In The Matter Of:

LIVINGSTON COUNTY ZONING BOARD OF APPEALS

May 21, 2015

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Min-U-Script® with Word Index

		May 21, 2013
L*47	747*L* Page 4306	Page 4308
1	LIVINGSTON COUNTY ZONING BOARD OF APPEALS	1 MD SCHODD: This is the May 21, 2015
2	CASE SU-7-14 PLEASANT RIDGE WIND ENERGY PROJECT	1 MR. SCHOPP: This is the May 21, 2015,
3	May 21, 2015	2 continuation hearing of the Livingston County Zoning
4	8:00 PM Walton Centre	3 Board of Appeals' review of Livingston County Zoning
5	Fairbury, Illinois	4 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant
	BOARD MEMBERS	5 Ridge Wind Energy Project.
6	Michael Cornale, Acting Chair John Vitzthum	6 Roll call: Mike Cornale?
7	Joan Huisman Diana Iverson	7 (No response.)
8	Richard Kiefer	8 MR. SCHOPP: John Vitzthum?
9	Tom Blakeman, Attorney for Zoning Board of Appeals	9 MR. VITZTHUM: Here.
10	Charles T. Schopp, Administrator Livingston County Regional Planning Commission	10 MR. SCHOPP: Richard Kiefer?
11	112 W. Madison Street Pontiac, IL 61764	1.50 T.T.D.D.D. T.
12	James R. Griffin	
	Attorney for Livingston County	MR. SCHOPP: Diana Iverson?
13	Schain, Banks, Kenny & Schwartz 70 W. Madison Street, Suite 5300	MS. IVERSON: Here.
14	Chicago, IL 60602 312.345.5700	MR. SCHOPP: Howard Zimmerman?
15		15 (No response.)
16	Appearing For Applicant/Invenergy: Michael S. Blazer	MR. SCHOPP: Joan Huisman?
17	Attorney at Law	17 MS. HUISMAN: Here.
18	Jeep & Blazer, LLC North Hillside Avenue, Suite A	MR. SCHOPP: And Gibs Nielsen?
19	Hillside, IL 60162 708.236.0830	19 (No response.)
20	Mblazer@enviroatty.com	20 Lets's move ahead with your closing.
	Appearing for United Citizens of Livingston County:	
21	Phillip A. Luetkehans Attorney at Law	
22	Schirott, Luetkehans & Garner, LLC 105 E. Irving Park Road	BY MR. LUETKEHANS:
23	Itasca, IL 60143 630.760.4601	23 I'm going to, first of all, quickly thank
24	Pluetkehans@slg-atty.com	24 the ZBA and the Livingston County Board for paying
	Page 4307	Page 4309
	. ago	Fage 4509
1	INDEX OF CLOSING STATEMENTS	-
1 2	•	1 attention.
	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS	1 attention.2 As Mr. Blazer said last night, the
2	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of
2 3 4	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as
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2 3 4 5 6	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but
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2 3 4 5 6 7 8	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this
2 3 4 5 6 7 8 9	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this hearing. I want to apologize for those times when I
2 3 4 5 6 7 8 9	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this hearing. I want to apologize for those times when I could not contain my passion for this issue. That was
2 3 4 5 6 7 8 9 10 11	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this hearing. I want to apologize for those times when I could not contain my passion for this issue. That was unacceptable, and I apologize to this Board,
2 3 4 5 6 7 8 9 10 11 12 13	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 1 attention. 2 As Mr. Blazer said last night, the 3 participation by the County Board and Zoning Board of 4 Appeals has been impressive. I'm not as eloquent as 5 Mr. Blazer; so I'll just agree with what he says. It 6 may be the only time I agree with what he says, but 7 we'll go from there. 8 There were nights when I drove home wishing 9 I could have handled certain things better in this 10 hearing. I want to apologize for those times when I 11 could not contain my passion for this issue. That was 12 unacceptable, and I apologize to this Board, 13 Mr. Cornale, and the public.
2 3 4 5 6 7 8 9 10 11 12 13 14	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this hearing. I want to apologize for those times when I could not contain my passion for this issue. That was unacceptable, and I apologize to this Board, Mr. Cornale, and the public. We heard a lot about fear and intimidation
2 3 4 5 6 7 8 9 10 11 12 13 14	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 1 attention. 2 As Mr. Blazer said last night, the 3 participation by the County Board and Zoning Board of 4 Appeals has been impressive. I'm not as eloquent as 5 Mr. Blazer; so I'll just agree with what he says. It 6 may be the only time I agree with what he says, but 7 we'll go from there. 8 There were nights when I drove home wishing 9 I could have handled certain things better in this 10 hearing. I want to apologize for those times when I 11 could not contain my passion for this issue. That was 12 unacceptable, and I apologize to this Board, 13 Mr. Cornale, and the public. 14 We heard a lot about fear and intimidation 15 last night and heard lots of people being denigrated.
2 3 4 5 6 7 8 9 10 11 12 13 14	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	 attention. As Mr. Blazer said last night, the participation by the County Board and Zoning Board of Appeals has been impressive. I'm not as eloquent as Mr. Blazer; so I'll just agree with what he says. It may be the only time I agree with what he says, but we'll go from there. There were nights when I drove home wishing I could have handled certain things better in this hearing. I want to apologize for those times when I could not contain my passion for this issue. That was unacceptable, and I apologize to this Board, Mr. Cornale, and the public. We heard a lot about fear and intimidation
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	1 attention. 2 As Mr. Blazer said last night, the 3 participation by the County Board and Zoning Board of 4 Appeals has been impressive. I'm not as eloquent as 5 Mr. Blazer; so I'll just agree with what he says. It 6 may be the only time I agree with what he says, but 7 we'll go from there. 8 There were nights when I drove home wishing 9 I could have handled certain things better in this 10 hearing. I want to apologize for those times when I 11 could not contain my passion for this issue. That was 12 unacceptable, and I apologize to this Board, 13 Mr. Cornale, and the public. 14 We heard a lot about fear and intimidation 15 last night and heard lots of people being denigrated. 16 Good people came here to do nothing but tell you what
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	INDEX OF CLOSING STATEMENTS Page MR. LUETKEHANS 4308 MR. ABERLE 4378 MR. CAVAZOS 4380 MS. CHOUINARD 4382 MS. COOK 4384 MR. HAYES 4386 MR. BLAZER 4389 INDEX OF EXHIBITS	1 attention. 2 As Mr. Blazer said last night, the 3 participation by the County Board and Zoning Board of 4 Appeals has been impressive. I'm not as eloquent as 5 Mr. Blazer; so I'll just agree with what he says. It 6 may be the only time I agree with what he says, but 7 we'll go from there. 8 There were nights when I drove home wishing 9 I could have handled certain things better in this 10 hearing. I want to apologize for those times when I 11 could not contain my passion for this issue. That was 12 unacceptable, and I apologize to this Board, 13 Mr. Cornale, and the public. 14 We heard a lot about fear and intimidation 15 last night and heard lots of people being denigrated. 16 Good people came here to do nothing but tell you what 17 they knew. 18 Afterwards, at least two of my clients came 19 up to me and said, "Phil, please don't do that 20 tomorrow night in your closing." I found it
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Page 4310

- 1 among other things, their showing up at meetings and 2 politely expressing their opinions somehow was being 3 turned into fear and intimidation. However, they
- 4 still said to me, "Phil, don't go there."

So I'm going to do my best to go through all 6 the elements that are at issue here in a way that's

7 fair and focused on the evidence before you.

Let's be clear on one thing. The burden of proof here is on the Applicant. It's not on my

10 clients. The law is very, very clear that the burden 11 of proof is on the Applicant. I can cite case law, et

12 cetera, if need be; but no one has disputed that, and

13 that's the process we've been using.

In this case, the Applicant has failed to 14 15 meet its burden in this regard in many respects, which we will discuss.

17 I'm not going to read the standards. You have them all in front of you. They are up here. I'm not going to waste your time to reread them. You have 20 them in front of you.

21 Let me just say that what I have been pretty 22 much advised is that, if we're having this hearing, it

23 meets the standards. So, to me, it's not about

24 standards. We're not going to talk about it very

1 relies on two things for this financial assurance:

2 one, the CoBank letter, which we'll discuss more in a

3 moment, and, two, Invenergy's equity.

Let's look at Invenergy's 2.8 billion in

5 equity that we heard about. Remember, it's equity.

It's not cash. We have unfortunately seen many

companies in this country, including in the Chicago

area, that we all thought were too big to go under or

to go bankrupt.

We've seen those companies go bankrupt or 10 11 would have if the feds wouldn't have bailed them out.

I can think of a few off the top of my head: "Big

Three" auto, the banking industry -- huge companies --

United Airlines, Arthur Anderson, American Airlines,

some of which are Chicago-based companies that we all know so well. They went for bankruptcy protection.

17 I'd much rather feel comfortable with United

Airlines at one time in the 1990s than I would with Invenergy, but they still filed bankruptcy. These

were all companies with billions and billions of

dollars worth of equity on their balance sheet.

Second, Invenergy is not the Applicant.

23 Let's not forget that. Pleasant Ridge is the

24 Applicant, a single-entity LLC with no known other

Page 4311

1 long. 2 Invenergy is a guarantor of these obligations. I Standard 2, "The requirements set forth in

3 the District and this section for such Special Use

4 will be met." This is probably the most important 5 section in here. If they don't meet the standards and

6 the requirements of this section, you have to vote no.

7 There is no other way to vote.

Besides having complied with the special use 9 standards of the Zoning Ordinance, the Applicant is 10 required to comply with the Wind Energy Ordinance 11 provisions of the Zoning Ordinance and has failed to

12 meet that burden on a number of fronts.

One of the things that Mr. Blakeman is 13 handing out is proposed findings of fact. I don't

mean to be presumptive, but I wanted you to know where we stood on these issues. 16

Now, I will tell you though, when I was 17

reading through it and driving down here tonight, I realized that one of the most important issues is the

first issue I'm going to talk about; and I forgot to put it in. So I will apologize right now.

One of the things that they need to provide 22 23 is financial assistance so that they can develop the 24 property as proposed. The Applicant, Pleasant Ridge,

- 1 assets other than this project. It's not like
- 3 haven't heard them suggest that. In fact, the
- opposite is true. That's why they set up a
- single-entity LLC, so they didn't have to be a
- guarantor, so they could walk away from it if they
- 7 want.

8 If Invenergy is worth \$2.8 billion,

obtaining a Letter of Credit for the required amounts should be easy.

Examples of financial assurance in your ordinance includes security bond, trust instrument,

cash, escrow, or irrevocable letter of credit, just

the same things you would use when you had a

development. If you have a development, you require

those exact same things so that, if the public

improvements are not done, you can call the Letter of

Credit. That's straight Municipal Law. Don't let them walk away from that requirement. And they

shouldn't be able to. 20

21 Let's talk about the CoBank letter. You

22 won't be able to see it very good from where you are. 23 Invenergy's equity surely does not fall under any of

24 these categories that I just mentioned. All of these

4

- types of financial insurance are liable to be called
 upon if the project is not completed. Parzyck even
 admitted such in his testimony.
- Only a single hearsay letter from a bank
 saying that, while they have not formally reviewed
 this project, they would, quote, "expect to be
 interested." In fact, the letter goes on to say it is
 not a commitment -- not a commitment -- to provide
 financing, and any commitment would be contingent upon
 the satisfactory completion of due diligence and
- This clearly isn't the type of irrevocable assurances that the ordinances and you should require.

