

COLES COUNTY PLANNING & DEVELOPMENT COMMITTEE
HEARING ON COLES WIND, LLC'S, APPLICATION TO CONSTRUCT
AND OPERATE A COMMERCIAL WIND ENERGY FACILITY (WIND FARM)
UPON CERTAIN PROPERTIES IN COLES COUNTY

APRIL 10, 2025
6:10 p.m. - 8:47 p.m.

Hearing Officer:
Chris Kains

Attorneys for Coles County:
Andrew Keyt, Esq.
Alex Rives, Esq.
Frank Ierulli, Esq.
Brian Tuck, Paralegal

Attorney for the Applicant:
Amy Antonioli, Esq.
Jerald "J" Hess, Esq.
Sarah Lode, Esq.
Athena Shapiro, Esq.

County Board Members:
Michael Watts, Chairman
David Johnson
Tom Royal
Darrell Cox
Jeremy Doughty
Rick Shook

Regional Planning:
Kelly Lockhart, Director
Samantha McCullough, Planner

Mary Diane Holly Matthews, CSR, CRR, PRP,
Official Court Reporter
IL License No. 084-003888

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1 6:34 P.M.

2 MR. WATTS: Good evening. I hereby reconvene the
3 meeting of the Coles County Planning & Development
4 Committee to review the license application to build a
5 WECS from Apex Clean Energy.

6 And if you will, all stand and join me in the
7 Pledge of Allegiance.

8 (PLEDGE OF ALLEGIANCE.)

9 MR. WATTS: I will now take the committee roll call:
10 Mike Clayton?

11 Darrell Cox?

12 MR. COX: Here.

13 MR. WATTS: Tad Freezeland?

14 Jeremy Doughty?

15 MR. DOUGHTY: Here.

16 MR. WATTS: And myself, Michael Watts, Chairman
17 presiding.

18 And now I'll turn the meeting over to our
19 facilitator, Mr. Kains.

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

21 Good evening, folks.

22 Before we begin, I have made a decision in an
23 effort to make this hearing go a little bit smoother. I
24 don't want it to necessarily go more quickly, but it needs

1 to go more smoothly. The last time we were here, I was
2 disappointed in how some of the questioning, not all, but
3 just some of the questioning kind of went off the rails.

4 So the Coles County Planning & Development
5 Committee Public Hearing Rules provide that the
6 chairperson, or acting chairperson, including the hearing
7 moderator, myself, may determine time limits, adopt
8 reasonable limits on the questioning of witnesses by the
9 applicant and interested parties, and take other action
10 deemed reasonably necessary in order to conduct the
11 hearing in an orderly, efficient, and professional manner.

12 Therefore, I am going to allow cross-examination
13 by residents of Coles and Douglas Counties to occur before
14 residents of other counties.

15 It was called to my attention that there were
16 some residents in the area of the proposed project who
17 either didn't get to ask questions or were waiting until
18 the end, because I don't know who is from where, and so
19 these folks had to wait a considerable amount of time to
20 have their questions answered.

21 Furthermore, I am going to limit the amount of
22 time for cross-examination. Residents of Coles and
23 Douglas Counties will have one hour each to cross-examine
24 each witness. Nonresidents of Coles and Douglas Counties

1 will have 15 minutes each to cross-examine each witness.

2 In reviewing case law concerning this issue,
3 courts in Illinois have allowed for the complete
4 prohibition of cross-examination and testimony from
5 persons who do not have a direct interest in the project
6 or do not live in proximity to the project such that they
7 are entitled to notice of the hearing.

8 At this time I am going to allow
9 cross-examination, but it will be subject to the one-hour
10 limit for Coles and Douglas County residents and subject
11 to the 15-minute limit for nonresidents.

12 With that said, cross-examination is going to be
13 restricted to only questions relevant to the ordinance or
14 compliance with state or federal laws or regulations.

15 Furthermore, if you use the questioning time to
16 give testimony, I will ask if you have any additional
17 questions for the witness.

18 You will have time to testify later in the public
19 hearing. If you continue to testify, I will require that
20 you leave the podium and return to your seat.

21 Finally, the county is bound by State statute in
22 its review and decision-making on this project. If the
23 application and evidence meet the requirements, there will
24 be ordinance and state and federal laws. The state

1 statute mandates approval of the request.

2 Evidence that is not pertinent to whether the
3 applicant has met the requirements is not relevant and,
4 therefore, will not be allowed.

5 I am hopeful that, by implementing this
6 tightening up of the cross-examination, we'll be able to
7 get to the testimony from the public much sooner.

8 I have to tell you I am conducting a hearing, a
9 public hearing, in Livingston County, Pontiac, Illinois,
10 in which we finished last night the thirteenth night of a
11 public hearing with four more scheduled, and we are not
12 even sure it's going to get done.

13 So I just want to tighten up and have specific
14 time limits on cross-examination because I know that
15 people in the audience, this is very important to you, but
16 I don't know that anybody is up for sitting 18 nights in
17 this room.

18 So, with that said, any procedural matters to be
19 taken up first from the applicant, Ms. Antoniolli or Mr.
20 Hess?

21 MR. HESS: No, sir.

22 MR. KAINS: Very good.

23 From counsel for the county?

24 MR. KEYT: Not at this time.

1 MR. KAINS: Okay. Very good. Thank you.

2 All right. We are on agenda item number 7,
3 evidence from the applicant. The applicant has had two
4 witnesses testify and several on deck tonight.

5 Counsel, you may call your next witness.

6 MS. SHAPIRO: Thank you, Mr. Hearing Officer.

7 We call Goni Iskali.

8 MR. KAINS: Okay. Thank you, Ms. Shapiro.

9 ***GONI ISKALI,***

10 a witness herein, called by the Applicant, after having
11 been first duly sworn, was examined, and testified as
12 follows:

13 MR. KAINS: Could you please state your name for the
14 record?

15 THE WITNESS: Yes. My name is Goni Iskali.

16 MR. KAINS: Could you please spell your first and last
17 name?

18 THE WITNESS: Absolutely. First name G-o-n-i, and
19 last name I-s-k-a-l-i.

20 MR. KAINS: And how do you pronounce your last name
21 again?

22 THE WITNESS: Iskali.

23 MR. KAINS: Iskali?

24 THE WITNESS: Iskali.

1 MR. KAINS: Okay. Very good. All right. Thank you.

2 Ms. Shapiro, your witness.

3 MS. SHAPIRO: Thank you.

4 EXAMINATION

5 BY MS. SHAPIRO:

6 Q. What is your job title?

7 A. I am Director of Environmental, for Apex Clean
8 Energy.

9 Q. What are your responsibilities?

10 A. My responsibilities are coordinating the wildlife
11 surveys.

12 Q. And for approximately how long have you been
13 coordinating wildlife surveys?

14 A. At this project, for approximately five years.

15 Q. And for Apex?

16 A. For Apex six years.

17 Q. And is this what you did for Coles Wind?

18 A. Yes.

19 Q. How many hearings have you testified in for wind
20 projects as an expert?

21 A. About five to ten.

22 MS. SHAPIRO: Mr. Kains, I would like to move
23 Ms. Iskali as an expert in supervision of wildlife studies
24 in coordination with wildlife agencies.

1 MR. KAINS: Mr. Keyt, do you have any additional voir
2 dire of this witness?

3 MR. KEYT: I do not.

4 MR. KAINS: Okay. All right.

5 Ms. Iskali, I do have a few questions.

6 THE WITNESS: Okay.

7 VOIR DIRE EXAMINATION

8 BY MR. KAINS:

9 Q. It appears, from the screen, that you have a
10 Bachelor of Science in integrated biology. What is that?

11 A. Just general biology. That was just the title of
12 it at the U of I.

13 Q. And a Master of Science in biology from Texas
14 State; is that correct?

15 A. Yes.

16 Q. Where is Texas State University?

17 A. San Marcos.

18 Q. Okay. Very good. All right. And I see, from
19 your background and experience, you are a wildlife
20 biologist. Is that -- you say your title is Director of
21 Environmental?

22 A. Correct, but I mainly have studied the
23 interaction between wildlife and energy projects, so I
24 would consider myself a wildlife biologist.

1 **Q.** Okay. How many times have you testified in a
2 public hearing such as this?

3 **A.** I would say at least five times.

4 **Q.** How many in Illinois?

5 **A.** Illinois? This will be my second.

6 MR. KAINS: Okay. Very good. Based upon my
7 questions, Ms. Shapiro, do you have anything else?

8 MS. SHAPIRO: No. Nothing further.

9 MR. KAINS: Okay. All right.

10 I find that Ms. Iskali qualifies as an expert
11 with respect to the areas of biology and wildlife,
12 wildlife biology, specifically with a focus on bats. So
13 she will be able to testify to those.

14 By the rules, she is given unlimited testimony as
15 an expert witness, although I would suspect that her
16 testimony won't be much longer than 20 minutes or half an
17 hour.

18 Would that be correct?

19 MS. SHAPIRO: Yes. She has a brief presentation.

20 MR. KAINS: Okay. Very good. Thank you, Ms. Shapiro.

21 All right. Ms. Iskali --

22 Ms. Shapiro, do you have any questions?

23 MS. SHAPIRO: No further questions.

24 MR. KAINS: All right. Ms. Iskali, if you may -- if

1 you may, you can go ahead with your presentation.

2 MS. ISKALI: Thank you. We just went over my
3 background, but I just wanted to mention that my job at
4 Coles Wind has been to design a project that's least
5 impactful to wildlife. I have been the coordinator for
6 this project since its inception, and here I am today
7 testifying.

8 Next slide.

9 So how do we develop projects from an
10 environmental perspective at Apex Clean Energy?

11 Well, we begin with early site assessments and
12 early agency coordination to ensure that we are not siting
13 the projects in the areas that are sensitive to wildlife.

14 Once we do that coordination, then we move on to
15 completing specific wildlife studies for the project, and
16 we share those results with the appropriate state and
17 federal agencies.

18 Through that coordination, we generally see
19 recommendations on how to design and site the project. We
20 take those recommendations and input them into our project
21 design.

22 And then, once a project becomes operational, we
23 continue to do post-construction monitoring studies.

24 Next slide, please.

1 So, more specifically, at Coles Wind, we began
2 our coordination with the state agency, which is the
3 Illinois Department of Natural Resources, in January
4 of 2019.

5 Similarly, we did the same thing with US Fish &
6 Wildlife, which is the appropriate federal agency, in
7 September of 2020.

8 We then met with both of the agencies in
9 October 2020 to go over all of our study designs and plans
10 and get their concurrence on those studies.

11 Once we completed the studies, then we met with
12 the state agency in February 2022 to go over the results,
13 and the federal agency in June of 2022 to go over the
14 results and receive their recommendation.

15 IDNR, or Illinois Department of Natural
16 Resources, also has a formal signoff process. This is an
17 EcoCAT letter. So we submitted for that, and we received
18 that coordination letter from them in December of 2024,
19 and this can be found in Appendix D2 in your application.

20 US Fish & Wildlife doesn't have a similar final
21 signoff, but they do have a system, where you can review
22 your project, called the IPaC System. So we also man the
23 project through that system, and that is in Appendix D3 in
24 the application.

1 So Coles Wind has followed all state and federal
2 agency recommendations regarding studies, setbacks,
3 minimization, and avoidance strategies, and no state or
4 federal permits are required to construct and operate this
5 project.

6 Next slide.

7 As far as wildlife studies, we began with
8 two years of avian use surveys. These are general surveys
9 that are done at the project on a monthly basis throughout
10 the project boundary just to collect data on what birds,
11 and especially sensitive birds, may occur in the project
12 area.

13 Only one individual of one state listed species
14 was observed during that study, and that was the upland
15 sandpiper. And because of that, we followed up by
16 completing a habitat assessment to identify the habitat
17 for the species, and avoid it during our project design.

18 Similarly, we completed habitat assessments for
19 three federally and state listed bat species that migrate
20 and occur in the project, and we avoided that as well with
21 our turbines.

22 And then, lastly, we completed two rounds of
23 raptor surveys. This survey's focus is on all raptors but
24 specifically looking for eagle nests. No eagle nests were

1 found during either study, and the nearest known eagle
2 nest to the project is approximately four miles away from
3 the nearest turbine.

4 So Coles Wind has avoided all sensitive habitat
5 for any species. All the turbines are located on
6 agricultural land, which is not considered sensitive
7 habitat for those species.

8 Next slide.

9 So where are we on our roadmap?

10 As I mentioned, we completed the early site
11 assessment and the early agency coordinations. We
12 completed the wildlife studies and coordination with those
13 agencies. We followed their recommendation on designing
14 the project.

15 So the last thing that is last for the project
16 is, once the project becomes operational, then we'll
17 continue to do studies to confirm that this project is low
18 risk.

19 Next slide.

20 So, in summary, Coles Wind completed multiple
21 years of wildlife studies. All of those studies and the
22 recommendations from the federal and state agencies are
23 summarized in the avian and wildlife impact study, as
24 required by your ordinance. So that is Appendix D6 in

1 your application.

2 We also have designed the project to avoid any
3 sensitive natural resources. And as I mentioned, we'll
4 continue to do studies once the project becomes
5 operational, and continue to collaborate with both the
6 appropriate state and federal agencies.

7 And with that, I am happy to take any questions.

8 MR. KAINS: Before questions, go ahead, Ms. Shapiro.

9 CONTINUED EXAMINATION

10 BY MS. SHAPIRO:

11 Q. Ms. Iskali, I want to make sure that there are a
12 couple of points clear for the record.

13 In your coordination with state and federal
14 agencies, is what you said that there are no permits
15 required for the construction or operation of the project?

