18, 20, 22, 24; 114:1, 3 Yurs ^[2] - 113:20, 22	
Z	
Zimmerman ^[1] - 1:17 zoology ^[3] - 72:7, 9 zoomed ^[1] - 28:17 zoomed-in ^[1] - 28:17	