 For this failure alone, the application must be denied.

11 internal credit approvals.

- I talked about the -- I filed -- I had
 motions to dismiss a couple of times on incomplete
 application. This application is still incomplete.
 I'm not going to go through that again. But we still
 do not have financial insurance; and, as Patrick
 pointed out, we don't have the right microwave study,
 still to this day.
- Section 620 says we need to show they comply with Illinois Pollution Control Board Regulations.

Page 4316

- 1 most answers on. You still haven't heard it from2 Invenergy. And despite that, Invenergy ignored those3 last night.
- 5 issue in, hopefully, a clear and succinct manner. We
 6 have prepared a Memorandum of Law regarding noise
 7 emissions that Mr. Blakeman just handed out. That

It's time to give you the answers to this

- 8 sets forth the law in this area. You can also listen
- 9 to Mr. Hankard's cross-examination last night and hear 10 the law.

I will go through it fairly quickly tonight.
You have the application in front of you. You have
the case law. You have the Pollution Control Board
regs. You have their opinions. That's the law, not
what Mr. Hankard somehow wants it to be.

Many of the properties which will receive wind turbine noise in this case are Class A properties. The actual use of the property determines the classification of the land, not the zoning

20 classification. Mr. Hankard even admitted that.

21 Because every property in this County unincorporated,

22 I believe, is zoned agriculture. So it's not -- the 23 IPCB regs are clear. It's not zoning. It's use.

Then they put out an opinion in 1973 that

Page 4315

Page 4317

- 1 This is the most interesting part to me of the whole2 thing. The most that was said about this topic was:
- 3 We all know why Rand and James did not show, implying
- 4 something sinister.
- He's right. We all do know. Rick James had a heart problem. Couldn't leave. Mr. Rand was the
- 7 one in fear due to the intimidation, the threats that
- 8 occurred to my witnesses. I heard about fear and
- $\ensuremath{\textbf{9}}$ intimidation last night. I didn't hear about threats
- to anybody else's witnesses other than ours.
- Closing last night also spent a lot of time on Pleasant Ridge Exhibit 325 that says the present noise guidelines are sufficient to protect people.
- The problem is that, here, the Applicant has failed catastrophically to show that they meet these current
- catastrophically to show that they meet these currenIllinois regulations.
- We heard a lot about dissipation of noise from outside to inside, which is not an issue in the Illinois Pollution Control Board regs. You won't find t. Doesn't exist. They haven't showed it to you.
- The Applicant's closing completely ignored and avoided the biggest issue in this hearing, one the Board has continually picked up on over the last month
- 24 or so and the one that you appear to be seeking the

- 1 says the portion of land used as farmland would be
- 2 classified as C -- we all agree. We all know that.
- 3 Use, that would be a C -- while the farmstead itself
- 4 would be classified as an A use -- the farmstead
- 5 itself. It's not a farmhouse. It's the farmstead.
- 6 Mr. Hymans said last night all studies he7 had seen for wind farms call everything but the home
- $\boldsymbol{8} \;\; itself \; a \; Class \; C \; property. \;\; That's \; not \; what the regs$
- 9 say. He said that's what he had seen in wind farm
- 10 testimony. That doesn't make it the law just because
- people like Invenergy and Mr. Hankard come in andthat's what they keep saying and saying and saying and
- 13 hoping. It's not the law.
- The Applicant must show that the noise does not exceed the Class A limit for the entire Class A portion of the property.
- Section 901.102 of the regs governing sound emission standards states in relevant part: "Shall not allow the emission of sound" -- and I'm skipping some language in between that's not important -- "to
- 21 any receiving Class A land" -- it doesn't say Class A
- 22 structure; "Class A land" -- "when measured at any 23 point within such receiving Class A land . . ."
 - The regulation defined property-line-noise-

- 1 source as "must be capable of emitting sound beyond 2 the property line" -- property line.
- "910.105(a) Site Selection. 1) Measurements
- 4 must be taken at one or more microphone positions
- 5 within the appropriate receiving land."
- You don't take it in the building. You take 7 it at the land. That's what the ordinance -- that's
- what the regs say.
- "2) Measurement instruments must be set up 10 not less than 25 feet from the property line noise 11 source."
- I know we had some issues about that, and I 12
- 13 know one of the Board members -- at least a couple of
- the Board members were trying to understand that.
- 15 What it means is: If the noise source goes
- 16 to the property line from the emitting land, you've
- got to go back at least 25 feet. That's what the reg
- 18 says. That's what it says. If not, you go to the
- 19 property line. This is the exception to the property
- 20 line issue.
- 21 If the noise source is at the property line
- 22 -- and let's say we have a road or something else that
- 23 is occurring directly on the property line -- then you
- 24 have to give them 25 feet. That's what the reg says.

- 1 were proper.
- Rhode and Charter Hall established that
- 3 Mr. Hankard is simply wrong when he says the property
- 4 measurement location on Class A receiving land is at
- the residence. And you have not heard one case, one
- IPCB reg, that says it's the residence.
- To the contrary, because the regulations
- 8 permit the emission of excessive noise for the
- entirety of the receiving Class A land, the center of
- the residence is a very poor and inaccurate location
- 11 if one wants to get a proper measurement of the noise
- 12 received on the land. Instead, the noise should be
- 13 modeled on the Class A land at or near the property 14 line.
- 15 There can be no doubt that, when we look at
- 16 the facts -- and we'll talk about them more in a
- second -- that the Applicant has failed to show that,
- at 1,000 hertz, they are not above 41.0 at night. No
- 19
- I'm going to have to read this a little bit 20
- 21 -- and I apologize -- because it's too small on the
- 22 screen and too small otherwise.
- This is from Mr. Hankard's
- 24 cross-examination.

Page 4319

Page 4321

- 1 That's what that 25 feet says.
- It is important to note that, when looking
- 3 at all the above Illinois Pollution Control Board
- 4 regulations and opinions, that despite Mr. Hankard's
- 5 unsupported opinion that the structure is the relevant
- 6 point from which to model or measure, at no time do
- 7 the regs and opinions mention the word "structure" or 8 "building" when discussing the proper locations to
- 9 measure noise emission. We'll talk about that more in 10 a second.
- The Illinois Pollution Control Board's 11
- 12 decisions confirm that measurements at or near the
- 13 property line are proper and that the entire receiving
- 14 Class A land is protected from excessive noise in
- 15 Rhode (phonetic), which -- the full cite is in the **16** memo.
- The Plaintiff's expert took measurements on 17
- 18 the receiving Class A land at distances of 10 and 50
- feet from the property line separating the receiving
- 20 land and the emitting land. That was found to be 21 proper.
- In Charter Hall -- again in the memo --22
- 23 measurements were not taken at the residence, and the
- 24 IPCB expressly found that the measurement locations

- "Question: You're not denying, are you, that at the 41 decibel maximum level that you
- discussed, there are places where these turbines may
- emit over 41 decibels at the property linen. You
- wouldn't deny that, would you?
- "Answer: I haven't done any predictions at
- 7 property lines. If they're significantly closer to
- the turbines, then, yes, the levels are going to be
- louder. 9

- "Question: Okay. So if we've got a house
- 11 that was 500 feet back from my property line and I was
- at 41 decibels, there's a good chance that I may be
- more than 41 decibels at the property line, correct?
- "Answer: If you're closer to the turbine,
- 15 then there's certainly a chance you're going to be **16** over 41 ---
- "Ouestion: If that --17
- "Answer: -- if it's 500 feet closer, yes. 18
- "Question: If the property line is -- if 19
- 20 the property -- when you say "closer," you mean if the
- property line is closer, correct?
- "Answer: Yes." 22
- 23 Moving on . . .
- "Question: It's also true that under the 24

- 1 report or under the proposal, the turbines can be 2 moved 250 feet in any direction?
- "Answer: I'm not aware of that provision.
- "Question: Okay. If a turbine was moved
- 5 250 feet closer to a residence, would that change your
- 6 analysis? Could that change -- one of those six
- 7 receptors could be more than 41 decibels?
- "Answer: 250 feet is a moderate change, and
- 9 that could cause levels to increase if you're getting
- 10 them closer. Moving a turbine 250 feet closer to a
- 11 residence, yes, there's going to be some increase 12 there."
- 13 There's no room for play here. They have
- all these residences at 41.0. We'll talk about the
- 15 numbers in a second.
- Okay. The next thing is that land-based 16
- 17 classification system. First page you have is the
- cover page. As you will see, on this table -- and you
- can see it better in the exhibit. It's hard to read
- 20 here.
- 21 The land-based classification system, that's
- 22 where we get this Class A land, Class B, Class C.
- 23 That's where they define this. Okay? And they use
- 24 the land. They use an earlier section -- okay? --

- The interesting thing is where do these
 - 2 lines show? These are contour maps. And we heard
 - 3 they are not as accurate as data points. Well, they
 - may not be as accurate as data points at one point.
 - But when you're talking every foot and a half, they
 - give you a much better perception of what actually is occurring here.
 - So let's look at receptor 313. Clearly, at
 - 41.0, the middle of the house is not at 41. The red
 - is the 41. The green is less than 41. This is one
 - that's at 40.9. The middle of the house is not at 41,
 - but a portion of the house is, not to mention the
 - land. Half this property is over 41. And you're
 - going to tell me they've met the standards? They've
 - failed miserably.
 - Let's look at the next one, receptor 216. 16
 - 17 Again, we have a portion of the house. The middle is
 - not in it, I agree. The point they used is not in it,
 - but a portion of the house is clearly 41.0. And we
 - have land that is 41.0. This isn't farmland. This is
 - residential land. We'll talk about that more in a
 - second as well.
 - Next one, 241. Now, we have a third of the 23
 - 24 house that's at 41.0 and a heck of a lot of land.

Page 4323

- 1 that sets forth land. It's land-based classification 2 system.
- However, if you go down to what is -- the 3
- 4 section here, it's structures. Now, when the Illinois
- 5 Pollution Control Board took a section of the
- 6 land-based classification system, they took a land
- 7 analysis. They didn't take a structure analysis. You
- will see they did not take this analysis.
- They took the earlier chart from this
- 10 land-based classification system and made that Exhibit
- 11 B to the regs. That chart is land. It's not
- 12 structures. If they wanted structures, they could
- 13 have done it. They didn't. That tells you everything
- vou need to know.
- Their failure -- the IPCB's failure to make 16 this the standard speaks volumes about the Pollution
- Control Board's intent. 17
- We all saw Mr. Slagel's slides. These 18
- confirm Hankard's numbers within 100th of a decimal.

- 20 So he did the exact same ISO model. He ran it and 21 came up with the exact same numbers that Mr. Hankard 22 came up with. We're not disputing Mr. Hankard's 23 numbers on the ISO model. He ran it. We confirmed 24 it.