16 A. Correct.

17 MS. SHAPIRO: Thank you.

18 MR. KAINS: No wildlife permits?

19 THE WITNESS: No wildlife.

20 MS. SHAPIRO: Correct.

21 MR. KAINS: All right. Very good.

22 Do you have any other direct examination?

23 MS. SHAPIRO: No.

24 MR. KAINS: Very good. Thank you, Ms. Shapiro.

1 Questions for this witness from members of the
2 Coles County Planning & Development Committee?

3 Mr. Watts?

4 EXAMINATION

5 BY MR. WATTS:

6 Q. I have a few.

7 In reading the application, there was a number of
8 suggestions maybe having to do with reducing blade speed
9 at certain times of the year, setbacks, and treatment of
10 habitat removal and so forth.

11 Are you going to follow those recommendations?

12 Are they actually part --

13 I didn't see the language that said that, and
14 maybe I missed it in the application.

15 A. Yes. We will follow those recommendations on all
16 the setbacks that have already been incorporated into the
17 design.

18 The clearing recommendation has been submitted in
19 time for the construction of the project, and the project
20 will offer it to curtail it, to minimize the impacts to
21 wildlife.

22 Q. So that includes the blade speed?

23 A. Correct. Yea. So curtailment means not
24 operating the turbines at night during low wind speed or

1 low wind temperature when bats are more likely to use the
2 area, and this is also protective of birds.

3 Q. And then, my understanding is that there is no
4 study required with EcoCAT study. It's good for
5 two years, but you are talking about doing subsequent
6 studies?

7 A. Correct.

8 Q. Because that is not required. My reading was
9 that it's only if you see something new. So you are going
10 to keep doing this every two years?

11 A. Correct. So that is a recommendation made
12 through Wind Energy Guidelines through the US Fish &
13 Wildlife, that they generally recommend that you follow up
14 with at least a year of studies after the project becomes
15 operational.

16 Q. Okay. Can you tell me where in the application
17 it says you are going to do these things that they are
18 recommending?

19 A. Yes. So it is in Appendix D6.

20 Q. Okay.

21 A. I believe it's in the Conclusions and Summary
22 section.

23 Q. Okay.

24 A. And I think that summarizes that we followed all

1 the setbacks, and it outlines minimization and monitoring.

2 Q. I'll look again. Thank you.

3 A. Thank you.

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

5 Any other questions from members of the
6 committee?

7 Mr. Doughty?

8 EXAMINATION

9 BY MR. DOUGHTY:

10 Q. Just a point of interest: How do you do the
11 survey? By drone?

12 I was just interested in, like, the eagle's nest
13 four miles away.

14 A. So those studies are done, usually, with a
15 helicopter or airplane. That is the easiest way to do
16 them. Because we can do it from the ground, but it can be
17 a little more challenging. At Coles, they were completed
18 in a helicopter.

19 MR. KAINS: All right. Other questions from members
20 of units of local government, county board members, any
21 school board members?

22 Yes, Mr. Shook?

23 EXAMINATION

24 BY MR. SHOOK:

1 **Q.** My name is Rick Shook. I am from Mattoon,
2 District 8, County Board.

3 You said, ma'am, you said you went to University
4 of Illinois?

5 **A.** **Right.**

6 **Q.** And you also said you went to University of Texas
7 State?

8 **A.** **Correct.**

9 **Q.** That is quite a difference. Why the difference?

10 **A.** Well, I did my master's in biology at U of I, and
11 at that point I didn't know what I wanted to study.
12 That's when I became really interested in bats, and the
13 largest bat hibernica is found in Texas, so that is where
14 I did my master thesis, which was studying that ecosystem
15 which is called Bracken Bat Cave in San Antonio.

16 **Q.** And any other questions from members of the
17 county board?

18 Questions from members of units of local
19 government, including school districts?

20 Besides counsel seated at these tables, are there
21 any other licensed attorneys in the room who may have
22 questions tonight?

23 Kenny, I thought you were going to raise your
24 hand, but you were just stretching; and we know that you

1 are much better as an audio guy and DJ than --

2 All right. Without Kenny Smith, we go nowhere,
3 by the way. Thank you for setting us up.

4 Are there questions then from interested parties,
5 members of the public who are opposed to the application
6 or neutral on the application? Questions for this
7 witness?

8 First Coles County or Douglas County folks?

9 Sorry, Mr. Cronkhite. The lady in the red shirt
10 with the glasses.

11 And then the lady with the plaid shirt with her
12 hand up, okay. I remember you from last time, but I have
13 forgotten your name completely.

14 MS. CLARK: Kelly Clark.

15 MR. KAINS: Kelly Clark, yes. And, Ms. Clark -- let's
16 see -- this says you are from Charleston, Illinois?

17 MS. CLARK: Yes.

18 MR. KAINS: And that's in beautiful Coles County. All
19 right. So, Ms. Clark, you may go ahead with your
20 questions relative to birds and bats and the wildlife
21 surveys.

22 EXAMINATION

23 BY MS. CLARK:

24 Q. Yes. Basically you just -- did you just say that

1 there was no eagles, like, spotted in this area? That
2 that was what part of your --

3 **A. There is no eagle nest within the project**
4 **boundary.**

5 **Q.** Because I just had two baby eagles out in my
6 yard, so I want to know how you came about there is no
7 eagles.

8 **A. Right. Eagles can fly through the project area.**
9 **We did the studies, and we found very low use of that. We**
10 **also did the raptor nest studies and, again, found no**
11 **nests within the project boundary.**

12 **Q.** Okay. Because we are right by them. Okay.

13 **MR. KAINS:** Okay. Thank you, Ms. Clark.

14 The lady over here, who I waved at while I was
15 sitting in my truck outside, what is your name, ma'am?

16 **MS. CUSTER:** Susan Custer, and I am from Hindsboro.

17 **EXAMINATION**

18 **BY MS. CUSTER:**

19 **Q.** When you mentioned if the bats -- when you know
20 that the bats are in flight -- my question is: How do the
21 turbines know that?

22 I mean how is that set up that they would not?

23 **A. Sure. So bat curtailment is based on years of**
24 **studies that they have done with bats. So we know that**

1 they don't like to fly when wind speeds are high, or they
2 are not active when temperatures are really low. They
3 don't like to fly during high-wind speeds because that is
4 very costly energetically; they are flying against the
5 wind. So those are the times where it's safe to operate
6 our wind turbines in terms of bats. So we will curtail
7 the turbines during those times when we are expecting the
8 bats to fly through.

9 Q. But at nighttime, if the wind speed is a specific
10 speed?

11 I live out there, and I know the wind is just
12 crazy constantly. So I was just kind of curious there
13 because the wind speed is just all over the place
14 constantly.

15 So how does that -- I guess I want to know: How
16 does it know when the wind is going that speed?

17 A. Right. So each of the turbines is outfitted with
18 a system that measures when they can turn on, and you can
19 set that up to turn on with certain conditions. So, you
20 know, you can tell it don't turn on at night when the wind
21 speeds are such, or wind temperature at this level, and
22 they will follow those directions.

23 Q. They just follow them?

24 A. Yeah.

1 Q. Okay. Thank you.

2 MR. KAINS: Thank you, Ms. Custer.

3 Any other questions from folks who are opposed to
4 the project or neutral?

5 I know -- okay, we've got Mr. Sherman. Okay.
6 He'll go next.

7 And, sir, are you from Douglas or Coles?

8 MR. PHIPPS: Coles.

9 MR. KAINS: Mr. Sherman, why don't you yield to him?
10 Because I am guessing you might have more questions, but
11 you'll be next.

12 Okay. And I remember you from the other night,
13 but I don't have your name memorized yet.

14 MR. PHIPPS: Nathan Phipps, Nathaniel Phipps.

15 MR. KAINS: Nathaniel Phipps. Yes, sir. And it says
16 you are from Hindsboro?

17 MR. PHIPPS: Yes.

18 MR. KAINS: How is Ms. Custer from Hindsboro and she
19 is in Douglas County, and you are from Hindsboro in Coles
20 County?

21 Does it sit right there?

22 MR. PHIPPS: We are the rural house that sits just
23 south of the county line there about a mile and a half.

24 MR. KAINS: Mr. Phipps, you may go ahead with the

1 questions.

2 Sir, could you spell your last name?

3 MR. PHIPPS: P-h-i-p-p-s, Nathaniel.

4 I wasn't sure can we address you if we have a
5 question. It was something you said during opening
6 comments.

7 MR. KAINS: No. You ask questions to the witness.

8 EXAMINATION

9 BY MR. PHIPPS:

10 Q. My question was concerning owls, and specifically
11 snowy owls. I've seen one at our house.

12 And we've had multiple people come from out of
13 state, stopping at our house, asking if we've seen it.

14 I know they are migratory, and showing up during
15 certain times, but what consideration have you given to
16 that?

17 A. Yeah. So we didn't observe any during our
18 surveys. They are not actually a resident of Illinois.
19 They occur very rarely.

20 The good news is that raptors, such as owls, are
21 generally not impacted by the wind turbines. They are
22 some of the lower-impacted species.

23 Q. Did you say night animals aren't impacted, with
24 owls?

1 What was the last thing you said?

2 **A. I am sorry?**

3 **Q. Was the owls, as far as their flight at night,**
4 **that is why they are not impacted?**

5 **A. Yeah. I mean they are rarely found. I am not**
6 **aware of any snowy owl fatalities.**

7 **Q. I am talking owls in general.**

8 **A. Okay. Yeah. They are nocturnal animals, so we**
9 **expect them to be out at night, if that is your question.**

10 **Q. Right. I was just wondering why that is**
11 **different from bats. If their flights are during the same**
12 **time, is that blade speed curtailed for them? Because we**
13 **have considerable owls.**

14 **A. It is beneficial for them as well. That is**
15 **absolutely true. I think they are just better visual**
16 **hunters and likely able to avoid the turbines a lot**
17 **better.**

18 **Q. Okay. Thank you.**

19 **A. Thank you.**

20 **MR. KAINS: Thank you, Mr. Phipps.**

21 **Mr. Sherman?**

22 **MR. SHERMAN: I am Tom Sherman, from Humbolt, in**
23 **northern Coles County.**

24 **MR. KAINS: Could you spell your last name for the**

1 court reporter?

2 MR. SHERMAN: Yes. S-h-e-r-m-a-n.

3 MR. KAINS: Thank you.

4 EXAMINATION

5 BY MR. SHERMAN:

6 Q. My first question is, and you referenced this a
7 little bit, the US Fish & Wildlife Service information,
8 you included that in, I think, it's D3; is that correct?

9 A. Correct.

10 Q. Why is it marked on every page of that "not for
11 consultation"?

12 A. Right. So that is the initial review that you
13 get with the project, and US Fish & Wildlife generally
14 wants you to follow up with consultation, actual
15 consultation, meeting with them, which Coles Wind did.

16 Q. Okay. And you've included in that, or within
17 that, what you just referenced, it talks about one, two,
18 three, four, types of things that are in danger: Indiana
19 bats, northern long-eared bats, tricolored bats, and
20 whooping cranes, and then -- I don't know where this would
21 come up -- a snuffbox muscle. That is on the ground, I am
22 assuming.

23 A. Right.

24 Q. And it also talks about monarch butterflies,

1 which I know that we are in a monarch butterfly flight
2 zone, for lack of a better term.

3 Can you address those?

4 A. Yeah. So that reviewed, the IPaC review just
5 looks at what potential species can occur within your
6 project area, and then you do the specific follow-up
7 studies in consultation with the US Fish & Wildlife to
8 determine if your project has a potential risk for those
9 species.

10 For this project, because none of the birds were
11 observed, and we're planning to avoid impact to the other
12 species, the only species of concern from the US Fish &
13 Wildlife were the three bats, which is why we completed
14 those habitat assessments for those species, per the
15 recommendation, and avoided that habitat.

16 Q. What about flight of monarch butterflies?

17 Obviously, they are not around yearlong.

18 Is there any allowance made for wind turbine
19 curtailment those when the butterflies would be moving?

20 I don't know if they hibernate or what it is they
21 do.

22 Is there any curtailment process for those?

23 A. There is not a recommended curtailment from US
24 Fish & Wildlife for the monarch.

1 **Q.** Okay. The last question I have, in that same
2 thing, to quote that, it says: There are likely bald
3 eagles present in your project area.

4 Are there any concerns with those?

5 Again, kind of the similar question with the
6 butterflies.

7 Is there a pattern of those that they migrate,
8 that they move, that they fly, and we need to make sure
9 that the turbines are shut off during that time period?

10 **A.** Yeah. So those species, again, when we did the
11 evening studies, we observed very few eagles because most
12 of the time the eagles are concentrating near the large
13 river. So one of the things we did for this project was
14 make sure we have a setback from the Embarras River to
15 avoid any paths where the eagles may cross.

16 **Q.** And then, along with that, how often do you
17 review this study to make sure things are still okay?

18 Because, just in personal experience, the eagles
19 have really started showing up, like, within the last year
20 all over this area of our county. I just wondered how
21 frequently you plan on updating your study?

22 **A.** Yeah. So, yeah, eagles are doing well in
23 Illinois. The populations are increasing. So the next
24 time that we plan to do studies are those

1 post-construction monitoring studies. If we know or hear
2 of any eagle nests, obviously, we will take that into
3 consideration on doing additional studies as necessary.

4 Q. What would happen if you found that there would
5 be an eagle nest that starts to appear in this area?

6 What would happen to that specific turbine, or
7 the project, or whatever?

8 A. So the first step we would take -- and I think
9 this would be the recommendation from the Fish &
10 Wildlife -- is to do studies on how is that eagle using
11 the area around those turbines, are they following ditches
12 or going near turbines; and then we would take the
13 necessary steps to form minimization techniques.

14 MR. SHERMAN: Thank you.

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

16 MR. HESS: Mr. Kains, I did not want to interrupt
17 Mr. Sherman, but I would note for the record, perhaps he
18 has a page number, because I don't see anywhere in the
19 Appendix D3 there are bald eagles in the area. It says
20 just the opposite. It says it is not a bird of concern in
21 this area.