- Receptor 438, half the house is 41.0 and above. The red is 41.1, half of the house.
- Now, we've heard Mr. Hankard say: "Well,
- 4 but I know these numbers are high because I did Cal
- Ridge. I measured at Cal Ridge."
- Cal Ridge isn't helpful. They weren't 6
- 7 measured at the property line. There was a point
- chosen somewhere that we don't know where to somehow
- -- I think it was -- "be similar to or duplicate."
 - We heard Mr. Hankard's thinking process
- 11 about the regulations, and we're going to trust his judgment about where he put this, where he put these
 - measuring tools?
- He also clearly either doesn't understand
- 15 the regs or doesn't care. Because if you look at this
- example here, this is something I quoted him in the
- cross-examination. He said, on a number of occasions,
- "One, I wasn't there for the entire noise analysis,
- when the noise analysis was going on. When the
- 20 testing was going on, we went out there every however 21 often and checked them to make sure they were running,
- 22 etc." He said it. No doubt about it.
- Then he said: But I still complied with all
- 24 the IPCB regulations, and Ambrose's letter is full of

- 1 you know what because I complied.
- 2 Let's read Charter Hall Homeowner's
- 3 Association, which I read to him during his
- 4 cross-examination.
- 5 "Respondents alleged in their prehearing
- 6 brief that Mr. Harmon failed to comply with certain
- 7 measurement procedures.
- 8 Part 951 requires, among other things, that
- 9 the person taking sound measurements be present while
- 10 measurements are being taken. Mr. Harmon left the
- 11 site while the measurements were being taken, exactly
- 12 like Mr. Hankard did. Accordingly, he did not comply
- 13 with this provision of Section -- Part 951; and they
- 14 threw out his opinion, threw it out.
- That's exactly what you have to do. He
- 16 didn't comply with the IPCB regs. That's his job.
- We also looked at -- again, this gets real
- 18 small, and I apologize. Me and PowerPoint are not the
- 19 best.
- These are the two charts, this one and the
- 21 next one, that you have in front of you that Mr. Hayes
- 22 talked about. I just want to point it out because I
- 23 know there was some questions.
- The same day, the one up top, the

- 1 operations were at 39 decibels in the 1,000. That's
 - 2 average. That's not the issue. The measurements are
 - 3 not based on averages.
 - 4 Patrick -- the Patrick study I thought was
 - 5 very, very interesting. It says 0.6 difference
 - 6 between receptor and 100 feet from the house -- 0.6.
 - 7 Hmmmm.
 - 8 Pleasant Ridge Exhibit 16B shows the numbers
 - 9 over 40.5 decibels at 1,000 hertz. If we use the 100
 - 10 meter blade -- so this is LNTE blades after they tried
 - 11 to fix it, after Mr. Griffin pointed out the real
 - 12 problem with it. If you add that 0.6, we have 37
 - 13 properties originally at 40.5 and above.
 - Adding that 0.6 -- now, this is just 100
 - 15 feet away, not 4 or 500 feet away like some of the
 - 16 houses we heard about. At 100 feet away, we have 37
 - 17 properties at 41.1 and above, 37. Five of those are
 - **18** at 41.6.
 - Even if you round like Mr. Hankard wanted to
 - 20 do, you've gotta round to 42. And I don't even know
 - 21 how many are at 41.5 because I forgot to count, but I
 - 22 think he was rounding up from 41.5. So we have more 23 than that.
 - 24 If we use the 103 meter blades, the

Page 4327

Page 4329

- 1 highlighted one in Table 7-1, he comes up with 41.4.
- 2 Same day, same time, next chart, 7-5, comes up with
- з 41.8.
- 4 Then we go on to the conclusions of his
- 5 report. This is right above table -- this is page 43
- 6 of his report on Cal Ridge. "We are 95 percent
- 7 confident their two one-hour measurements, if they
- 8 attempted to hold everything constant, will be within
- 9 4 decibels of one another and that each will be within
- to 4 decibels of the true value."
- And, above, he says the expanded uncertainty
- 12 at 1,000 hertz is 4.2 decibels. "That is, for
- 13 example, with 4 decibels expanded uncertainty, one can
- 14 be 95 percent certain that a measured level of 47
- 15 decibels, for example, is between 43 and 51."
- So you heard him say he had measurements
- 17 that he said were akin to Hartke's house at 39, plus
- 18 or minus four. So it's either 35 to 43. We don't
- 19 know. He doesn't know. His own report says he
- Next page in his report.
- "In summary, no turbine-only noise levels
- 23 exceed the IPCB limits, and the average of the
- 24 turbine-only noise levels measured when turbine

- 1 calculations show 34 receptors at 41.1 and above and 52 of which are at 41.6.
- 3 Let's talk about Mr. Kaisner's -- and I
- 4 apologize. The sheet right before that, that's
- 5 the 0.6 that Patrick was talking about last night. If
- 6 you look at it, it goes from 31.9 -- it goes from 37.9
- 7 -- I can't read my own thing here, but every one of
- 8 them goes up 0.6. From turbines without LNTE blades
- 9 to turbines relatively close without LNTE blades to
- turbines with LNTE blades to 100 feet closer, every
- .1 one of them goes up 0.6.
- He's got 5 different tests in there, and
- 13 they all go up 0.6. He admitted that. He agreed to
- 14 it. There can be no doubt about it. That's the
- 15 County's expert.
- Let's talk about Matthew Kaisner's house.
- 17 This is kind of an interesting one. It's receptor
- 18 394, 4.7 acres, all residential -- all residential.
- 19 He doesn't farm it. No commercial uses. Doesn't have
- 20 a mechanical shop in there like we saw in the Knox
- 21 case. We have a straight house and property that he
- 22 lives in with his family. Clearly Class A land.
- Any statement made last night by Mr. Hymans
- 24 as far as farmland was irrelevant to this type of

20 doesn't know.

- 1 property. He has a wife and four children with one on 2 the way. 40.6 decibels with the new LNTE blades at 3 1,000 hertz. Six wind turbines within a mile. This
- 4 is his map.
- The one on the left is Mr. Slagel's original
- 6 calculations, which he admitted were incorrect because
- 7 he didn't have the right numbers. He didn't have the
- 16B. The one on the right is with 16B, the new LNTE 9 blades.
- Actually, I shouldn't say the one on the 10
- 11 left is incorrect. It's actually the first set of
- 12 numbers. That's the actual application that's still
- before us. I don't know if it's a revised
- application. I don't know what it is.
- 15 The one on the right still shows that we
- 16 have significant property line -- that significant
- property beyond the property line is over 41.0.
- Let's go to Don Slagel's house, receptor 18
- 19 241. This one was 41.0 decibels at 1,000 hertz with
- 20 new 100-meter LNTE blades. Three acres, again not
- 21 farmland. It's used as a Class A residence with the
- 22 exception of one shed to the far west for machinery,
- 23 the far west.
- 24 So I would admit that that part of the land

- 1 5-acre parcel.
- It's not my job to show that there are
- 3 violations of the Illinois Pollution Control Board
- 4 regs even though we have. It's their job to show
- there are none. That's their burden -- back to the
- burden. It's their burden. So we could have a
- property line 900 feet closer to the wind turbines.
 - Then we have the fact that in the
- application the wind turbines can be moved at the
- discretion of the Applicant up to 250 feet closer. Oh
- my gosh, we now have 1,250 feet -- or 1,150 feet. I 12 can't do math.
- 13 Then Hankard admitted there's a 0.3 decibel
- 14 just looking at 50 feet from the middle of the house
- 15 to edge. What would it be in the type of yard I just
- 16 described?
- 17 On top of that, we have the issues that
- 18 Hankard admitted regarding margins of error that he
- did not place on the model. ISO model that's best, plus or minus 3 decibels. Manufacturer uncertainty,
- another 2 decibels. These are all things he admitted.
- 22 I'm not -- these aren't even my estimates. I didn't
- 23 have any. I didn't need any.
- 24 Three plus two confirms from what we heard

Page 4331

- 1 and the stuff west of that may be Class C. It doesn't
- 2 matter because everything else is Class A, including
- 3 his house; and it's over 41.1. That is probably -- I
- 4 mean, that's another 4 to 500 feet. By the edge of
- 5 his property line, it's probably over 42.
- Let's assume one had a 100-acre farm and 7 used 95 acres for the farm and equipment, including
- 8 barns. That 95 acres we all agree is Class C. On
- 9 this same example, the other 5 acres which the 10 Livingston County resident mows, has his family house
- 11 on it, his family and kids and dogs play on it, that
- 12 would be considered Class A.
- Or we could have a piece of property that is 13 just 5 acres, kind of like the Kaisner house. It's a
- 15 family home, same scenario. They mow it. The kids
- play. Dogs play. Either way, we have 5 acres,
- 217,800 square feet. 17
- While there are many permutations, one way 18
- 19 to divide that 5 acres would be to have a 200-foot
- 20 frontage on the road, and that would leave us with
- 21 1,089 feet of depth. Under that scenario, if this
- 22 Livingston County resident placed his home at the back
- 23 of the lot, he could have 900 feet of Class A land
- 24 between his house and the property line, 900 feet on a

- 1 from Lamancusa in his sworn testimony in Wisconsin,
- 2 that you should use at least a 5 decibel margin of
- 3 error when using the ISO model.
- Then we still have the problem that the
- model has been seen -- has great uncertainty at over
- 300 meters -- at over 30 meters in height. Well, this
- turbine is well over 30 meters in height.
- As I said, it's the Applicant's burden of
- proof. In sum, there is no way that this plan has
- been shown to meet IPCB regs. In fact, the opposite
- is true. This project completely and horrifically
- 12 fails to ensure the compliance with the regs and must
- be denied on that basis alone.
- If we did not have John Slagel here to
- 15 testify or had not had the ability to run this model
- 16 by one of your residents, they would have gotten away
- with it. But he tested the model. He proved it was
- 18 right, but he gave us the further information. I
- 19 thank him for that, and I think we all should.
- Preconstruction road survey -- I'll be real 20
- 21 quick -- Patrick brought this up, and I missed it,
- 22 honestly. Mr. Blazer said, "Oh that does not matter 23 because it's preconstruction." However, that's not
- 24 true. That's a requirement of the ordinance that they

- give you that. The ordinance says that's part of theapplication. It doesn't say you can do it later. You
- 3 gotta give it at the time, and they missed it. On
- 4 that basis alone, it should fail.
- 5 Decommissioning plan, completely
- 6 underestimated. And I'll be very quick because I
- 7 don't think we even get to that because they don't
- 8 meet the burden so there's no doubt in my mind. But
- **9** I'll try and be quick.
- No idea about the cost to pull out and load
- 11 CA6. That was Mr. Rautmann. Don't know the cost of
- 12 handling a ton -- a per-ton handling as to CA6. Did
- 13 not know end user for CA6 nor tipping fees cost. Did
- 14 not know the value of CA6, clean or dirty. We heard
- 15 it's zero last night. Do not know the cost of
- 16 backfill materials, whether clay or black dirt. Do
- 17 not know hours of manpower. Do not know cost to rent
- 18 a crane. Do not know size of cut pieces or hours it
- 19 would take. Don't know where to take the pieces. Do
- 20 not know hours of labor, cost to strip the copper on
- 21 the turbine. Never asked the local contractor for an
- 22 estimate or even a non-local contractor.
- On the other hand, Bill Zehr called the
- 24 contractors that Mr. Blazer mentioned as doing wind