22 I didn't want to interrupt because the questions
23 were appropriate; but the premise, he didn't say where
24 he's quoting from, but I think this is opposite. So, to

1 that, I would object.

2 MR. KAINS: What does the appendix say in the
3 application?

4 MR. HESS: So I am quoting from Appendix D3.

5 MR. KAINS: D3?

6 MR. HESS: D -- as in dog -- 3. Yes, sir.

7 If he's just quoting from a different page, he
8 might be; I don't know.

9 MR. KAINS: What does that say?

10 MR. HESS: It says, under bald eagle, quote: This is
11 not a bird of conservation concern in this area.

12 MR. KAINS: All right. Thank you, Mr. Hess.

13 I am going to let Mr. Sherman take a look at that
14 and see if he has any questions based upon that.

15 And while he's doing that, I am going to ask,
16 besides Mr. Cronkhite, who wants to ask questions?

17 This gentleman in the front row.

18 Anybody else who would have questions for this
19 witness?

20 And what county are you from, sir?

21 MR. SHAW: Coles.

22 MR. KAINS: Very good. All right. You'll be next,
23 once we're done with Mr. Sherman.

24 UNIDENTIFIED: That will work.

1 MR. KAINS: Very good. Thank you for your patience.

2 Mr. Cronkhite, thank you for your patience, too.

3 MR. SHERMAN: I found it. If it's okay for me to
4 present it.

5 MR. KAINS: Yeah. Come up to the microphone, and
6 please let us know what your information is.

7 MR. SHERMAN: I am looking at the application, D3. If
8 you go to critical habitats and then bald and golden
9 eagles, and if you turn the page --

10 MR. KAINS: Is there a page number?

11 MR. SHERMAN: No. May I make a recommendation that
12 whoever does these things put page numbers on them?

13 We keep running into this.

14 MR. KAINS: Yeah. It's all right.

15 MR. SHERMAN: Anyway, bald and golden eagles. If you
16 turn the very next page, the very top sentence, there are
17 likely bald eagles present in your project area.

18 MR. KAINS: Okay. Ms. Shapiro, your response?

19 MS. SHAPIRO: Yes. Just to be clear, there are
20 certain mammals, birds, etc. This is one called critical
21 habitats.

22 Directly underneath it says there are no critical
23 habitats in this location, and it goes on to explain and
24 provide information where you can find information on

1 critical habitats, and that just happens to be one of many
2 bullet points with the list where you can find information
3 if this is a critical habitat.

4 MR. KAINS: Okay. So now, based upon that,
5 Mr. Sherman, do you have a question for this witness?

6 BY MR. SHERMAN:

7 Q. I guess the question would be -- and I think
8 you've already answered this, but are there any bald
9 eagles in the area?

10 A. Again, the nearest nest is more than four miles
11 away.

12 UNIDENTIFIED SPEAKER: That is not true.

13 BY MR. SHERMAN:

14 Q. Would they happen to fly through the project
15 area?

16 A. During our studies, we found very low use, and we
17 found them to be staying near forested or areas that had
18 forest and river, and the project was decided to cut those
19 areas out of the boundary so the expected use would be
20 very low.

21 Q. Okay. That's not my personal identifying of
22 them.

23 MR. KAINS: Okay. Mr. Sherman, you'll have a chance
24 to testify later. So, very good. Thank you, sir.

1 Gentleman in the front row, in the Milwaukee
2 hoodie, what is your name?

3 MR. SHAW: Clint Shaw.

4 MR. KAINS: Spell your first name.

5 MR. SHAW: C-l-i-n-t.

6 MR. KAINS: Last name?

7 MR. SHAW: S-h-a-w.

8 MR. KAINS: Okay. And what county are you from?

9 MR. SHAW: Coles County. I live off Humboldt Road,
10 1500 North, about seven miles north of town.

11 MR. KAINS: Okay. Have you signed in?

12 UNIDENTIFIED SPEAKER: He came in late.

13 MR. KAINS: He came in late.

14 That is fine. Are you opposed to the project?
15 Are you in support of the project? Or neutral?

16 MR. SHAW: I didn't wear a red sweatshirt for nothing.

17 MR. KAINS: I don't know the significance of
18 sweatshirts.

19 MR. SHAW: I'm opposed.

20 MR. KAINS: You're opposed, and your name is Clint
21 Shaw, and you are from Humboldt?

22 MR. SHAW: Yes.

23 MR. KAINS: Go right ahead with your questions for
24 this witness.

1 MR. SHAW: Okay.

2 MR. KAINS: Thank you.

3 EXAMINATION

4 BY MR. SHAW:

5 Q. You have done the studies. You are a bat expert,
6 and everything.

7 How much time did you spend in the area at night
8 surveilling this stuff, like, hours wise, weeks wise?

9 A. Right. So our studies were done by a third-party
10 consultant, for the most part, to make sure that we are
11 receiving all of the information from the greatest
12 consulting firms and biologists in the area.

13 So my job was to make sure the appropriate
14 studies were completed and all of the coordinations with
15 state and federal agencies were completed for the studies.

16 Q. Gotcha. Do you happen to have any idea what kind
17 of timeline, in hours, that they put into doing this
18 study?

19 The reason why I ask is because I live north of
20 Charleston. I am a hunter and a fisherman.

21 And how do you see those owls?

22 I mean I have night vision. I can go out there
23 and look at night, and I can watch owls. I can call owls
24 in.

1 MR. KAINS: What was the question? How do you know?

2 MR. SHAW: How many hours of research have been done
3 upon this?

4 MR. KAINS: If you know.

5 THE WITNESS: I can guesstimate that it's probably
6 hundreds of hours because we were out there every month
7 for at least two years plus the additional studies. So I
8 would say hundreds.

9 BY MR. SHAW:

10 Q. So you've got somebody on the ground from dark to
11 daylight then?

12 A. Correct.

13 Q. Okay. And when you were giving your presentation
14 here, you said that there was a minimal impact. What are
15 the impacts besides, obviously, bats?

16 A. In general to wildlife?

17 Q. Yeah, in general to wildlife. I mean, when you
18 are putting big, humongous pads out, putting roadways in,
19 doing all kinds of other things, what are the other things
20 impacted?

21 A. Right. So as far as construction, because all of
22 the turbines are going into cropland that is not habitat
23 for any species, so we do not consider that there is not
24 going to be any impact during construction.

1 As we mentioned, during the operation, we do
2 expect some impact to birds and bats, but the project will
3 be operated in such a way to minimize those impacts as
4 much as possible.

5 Q. Okay. All right. Well, I guess I'll keep the
6 questions, the rest of the questions, for later.

7 MR. KAINS: Thank you. Thank you, Mr. Shaw.

8 All right. Any question besides -- I think you
9 are a Coles County guy.

10 MR. YODER: Yeah.

11 MR. KAINS: Okay. Come on up. Remind us again your
12 name.

13 MR. YODER: Davon Yoder.

14 MR. KAINS: Could you spell your first and last for
15 the court reporter?

16 MR. YODER: Davon is D-a-v-o-n. Yoder is Y-o-d-e-r.

17 MR. KAINS: What county are you from?

18 MR. YODER: Coles County.

19 MR. KAINS: I see it right here. Okay. Very good.
20 Go ahead, Mr. Yoder.

21 EXAMINATION

22 BY MR. YODER:

23 Q. For myself, I personally have seen bald eagles.

24 MR. KAINS: Now, ask a question. You'll have time to

1 testify.

2 MR. YODER: I am getting there.

3 MR. KAINS: Okay. Very good.

4 BY MR. YODER:

5 Q. So the question I have is: I believe, in the
6 report, that there was, because certain species are
7 protected, there's requirements to report animals that are
8 killed. What -- how is Coles Wind going to approach that?
9 Are you self-reporting?

10 Because there is a permit, I believe, that has to
11 be filled out for accidental death.

12 And so I didn't know. What does your project
13 plan to do?

14 How do you handle those?

15 A. Yeah. So once we complete those
16 post-construction monitoring studies, even if we have any
17 incidental finds, or any sensitive species out there, we
18 would report those to US Fish & Wildlife and the Illinois
19 Department of Natural Resources.

20 Q. Okay. But that is Coles Wind's responsibility,
21 or can the community at large report that as well?

22 A. That will be Coles Wind's responsibility to
23 complete those studies and to do any of the reports of any
24 incidents involved.

1 **Q.** No more questions.

2 MR. KAINS: Very good. Thank you, Mr. Yoder.

3 Okay. Mr. Cronkhite?

4 MR. CRONKHITE: No.

5 MR. KAINS: Are you feeling okay, Arthur?

6 MR. CRONKHITE: Yeah. I am feeling okay. Everybody
7 pretty much answered.

8 MR. SMITH: I do have a question.

9 MR. KAINS: Very good. Yes, sir?

10 MR. SMITH: My name is Terry Smith. I live in Coles
11 County.

12 MR. KAINS: Terry Smith. I see you on here.

13 EXAMINATION

14 BY MR. SMITH:

15 **Q.** My question is: It's okay to die away from the
16 nest but not by the nest?

17 **A.** I am sorry. What is your question?

18 **Q.** Because you are saying that you did a survey of
19 the eagles by the nest, correct? That there was no nests
20 around?

21 **A.** We did a survey of the entire project boundary
22 plus a buffer from the map.

23 **Q.** Well, I deer hunt, and we leave the bones and
24 stuff out in the field. The eagles come and eat off of

1 it, and I am about maybe three miles away from the
2 Embarras River.

3 So, if there's turbines going in front of my
4 house -- this is on the south side -- so what I am saying
5 is: It's okay for them to fly out there and get killed
6 just as long as they are not by a nest, is what you are
7 saying?

8 A. No. And we actually have a carcass management
9 plan that we follow along with all of our projects in
10 order to not attract eagles with discarded carcasses, and
11 make sure that we are minimizing the risk as much as
12 possible.

13 Q. Right. But what you said earlier was there was
14 no eagles found in this area. So whoever did your study
15 did it wrong because there is eagles out there.

16 MR. HESS: Mr. Kains, I would just respectfully
17 object. I believe her testimony was there were no eagle
18 nests found in the area. So, to the extent that is part
19 of his question, I would object just to the wording of the
20 question.

21 MR. KAINS: As far as the wording of the question,
22 yeah, the objection is sustained. But I think it's still
23 a legitimate, valid question that Mr. Smith has.

24 MR. SMITH: I can phrase it different.

1 MR. KAINS: Yeah. If you would, please.

2 BY MR. SMITH:

3 Q. If I did a study that was counting, let's say,
4 the amount of deer in an area, we all know deer travel 15,
5 20 miles. And if they are in rut, they travel farther
6 than that, correct?

7 A. Uh-huh.

8 Q. Because you are a biologist, you should know.

9 So that means that eagles don't stay at their
10 nest. Obviously, when they are feeding young, or
11 whatever, they have to travel and go somewhere else to get
12 the food. Yes, they do follow the river.

13 A. Right.

14 Q. But they also go wherever the food is at. And
15 most deer don't stay, as we know as hunters, they don't
16 stay in the woods. They leave. They get hit by cars.

17 I am over by 130.

18 So that means there is a flight pattern through
19 this section.

20 MR. KAINS: Mr. Smith, what is your question of the
21 witness?

22 BY MR. SMITH:

23 Q. So who did the survey that says there are no
24 eagles over there?

1 A. So the eagle studies were concentrated in the
2 project area, and they are designed exactly to protect
3 that, not just eagle nests, but to see what eagles are
4 flying in the area.

5 What I said was that we saw very few eagles
6 flying through the area. The main area of concentration
7 was near the Embarras River, and that's where we took
8 information to site, as much as possible, site our
9 turbines away from that area.

10 Q. Okay. Then I guess I don't understand, because I
11 have a wind turbine straight in front of my house, and
12 that's where I have the pictures of the eagles.

13 MR. KAINS: You can testify to that later. Do you
14 have any other questions of the witness?

15 MR. SMITH: Okay.

16 MR. KAINS: Okay. Thank you, Mr. Smith.

17 All right. Yes, this gentleman here?

18 MR. BORGMAN: I am not on the list. I showed up late.

19 MR. KAINS: That's okay. Are you opposed or neutral?

20 MR. BORGMAN: I haven't received my check yet, so I'm
21 opposed.

22 MR. KAINS: No, sir. Are you opposed or neutral?

23 MR. BORGMAN: Neutral.

24 MR. KAINS: Neutral. And what is your name?

1 MR. BORGMAN: Phil Borgman, B-o-r-g-m-a-n.

2 MR. KAINS: Where are you from, Mr. Borgman?

3 MR. BORGMAN: I live right across from TJ Smith, who
4 was just right up here, in Hindsboro.

5 MR. KAINS: Coles or Douglas part of Hindsboro?

6 MR. BORGMAN: Coles.

7 MR. KAINS: Very good. Go head with your questions
8 for the witness, please.

9 EXAMINATION

10 BY MR. BORGMAN:

11 Q. So you have all these things in place for
12 continued studies. What happens when Apex sells?

13 Does the company that buys out, you know, your
14 wind farm, are they responsible for doing the same
15 studies?

16 A. (1) We intend to own and operate this project.

17 (2) Yeah, those companies follow the wind energy
18 guidelines. They would also have to follow the
19 recommendations.

20 Q. Did you intend on owning and maintaining the wind
21 farm over in Jacksonville?

22 MR. HESS: I would respectfully object.

23 MR. BORGMAN: It was an Apex wind farm.

24 MR. KAINS: It is beyond the scope of her testimony,

1 and probably beyond the scope of her knowledge, and not
2 relevant to this particular proceeding whether this
3 application meets the factors in the Coles County Wind
4 Ordinance. So, the objection is sustained.

5 Ask another question, please.

6 BY MR. BORGMAN:

7 Q. Where do we send pictures of the eagles that we
8 see around our houses out there?

9 Because, obviously, the study missed a lot. You
10 heard three or four people get up here and talk about it.
11 I have pictures.