- 1 out \$3.2 million of the actual decommissioning costs
- 2 because you think maybe the roads may stay in, roads
- 3 that can be taken out and put to use for farmland,
- 4 which is what 90 percent of the people in this County
- 5 make their money off of. I shouldn't say that. I
- 6 don't know the percentage, but I know it's pretty 7 high.
- 8 So now we're at 11.8 million. You also saw
- 9 Patrick Engineering mistakenly -- and I think it was
- 10 an honest mistake. I don't think it was a bald-faced
- 11 lie -- had salvage costs at least 960,000 too high
- 12 because they used metric tons instead of English tons.
- 13 As I said, an honest mistake, but now we're at 12.7
- 14 million. That's before the other issues that are out
- 15 there right now that we know about that were not
- 16 included -- drain tile crushing, crop loss -- that
 - 7 Patrick unfortunately did not calculate for us.
- However, we know Hewson's cost. We heard, oh, he doesn't know what he's doing. He's not an
- 20 engineer. 14 million. Patrick, 12.7 million without
- 20 engineer. 14 million. 1 acreek, 12.7 million witho
- 21 these other costs we know about. Right in the
- 22 ballpark. Almost exactly. Then we had Rautmann 23 on.
- Unfortunately, we're not able to get to the

Page 4335

- 1 farm construction. Estimator could not believe that
- 2 the cost he gave them -- that what Rautmann said would
- 3 be that low. Estimator said it would be between \$150
- 4 and \$200,000 per turbine.
- 5 Called local recyclers. They said they
- 6 would not pay \$1.60 for a ton of copper, let alone
- 7 Rautmann's 2.60.
- 8 Don't you want to be in the business with
- 9 people who tell you the truth? They may be courting
- 10 you now; but once they are here, there's no more
- 11 courting. They're your partners, and you can't get
- 12 rid of them.
- Mr. Hymans' testimony last night, I think we
- 14 all agree, was in some ways very enlightening and some
- 15 ways not so. His decomissioning testimony was full of16 holes because he obviously was not very versed in what
- 17 Patrick Engineering did and did not do.
- Here is what we learned for sure. Original
- 19 Patrick Engineering cost was 8.6 million. Originally
- was higher by about 3.2 million but asked for some
- 21 reason to take out half the assets.
- I do know that if you really want to protect the community, which I know everyone on this Board and the County Board has a desire to do, you don't take

- 1 bottom of a couple of other issues such as labor rates
- 2 and a 38 percent calculation, given the fact that this
- 3 is a hugely labor-intensive job. And the general
- 4 conditions, which is where you're really save money by
- 5 having more teams, was, according to Mr. Hymans,
- 6 somewhere below 5 percent.
- 7 I have to be honest with you. I represent a
- 8 lot of construction companies. I have no idea how you
- 9 come up with a 38 percent efficiency, none, just
- .o because you move the job along faster.
- Either way, Patrick Engineering's numbers
- are a lot closer to Mr. Hewson's numbers than they are to the engineer estimate commissioned by the
- 14 Applicant.
- Further, Mr. Hewson went out and called the local contractor and said, "What's the cost?" 25
- 17 million.
- He didn't give you that number. He didn't
- 19 say that was his number. He said 14 million. He was20 trying to be honest with you. He didn't go try and
- 21 fear monger and tell you it was 25. He tried to give
- you what he understood was the real number, 14million.
- Let me just say, I'd rather be safe than

- 1 sorry. As I said, as a municipal lawyer, these
- 2 entities are single-entity LLC's that have nothing
- 3 behind them. No guarantees. I would think, at 14
- 4 million, you need financial assurance. It's the least
- 5 they should provide.
- And let's talk about the financial assurance
- 7 they are talking about. They don't give you the
- 8 financial assurance that's required under your
- 9 decommissioning ordinance. It's not secure. It's the
- 10 same financial definition we talked about earlier. It
- 11 is not security bond, trust instrument, cash, escrow,
- 12 or irrevocable letter of credit.
- They really only want to provide on a
- 14 phased-in basis. That's not what's allowed under your
- 15 ordinance. If for some reason, God forbid, you do
- 16 grant this, make sure you require 14 million up front
- in cash, irrevocable letter of credit, something that
- 18 you can go after.
- Birds, part of this, again, Section 621. We
- 20 heard about the limitations from Mr. Dassow of the
- 21 bird surveys used. Literature clearly outlines the
- 22 problems and offers solutions for them, which they
- 23 obviously ignored.
- They presented little to no scientific

- 1 alone. Catastrophic. That was their wording, not
- 2 mine. Not to mention the public health issues we'll
- 3 discuss in a few minutes.
- 4 It's also to facilitate economic
- 5 opportunities for local residents. It promotes
- 6 economic opportunities for only about 39 percent of
- 7 the property owners in the footprint; and of those 39
- 8 percent, only two-thirds of those actually are
- **9** Livingston County residents. Not a lot of economic
- 10 opportunity for Livingston County residents when the
- 11 numbers are that small for such a big project,
- 12 thousands and thousands of acres.
- We heard about half a percent. That's the
- 14 land the wind turbines are on. The footprint -- I
- 15 can't remember -- is it 32,000 or 64,000 acres? It's
- 16 a huge number, huge. I can't even contemplate that
 - 7 acreage, but I'm not a farm guy. I'm a city boy.
- Okay, economic impact. No one knows if
- 19 there are enough people in the Livingston County union
- 20 halls to even do the work. Parzyck didn't know.
- 21 Loomis didn't know. Local 150 workers that we heard
- 22 come from everywhere. They include Mr. Yednock, a
- 23 hard working guy. I believe every word he said. He
- 24 lived in Ottawa. Traveled daily to Lee and Bureau to

Page 4339

- 1 evidence that suggested that Pleasant Ridge Wind Farm
- 2 would have no effect on local ecosystems, especially
- 3 wildlife. In fact, the literature suggests there are
- 4 possible effects on wildlife and that additional
- 5 research is firmly recommended.
- The most important thing that I found
- 7 interesting was they completely had little regard for
- 8 the majority of the Illinois Department of Natural
- 9 Resources recommendations.
- We heard the significant economic importance
- 11 some wildlife provides to the County, which the IDNR
- sought to protect with some of their recommendations.
 The Applicant, however, would rather ignore these
- 14 thoughts by IDNR and decide what is best for the
- 1 1 1 1 C
- 15 people and the state of Illinois -- people of
- Livingston County and the state of Illinoisthemselves. Don't let them do that. Don't let them
- 18 do that.
- Standard 3i. First part: "To ensure that
- 20 any development and production of wind-generated
- 21 electricity in Livingston County is safe."
- We didn't hear a lot of testimony about
- 23 that, but we what we did hear is that there were seven
- 24 catastrophic breakages in six years over five projects

- 1 work on the wind farm. So did people from Livingston
- 2 County. Did they stay there overnight? Did they eat
- 3 there? No.
- 4 You heard what he said. He came home every
- 5 night. Went there every day. "Brought my lunch."
- 6 That adds a lot of economic impact to your economy.
- 7 Not using local concrete plants. Why not?
- 8 I don't know, but it's not adding any economic
- 9 activity to your County again. They're bringing their
- own temporary batch plant.
 You know, we heard a lot about the pro-wind
- and the Anti-Wind Vigilance Society and all of those things and Illinois Wind Watch. I don't know what any
- 14 of them are. I'll be honest with you.
- But we also know that they're experts on
- pro-wind. Loomis runs a part of the school that gets people employed by the wind industry. He doesn't have
- 18 a job if they're not employing these people.
- All the percentage of the project materials in his JEDI model came only from Invenergy. Didn't
- 21 bother to double-check with anyone. There's no
- 22 turbine manufacturer in Livingston County. The jobs
- 23 he discussed were gross, not net. There is not enough
- 24 retail in Livingston County to justify the numbers.

- 1 Loomis had no idea what a small percentage of
- 2 participating property owners actually reside in
- 3 Livingston County.
- 4 Never actually tested the JEDI model, not
- 5 once, even though we have other wind farms in
- 6 Livingston County, Illinois. He's run this JEDI model
- 7 other places. Did he ever test it to see what the
- 8 actual effect was, how accurate it was? Not once.
- 9 Not once. And he works for the wind companies. He
- 10 has all the data available to him. Didn't bother.
- 11 Wonder why.
- Then we heard from Mr. Gruen, who actually
- 13 does this for a living. Development will increase the
- 14 demand for public service, but associated costs were
- 15 not included by Mr. Loomis.
- Mr. Loomis doesn't discuss -- include
- 17 changes in property values. The employment impact is
- 18 less than 1 percent. Are we selling our soul for 1
- 19 percent for six months?
- This area unfortunately is missing -- and
- 21 probably fortunately -- I shouldn't say that. It is
- 22 missing many of the types of economic sectors that it
- 23 would need to get the type of multipliers that Loomis
- 24 predicts. 90 percent of the JEDI model for wind

- 1 talked about how these things have affected them,
- 2 people who live in these.
- Marvin Stichnoth: Constant low frequency
- 4 noise when sleeping at night. Wake up to a roar
- 5 sometimes that he cannot get away from. It penetrates
- 6 bathroom doors in the middle of the house. Pillow
- 7 over the head would not work.
- Sounds like the Hartke family; but, you
- 9 know, that's like a four-letter word, I guess,
- 10 according to Invenergy.
- It penetrates the body and causes sleep
- deprivation, even over a fan running in the room.Sharon Roberts lives a mile and a quarter or
- 14 mile and a half away from the nearest wind turbine.
- 15 She's not even close. I mean, she's, you know, 7,000
- 16 feet. We're talking 1,600 feet here. She hears the
- 17 generator and the blades and hasn't been able to use
- 18 her TV for two years. At my house, that would get me
- **19** shot.
- Property values: We don't need a property
- 21 value guarantee agreement. There shouldn't be one
- 22 because the burden hasn't been met. But I'll talk
- 23 about this property value guarantee agreement they're
- 24 giving you.

Page 4343

- projects is equipment and materials, most of whichwill have to be imported.
- We heard the stone quarries won't even bid
- 4 this project. The Livingston County stone quarries
- 5 won't bid it.
- The third standard is "to promote the supply
- 7 of wind energy" -- under 3(i) -- "to promote the
- 8 supply of wind energy in support of a goal of
- 9 increasing energy production from renewable energy
- 10 sources." Obviously it does this. It's set up that
- 11 it has to.
- 3 double i -- 2, as my teacher once told me
- 13 -- many of the people who have testified worried about
- 14 the views and peacefulness of the community. They do
- 15 not want the tranquility of their life being ruined.
- Where I live, no one would honestly be too
- worried about that; but we probably wouldn't allow wind turbines either. And there are none up there,
- 19 obviously.
- However, here, I think it is a value that is
- 21 really important to the community and the type of
- 22 community you have. And it's an unbelievable
- 23 community. I'll talk about that more in a minute.
- Let's talk about some of the people who

- First of all, it's mutually exclusive of the
- 2 Neighbor Agreement. No idea how long they're going to
- 3 give you to sign. Is it two weeks? Two years? Two
- 4 years after whatever litigation occurs? A half mile
- 5 is random. There's no evidence of that. It's just a
- 6 random number they picked out.
- 7 Let's talk about what you get. All
- 8 appraisals are based on homeowner data. No credit for
- 9 improvement made after you sign the contract or due to
- 10 increases in property values in non-wind turbine parts
- 1 of the County.
- 12 Invenergy chooses the first appraiser from
- 13 the list of appraisers they have pre-approved. The
- 14 appraisers know who pays them. They all know that.
- 15 And they want to get rehired, right? They don't want
- 16 to be a one and done. They came in and say: "Okay.
- 17 I know if I give the right numbers, I'm going to get
- 18 hired again."
- That first number is also the most important number because it continues to average with every
- 21 other appraisal throughout this process no matter how
- 22 ridiculously low it may be. So if I have a half
- 23 million dollar house and they appraise it at 200,000,
- 24 that 200,000 stays on throughout the process.

1 Everything else gets averaged with that.

If the property owner doesn't like the number one appraisal, then he pays for the second appraisal. He pays for it. And then they average it.

In the end, if the offer to purchase is

6 lower than the asking price and then there is a third

7 appraisal, if they don't agree, they average that

8 again with the first appraisal.

9 In the end, if the offer to purchase is 10 lower than the asking price, then Invenergy gets to 11 mediate. Property owner doesn't get a chance to

12 mediate. Invenergy does. It's not reciprocal. If no

offer received, than no requirement by the Applicant to buy the property. Stop living there, or abandon

15 the home. Or they can lower the price and hope the

16 Applicant does not force them to mediate.

Lots of holes in this agreement all intended to drive the costs up and go through the process and make it not worth doing. Remember, these homes are often worth \$100 to \$200,000.

All the experts on both sides say what you want them to say on direct. What is important is what they say on cross. Here is what we know Mr. Thayer is

24 aware of. No guarantee your property value is not

Page 4348

1 There's not one of those areas that they looked at2 that had the height of the wind turbines we're talking

3 about, had the closeness, had the number. They're in

4 rural areas that are much more rural than you have 5 here.

6 Despite not having the same intensity, look

7 at the results. This is Mr. McCann's. I don't want

8 anybody to say he said it was somebody else's. This

9 is the average percentage difference in sales prices

that he came up with. For vistas, negative 21percent. Below average vistas, negative 8 percent.

"Real Estate Damages - Analysis of

13 Detrimental Conditions." Recognized methods of

14 applying a detrimental condition sales comparison

15 approach includes the use of sale/resale analysis or a paired sales analysis. Only one of those was done,

17 Mr. McCann's.

Regression studies. The Hedonistic Model is not viable for damage estimates per IAAO standards for use in regression analysis. Why not? IAAO standard

21 for reliability is 0.90. What's the standard

22 reliability for the LBNL study? 0.67. That's not

23 even close to what's necessary to give you property

24 values that make sense -- or an analysis that makes

Page 4347

Page 4349

- 1 going down. He didn't comply with USPAP. The only
- 2 person who prepared a USPAP report was in Canada.
- 3 Didn't inspect inside the homes. Neither did
- 4 Mr. McCann. But Mr. MaRous wanted to blame Mr. McCann
- 5 for it but didn't want to talk about Mr. Thayer doing6 it.

Banks, as we know, do not use hedonistic

- 8 values when providing mortgages. The LBNL study says,
- **9** The average value of these homes could be as much as 9
- 10 percent higher than it would have been without the
- 11 presence of wind turbines, as much as 9 percent lower,
- 12 the same, or anywhere in between.

We don't know if it's 9 percent, 8 percent,

14 7 percent lower. We have no idea. That's what the

15 study says.

Besides all the other faults of this black

7 box that we're talking about, one, looked at less than8 100 homes with extreme or substantial views. We don't

19 know how many of those are receiving payments from the

wind turbine company. Did not look at time on the market or those people who could not sell their homes.

And they looked at -- and I don't want to go

23 through it again. I did in cross, and you saw it in 24 Ms. Severson's aerials. They're not comparable.

1 sense.

2 We have Mr. McCann's paired sales analysis.

3 And we heard about how awful he is, what a bald-faced

4 liar, committed perjury, all those bad things, none of

5 which is true, but we'll keep moving.

6 We saw that that's 24.68 percent, and we

7 heard that there were all these errors in his study.

8 We also know there are all kinds of errors in Mr.

9 MaRous's study. I spent an hour on that and could

10 have spent three hours. But what are we going to do?

L1 Keep going forever? Seems like we already have.

This study in front of you is not in

13 evidence. It is not going to be admitted in evidence.

L4 It is a demonstrative exhibit. We went through

15 Mr. Blazer's mistakes that he found, allegedly found,

16 in the study the first night and cross-examined on

17 that were property mistakes, you know, used 1.7 acres

18 or 1.9, you know, didn't have certain classifications

19 correct.

I put them all in. I gave him the benefit of the doubt. Would it change the study? Would it change the numbers? It changed them from 24.68 to

23 23.58 percent -- 1.1 percent. All of that hour and a

24 half we did that, 1.1 percent.

- Mr. Blazer called Mr. McCann a bald-faced liar. He committed perjury. Pretty strong charge. He primarily bases this on the chart that is in McCann's PowerPoint that he freely admitted was a compilation of data from the MPAC study that he
- 6 created. In fact, he never said it wasn't. In fact, 7 that's the one I just handed out to you. It's the
- 8 single sheet. I didn't put it in the PowerPoint
- 9 because the PowerPoint was down the day before; and,

10 as I said, my daughter wasn't available.

In fact, it says, "MPAC Study Data." It doesn't say it wasn't in the report or even imply it.

12 doesn't say it wasn't in the report or even imply it.

13 If this is perjury, oh my goodness. What are we

14 coming to when these types of allegations are thrown 15 about to make money.

Mr. Steidinger said Livingston County average homes value from 2004 to 2014 dropped 2 percent. On the other hand, Odell dropped 25.88 percent.

No one who testified disputed the notion that perception affects value. Here over 2,000 people sign a petition, think this is a bad thing. Sounds like a lot of negative perception to me.

The question is: Do you rely on a black box

Page 4352

1 and these things have their limitations as the data

- 2 here was received, as we saw in both MaRous's and
- 3 McCann's cross-examination. And I sure as heck don't
- 4 think that Mike MaRous committed perjury or lied to 5 you. No way.

6 However, MaRous argues in a conclusory

7 fashion McCann's report is not in compliance with

8 USPAP but fails to mention the Thayer Report, which

9 they rely so heavily on. It doesn't even come close to complying with USPAP and doesn't even try.

MaRous complains that McCann had not been inside the homes and didn't cross for adjustments and then admitted that's exactly what Thayer did, exactly.

14 MaRous then tried to analogize one single wind turbine
15 in Heartland Community College to what we have in
16 front of us here. Doesn't take a rocket scientist to

17 know those two weren't similar. And that's a stretch.

18 I talked about the assessor of Livingston 19 County. He says that he lived 0.75 miles from one, 20 and he heard it. No big deal. Just heard it. Point

21 seven five miles is 3,900 feet. Even at 0.75 miles,

22 he moved. We didn't know why, but he moved. We have 23 1,600 feet here, not 3,900 feet. 1,600 feet.

Big reliance last night and in MaRous's

Page 4351

Page 4353

- 1 study or something you can duplicate and analyze?
- 2 MaRous mentions that he could not duplicate McCann
- 3 report because of a lack of data. McCann provided you
- 4 with every sale he used, unlike the black box analysis
- 5 we received from Thayer. And Mr. MaRous admitted it
- 6 was a black box. We don't have the data. No one has

7 ever seen the data.

MaRous says McCann was wrong but never has been asked to do his own study. Why? No, he can't?
He has the time. Has the expertise. Never asked.

Mr. Blazer again takes this opportunity to complain about the Flanagan sale. His argument is

that McCann said one of the sales was after the wind

14 turbines were in operation, and Blazer says they were

5 not in operation until three months later.

Okay. So they were not in operation.

17 Pretty easy to see why he might think they were18 operational and pretty easy to see how that fact that

19 the wind turbines were staring the property owner in

20 the face would lower the value. That sure as heck 21 ain't perjury.

That brings us to Mike MaRous. Found errors in McCann's report. "We found a ton of errors in his 24 report." It's sad to say it's not an exact science,

- 1 report about what the assessors found, didn't find,
- 2 didn't notice, didn't really look at. But we also
- 3 know that the Assessor's Office is part of the County,
- 4 gets paid by County tax dollars. And if the AV lowers
- 5 too much, so are the county tax dollars.

Finally, Mr. MaRous reports that several

7 large acreage farms in the area were wind farm8 properties, but the one he showed us was part of an

9 industrial use that had semis on it. It had semis on

o it. No wonder the wind turbine didn't bother them.

We heard about 11 developments in 18 counties near wind turbines. Don't know how close

those were to the wind turbines. Don't know how big the farms were. Don't know anything. Don't know

15 decibel levels, nothing.

What we do know is this: Less than 1 per county over an 8-year-plus period -- 18 counties, 11 developments. That might as well be no development.

Big position they take is there has only
been one tax appeal. We talked about that, the cost

21 of a tax appeal. It's just there's no benefit, not

22 when you have a small home. I mean, my taxes up there 23 are so much higher than what you are, and it's not a

24 benefit to me to do it; and I'm a lawyer. Imagine if

1 you had to go pay a lawyer, go pay an appraiser.

We don't know how many tax appeals are done on a regular basis in any of these counties. Where

4 I'm from, they're all commercial because that's the

5 only way you can make money on the things.

Big question related to Mr. MaRous is why he was not asked to do a full-blown appraisal study.

8 He's done one for me. He admitted it. Why not? This

9 could have really been shoved down my throat.

10 Mr. Blazer knew that Mr. MaRous has worked for me, but

11 he didn't ask him to do the one thing that really,

12 really could have shown this (inaudible).

13 Crop dusting. Baker does not know if the 14 aerial application charges more in wind turbine

actial application charges more in white turbine

15 developments. We know they do. We heard Ms. Dassow 16 talk about it. Some places will only be accessible if

16 talk about it. Some places will only be accessible if

17 you pay surcharge. Some places won't be able to be

18 crop-dusted. We have a 50 percent markup or \$2 to \$5

9 per acre increased app fee. And then we have IAAA

20 email exchange, Pleasant Ridge 229, and Megan Dassow

21 Exhibit 6. This is Megan Dassow Exhibit 6.

Invenergy said IAAA has no concerns.

23 IAAA says any testimony or exhibits entered as

24 evidence that this communication demonstrates

Page 4356

- 1 person's well-being. And we know disrupted sleep is
- 2 known to be associated with hypertension,
- 3 cardiovascular and coronary disease, impairing of
- 4 immune system, elevated stress cortisol levels,
- 5 attention and memory deficit, depressed mood, and
- 6 cognitive behavioral performance.

7 The Massachusetts report we keep hearing so8 much about says wind turbines can cause sleep

9 disruption. We know sleep disruption causes these

10 problems. How this thing is going into the homes? I don't know. No one knows.

Cape Bridgewater comes as close as anyone

13 has ever determined. It's some form of sensation that 14 causes something. But the nocebo effect makes no

15 sense. We have kids feeling it who have no

16 conversations. We have Cape Bridgewater when they

17 don't know if they're on or off. But they're feeling

18 it. And we'll talk about Cape Bridgewater and

19 Invenergy's complaint about Cape Bridgewater in a20 second.

We don't know what it is. We don't know what the pathway is. We know what's occurring.