12 Where do they send the pictures, is the question.

13 Obviously, this study is skewed a little bit.

14 MR. KAINS: Mr. Borgman, you will have an opportunity
15 to testify later in the hearing. It's time now to ask
16 questions of the witness.

17 Where do they send pictures?

18 THE WITNESS: Sure. So the project will have an
19 operation maintenance building, with staff that will be
20 onsite at least five days a week, and we would welcome all
21 those observations.

22 BY MR. BORGMAN:

23 Q. Okay. Where do we send them now?

24 I mean TJ has got pictures. I've got pictures.

1 **A. You can send them to any contact at Apex.**

2 **Q. What environmental agencies can we send them to?**

3 **A. US Fish & Wildlife, Illinois Department of**
4 **Natural Resources.**

5 **Q. Okay. Thank you.**

6 **MR. KAINS: Very good. Thank you, Mr. Borgman.**

7 All right. Mr. Cronkhite has awakened and has
8 questions for us.

9 This is Arthur Cronkhite, C-r-o-n-k-i-t-e.

10 **Mr. Cronkhite: -- k-h-i-t-e, Cronkhite.**

11 **MR. KAINS: From Vermilion County. Go ahead. You**
12 **have got your 15 minutes of fame here.**

13 **EXAMINATION**

14 **BY MR. CRONKHITE:**

15 **Q. It's going to be just a minute or two here.**

16 What is the average number of dead animals you
17 have every day in a production area as big as this?

18 **A. In general, in the Midwest?**

19 **Q. No, no. In this -- this is what? 16, 14**
20 **machines going to be put in with this first phase? How**
21 **many deaths would you have from wildlife in an average**
22 **night, or week, or whatever?**

23 **A. So, there's, obviously, been a lot of studies**
24 **completed in Illinois, especially with projects such as**

1 Coles that are mainly agricultural. So, for birds, we
2 expect those fatalities to be fairly low. Definitely less
3 than 1 megawatt -- one bird per megawatt per year.

4 Q. Okay. But how many would that be averaged?

5 A. I mean, from my experience, in completing the
6 studies actually on the ground, I would say that in a
7 single year we probably find one to two dozen birds of
8 common small-bird species.

9 Q. Bats, do you have any deaths for bats? And, if
10 so, what would those numbers be?

11 A. So, again, from other studies completed in the
12 Midwest, I would say the average is probably about two to
13 three bats per megawatt per year. Those studies also
14 include, you know, a lot of other studies whether
15 minimizing or not. So, for Coles Wind, because we are
16 planning to curtail and minimize, we would actually expect
17 those numbers to be even lower.

18 Q. So one a night?

19 Or is there any kind of a number?

20 You haven't given us a number.

21 A. That is what the post-construction monitoring
22 studies are going to determine. So, again, we expect it
23 to be low, and that is what those studies are going to
24 confirm.

1 MR. CRONKHITE: All right. Thank you.

2 MR. KAINS: Thank you, Mr. Cronkhite.

3 Any other questions for this witness from members
4 of the public?

5 All right. Very good.

6 MR. WATTS: Could I ask --

7 MR. KAINS: We are going to get to you. Hang on just
8 a second.

9 MR. WATTS: All right.

10 MR. KAINS: I always let the committee members have
11 the last bite at the apple.

12 MR. WATTS: Oh, sorry. My bad.

13 MR. KAINS: That's all right. You are new to all of
14 this.

15 Okay. Then questions from Livingston County
16 staff and consultants?

17 Mr. Lockhart, any questions?

18 MR. LOCKHART: No. We are Coles County.

19 MR. KAINS: Coles County. I was there last night, and
20 I can't get away from it. Coles County. I know where I
21 am. No, I don't. I get on the interstate, and I have to
22 check to make sure I know where I am going. I have to
23 drive toward Decatur from Springfield rather than on up
24 north from Livingston.

1 Last night was night 13, so I spent a lot of time
2 in Livingston County. I do apologize to you folks. Coles
3 County.

4 Attorney Mr. Keyt, do you have questions?

5 MR. KEYT: Maybe just for clarification.

6 EXAMINATION

7 BY MR. KEYT:

8 Q. Just in terms of the process that you go through,
9 if I understand it correctly, there is really three things
10 that happen: There is onsite observation that occurs;
11 there is then a consultation for IPaC review from the US
12 Fish & Wildlife Services; and there is some IDNR EcoCAT.
13 That is essentially what the bones of that is?

14 A. Correct.

15 Q. So just starting with the IDNR consultation, part
16 of that process is IDNR then sends, or Illinois Department
17 of Natural Resources, sends to the county a consultation
18 letter. This one happens to be dated November 15, 2024.
19 And I am sure that you are familiar with that letter.

20 A. Yes.

21 Q. In the letter, as Mr. Watts indicated, there are
22 a number of suggestions and recommendations within the
23 letter itself; is that correct?

24 A. Correct.

1 **Q.** Within those recommendations, for example, is
2 curtailment of the wind turbine operations with wind
3 speeds of 6.9 meters per second from sunset to sunrise,
4 between July 15 and October 15, to avoid an unlawful take
5 of a state-listed bat or bird and minimize mortality of
6 all bat species. You are familiar with that particular
7 provision?

8 **A.** Yes.

9 **Q.** Your -- Apex, I assume, is in agreement with that
10 particular curtailment in order to minimize what IDNR
11 perceives as a risk to that population of birds?

12 **A.** Yeah. We actually give a couple of other options
13 in that letter. So the paragraph right below that has a
14 statement that says, if you bring project-specific data in
15 coordination with IDNR, you may obtain a voluntary permit
16 and, therefore, curtail at a different wind speed that you
17 can coordinate with Fish & Wildlife.

18 There's another recommendation, I believe at the
19 bottom of that page, or the next one, that talks about the
20 potential use of smart curtailment.

21 So the state actually gives you an option of how
22 to operate your project. All of those would involve some
23 type of curtailment.

24 **Q.** The smart curtailment, it would avoid -- would be

1 something like a bat deterrent system on the turbine
2 itself?

3 **A. It would be collecting more project-specific data**
4 **and further informing that algorithm of the other turbines**
5 **by using project-specific data in coordination with IDNR.**

6 **Q.** Some of the other recommendations, just for the
7 record, includes allowing night lighting that would follow
8 the International Dark Sky Association Guidance. Is that
9 one of the recommendations?

10 **A. Yes.**

11 **Q.** Some of the other recommendations or suggestions
12 of the letter include remaining a mile away from IDNR
13 managed or leased properties in your conservation of
14 properties?

15 **A. Correct, and none are found within a mile.**

16 **Q.** And there are other setbacks they suggested,
17 including a 1,000-foot setback from CRP involved property;
18 is that fair?

19 **A. Correct.**

20 **Q.** And what you've testified to is that Apex is
21 willing to abide by the recommendations and suggestions
22 contained in the November 15 letter of 2024?

23 **A. Yes.**

24 **Q.** Okay. The other aspect of review is with the

1 federal agency, the US Fish & Wildlife Service?

2 **A. Correct.**

3 **Q.** And part of your observation requirement is to
4 identify any nests of raptors that might be within a
5 certain range of the project footprint; is that fair?

6 **A. Yes.**

7 **Q.** In terms of US Fish & Wildlife Services review,
8 what is the range of nest distance that they are looking
9 for?

10 **A. Yeah. So, generally, for bald eagles, they**
11 **recommend a 660-foot setback.**

12 **Q.** And can you explain why it is that US Fish &
13 Wildlife Services is concerned about the setback from the
14 nest as opposed to whether or not there may be a bird
15 within the area, a bald eagle, at a certain time?

16 **A. Because they expect most of the activity to be**
17 **concentrated around those nests.**

18 **Q.** In terms of this particular project, is there a
19 lake, or a river, or a large body of water that would
20 typically attract a bald eagle to that particular area?

21 **A. There is not. The project was sited away from**
22 **such bodies of water.**

23 **Q.** In terms of -- is it fair to say the US Fish &
24 Wildlife Service doesn't necessarily make recommendations

1 or suggestions, but they provide a review of what might be
2 there? Is that fair?

3 **A. Yes.**

4 **Q.** In terms of what is primarily concerned when it
5 comes to birds or bats, the primary concern is whether or
6 not there would be an impact to the population of those
7 birds or bats; is that correct?

8 **A. Correct.**

9 **Q.** In terms of birds or bats, if you were to compare
10 a wind turbine to, say, a building, or a car, which would
11 be more impactful to the population of birds or bats?
12 Would it be vehicles? Buildings? Or would it be wind
13 turbines?

14 **A. So it would be vehicles or buildings by far.**
15 **Wind turbines probably represent less than one percent of**
16 **bird fatalities. While buildings, vehicles, power lines**
17 **represent a much, much larger percentage.**

18 **Q.** Do you have an idea of what the numbers are that
19 are the differences between wind turbines and buildings
20 and bats -- I am sorry -- buildings and cars in terms of
21 impact to bat deaths?

22 **A. Right.**

23 **Q.** If you don't know what I am just asking --

24 **A. I've seen a lot of estimates out there in terms**

1 of buildings, and feral cats, and other collision risks; I
2 have seen the numbers be in the billions.

3 And then regarding impacts, again, estimates for
4 all wind farms in the US, I've seen those numbers to be in
5 the low hundred thousands.

6 Q. You've indicated that the closest eagle nest was
7 observed, and I think in the report it says 4.7 miles from
8 the project area.

9 A. Correct.

10 Q. Is that measuring from the footprint or measuring
11 from a particular area within the project?

12 A. It's measuring from the nearest proposed turbine
13 to that nest.

14 Q. Other than -- that one nest, was it active where
15 it was observed?

16 A. Yes.

17 Q. Other than the one nest, is there any other nest
18 within, say, 10 miles of the project footprint?

19 A. We did not complete surveys out to 10 miles. I
20 think the furthest buffer we went out was about 4 miles.

21 Q. Were there any other eagle nests observed within
22 that area?

23 A. No.

24 Q. One issue that comes up on occasion is what

1 happens if an eagle gets killed by a wind turbine, or some
2 other animal that might be an endangered species, can you
3 explain the reasonable take-off position process to the
4 board?

5 A. Yeah. So, actually, the US Fish & Wildlife just
6 came out with a general permit process where you can
7 permit bald eagles take if you are a wind project.

8 So Coles Wind would qualify for that permit. And
9 the general permit is meant to be for low-risk,
10 low-incident projects, such as what we are expecting Coles
11 Wind to be. So that could be one avenue to permit an
12 eagle take.

13 Q. And then, after the project is -- if this project
14 were to be constructed, after that point, there are some
15 post-monitoring -- post-construction monitoring that takes
16 place as well; is that fair?

17 A. Correct.

18 Q. In that post-construction monitoring, if there
19 were an increase, or there is some sort of listed species
20 that might be taken, then IDNR or the US Fish & Wildlife
21 Services may come in with other or further
22 recommendations; is that fair?

23 A. Yes.

24 Q. Is it fair to say that Apex would be willing to

1 provide to the county, if that were to occur, what those
2 recommendations of IDNR and Fish & Wildlife may be?

3 A. Yes.

4 Q. Is it fair to say Apex would be willing to abide
5 by those further recommendations?

6 A. Yes.

7 MR. KEYT: Okay. Thank you.

8 That is all the questions that we have.

9 MR. KAINS: All right. Very good. Thank you,
10 Mr. Keyt.

11 Redirect examination, Ms. Shapiro?

12 MR. HESS: No, sir.

13 MR. KAINS: Oh, Mr. Hess. Very good.

14 Final questions come from committee members.

15 Mr. Chairman, you had a question?

16 MR. WATTS: I do. I have been looking through D6. I
17 don't see where it says that Apex is going to abide by the
18 recommendations. They cite all the recommendations, but I
19 don't see any place where it actually stipulates that
20 those are going to be followed.

21 MR. HESS: Mr. Keyt -- sorry -- Mr. Kains, may I
22 perhaps refresh the witness's memory on this?

23 In other words, I know I just said no questions,
24 but in hopes of getting an answer to the chairman's

1 question, may I ask a question? And if she doesn't
2 remember --

3 MR. KAINS: We want an answer for the chairman's
4 questions, so if you can.

5 MR. HESS: I can do it very briefly.

6 MR. KAINS: I don't like coaching witnesses, but if it
7 gets us an answer to the chairman's question, I think that
8 is important. So go ahead with a question or two.

9 MR. HESS: Thank you very much. This will be brief.

10 EXAMINATION

11 BY MR. HESS:

12 Q. Ms. Iskali, do you have the application binder in
13 front of you?

14 A. No.

15 Q. I am going to ask in a moment for Mr. Moore to
16 bring one up to you.

17 But Mr. Chairman is asking if you remember where
18 in the permit application Coles Wind commits to follow
19 some of the recommendations that you've discussed here
20 tonight.

21 Do you recall what it says on page 44 of her
22 permit application, or the narrative portion?

23 A. So, from my memory, it shows that it makes the
24 summary statement that Coles Wind followed all of the

1 recommendations from the EcoCAT letter.

2 And I believe it's the last paragraph in that
3 summary section that talks about Coles Wind will operate
4 to minimize and avoid impacts and will complete at least a
5 year of post-construction studies.

6 Q. Do you recall what it said --

7 MR. KAINS: You can approach with the application.

8 MR. HESS: Thank you.

9 BY MR. HESS:

10 Q. My question is going to be: Do you recall what
11 it says about our commitment to curtail during operations,
12 about limitations?

13 This isn't a memory test.

14 MR. HESS: Mr. Keyt, would you like to see this?

15 MR. KEYT: I don't need to.

16 MR. HESS: For the record, I am showing Ms. Iskali
17 page 44, the middle paragraph underneath the table.

18 BY MR. HESS:

19 Q. And after you read it, my question will be: What
20 does it say about our commitment to curtailment during
21 operations of the project?