Oh, and Roberts' cross, let's talk about

24 that for a second. This was actually questions by

Page 4355

Page 4357

1 acceptance to the Pleasant Ridge Wind Energy Project

2 is misleading and false -- misleading and false.

Next page. This is their resolution. "Wind

4 turbine generator" -- I can't even read it -- "farms

5 create uniquely hazardous and unacceptable dangers to

pilots flying agricultural aircraft in a ground

7 environment."

8 Standard iii: Human health. Didn't meet

9 the burden. I'll be honest with you. I don't know

10 what causes these problems. None of us do. What we

11 do know is people are complaining of problems, and

12 they're real. They're not making them up. They're

13 not abandoning their home because they're made up.

Here is what Mr. Roberts and Mr. -- or

5 Dr. Roberts and Dr. Ellenbogen know for sure. Some

6 people complain of sleepiness. Agrees that it's

17 possible that a person's sleep being disrupted could

8 be harmful to their health. And just because you

29 cannot find objective proof of the complaint doesn't

20 mean it doesn't exist. There's need for more

21 research. Nothing has been proven either way.

Sleep is essential for the restoration of

23 health and a person's well-being. We know wind 24 turbines disrupt sleep. We know it's essential for a

1 Mr. Hayes. At 3765 and 66, Mr. Hayes asked:

2 "Question: Another statement you made was

3 that no disease has ever been shown to be caused by

4 wind turbines, correct?

5 "Answer: I said there's no recognized

6 disease associated with wind turbines."

7 No "recognized" disease. I don't know the

8 difference, but there is in his mind because he

refused to answer that question time and time again.

"Question: So in kind of a summary, even

though turbines have never been shown to cause adisease doesn't mean they are necessarily completely

13 safe and harmless as far as a person's health goes?

"Answer: Epidemiology and science cannot

15 prove the negative, ever. And so if there -- you

16 know, if it is not causing a disease, it is not causing a condition, you can't prove it doesn't."

But he never says no. He never goes out and says -- answers these questions. If you go through

the testimony, it's replete with these kinds of direct questions and these kinds of non-answers.

22 Okay. Let's talk about Punch. Oh, my gosh.

23 He came in here to tell you the truth. The guy

24 couldn't have been more honest than the day is long.

- 1 He tried to be honest. He tried to tell you the
- 2 truth. Instead, he gets beat up for two hours about
- 3 qualifications that meant nothing, and then he had to
- 4 come back and get beat up about little words. But
- 5 that's what they do. It's kill the messenger.
- 6 He says: "Effects of annoyance may include 7 physiological responses, central nervous system
- 8 reaction, and biochemical changes, physiological
- 9 reactions to sound, annoyance, including increased
- 10 heart rate and increased blood pressure, possibly
- 11 leading to hypertension." Pretty similar to what
- 12 Robinson and Ellenbogen said.
- We also had this annoyance from wind
- 14 turbines. Again, this is a chart that's very similar
- 15 to the one that Hankard showed us. We had anywhere
- 16 from 5 percent to 20 percent and 9 percent to 30
- 17 percent.
- We then go on -- he refers to some studies.
- 19 "Wind turbine noise. Annoyance was found to be
- 20 statistically related to measured long-term cortisol
- 21 levels." We talked about cortisol. That's a big
- 22 issue. As much as they want to say it's not, it is a
- 23 big issue.
- You've also heard that, you know, you

- 1 Points you to issues that were relevant in the study
- 2 talked about noise levels below 20 decibels. The
- 3 study is not about noise. It's about the effects of
- 4 wind turbines. As you will see from the Schomer
- 5 letters, that is the issue.
- 6 Some people get headaches when there is no
- wind turbine operating. I get headaches. I don't
- 8 blame that to a wind turbine. But there are times
- 9 when you feel something, when you feel a sensation,
- 10 whatever that sensation is, and it corresponded to
- 1 certain parts of the wind turbines.
- This was done by an independent acoustician
- 13 actually hired by the wind company, the first time and
- 14 maybe the last now, that an independent acoustician
- 15 has been given access to all the information that the
- 16 wind company acoustician has. This is transparency,
- unlike what we saw.
- Let's talk about Dr. Schomer. Dr. Schomer
- 19 was hired by Invenergy in Cal Ridge. Yes, it was
- 20 Mr. Hartke's suggestion. But then he was hired by
- 21 Invenergy to work on this project, this project.
- Mr. Blazer would have you believe he's
- 23 nothing but an anti-wind advocate, but there's no
- 24 evidence to that in this record. If he was such an

Page 4359

- 1 approved three of these before. Yeah, you approved
- 2 them. I think it was 2007, 2009, 2010. Wind turbines
- 3 in this country were in their infancy.
- 4 Here's more studies, most of which after
- 5 2009, that say sleep disturbance is the most
- 6 well-documented symptom. I think we all agree to 7 that.
- Then we have more studies, from 2009 mostly
- 9 -- there's some before -- but heavier 2009 and after.
- 10 research linking sleep disturbance and quality of life
- 11 to low frequency sound. I don't think anybody is
- **12** disputing that.
- We have sleep disturbance. I don't know if
- 14 it's a disease. I don't know what it is, but it's
- 15 disturbance; and it bothers people, and it affects
- 16 their lives. It's the health, welfare, and safety of
- 17 these people that have not asked to have this come to
- 18 them.
- Nobody, not Ellenbogen or Roberts, disputed that wind turbines infrastructure and infrasound
- 21 caused the kinds of problems described.
- Dr. Punch said "definitive proof that wind
- 23 turbines do cause physical symptoms." How does the
- 24 Applicant try to pick up the study in this direction?

- 1 anti-wind advocate, why did Invenergy hire him for
- 2 this project? More importantly, why wasn't he here to
- 3 testify? He's very reputable, according to Hankard.
- 4 He's a 40-year veteran acoustician. Standards
- 5 Director of the Acousticians Society of America.
- 6 Let's see what he has to say about the Cape
- 7 Bridgewater study. I highlighted it. You know what?
- 8 I'm not going to read it all. You can read it. But
- 9 it's damning. This is a wonderful study from an
- 10 acoustician that is well respected according to them.
- 11 Hired by Invenergy. They didn't want him here to talk 12 about this.
- Up until now, wind farm operators have said
- 14 there are no known cause-and-effect relationships
- 15 between wind farm emissions and responses of people
- 16 living in the vicinity. The wind farm operators
- 17 simply cannot say there is no known effects and no 18 known people affected anymore.
- You heard about a number of people who felt something from the wind turbines. I'm just going to
- 21 give you their names because I don't want to spend a
- 22 lot of time. Margi Hall, Barb Cook, Paula Kelson,23 Ambiro Cavazos. Ted Hardke, the devil himself, lives
- 24 1,665 feet away from the wind turbine; and he came

- 1 here because of nothing more than he hates Invenergy, 2 according to them. He tried to sleep in the center of
- 3 his house. He's abandoned his home just to get back
- 4 at Invenergy. Oh, my goodness.
- Number of people affected. We heard from a
- 6 number of people. Actually, we heard from Hankard; we
- 7 heard from Punch that there are a number of people
- 8 affected, somewhere between 5 percent and 20 percent.
- We don't really know. Five percent was the average
- that was Mr. Hankard's; so let's use his. 10
- 11 Number of people within a mile of these wind
- 12 turbines: 654 residences within a mile. Let's say
- 13 three people live in a house. That's probably low,
- but let's say it's 2000 people. According to the
- study cited by Hankard, approximately 5 percent of the
- 16 people are affected. Five percent of 2,000 is 100
- 17 people.
- Are we going to let 100 people be affected? 18
- 19 If that number is low, if it's 20 percent, we're at
- 400 people. 20
- The Easement Agreement goes on to admit --21
- 22 Invenergy's Easement agreement says audio, flicker may
- 23 occur. Noise, vibration, air turbulence, wake, those
- 24 are all things that are in their agreement that may

- Page 4364
- 1 another detrimental effect on tax revenues. By the
- 2 end, school districts and other taxing bodies may
- 3 actually end up in the exact same position, the State
- Board of Education person told you.
- Animals. Vanderwalle didn't want to admit
- it, but he had to go through it when I crossed him
- about it. Geese study. Cortisol levels go up. They
- can't eat. Their behavior changes. We heard Dr.
- Whitman about it. We heard Dr. Bieck talk about it.
- Then we heard some of the concerns from 10 11 people who are raising livestock in this area. Nelson
- Zehr raises calves. Keeps them in a very controlled environment because they're very vulnerable to stress,
- cortisol. Effect on even a small percent will have a
- 15 huge impact on his business.
- This is a guys who spent \$1.3 million in 16
- 17 Livingston County last year. These are the people
- we're going to hurt? Oh, my goodness.
- Kent Zimmerman, same thing. Hogs are 19
- 20 touchy. Concern about feed efficiency and the overall
- health of the livestock.
- Dieter Elbert has a reproductive cattle
- 23 farm. Seven wind turbines within a half mile. Just
- 24 built a new barn to reduce stress on cattle, reduce

Page 4363

Page 4365

- 1 occur.
- Shadow flicker, you know, up to 29 hours.
- 3 They hit their limit. Everything is to the limit
- 4 here. 30 is the limit; let's go to 29. 41 is the
- 5 limit; let's to 41.4. Okay, now we're going to go to 41.0 6
- Lots of talks about tax benefits to schools.
- 8 Even with those benefits, only one school district,
- which has almost no wind turbines in it, came out to support this project.
- We heard from Cheryl Hoffman. The Illinois 11
- 12 State Board of Education, a regional consultant, told
- her that most school districts with wind turbines
- actually end up in the same position.
- Prairie Central: While the windmill may pay 15
- \$441,000 in taxes, only \$288,000 of that is new money,
- 1.3 percent of the current budget. 17
 - A drop in 30 students, either though
- attendance or moving out, will lower that number to
- less than \$70,000 in new money a year, 70,000.
- Either way, it is not the savior it's been made out to
- 22 be by Pleasant Ridge.
- Mr. Steidinger's PowerPoint showed that the
- 24 drop in AV due to loss of property values will have

- 1 stress. Noise, bright lights, and shadow cause stress
- in cattle. He's seeing it every day. Those things
- that they are bringing here -- noise, bright lights,
- shadow -- and stress leads to poor performance in the cattle.
- We heard from two families that supported 6
- 7 this: The Harms and Fosdicks. We heard from a bunch
- that didn't. But I found most interesting that we
- heard from two people that actually signed agreements,
- John Slagel and Rick Miller. They came in here and
- testified against this at risk. The contract says
- they have to support this project. They came in here
- and did the exact opposite -- the exact opposite.
- Why? Because it was too important to them to let it
- go. As Mr. Slagel said, he wouldn't do this for millions of dollars if it harmed one child. That's
- what we all have to be thinking about, one child. 17
 - I don't know about you, but I'll give you
- every dime I ever made so my child is healthy, every
- dime. I don't know if you can be healthy or not with
- this; but I'll tell you what: I ain't taking the 22 chance.
- Township elected officials asked for a 4,000 23 24 foot setback from any primary structure in that

- 1 Township. That should tell you something.
- Application guidelines. This will be a lot
- 3 quicker. Consistent in all respects with the
- 4 Comprehensive Plan and the Zoning Ordinance. Mr
- 5 Blazer's closing consisted of two things, again,
- 6 denigrating their Regional Planning position and
- 7 relying on a report and testimony by Ms. Blank.
- While I would agree that Ms. Blank may be a
- fine engineer, one thing is clear; she is not a land
- planner and has as much business talking about land
- planning as I do talking to you about how to farm.
- She never testified before as a land planner 12
- 13 or in compliance with the Zoning Ordinance. Ms.
- 14 Blank's testimony and report on this should be given
- 15 no weight. It is inconsistent with what your Planning
- 16 Commission found. Ms. Blank never even heard of the
- 17 LaSalle factors. That's like the Bible of special
- 18 uses and ordinances and variations and zoning.
- 19 LaSalle factors, never heard them, nor was she even
- aware of the special use standards that we're going
- 21 through here in the Livingston County Ordinance.
- Regional Planning Commission. Oh, my gosh. 22
- 23 Trust me, I don't want to do that job, not here when
- 24 the wind energy companies are coming.

1 have an effect on residential development and property

- 2 values." The Planning Commission discussion on this
- 4 application at times reflected on health, safety, and
- 5 welfare and general compatibility of the Application.
- That sounds to me like people were taking their job
- seriously, the job that they get paid probably nothing for.

9 To say that the Planning Commission came up with this recommendation or this finding because there were people in the room against this project is really 12 an attempt to say these people were not doing their duty. That is so improper to state about people who are giving their time back to this community.

I could go through the Comprehensive Plan 16 language. You know it. You've seen it. This does not meet the Comprehensive Plan, and the Regional Planning Commission was correct. And here is their finding in highlight: "Not in compliance with the

Livingston County Comprehensive Plan."

21 Public Health and Safety, this was covered 22 in standard 3i, above.

23 Guideline 3, duplicative of Standard 1 24 above.

Page 4367

Page 4369

My closing last night did not spend any time 2 on deliberations. But I think after the ripping of

- 3 them last night, it is only fair to point out the real
- 4 significant parts of the hearing.
- One must remember, first of all, these are
- 6 just minutes, not verbatim transcripts. These minutes 7 should not be relied upon as anything more than a
- short summary.
- However, here is what they say. "In regard to the December 8, 2014, Zoning Board of Appeals
- hearing transcript, the questioning of the Applicant's
- expert was pointed out." She had never done a land
- plan in her life, okay?
- Goes on to say: "Stantec document open
- space issues are mentioned, and impacts to wildlife is mentioned. Mrs. Woodburn expressed her concerns about
- this impact statement, when she compared this
- information to the information provided in the IDNR
- report regarding this zoning case. Discussion then
- went to Section 4.1 on page 42 of the Comprehensive
- 21 Plan." Then it goes into describe that discussion a
- 22 little more -- all reasonable things.
- "Residential goals of the Comprehensive Plan
- 24 were mentioned and how the proposed development might

- Guideline 4, already obviously dealt with this when going over the standards. 2
- Guideline 5, almost identical to Standard 3 3 ii. 4
- Guideline 6, "Will not impede orderly growth 5
- and improvement of surrounding properties."
- No evidence by the Applicant. Only evidence is Mayor Gulliford. He said it was okay with his
- board in exchange for hundreds of thousands of
- dollars. That's what he told you. I don't know what
- that does to growth of surrounding properties, but I
- know it makes the coffers of that town hundreds of 13 thousands of dollars.

Then they go relying on Ms. Blank's report, one she is not qualified to write or testify about.

- In sum, there is no way the Applicant met its burden on this issue. 17
- On the other hand, we heard from many people
- improved property if they knew or know what they know
- now about wind turbines -- Megan Dassow, Jill Whitman,
- 22 Dr. Dan Bieck, Dieter Elbert.
- 24 again, which falls under this; and we also have the

who said that they would not have bought homes or

Then we have the issue of property values

- 1 issue of 2,000 plus signatures. Only two people sent
- 2 back saying not interested. Two thousand people who
- 3 are concerned about whether this will affect their way
- 4 of life and their ability to improve their properties.
- Guideline 7, Adequate Utilities. Storm
- 6 Water Conservation District study recommended shifting
- 7 wind turbines from areas of concentrated flows.
- 8 Nothing was done in that regard; and if they do, now
- 9 we have different noise levels that we don't know
- 10 about. Now we're back at it again.
- Also, they weren't given the time to take
- 12 into account all the operations and revised locations.
- 13 That's what they say, not what I say. This project
- 14 has been ongoing for years. Why not do it right and
- 15 allow understand all the ramifications?
- We all know why. There was a time limit.
- 17 They were worried about changes to the ordinance, and
- 18 they tried to beat it. That's why this is haphazard.
- 19 That's why you have half the information you need.
- 20 They failed, and now they want to place the risk on
- 21 Livingston County and its residents.
- Drain tiles. Parzyck told this board he was
- 23 not aware of procedures in place to double-check the
- 24 drain tiles. It appears there may be some procedures

- ent 1 until the problems had already occurred. He also had
 - 2 compaction of soils because of it and damage to
 - 3 neighboring properties. He has five towers. Wishes
 - 4 he didn't ever have one. And he's getting the money.
 - 5 Little or no evidence by the Applicant to
 - 6 prove that they had met the standard.
 - 7 Minimize traffic congestion. Again, no real
 - 8 evidence by Applicant. It's their burden of proof.
 - 9 They rely upon Mr. Lenz's testimony to say this issue
 - 10 was resolved. I didn't recall that; so I went back
 - 11 this morning and looked at the transcript. Mr. Lenz's
 - 12 entire testimony was that negotiations are ongoing and
 - 13 that the commissioners are not taking any position.
 - L4 Doesn't sound like they resolved anything to me.
 - All they say in the application is that --
 - 16 the roads section says "deals with public routes."
 - 17 The section does not address this issue. It just says
 - 18 they will comply with County requirements or
 - 19 restrictions. That is clearly not what is
 - 20 contemplated by the ordinance as a means of minimizing
 - 21 traffic congestion. That's not a plan. It's a punt.
 - 22 Applicant's burden meet this, and they failed.
 - Heard a lot about precedent last night,
 - 24 which is really a veiled threat to litigation because

Page 4371

- 1 in place to check drain tiles, I will admit, when
- 2 they're tiled. The problem is: What happens when
- 3 they're crushed?
- 4 As we know, drain tiles are hugely
- 5 important. We heard Mr. Boomgarden. This is a huge
- 6 topic for the people in this audience, the people in
- 7 this county who rely on farming.
- 8 Crushing is the biggest problem. Some of
- **9** these drains were laid over a hundred years ago.
- 10 These were the same concerns raised by the Belle
- 11 Prairie Drainage District. The damage may not be
- 12 found for years after it causes problems to the crops.
- 13 How much will that cost the neighboring farms that are
- 14 not involved in this? These cranes are over 900,000
- 15 pounds.
- We heard some cross-examination about tracks and how much actual weight versus trucks per inch.
- 18 However, like many things in this case, there was
- 19 actually no evidence to support that cross-examination
- 20 -- none. All we know for sure is we have 900,000
- 21 pound cranes traipsing through and over drainage tile,
- and we're supposed to believe they won't be crushed.Wes Engelhart testified. He lives on a wind
- 24 farm. He found broken farm tile. Didn't find it

- 1 you passed others. It's really all it is. Just
- 2 because you passed other ones doesn't mean you have to
- 3 pass this one from a legal or moral standpoint. In
- 4 fact, the opposite is true. And if anybody tells you
- 5 differently, they are wrong.
- 6 I've been a municipal lawyer for 25 years.
- 7 That is not the standard. You look at each one of
- 8 these on their own with a new eyesight. There is no
- 9 precedent. You can't even get old cases into the new
- o case. It's not relevant.
- You have to meet the standards or you don't.
- 12 And each wind farm is different. Each development is
- 13 different. This one doesn't meet the standards. You
- 14 just heard in 15 ways why they don't meet the
- 15 standards. Don't be bullied into this.
- You have different acreage. You have different evidence. You have new evidence that has
- 18 occurred that was not available to you in 2009.
- I am sorry, but the world has changed. You
- 20 know, in the 1960s, no one knew cigarettes caused 21 problems; and we heard from the cigarette companies no
- 22 big deal. Fifty years later, we know a lot different.
- I'm not saying these are creating cancer.
- 24 Don't get me wrong. But we learn more. We learn --

- 1 we have new evidence. New studies have since been
- 2 approved or new studies have occurred, Cape
- 3 Bridgewater being one.
- 4 Case law is clear that every hearing is
- 5 looked at in its own merits and its own facts. No
- 6 case has ever held that you can be sued because you
- 7 previously approved one before.
- 8 And, honestly, I'm not trying to tell you
- 9 anything you don't know. I've never been in a zoning
- 10 hearing that took this -- I've never been in one that
- 11 took this amount of time, I have to admit, first of
- 12 all. But I've never been in a disputed zoning hearing
- 13 that did not end up in litigation one way or another,
- 14 not with a dispute this large and this long and time
- 15 intensive. I hate to say it; but, either way, someone
- 16 is going to sue you. And please don't take that as
- 17 anything other than just my experience.
- We know Invenergy has been in many, many
- 19 suits over the past five years or eight years. We put
- 20 some of them in evidence. That's just what we did a
- 21 quick Internet search about.
- I would just ask that you look at the
- 23 evidence and rule with an open mind and then decide
- 24 whether the Applicant in this case has actually

- 1 throughout this state, pretty much in every county in
- 2 the state. And I have never come across a community
- 3 like this. Don't let it be ruined. I am so impressed
- 4 with what you have here now. In my 25 years of
- 5 litigation and zoning hearings, I have never seen
- 6 anything like it.
- 7 Invenergy says they want to build where
- 8 there's community support for the project.
- 9 Obviously not here. There is no community support.
- 10 Not one resident testified for this project that did
- 11 not have a financial gain in wind turbines. And then
- 12 only two families.
- This tears communities apart. If you put
- 14 them in, it's really going to tear this community
- 15 apart. It's going to change what this community is.
- 16 I ask you not to change this community. It's -- I
- 17 don't even know how to explain it. It's changed me.
- I would ask that you look at the facts that
- 19 have occurred in this hearing and vote what the
- 20 evidence clearly shows, and that is that the Applicant
- 21 has not met its burden of proof.
- In particular, its failure to prove that its
- plans meet the Illinois Pollution Control Board
- 24 Standards, in and of itself, as well as the lack of

Page 4375

Page 4377

- 1 complied with your zoning ordinance and the standards
- 2 set forth. I would submit to you, when you look at
- 3 the evidence, it will be a clear and resounding no.
- Judith Gap. It's been kind of an
- 5 interesting issue. That was early on, first night
- 6 video, Pleasant Ridge Exhibit 5. That was the
- 7 ultimate bait and switch. Town of 126 people.
- 8 Population of the entire county, 2168. We had almost
- 9 that many people sign the petition against this thing.
- 10 That's the whole county.
- 11 Closest residence, 0.6 miles. The county
- 12 with only 2,100 people is 40 percent larger than
- 13 Livingston County. That's the definition of desolate.
- 14 That's where these things should go. I would agree.
- 15 Judith Gap should be happy as, you know, a pig in
- 16 slop. Sorry. Is that a bad term?
- That's where they should be. They made a
- 18 ton of money and had no effects. The second closest
- 19 residence, over a mile away. Again, wish we could say
- 20 that here.
- The Invenergy rep admitted to Rebekah Fehr
- 22 that these projects bear a community burden. I will
- 23 tell you this has been the most amazing experience in
- 24 community in my life. And I've represented people

- 1 financial assurance -- those two things alone or
- 2 either one of them is fatal to this application, and
- 3 you cannot approve it. Just those two things -- done.
- 4 And there's no doubt that that's correct, no doubt in
- 5 anybody's mind that they failed in that regard.
- 6 That's before you even take into account the
- 7 fact that there's significant health and financial
- 8 risk to your constituents that can no longer be9 ignored.
- I had written down conditions if you do do
- it. I can't even bring myself to talk about them.This project must be denied based on the
- I really want to thank you for your time,
- 15 again. And I apologize I've taken longer than I hoped
- 16 to, but there was a lot here. Thank you very much for
- 17 your time. I want to thank everybody on both sides
- 18 for the unbelievable time and effort that we have
- 19 spent. Thank you.
- 20 CHAIRMAN CORNALE: Thank you,
- 21 Mr. Luetkehans. I just want to take this opportunity
- 22 to tell everybody I'm sorry I wasn't here earlier. I
- 23 had something come up. I wasn't able to be here until
- **24** now.