22 A. So it says Coles Wind will curtail turbines at
23 wind speeds up to 6.9 meters per second from sunset to
24 sunrise from July 15 to October 15 and until federal

1 incidental take authorization for bats have been obtained
2 for the project.

3 Q. Do you want to explain what that paragraph means?

4 MR. WATTS: I understand what it means.

5 MR. HESS: No further questions.

6 MR. KAINS: Does that mean you are going to curtail if
7 there is a problem?

8 MR. HESS: Yes, sir.

9 MR. WATTS: Can we follow up, though?

10 MR. KAINS: By the way folks, this is a commonplace
11 thing in every courtroom in the country, when a witness
12 does not have a recollection of what a document says,
13 counsel is allowed to approach with the document and have
14 the witness refresh their recollection, and sometimes be
15 able to even read from the documents. So it's not -- if
16 anybody thinks he's coaching, that's not the case. It's
17 just how it is done, because sometimes witnesses don't
18 have full recollection.

19 Sometimes hearing officers don't even remember
20 what county they are in.

21 So it was perfectly normal what Mr. Hess just did
22 and what Ms. Iskali just testified to.

23 So, are there any other questions for this
24 witness from the committee?

1 Yeah. Mr. Chairman?

2 MR. WATTS: I do.

3 FURTHER EXAMINATION

4 BY MR. WATTS:

5 Q. The concluding sentence of that paragraph states:
6 Coles Wind has agreed to conduct at least one year of
7 post-construction monitoring to confirm that this is the
8 case.

9 But you stated that you are going to be doing
10 continual monitoring?

11 A. So we'll complete one year.

12 Q. Right.

13 A. And we'll coordinate with US Fish & Wildlife and
14 IDNR and see if they have recommendations for additional
15 monitoring.

16 Q. So it's going to be based on what they say in
17 terms of what you found?

18 A. Right. One year is the general recommendation
19 from the US Fish & Wildlife with guidelines, with that
20 recommendation to follow up with those agencies.

21 Q. Thank you.

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

23 Any other questions from members of the
24 committee?

1 All right. Very good. Thank you, Ms. Iskali.
2 You may step down.

3 THE WITNESS: Thank you.

4 (WITNESS STEPPED DOWN.)

5 MR. KAINS: Counsel for the applicant, call your next.

6 MS. ANTONIOLLI: Thank you. Next we would like to
7 call Dr. Loomis on the issue of economic impacts.

8 MR. KAINS: Is this going to be lengthy or less than
9 20 minutes?

10 MS. ANTONIOLLI: I would say about 20 minutes. Are
11 you debating whether to take a break now or later?

12 MR. KAINS: Well, we'll have Dr. Loomis testify, and
13 then we'll break, and then we'll come back with all of the
14 questions for him.

15 MS. ANTONIOLLI: Thank you.

16 **DAVID G. LOOMIS,**

17 a witness herein, called by the Applicant, after having
18 been first duly sworn, was examined, and testified as
19 follows:

20 MR. KAINS: Very good. Have a seat.

21 Could you please state for the record your name,
22 spelling first and last names?

23 THE WITNESS: My name is David -- D-a-v-i-d --
24 Loomis -- L-o-o-m-i-s.

1 MR. KAINS: Go ahead, Counsel.

2 MS. ANTONIOLLI: Thank you.

3 EXAMINATION

4 BY MS. ANTONIOLLI:

5 Q. Dr. Loomis, can you please tell us about your
6 experience and background?

7 A. Sure. I am Professor Emeritus from Illinois
8 State University. I was a Professor of Economics for
9 26 years. I was cofounder of the Center for Renewable
10 Energy. I was there and helped to create the
11 Undergraduate Renewable Energy major at the university.

12 While I was there, and since leaving the
13 university, I founded Strategic Economic Research. We do
14 economic impact analysis and property tax analysis for
15 energy projects, largely wind and solar, but we also do
16 transmission battery storage, green hydrogen.

17 I have a Ph.D. in economics from Temple
18 University.

19 And, yeah, that's about it.

20 Q. Okay. Thank you. And can you tell us about how
21 many times you've testified on the issue of economic
22 impacts in zoning hearings like this one?

23 A. Yeah. Yeah. Probably 80, 90 times.

24 Q. And about how many in Illinois?

1 MR. KAINS: Ms. Antoniolli, I don't think you need to
2 do any further voir dire.

3 MS. ANTONIOLLI: With that --

4 MR. KAINS: I have heard Dr. Loomis testify on
5 numerous occasions. He has been qualified and certified
6 as an expert in public hearings in counties such as this
7 and also in circuit court throughout Illinois.

8 So I find him to be an expert witness in the area
9 of economics and economic impact as it relates to
10 renewable energy projects.

11 So with that, you may go ahead, counsel.

12 BY MS. ANTONIOLLI:

13 Q. Are you familiar with the Coles County Wind
14 Ordinance?

15 A. Yes.

16 Q. Okay. And are you familiar that near the end of
17 the ordinance there is a section of the ordinance that
18 talks about hearing factors?

19 A. Yes.

20 Q. And are you aware that the second hearing factor,
21 it talks about the WECS project will not be injurious to
22 the uses and enjoyment of the other property in the
23 immediate vicinity for the purposes already permitted nor
24 substantially diminish any near property values of

1 surrounding properties?

2 A. Yes.

3 Q. And there is, also, the first hearing standard
4 that talks about the establishment, maintenance, or
5 operation of the WECS project will not be detrimental to
6 or endanger the public, health, safety, morals, or general
7 welfare?

8 A. Yes.

9 Q. Did Apex ask you to prepare a report for the
10 Coles Wind Project?

11 A. Yes.

12 Q. Was the purpose of preparing that report to
13 demonstrate to Coles County whether it had an impact to
14 the general welfare of the community?

15 A. Yes.

16 Q. Okay. Thank you.

17 And with that, have you prepared some slides for
18 tonight?

19 A. Yes, I have.

20 Q. Can you walk us through those slides?

21 A. Sure.

22 Q. Okay.

23 A. Next slide. Next slide.

24 So I prepared a report looking at the property

1 tax impacts as a result of this project. And I wanted to
2 address a few of the questions that came up on the first
3 night that were raised.

4 One was how the wind turbines are taxed and how
5 those get separated from the land. And so, in terms of
6 how they are taxed in Illinois, the wind turbines
7 themselves are taxed separately. They have a separate
8 property identification number. That bill would go to
9 Coles Wind, or over to Apex, to be billed separately.

10 And the agricultural land underneath the project
11 would remain the same in terms of its assessed value for
12 agricultural purposes.

13 The paragraph -- I won't read the whole
14 paragraph, but it outlines how this process has to be
15 done. This came from the Illinois Department of Revenue,
16 their wind energy device valuation process. So they have
17 to hire somebody to go out and do a survey and show where
18 the turbine is and establish that parcel identification
19 number.

20 Next slide.

21 Illinois has a law that standardizes the assessed
22 value of a wind turbine based on the megawatts value of
23 the nameplate capacity of a wind turbine.

24 And when it was established, it was \$360,000 per

1 megawatt. That is the fair cash value. In Illinois, the
2 equalized assessed value is one-third, over 33 and a third
3 percent of the fair market value.

4 But they recognize that when that law was first
5 passed it was in assessment year 2007, and that that was
6 going to need to be updated and then changed because of
7 inflation. So they wrote into the law that the valuation
8 that the nameplate capacity would be adjusted annually for
9 inflation.

10 And the Department of Revenue comes out with
11 guidance for all of the assessors on the basis of how they
12 are going to adjust that, and they give the trending
13 factor.

14 Really, the trending factor is the consumer price
15 index. And I pulled off the trending factor for this.
16 Last assessment year is 1.56. So you would apply that
17 trending factor to the original nameplate capacity in the
18 legislation.

19 Next slide.

20 You have to make certain assumptions, and we
21 tried to make very conservative assumptions, meaning that
22 the property tax revenue that would come from the project
23 is likely to be greater than the values that we estimated.

24 So we took a very conservative approach to those

1 inputs that were going to be used. One of the things that
2 we need to do, as I explained before, is to look at future
3 inflation, so what is the consumer price index going to be
4 for the next 30 years.

5 And, again, we wanted to be conservative. And so
6 at the time of the report we used a survey of a Wall
7 Street Journal analyst; that nobody is foolish enough to
8 make a forecast for 30 years of what inflation is going to
9 be. And so we took the longest-range forecast that is
10 publicly available, neutral, not biased in that way, and
11 so that was 2.33 percent inflation.

12 We have seen inflation be higher than that, and I
13 think most people today would say that that is very low
14 and conservative and wishful thinking, if we could get
15 that low of inflation.

16 So, just to be clear, if inflation, the actual
17 inflation over the next 30 years, is higher than
18 2.33 percent, all of the tax numbers will be higher than
19 what I estimated in this report, if that holds.

20 In the legislation, it also provides that the
21 wind turbines can be depreciated. It's a rather low
22 percentage in terms of depreciation. It's 4 percent
23 annually, but the value of the project can never go to
24 zero. The maximum depreciation that it can be is

1 70 percent, or, in other words, the value has to be at
2 least 30 percent of what it had been previously.

3 Another assumption that you have to make is what
4 the future tax rate is going to be over time.

5 And I live in McLean County, and my experience
6 has been that property tax rates increase over time in
7 Illinois.

8 But, again, to be conservative, we assume that
9 the tax rate was going to remain at their most recent tax
10 rates. But we recognize that taxing districts can raise
11 those rates, and so it will be in the discretion of each
12 of the taxing bodies that we are going to look at to raise
13 their tax rate. That would increase the tax benefits that
14 would flow from this project.

15 And then we assumed -- I assumed that it would be
16 at the beginning of the year just so we didn't have to
17 deal with partial year adjustments, and that the fair
18 market value was going to be \$176 million. We assumed
19 that it was going to last 30 years, and that at the end,
20 when it's decommissioned, it wouldn't pay any property
21 taxes after that.

22 Next slide.

23 So here is just a pie chart. This is the total
24 tax revenue over the projected 30-year life using all of

1 those assumptions.

2 As you normally see in Illinois, the largest
3 chunk of property taxes go to local school districts. And
4 so, over the 30-year life, the local school districts
5 would get \$48.6 million.

6 The County General Fund would get over
7 \$13 million.

8 But all the different taxing districts would get
9 revenue from this, townships, fire districts, library
10 districts, etc.

11 Next slide.

12 In the report, there's lots of pages of year by
13 year. So just to summarize it, you will see the full
14 30 years in the report. That is in Section E2. But this
15 gives you the taxable value of the wind farm and the total
16 taxes paid.

17 You see that it does go down on a year-by-year
18 basis because there's two forces working at odds with one
19 another. You have the trending factor, the inflation
20 adjustment that raises the taxable value of the wind farm,
21 and then you have the depreciation, which lowers the value
22 of the wind farm.

23 We assume 2.33 percent inflation versus a
24 4 percent depreciation. So the net out is slightly lower

1 year over year; but then you reach that maximum
2 depreciation value, and it will trend again upwards.

3 So you see the last year is, indeed, still lower
4 than what I had listed, but you can see that on a
5 year-by-year basis.

6 If you total it up, you get \$81.2 million in
7 total revenue. You can see I put the annual average there
8 just to show that it does trend, you know, downward on a
9 year-by-year basis, but then it will go back up. So the
10 first year is higher than the 30-year average.

11 Next slide.

12 So all of the taxing districts are in the report,
13 but I wanted to highlight school districts because it is
14 such a big part of the tax revenue and of interest, and,
15 quite frankly, to the, you know, community benefits and
16 welfare is how those school districts are doing and how
17 much money will go to those school districts.

18 This is based on the layout of the turbines, and
19 so the exact megawatts of a turbine that's in a particular
20 school district's taxing district, the funds for school
21 districts will go to that particular school district, and
22 so that's why you will see varying amounts. And they also
23 have different tax rates associated with them, but we've
24 taken that into account.

1 So you see Charleston School District getting
2 \$34.8 million and the other two school districts getting
3 \$6.4 and \$7.3 million.

4 Now, one of the concerns that gets raised is:
5 How does this affect their state aid that comes? If there
6 is now more tax revenue coming from the local equalized
7 assessed value, how does that affect the money that they
8 are going to get from Springfield?

9 Next slide.

10 So the state uses a formula called evidence-based
11 funding, and in evidence-based funding there's two parts
12 to the funding.

13 First is a base-funding minimum. That is
14 basically what did they get last year. So the
15 base-funding amount is what they got in the previous
16 fiscal year.

17 But then the state legislature is supposed to
18 allocate additional money, called new money, to increase
19 funding to school districts. And so this tiered funding
20 is how they divide up that pie of new money over and above
21 what had previously been allocated by the legislature.

22 So, just to be clear, no school district gets
23 less money than they have received in the previous fiscal
24 year because of that base-funding minimum.

1 But then this is only to say: What portion of
2 the pie do they get of this new money?

3 And you can see that they put them into tiers.
4 It's based on their resource adequacy, meaning their local
5 resources, how much local resources they have to fund the
6 schools based on what we expect the cost to educate that
7 population is.

8 And so Arcola only has 80 percent adequacy,
9 Charleston 73 percent, and Oakland 89 percent. That puts
10 them into tiers.

11 And then the final column is what they got in
12 FY25 of their allocation of new money.

13 And so the comparison to how much they are
14 getting in property tax revenue to how much would be at
15 risk of possible new money that the Illinois legislature
16 would have to allocate over and above their existing
17 budget, and where their funding would come from would only
18 mean that a small portion of this new money would be at
19 risk. It would only be if they moved from one tier to
20 another.

21 So the bottom-line conclusion is that very
22 little, if any at all, of this new money or state funds
23 coming to the school district would be at risk, and very,
24 very small compared to the tax dollars that I showed in

1 the previous slide.

2 Next slide. Next slide.

3 So we also look at the economic impacts of the
4 jobs. We measure jobs, earnings, and economic output,
5 which is measured like GDP.

6 But I had focused on jobs because those are
7 easier to understand, and we use IMPLAN. It is a leading
8 economic development modeling software. It is used by
9 economic development managers. It is not specific to wind
10 or solar or energy at all.

11 If you were to build a new hospital, this would
12 be the software that you would use to estimate the
13 economic impacts of that, or opened up a new factory, this
14 would be the software that you would typically use.

15 One of the things that came up, I think in the
16 first night, was whether how many of the landowners would
17 be residents of Coles County or residents of Illinois, or
18 whether the dollars going to pay these lease payments to
19 landowners, was that going to be, you know, flowing to
20 Florida and Arizona because people have retired, and we
21 did take that into account in our economic modeling.

22 We did not poll everybody to say where they
23 lived. But we looked up each of the parcels that has a
24 turbine on it and said where does the property tax bill

1 get mailed to. And if it gets mailed to a Coles County
2 address, we then included that as our modeling with the
3 assumption that the lease payments would be spent where
4 the property tax bills are going to be spent.

5 That would put 38 percent in Coles County, and
6 90 percent of the landowner payments somewhere within
7 Illinois.

8 We have three different impacts. One is the
9 direct impacts. Those are the project development and
10 onsite labor impacts, basically all the money that Apex
11 spends from this whole process up until it becomes
12 operational.

13 The indirect impacts are the supply chain
14 impacts. So this is looking at purchases, largely of
15 local materials. So we didn't include any of the economic
16 impacts of wind turbines, or equipment, or towers, etc.
17 This is merely looking at the materials, things like
18 concrete, rebar, that are very expensive to ship over long
19 distances. And our experience has been that it's usually
20 sourced in the local area.

21 And then induced impacts are, because people have
22 jobs and money to spend in the first two areas, they are
23 going to go out and spend money in the local community.
24 They are going to buy groceries, they are going to dine

1 out, they are going to go to entertainment, and that is
2 what is measured in those induced impacts.

3 Next slide.

4 So here's the results. There's corresponding
5 tables of earnings and output. But you see our estimates
6 of 286 total jobs. These are jobs that would be created
7 or supported as a result of this project. So it's not
8 always that there is a brand new job that is created.
9 It's also jobs that are supported. So the local concrete
10 company but for this project might have to lay off workers
11 if they don't get this work, and so we would count that as
12 a job that is saved or supported as a result of this
13 project.

14 Nine hundred sixteen for the State of Illinois.

15 And then, similarly, on operations, you get the
16 onsite labor impacts. Those would typically be wind
17 turbine technicians, a site manager type jobs.

18 There is also supply chain impacts due to Apex's
19 spending in the local community.

20 It would also include those landowner payments
21 and property tax impacts as well as those induced impacts
22 for household purchases.

23 Next slide.

24 And I think I have a typo on here. I just

1 noticed it as I was coming through. The numbers are
2 correct here:

3 It's 286 jobs for Coles County during
4 construction.

5 35.2 long-term jobs during the life of the
6 project.

7 It is over \$48.6 million.

8 But instead of almost 13 million, it should say
9 over \$13 million for Coles County and over \$81.2 million
10 in total property taxes.

11 MR. KAINS: Counsel, do you have any additional
12 questions for your witness?

13 MS. ANTONIOLLI: No further questions on direct.

14 MR. KAINS: All right. Very good.

15 All right. Questions from members of the Coles
16 County Planning & Development Committee?

17 All right. Very good.

18 Questions from members of units --

19 Oh, yes. Mr. Doughty?

20 EXAMINATION

21 BY MR. DOUGHTY:

22 Q. Would you please explain, on Table 1 of the
23 previous slide, you say --

24 MR. KAINS: Can you raise your voice just a little bit

1 so folks in the back can hear?

2 BY MR. DOUGHTY:

3 Q. New local jobs during construction: 286.

4 So you talked about concrete.

5 Did I miss something?

6 I mean these are brand new jobs, is that what?

7 How did you come up with that number once again,
8 please?

9 A. Yeah. So the way that we came up with the number
10 is we, my firm, got detailed cost estimates from Apex in
11 terms of what they are going to spend in various
12 categories.

13 So IMPLAN has 528 different industries, so I
14 match up their spending with what industries that's going
15 to be in.

16 So the project development and onsite labor
17 impacts a lot of them but not exclusively. That 110, a
18 lot of those are going to be onsite construction labor
19 that's going to be building this project.

20 Q. Not to interrupt, but just I am interrupting. I
21 apologize.

22 So the 110 are included in the 286?

23 A. Yes.

24 Q. Well, yeah.

1 A. Yes.

2 Q. In total? I am sorry.

3 A. Yeah. The wind supply chain impacts would be
4 that concrete, rebar, gravel, all of the things that would
5 be supplied in the local area.

6 And so these are indirect impacts because those
7 people are not going to be employed by Apex. They are not
8 going to be employed by Apex's contractor. They are going
9 to be employed by the concrete company, the rebar company
10 that gets the supply contracts from Apex. So they are the
11 ones creating. It's community-level companies that are
12 creating those job opportunities.

13 So we are measuring the spending that Apex does
14 in the local community that then results in jobs in other
15 companies that wouldn't exist if this project doesn't come
16 to fruition.

17 And then the induced impacts, again, are those
18 household purchases because people have money and they
19 spend it how they normally do if you have a job and have
20 income.

21 Q. So, I mean, do these numbers typically pan out?

22 I mean I know this is estimation. I understand
23 that modeling and so forth.

24 MR. KAINS: Can you folks back there hear Mr. Doughty?

1 UNIDENTIFIED SPEAKER: No.

2 MR. KAINS: Jump to the mic.

3 BY MR. DOUGHTY:

4 Q. So do these numbers typically pan out, the post
5 -- I mean I know there will be new long-term local jobs.
6 But I am talking, like, when you go back, does anyone ever
7 go back and review that, yes, there were 200, and we made
8 the mark?

9 A. Yeah. There's a published study that is built
10 specific to wind energy, and they went back all over the
11 county to say how does this -- how does this pan out, do
12 we actually see the numbers that we had forecasted and
13 projected, and they do find that in keeping. That is more
14 of an academic, you know, in the published literature.

15 I had the experience in Macon County, there was a
16 wind farm, Radford's Run Wind Farm. Back in the day I had
17 been at a permitting hearing just like this and presented
18 a report very similar to this and then had the opportunity
19 to go back and look post construction during operations to
20 say, did the job show up, how close were my predictions to
21 what was forecasted and what was modeled; and they were
22 very close. I think within 5 percent of what had been
23 predicted.

24 And I had access to all the union records. I had

1 access to all the, like, every name of every construction
2 worker, what their wages, benefits, and things to deal
3 with.

4 The one thing that I will say that I learned from
5 this project is that, even though the hiring is done
6 typically from the local union in that county, what I
7 found, because I had the physical addresses of the
8 workers, that they sometimes came from neighboring
9 counties. And that was -- when I questioned that, it was
10 due to the union work rolls.

11 So, even if you hire from the local union here in
12 Coles County, that union may span multiple counties, and
13 they put workers on a project like this based on
14 seniority, other work rules, job titles, and things that
15 would be outside and, at this point, you know, very
16 difficult to predict.

17 But because this is so close to Douglas County,
18 you could imagine that there would be workers that would
19 be coming from Douglas County as well.

20 And yeah. So you could think of, especially in
21 that project development and onsite labor impact, the
22 construction piece as local jobs; but, you know, they
23 could bleed over into adjacent counties.

24 MR. KAINS: Any other questions from members of the

1 committee?

2 I think this is a good time to take a break.

3 MR. SHOOK: Excuse me, sir?

4 MR. KAINS: Yes. Mr. Shook?

5 MR. SHOOK: I am not on their committee, but I am on
6 the board.

7 MR. KAINS: Go right ahead.

8 EXAMINATION

9 BY MR. SHOOK:

10 Q. Thank you. You talked about the turbines and the
11 concrete. How much concrete goes in each turbine?

12 A. I don't know the exact amount in terms of, you
13 know, to the cubic feet, cubic yards of concrete; and I am
14 not sure that there is an exact measurement.

15 My experience has been there's, you know,
16 geological soil surveys that are done and the exact, you
17 know, foundation would be there. I can tell you it's in
18 the millions of dollars in terms of input.

19 Q. Not each one, but you are saying overall?

20 A. Right. The contract for Coles Wind would be in
21 the millions of dollars.

22 MR. KAINS: Mr. Shook, would it be helpful if --
23 because this gentleman is an economist -- would it be
24 helpful if the Apex team were to come up with that?

1 Would you be able to give him an answer after the
2 break?

3 MS. ANTONIOLLI: Yes.

4 MR. HESS: We can, but I will say Mr. Carlson, who
5 will be the project manager, will be here next week and
6 will address this. So however you like us do it.

7 MR. SHOOK: That's fine.

8 MR. HESS: I could proffer tonight or save for
9 Mr. Carlson.

10 MR. KAINS: I think I want you to proffer just so
11 Mr. Shook has his question answered tonight.

12 MR. HESS: That's fine.

13 MR. KAINS: Okay. Any other questions from either the
14 committee or members of the county board for Dr. Loomis?

15 Any questions for Dr. Loomis from members of
16 local government, including school districts?

17 All right. Seeing that, we are going to take a
18 recess for about 14 minutes, until 8:00. When we come
19 back we'll have questions for Dr. Loomis from members of
20 the public who are opposed to or neutral on the
21 application, and also questions from county staff and
22 consultants.

23 All right. The Coles County Planning &
24 Development Committee is in recess for 13 minutes, until

1 8:00 p.m. Thank you.

2 (BREAK TAKEN.)

3 MR. KAINS: We are back on the record now, and it's
4 time for questions, still, for Dr. Loomis.

5 Dr. Loomis, do you understand that you remain
6 under oath, and you are still required to tell the truth?

7 THE WITNESS: Yes.

8 MR. KAINS: Very good. Thank you.

9 Questions for Dr. Loomis now from members of the
10 public?

11 People who are opposed to the application or
12 people who are neutral on the application?

13 First, folks from Coles and Douglas County, are
14 there questions for the economist or economics professor?

15 Okay. Yes, sir, Mr. Smith. Yes.

16 Mr. Sherman, were you about to get up?

17 MR. SHERMAN: Yeah.

18 MR. KAINS: Okay. Very good.

19 Terry Smith. Okay. Mr. Smith, go right ahead.

20 EXAMINATION

21 BY MR. SMITH:

22 Q. My question was: On your slide with the schools
23 where Charleston gets 800-some thousand, and I think
24 Oakland gets right under 6,000, what is that based on, and

1 is that yearly?

2 A. Could we go back to the slide?

3 Q. Yes. You just passed it. No, it's not that one.
4 It's the new money, correct?

5 A. Yeah. This is the new money that in FY25 the
6 legislature allocated another, I believe, in this one it
7 was \$300 million over and above the previous budget, and
8 the new money represents what slice of that \$300 million
9 each of these three school districts would get.

10 Q. And what's -- and how is that based off of?

11 I mean where I live is, basically, I am ten miles
12 from Oakland, or so, ten miles from Charleston, ten miles
13 from Arcola. The buses that come through is all three.
14 It just depends on how it was divided. Because within
15 that area, back then, you got to choose which school you
16 wanted your kids to go to.

17 So the way I look at it is, I am going to be
18 looking at wind turbines every day while my kids go to
19 Oakland, or grandkids go to Oakland, whereas Charleston is
20 going to get/receive more money from it, and they are not
21 going to be seeing them. I don't see where the fairness
22 of how they come up with this idea.

23 A. Yeah. So, to be clear, this is state money
24 coming to the school districts.

1 The previous slide is how much from the wind farm
2 is going to each of the three school districts, and this
3 is based on the property tax records, and the parcels,
4 which school districts the parcels are paying into, and I
5 understand sometimes there is differences in districting.
6 But this is -- the tax revenue is going to be based on the
7 parcel that the turbine is sitting on.

8 Q. So it's where they are sitting?

9 A. Yeah.

10 Q. So that's why they push them towards us, so that
11 way they can stay -- why did they choose our location? Do
12 you know?

13 A. The specific, no. I was not involved in that.

14 MR. KAINS: Keep in mind, Dr. Loomis is an economist,
15 and he has nothing to do with the placement of --

16 Who do you have that would be able to testify to
17 that?

18 MR. HESS: Well, the reason why I am hesitating, Mr.
19 Kains, is I think the placement of the turbines was really
20 covered by Ms. Anderson with all of the setback
21 requirements. It is sort of all that plus the wildlife
22 requirements coming together. So it's not one witness;
23 it's several.

24 But, I mean, I think Ms. Anderson's testimony is

1 the one.

2 MR. KAINS: She testified for a month it seems like.

3 So this gentleman wouldn't know about the
4 placement of turbines, but maybe that's something, Mr.
5 Smith, you could talk with --

6 Mr. Moore, would you be available to talk with
7 him after, about placement?

8 And maybe Ms. Anderson?

9 And maybe you guys could have a conversation
10 about, you know, why they are placed in the areas near
11 your home.

12 BY MR. SMITH:

13 Q. Right. Okay. But this money is yearly, correct?

14 A. Yeah. So each year I've outlined the tax year,
15 and then the bottom total is just the simple sum of all of
16 those years.

17 I didn't do anything like net present value and
18 fancier calculations. It's just simply the sum of all the
19 years over that 30 years.

20 Q. Okay.

21 MR. KAINS: Very good. Thank you, Mr. Smith.

22 Mr. Sherman?

23 EXAMINATION

24 BY MR. SHERMAN:

1 **Q.** Again, my name is Tom Sherman. I am from
2 Humbolt, northern Coles County.

3 I guess, if you want to start with the very
4 first, the property tax methodology, I think it's maybe
5 page 4, or maybe --

6 Well, anyway, it's on my handout that you gave,
7 and it says wind energy device owners must pay an Illinois
8 registered land surveyor to prepare a plat.

9 Which Illinois registered land surveyor did Apex
10 pick?

11 **A.** I believe this is done after or during
12 construction. This is really done for the turbines to
13 enter the tax rolls. So, I don't believe this has been
14 done nor should it be done yet.

15 **Q.** Okay. So that will be done in the future, if
16 this gets approved?

17 **A.** Yeah.

18 **Q.** Okay. Let's see. Moving on to property tax
19 methodology, when you talk about the 2.33 percent annually
20 and all of that --

21 **A.** Uh-huh.

22 **Q.** -- nowhere in your slides, or have you mentioned
23 so far, about PTELL. Can you tell me about PTELL?

24 **A.** Yeah. PTELL is the Property Tax Extension

1 Limitation Law. PTELL is sometimes commonly referred to
2 as a tax cap; although, I don't think the Illinois
3 Department of Revenue likes that term, but that's kind of
4 what colloquially we talk about tax caps.

5 And it limits the increase in the overall budget
6 to those taxing districts that were part of PTELL when it
7 got passed. And it has to be, you know, passed by county.

8 Q. Is Coles County a PTELL county?

9 A. I believe it is.

10 Q. Yeah. I know it is.

11 My question then, in regards to that, is: Do you
12 know what the CPI has been for Coles County over the last
13 five years?

14 A. What the CPI is specific to Coles County?

15 Q. For in reference to PTELL.

16 A. No. I do not know that.

17 Q. The reason I bring that up is because -- not to
18 argue with you, but to talk a little bit about where this
19 is going with PTELL. It's not what the taxing body does.
20 It's what they receive, right?

21 It's what a taxing body, like a school district,
22 a library district, would receive from taxes, not what
23 they set the tax rate at; is that correct?

24 A. So two things: With PTELL there is an exemption.

1 When you get a new project to come into existence, PTELL
2 allows you to adjust your total budget based on the new
3 EAV, the rather increased EAV. So this would not be, in
4 that sense, subject to limitations.

5 If the taxing body wanted to, they would or they
6 could spend the additional tax money coming from the wind
7 farm, but only in the first year they would have to make
8 that decision when the wind farm enters the tax roll --
9 and I believe -- although this is a matter of legal
10 interpretation, and I am not a lawyer, but there are
11 mandatory hearings -- my economist view is that it can be
12 done without a hearing, but certainly on a future date, if
13 they wanted to increase the budget, because there is
14 additional tax revenue coming in. They can certainly have
15 a hearing and increase their budget.

16 Q. Sorry. When you say "they," who is the "they"
17 that you are referring to?

18 A. It would be the individual taxing entity. So,
19 for the county board, for the general fund, the school
20 districts, for each of those different school districts
21 would have that authority.

22 Q. Okay. Your second bullet there, the parentheses
23 part, taxing districts can raise tax rates; is that true?

24 A. Yes.

1 Q. Really? What is a levy?

2 A. Right. So we would talk semantics, I think, in
3 that. You are correct. You get your budget divided by
4 your EAV, and then that yields your tax rate. Right?

5 So your EAV is your denominator. That is not set
6 by the board. That is what property you have in there.
7 So it's my opinion of a matter of semantics in terms of
8 are you raising the budget or are you raising the rate
9 because the denominator is fixed.

10 If you raise your budget, you are raising your
11 tax rate. So you are true, that you are raising your
12 levy, but then that means that you are increasing your tax
13 rate, and most of the general public cares about the tax
14 rate because they are the ones paying.

15 So what matters to me is not the total budget of
16 the school district. Nobody here knows that, probably,
17 but I bet you there are some that know the tax rate that
18 they pay into the school district because that is what you
19 see on your bill.

20 So does that help clear things up?

21 Q. It does a little bit, but a taxing body, the only
22 thing they can do is submit a levy to the county; is that
23 correct?

24 MR. HESS: Mr. Kains, I would object. I think that

1 calls for a legal conclusion, as far as the legal
2 authority of a local taxing district, and is certainly not
3 relevant to his economic analysis.

4 MR. KAINS: Yeah. I am going to overrule the
5 objection, but I am going to ask Dr. Loomis:

6 Do you -- is this part of what you do?

7 Is this -- are these questions about the property
8 tax levy and who can increase it?

9 Is this something you know about?

10 THE WITNESS: Only to the extent that it impacts the
11 tax rate. I know generally the mechanism. But in terms
12 of the mechanism by which, like, a school board would
13 apply to the county to ask for a rate, that would be
14 outside of my scope of expertise.

15 MR. KAINS: Okay. Now, what was your question,
16 Mr. Sherman?

17 MR. SHERMAN: My question is, when it says the taxing
18 district can raise the tax rate, is that a true statement?

19 MR. KAINS: Okay. Is that a true statement? And that
20 is a yes or no answer.

21 THE WITNESS: Yes. That is a true statement.

22 MR. SHERMAN: Hmmm. Okay.

23 MR. KAINS: Ask another question.

24 BY MR. SHERMAN:

1 **Q.** You said that -- I'll keep going with this. At
2 the bottom of that page, it assumes the project is
3 decommissioned in 30 years.

4 How long does a wind turbine normally last?

5 **A.** We have not had full experience in Illinois. I
6 think our first turbines were installed in 2003 and 2007,
7 so they haven't reached that 30-year useful life.

8 So, in terms of the Illinois experience, we don't
9 know; but they are designed and the manufacturers expect
10 them to last 30 years.

11 **Q.** So would it be safe to say that, if it lasts less
12 than 30 years -- I'll take that back.

13 Since you say at the end of 30 years it pays no
14 more taxes after that date, so that goes to zero, correct?

15 **A.** That is right. It would be removed from the tax
16 rolls once it's decommissioned.

17 **Q.** So what happens if the wind turbine only lasts
18 ten years? Does that go back to zero?

19 **A.** Under your scenario, is it re-powered?

20 Does it have a turbine?

21 **Q.** It's decommissioned. Using your words, it's
22 decommissioned; what would happen to this money?

23 **A.** If the project were decommissioned in ten years,
24 it would pay no more property taxes because it would not

1 be present in the county and where those projects are.

2 Q. What is the longest one that Apex has had in
3 Illinois?

4 How many years has it been in place?

5 MR. KAINS: If you know, Dr. Loomis.

6 THE WITNESS: I don't know specific for Apex what the
7 oldest project was or is.

8 BY MR. SHERMAN:

9 Q. In general, Apex or any other, just do you have
10 any kind of number?

11 A. So, yeah. The Twin Groves Wind Farm is in McLean
12 County. It's in the eastern portion by the airport. It
13 was built in two phases, and I think the earliest one was
14 2007, and those turbines are still operating --

15 Q. All right. Okay.

16 A. -- and paying lots of taxes.

17 Q. All right. Let's go to the page about the table.
18 It is Table 4, total tax revenue.

19 So you said earlier this goes down pretty much
20 every year in '26, '27 it goes down, and the average there
21 is 2.7 million, roughly; is that correct?

22 A. Yes.

23 Q. So why does it go down?

24 A. So there's two factors at play that are pulling

1 it in opposite directions. It is the trending factor or
2 the consumer price index that we assumed moving forward
3 from the operational point and through the life of the
4 project was going to be 2.33 percent, so we raised the
5 taxable value by 2.33 percent.

6 And then, by statute, Apex can only take
7 4 percent depreciation each year for the project. And so
8 the 4 percent is greater than the 3. -- 2.33 percent that
9 I assumed for inflation.

10 I will note that's going to be the actual
11 inflation, whatever it is, not my assumed rate.

12 But the 4 percent is not going to change. There
13 is no variableness to that.

14 But that causes, you know, approximately, like, a
15 1.7 percent decrease net on the value, and that is why the
16 taxes are decreasing.

17 Q. I am glad you said net because you said you are
18 using a 4.0 inflation?

19 A. No. 4.0 is the depreciation.

20 Q. Depreciation. I am sorry. Okay.

21 So this gets back to the CPI P-something you said
22 a little bit ago. They can only claim the new
23 construction the first year -- for the first year,
24 correct?

1 A. So, under PTELL, when the wind farm would come
2 into existence, if they wanted to increase their budgets
3 above the limitation, that would ordinarily apply to
4 PTELL.

5 Just to be clear -- I am not sure everybody knows
6 how PTELL works, but if your home is rising in value, so
7 your EAV goes up rather dramatically, it limits the
8 overall levy, or the budget that would be there. So the
9 government spending doesn't continue to escalate along
10 with the EAV.

11 This is a slightly different situation where,
12 instead of having appreciating homes running wild along
13 with inflation, you have a big, new project that moves
14 into an area and enters the tax rolls.

15 If they do it in the first year, there is a
16 provision in the PTELL law that says that they can
17 essentially add the EAV of the wind farm to their levy
18 calculations and increase spending well in excess of what
19 they otherwise would have been able to.

20 Q. Then, with that in mind, just that scenario, from
21 that point on, what you just described, the next year it
22 can only go up CPI, correct?

23 A. So, from that budget -- so, in the hypothetical
24 situation, they enter the wind farm into the tax rolls and

1 things, the next year they would still be subject to
2 PTELL, but they would have a higher EAV base because they
3 entered this, and their levy presumably would be higher as
4 well. So it's an increase over a higher EAV and a higher
5 levy or budget.

6 Q. But only by CPI?

7 A. They could only then increase it in year two by
8 the PTELL limitations.

9 Q. Okay. Okay. Moving on, the school base funding
10 part of it, we've got Arcola, Charleston, and Oakland.
11 Where is Mattoon?

12 A. Mattoon is not in the parcel list taxing body.

13 Q. Back in November of 2021 -- actually, it was
14 January, yeah, back then, did you present a similar thing
15 to Mattoon school, a similar report that encompassed
16 Mattoon as well?

17 A. Where would that have been?

18 Q. In Mattoon, Illinois, in the west part of the
19 county.

20 A. I don't think so.

21 Q. Maybe this will get into my testimony, I guess.
22 Because you did.

23 A. Okay. I will take your word for it. I don't
24 have a recollection of things, but I will say that

1 typically I maybe look at an early report where not all
2 the land has been secured and the turbine locations have
3 not been finalized and so forth.

4 So it is -- I do know that I did a previous
5 version of this report, and that the project area and the
6 exact parcels in that -- to be clear, in the previous
7 report, I didn't have turbine locations, and so I just
8 went with the project area of interest.

9 So I looked at the whole project footprint and
10 allocated the tax revenue according to the taxing
11 districts for that whole area. So Mattoon could have been
12 in that whole project area in the previous one.

13 But with this report, and coming for this
14 hearing, I was asked to update this with new cost
15 information. So that was using --

16 Q. Sure.

17 A. -- you know, the costs that may be older, and the
18 exact turbine location. So now I can be much more precise
19 in terms of which school districts are going to get that
20 because I know the turbine locations.

21 Q. Okay. And perfect. The turbine locations is the
22 perfect phrase I want to go into next one.

23 There's 62 possible sites?

24 A. Uh-huh.

1 **Q.** But there is going to be 51 wind turbines.

2 Are those numbers going to change once the 51 are
3 actually determined?

4 **A.** So, again, this is money that is coming from
5 Springfield.

6 **Q.** I am sorry. I am sorry. Back to the previous
7 page -- I am sorry -- where you list out the numbers for
8 Arcola, Charleston, and Oakland, it would be Table 7.

9 **A.** So these are based on the primary locations of
10 the turbines. If an alternate were chosen, there could be
11 some movement from one school district to another if
12 alternatives are chosen.

13 **Q.** So is this based on 51 turbines or 62 turbines?

14 **A.** This is based on 51 turbines.

15 **Q.** So you know exactly where those are going to be?

16 **A.** I was given a project map by Apex so that I could
17 say which parcels were where those turbines were going to
18 be on, again, because I needed to look up the property tax
19 revenue, the address, and so forth.

20 **Q.** Right.

21 **A.** So I needed exact turbine locations.

22 **Q.** I was hoping that was the case and not 62.

23 Okay. Going back to the school funding -- this
24 is now getting ahead of myself here -- obviously, with

1 this, with what ISBE does, with the way they do
2 evidence-based funding, this changes dramatically each
3 year.

4 Is this based on the last two years? Five years?

5 What is your adequacy and tier and all that based
6 on in your study?

7 A. This is just FY25. So it's the latest, the last
8 fiscal year that the Illinois State Board of Education
9 posts evidence-based funding, spreadsheet calculations,
10 and those numbers were drawn from that spreadsheet.

11 Q. In all of your research, has this changed
12 dramatically from year to year to year?

13 A. I have seen where a school district that is right
14 at the top of their adequacy for one tier can move into
15 another tier, you know, from one year to another.

16 But the difficulty is the goalpost changes as
17 well. If you looked at multiple years, the cutoff for
18 what is called the tier 1, and tier 2, and tier 3, and
19 tier 4 change --

20 Q. Uh-huh.

21 A. -- each year because they are looking at the pie.
22 They are looking at -- they calculate each school district
23 individually, and then they come up with the need, and
24 then the EAV. So, it's all fresh and new each year. And

1 so it's very difficult, if not impossible, to predict what
2 future years are going to look like.

3 Q. Okay. Sure. Again, going back to -- if these
4 last for 30 years, 20 years, pick a number -- at the end
5 of that year all of this property tax money goes away and
6 the new money comes back? New money from the state comes
7 back, or is it gone?

8 A. Well, the law for evidence-based funding in this
9 increased amount, when we were four or five years into a
10 ten-year plan, so all the new money goes away in
11 five years. But, by statute, Illinois, at least in
12 one year, did not fulfill their statutory requirements to
13 fund new money for school districts even though it's in
14 the law, and there was no new money.

15 So the reliance on new money is not good, whereas
16 the reliance on a wind turbine in your school district
17 that is in your control, whether it's the levy or the tax
18 rate, is, in my opinion, a much more reliable and
19 important source of revenue for school districts.

20 Q. So is it safe to say, and an easy summary -- and
21 I don't want to put words in your mouth. So, if this is
22 wrong, correct me. If local funds go up, state aid goes
23 down; is that safe to say?

24 A. No.

1 Q. Why?

2 A. Because if you stay in the same tier, you will
3 get the same amount of new money, all other things equal
4 in the pie of things.

5 Q. The land -- let's see. The next two pages, the
6 economic impact methodology, I think it's page 13 maybe.
7 Yeah, there. That slide.

8 You said this takes into account where the
9 property tax bill gets paid to the 38 percent; is that
10 correct? Did I get that right?

11 A. Yeah. So we want to look for landowner payments
12 where that money is going to be spent and not count money
13 that's, you know, going out of state in this. And our
14 best proxy for that is to say where is the property tax
15 bill being sent to, what exact address, whose paying the
16 property tax bill.

17 And so, according to our analysis, 38 percent of
18 those parcels that have a wind turbine on that property,
19 their property tax bill was being sent to a Coles County
20 resident, and 90 percent of them had an Illinois address
21 that they were being mailed to.

22 Q. In all of your research, and for the payments for
23 this, the price of electricity, does that have any impact
24 at all on this, whether electricity prices go up or down?

1 **A. Does it have any impact on?**

2 **Q.** On, like, the tax money that a wind turbine would
3 generate for a taxing body.

4 **A. No.**

5 **Q.** I don't know. I am just asking.

6 **A. No.**

7 **Q.** So it's set, and that is what you get?

8 **A. So the property tax --**

9 **Q.** I guess that is referring back to your very first
10 slide about the megawatts and on the nameplate and all
11 that. So that's --

12 **A. Correct.**

13 **Q.** -- solid no matter what?

14 **A. That is correct.**

15 **Q.** Okay. Okay. The employment piece, Table 1 for
16 the employment, how many new Coles County jobs will be
17 created?

18 I know you said some of it is created, some of it
19 is supported with the 286.

20 This goes to Mr. Doughty's question, I think, a
21 little bit ago. Of that 286 do you have a number of new
22 jobs?

23 **A. Could you define new jobs for me?**

24 **Q.** They haven't been here before.

1 A. So the people or the job?

2 Q. The job.

3 A. So the job is newly created versus one? That is
4 impossible to determine because we don't know, for
5 example, whether -- I'll give the example of a concrete
6 company. If the concrete contract that Apex enters into,
7 they have a brand new startup company, all of those jobs
8 would be new jobs according to your definition.

9 However, if they contract with an existing
10 concrete company, those would be supported jobs.

11 But they are the same thing from an economist's
12 point of view, and so that is why I try and be careful to
13 say new or supported because we don't know what company is
14 getting that.

15 What we are doing is saying, for this level of
16 spending in the concrete industry, we know that that
17 translates into this amount of jobs.

18 Q. I greatly appreciate you saying that because then
19 your wording, where it says new local jobs, is not really
20 accurate then, is it?

21 A. It is new in the sense that these jobs would not
22 be here if not for this project. So, whenever we are
23 counting a supported job here, where let's say the
24 existing, you know, concrete company, those people are

1 going to be laid off and not have a job, by definition,
2 what I am saying supported.

3 If Coles Wind doesn't come in here, those jobs
4 are going away because there is no concrete. There's no
5 millions and millions of dollars of concrete contracts
6 coming into these companies.

7 Q. So are you saying if this doesn't happen we are
8 going to lose jobs?

9 A. Versus, again, the alternative, that -- the
10 alternative that I am looking at is Coles County does not
11 get a wind farm versus Coles County gets a wind farm; it's
12 my testimony that you will see a large increase in the
13 number of jobs if you have a wind farm versus not have a
14 wind farm.

15 I am saying nothing about whether the next
16 30 years Coles County is going to lose jobs or lose
17 employment, and I have not forecasted that. But if you
18 look in my report, there is a whole section on county
19 economics, and it looks at population of the county, it
20 looks at employment in the county, it looks at
21 unemployment, but historically, because I did not forecast
22 that; and if you look at the trends, it tends to be
23 trending downward.

24 Q. Okay. And my last question -- I am not sure if

1 you are the one I am to ask in general.

2 Will somebody else speak to property values and
3 how that works, or are you the person for that?

4 **A. No. There is another expert that's going to be**
5 **talking about property values.**

6 MR. SHERMAN: Very good. Thank you.

7 MR. KAINS: Very good. Thank you, Mr. Sherman.

8 Mr. Sherman is not a licensed attorney, it's my
9 understanding, but I think he does a really nice job with
10 his cross-examination. So we appreciate your questions.

11 Any other questions from Coles County or Douglas
12 County residents?

13 Out-of-county residents, any questions for
14 Dr. Loomis?

15 All right. Very good. Then questions from Coles
16 County staff and consultants?

17 Mr. Lockhart?

18 MR. LOCKHART: No.

19 MR. KAINS: No. Okay.

20 Mr. Keyt?

21 Ms. Rives?

22 MR. KEYT: I've got a few.

23 MR. KAINS: Okay. Go ahead, Mr. Keyt.

24 EXAMINATION

1 BY MR. KEYT:

2 Q. Dr. Loomis, in doing your report, do you look at
3 what could be negative impacts to existing jobs?

4 A. I don't believe that there are any loss of jobs
5 that would be worth counting.

6 The loss would be in very little agricultural
7 production. We've heard testimony about the project
8 footprint and the access roads. I consider that loss, you
9 know, of agricultural production to be very small
10 demittimus in things, and I don't see any other impacts
11 that I should net out.

12 Q. Do you look -- for example, do you look at
13 whether there are aerial applicators in that particular
14 region, or area that might be impacted by the existence of
15 a wind turbine?

16 A. No, I don't. I don't. I have not investigated
17 that.

18 Q. In terms of -- I think the figure you have is
19 approximately 13 million in property taxes that will go to
20 Coles County. For clarity, that is over the life of the
21 project, correct?

22 A. Correct.

23 Q. And in dealing with the CPI index, the
24 depreciation over time, it essentially bottoms out, the

1 value of that property tax for Coles County bottoms out in
2 about 2044?

3 A. Yeah. That is about right. It is about 19 years
4 into the project where it hits its maximum depreciation
5 and then starts rising again with that trending factor.

6 Q. So the highest amount, I think on your table, was
7 647,000 which would be predicted for the first year of
8 operation?

9 A. I'll take your word for it. I don't have that
10 table in front of me; but, yes, that sounds about right.

11 Q. And then the lowest amount would be approximately
12 293,000 in 2044?

13 A. That is correct.

14 Q. The final year of the operation of the project,
15 presuming it isn't re-powered, would be in 2055, and that
16 value then would be 378,000?

17 A. Correct.

18 Q. Do you have an idea of what the \$378,000 in 2055
19 would be in present-day dollars?

20 A. No. I did not look at any kind of net present
21 value. But to your point, again, given inflation, those
22 dollars are worth less in terms of spending power in 2055
23 than they would be in the present day.

24 Q. So, in terms of the economic, we'll say benefit,

1 but in terms of the economics of tax dollars received
2 specifically by the county and any other taxing district
3 that would be receiving dollars, those dollars have the
4 greatest impact according to your chart, for the first ten
5 years of the project?

6 **A. Yeah. Those would be greater than others.**

7 MR. KEYT: I think that is all the questions that I
8 have for you.

9 MR. KAINS: All right. Very good, Mr. Keyt. Okay.

10 Final -- I am sorry. Do you have redirect
11 examination, counsel?

12 MS. ANTONIOLLI: No further questions.

13 MR. KAINS: Very good.

14 Now, final questions come from members of the
15 committee. Any final questions for Dr. Loomis?

16 All right. Very good.

17 Doctor, thank you. You may step down.

18 MR. SHOOK: I do.

19 MR. KAINS: Okay, Mr. Shook. You are not on the
20 committee, but I will let you ask the question because I
21 think you are a pretty nice guy.

22 EXAMINATION

23 BY MR. SHOOK:

24 **Q.** I think you are wrong about the job situation in

1 Coles County. I believe you are going to be wrong on that
2 because I believe we are going to get jobs in Coles
3 County, especially the Mattoon area. We have a new sports
4 complex coming up, and I believe we are going to have a
5 lot of jobs.

6 A. Yeah.

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

8 You may step down, Dr. Loomis.

9 (WITNESS STEPPED DOWN.)

10 MR. KAINS: Okay. It is 8:41. It is too late to
11 start another witness. We are not going to stay over like
12 we did last time.

13 Mr. Hess, who do you -- we are going to come back
14 next Monday, 6:00 p.m., right here. Who are your
15 witnesses going to be projected?

16 Either you or Ms. Antoniolli can address it.

17 MR. HESS: May I respond to Mr. Shook's question with
18 a proof first because I want to make sure we answer his
19 question.

20 MR. KAINS: It wasn't really a question. It was a
21 statement.

22 MS. ANTONIOLLI: No. From earlier.

23 MR. HESS: From earlier.

24 MR. KAINS: Oh, gotcha. Gotcha. Yes, sir.

1 MR. HESS: You asked me to have a proof ready.

2 MR. KAINS: Absolutely. Are you prepared for that?

3 MR. HESS: Yes, sir.

4 MR. KAINS: Okay. Very good. Go right ahead.

5 This is in answer to his question.

6 MR. HESS: Mr. Shook asked the question -- please
7 correct me here -- how much concrete goes into each
8 turbine foundation?

9 The exact numbers will depend on the final
10 design. So our construction team looked at Prosperity
11 Wind in Piatt County, in there they used 950 yards of
12 concrete for each turbine foundation.

13 MR. KAINS: All right. Very good. Thank you,
14 Mr. Hess.

15 Counsel, who do you have coming on Monday night?

16 MS. ANTONIOLLI: We can be prepared to present on
17 property values as well as sound and decommissioning.

18 MR. KAINS: Property values, sound. I always like to
19 have the public know what is coming up as far as subject
20 matter for future hearings.

21 So property value, sound, and decommissioning are
22 the potential areas of testimony.

23 MR. HESS: We also have two Apex witnesses who will be
24 here to give short testimony, if we have time for a short

1 one.

2 Mr. Adam Carlson, who is the project manager,
3 will talk about construction.

4 And Mr. Jason Conley, who is our director of
5 safety, will be here.

6 If time allows for a short witness, we could plug
7 either one of those in.

8 MR. KAINS: So very good. Construction, and Conley is
9 on safety?

10 MR. HESS: Yes, sir.

11 MR. KAINS: So that is what is going to happen on
12 Monday.

13 Folks, it was a couple of weeks ago that we first
14 started this, and I read a long set of rules at the
15 beginning, but I just -- I had a good conversation with
16 Mr. Phipps during the break, and he said, "We've never
17 been to one of these hearings. We don't know what it's
18 like."

19 And I just wanted to kind of give an overview
20 again that first the applicant will present its witnesses,
21 just as they have been, and you will have the chance to
22 ask them questions.

23 Once they have presented their case, then it's
24 going to be time for individuals in the public to testify,

1 okay?

2 And first we'll go with folks who are in support
3 of the application. Then we'll have folks -- and they
4 will be subject to questions from the committee and
5 members of the county board, from counsel at the tables
6 here.

7 And, you know, and so then after people are in
8 support of it, then people who are opposed to it, then
9 people who are neutral.

10 That is why I wanted to get folks signed in.

11 And if you didn't have a chance to sign in, just
12 see me after we are done here tonight.

13 But I did get this gentleman. I got Mr. Shaw,
14 and I got Mr. Borgman. But other than them, if you didn't
15 get to sign in tonight, just come see me. I'll be right
16 down here at the conclusion of this session.

17 But everyone is going to have a chance to testify
18 or make public comment, okay?

19 So, you know, I know that -- and I hope I wasn't
20 harsh when Mr. Smith started kind of talking about his
21 feelings on it, but, you know, he will have full, ample
22 opportunity. Since he's in the county, he can talk in his
23 testimony for up to one hour. If you are outside the
24 county -- well, Coles and Douglas will be considered in

1 the county because Douglas is very close to this project.
2 So folks in Coles and Douglas, when it's their time to
3 testify, you will get up to one hour, okay?

4 If you are outside of the county, you get up to
5 15 minutes. I've never really seen anybody go on too very
6 long, except lawyers. We tend to do that.

7 But everybody will have their opportunity to
8 testify. And, again, as I always say, now is the time to
9 ask questions of the Apex witnesses.

10 And I have one other matter. I want to commend
11 Nate Phipps back there. He has his six-year-old son here.
12 I don't know if you guys even saw him or heard him. I
13 want to commend Mr. Phipps on how he's raising that young
14 man.

15 And I want to also say to the young man: Good
16 job back there, buddy. You, right there, thumbs up.

17 All right. Mr. Chairman, I think it's about time
18 to recess, don't you?

19 MR. WATTS: Agreed.

20 MR. KAINS: All right the Planning & Development
21 Committee of Coles County is in recess. We will reconvene
22 at 6 p.m. on Monday -- let me get the right date. We will
23 reconvene on Monday, April 14, 6 p.m., in this room at the
24 Coles County Courthouse on Jackson Street in Charleston.

1 The committee is in recess. Thank you.

2 (END OF PROCEEDINGS.)

1 COURT REPORTER'S CERTIFICATE

2 I, MARY DIANE HOLLY MATTHEWS, an Official Court Reporter
3 for the Sixth Judicial Circuit of Illinois, do hereby
4 certify that the foregoing Report of Proceedings, was
5 reported in machine shorthand by me and is a true,
6 correct, and complete transcript of my machine shorthand
7 notes so taken at the time and place hereinabove set forth
8 to the best of my ability.

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