13 law.

Counsel just let me know that everybody needs ten minutes worth of break. Why don't we go ahead and take ten minutes now, and we'll come back and keep going.

(Recess in proceedings.)

6 CHAIRMAN CORNALE: I just want to be certain
7 that there are no units of local government or school
8 districts with a representative that would like to
9 give a closing statement.

AUDIENCE MEMBER: There is a school board tonight.

CHAIRMAN CORNALE: I understand. We will go ahead and get started on my list.

Mark Aberle? Come on up to the podium.

Bryan Bell? Suzanne Bell? Whitney Bell?

16 Dan Bieck? David Boomgarden? Karen Branz? Roger

17 Brown? Tom Brucker? George Busch? Judy Campbell?

(No responses to Bell through Campbell.)

Ambiro Cavazos? Come on up to the chair.

Mr. Aberle you may begin.

21

22

CLOSING STATEMENT

BY MR. ABERLE:

Everything I was going to say has already been said, but this is my only chance. I'm really --

Page 4380

BY MR. CAVAZOS:

I ask the ZBA, Livingston County Board, and
the Ag Zoning Committee to take a step back and think
of the tremendous amount of work and effort put forth

5 by your constituents.

Before these hearings, most of us were ignorant of any negatives associated with wind turbines.

During these last seven months, we have heard more about Invenergy and their efforts to surround us with wind turbines than the last seven to nine years they claim to have been openly working in the public.

We have learned of environmental damage and consideration of wildlife death and destruction, violation of Illinois noise pollution laws, proof of negative health impacts, significant drops in property values associated with close proximity to wind turbines, home abandonment, and the list seems

20 endless.
21 Wind energy companies will always deny these
22 facts. It is our duty as mothers, fathers,

23 grandmothers, grandfathers, friends, neighbors, ZBA

24 members, County Board members to see through the

Page 4379

Page 4381

- 1 the green energy, I've been all for it, you know,
- 2 enough to where I put in a geothermal at home and did
- 3 a lot of those same things as this wind farm. I dug
- 4 in the ground and did a lot of things, trenching and5 some pouring.

6 The only difference -- the one thing I

7 didn't do, I did not offend or disappoint any of my

8 neighbors, not a one of them. And I feel that's

9 important. And I think it's very important. That's 10 one of my fears.

We heard so much about the decommissioning cost. I don't know how we put a price on if we divide a community. I just don't know how we figure that.

We're all going to live with each other after this is over with. I hope we can live in peace. That's all I got.

17 **CHAIRMAN CORNALE:** Mr. Aberle, thank you.

All right, Ambiro, if you can just hold

19 here, I'll read off a few extra names.

And I do want to remind everybody that I do have a timer going for two minutes up here.

Leslie Chouinard? Come on up to the chair.

Mr. Ambiro, you may begin.

24 CLOSING STATEMENT

1 denials, the objections, and all of the efforts to

2 suppress the truth and look deeply and thoroughly into

3 all the information that has been presented to us, as

4 I'm sure most of us have.

This is in order to protect those who are unaware or unable to do for themselves such as our

7 children, grandchildren, and future generations that

8 do not have a chance, with our efforts here and now.

This is a plea for help. Please vote

against this application and any future applications

11 from any company that looks only to benefit at someone 12 else's expense.

I believe most people who signed contracts
with wind energy companies would not do so again after
learning of all the information brought to life by so
many concerned citizens. Some of these citizens are
not even from our own county. I plead to you: Heed

their warnings.I thank you all for your time and patience

through these hearings.
 CHAIRMAN CORNALE: If you could just hold on
 for a second, Leslie.

Barb Cook? Come on up to the chair.

24 If you can state your name for us and for

11

- 1 the court reporter.
- MS. CHOUINARD: Leslie Chouinard,
- 3 C-h-o-u-i-n-a-r-d.
- 4 CLOSING STATEMENT
- 5 BY MS. CHOUINARD:

After speaking with Linda Ambrose, a friend and former teacher, this is what I'd like to say to be Zoning Board of Appeals.

Over 2000 residents in pleasant Ridge have spoken clearly and some passionately. They do not want this industrial turbine complex to be approved.

Mr. Blazer mentioned that he met some nice people from this area. Please do not mistake this civility as lack of resolve. We are adamant that we do not want to lose the homes and lifestyles we have worked to create.

I saw where Relight Energy has come back to
the Logan County Board to see what the Company can do
to change their mind after the County Board did not
approve Relight's wind proposal. When there's
millions of taxpayers' dollars at stake, these
companies just keep coming back and hounding you.

The citizens want to make it clear that there is nothing that Invenergy can do to make this

1 than we do. Thank you.

CHAIRMAN CORNALE: Duane Durham?
Julie Fosdick? Larry Fosdick? Henry Gauwitz? Sue
Gero? Jim Gulliford? Donald Harms? Patrick Harms?
Ted Hartke?

6 (No responses to Durham through Hartke.)

7 CHAIRMAN CORNALE: John Hayes?

All right. Ms. Cook, you may begin. Please state your name for the record, and go ahead.

10 CLOSING STATEMENT

BY MS. COOK:

Barb Cook. This has been a long road, and it looks like we are finally getting nearly the end of the journey.

Once again, I'd like to bring up how the turbines have affected me in a physical manner. I was diagnosed with vertigo, and they have a visual effect on me, as they do other people that I know. It's the spinning motion, the strobe-light effect of the blades.

I can kind of compare that -- if you think
to of the optical illusion diagrams with the black and
white circles. They spin and they move. Well, they
make me spin also. And so do the turbines.

Page 4383

Page 4385

- 1 project right for this area.
- My family's farm, as my mother, Willa
- 3 Virkler, told you, is the oldest farm in Livingston
- 4 County. Our family raises heirloom vegetables and is
- 5 an educational center for children and adults alike.
- 6 Turbines on the horizon will destroy the historical
- 7 significance of the area that we are trying to
- 8 preserve and pass on.

Invenergy is an industry that cannot stand on its own and compete in the marketplace. The wind energy endeavor is wrong on so many levels for the people in the Pleasant Ridge area and the people of this country who are being taxed to death.

We thank the Zoning Board of Appeals for the numerous hours they have put in to listening to testimony. We hope and have prayed that you have heard us and our experts who have presented new information.

Looking down the road, if the vote by the
Livingston County Board is anything but 24 to 0, then
they are not listening to the people, and they are
running their own agenda. If anyone votes to approve
this proposal, then they, like some in the federal
government, feel that they know what's better for us

- I worry about other people who have other medical issues that might have balance problems.
- 3 Mr. Blazer stated a lot of people that have medical
- 4 issues that have been in a study, that they have been
- 5 diagnosed with these previously. Once again, I am
- 6 concerned about how these turbines affect people that
- to concerned about now these turbines affect people the
- 7 have these medical issues.
- The turbines do not create the vertigo in
- 9 me, but they do have an effect on me.

Animals, I don't think they're safe. I

- 11 don't think there's enough evidence out there, enough
- 12 studies. The biologist even said himself there
- 13 weren't enough studies about animals. He made a
- 14 comment -- knew a vet who had animals and lived by a
- 15 turbine. Yet this biologist also failed to even say
- 16 anything about the hundreds of birds and thousands of
- 17 birds that fly by my house and stay over during
- 18 migration time in spring and fall.

Where I live, my lake, this is a happy place

- 20 for me. I've been there for 25 years. The memories 21 -- the lake kind of has a life of its own to me. It's
- 22 almost like an old friend. The memories, the presence
- 23 of my mom and dad and other family members and friends
- 24 that are no longer with us are everywhere I look.

CHAIRMAN CORNALE: Ms. Cook, I'm going to 2 have to stop you there. All right. I'm sorry. Two 3 minutes. Thank you.

CHAIRMAN CORNALE: Cheryl Hoffman? Nancy 5 Homerding? Brent Johnston? Matthew Kaisner? Robert 6 Lenz?

(No responses to Hoffman through Lenz.) 7

CHAIRMAN CORNALE: Rick Miller? If you want 8

to work your way up to the chair. Mr. Hayes, you may begin.

CLOSING STATEMENT

BY MR. HAYES: 12

John Hayes. What are the benefits of this 13 14 wind farm? Is it going to provide recreational

15 activities for our children? Places for us to go have

16 picnics or, like, a park or something or go out and

sit under the turbines? 17

10

11

Well, the only thing that I can see, the 18 19 only positive thing, would be money, money, money.

20 And it seems that Invenergy is throwing that at us.

Invenergy is counting on one of the human problems of

22 greed to get a yes vote.

23 What do the families that live in the 24 proposed wind farm desire? Well, I'll tell you; it's Page 4388

Page 4389

CHAIRMAN CORNALE: Marshall Newhouse? 2 Brian Olson? Ron Schneeman? John Slagel? Brad 3 Steidinger? Marvin Stichnoth? Ruth Wessels? Lance 4 Yednock?

(No responses to Newhouse through Yednock.) 5 CHAIRMAN CORNALE: Mr. Miller? You're it. 6

Go ahead.

8

9

CLOSING STATEMENT BY MR. MILLER:

Thank you. I would just like to do a little 10 11 takeoff from the sentence: "Please don't do this to 12 our lives."

13 Here are a group of people who have steadily 14 come most every meeting and expressed their opinion, 15 and they're all saying, "Please don't do this to our

16 lives."

17 And when we look at the maps, the 18 distribution, the sighting of those things is just crazy. They're sited a long ways away from the

owners, and they're put right close to the people who

21 didn't sign contracts or prefer not to have those. So 22 that's it.

23 **CHAIRMAN CORNALE:** All right. That's 24 everybody from the list. Is there anybody out there

Page 4387

1 that I read off your name the first time through and

you maybe didn't want to come talk to us?

MR. BLAZER: Mr. Chairman, my copy of the 4 list had Steve Knauer on it. I'm not sure if you

mentioned him.

CHAIRMAN CORNALE: He excluded himself. 6

You're checking up on me.

Tell me about your additional closing. What

have you got? What are you thinking?

MR. BLAZER: Well, I have no interest in 11 keeping anyone here any longer than absolutely

12 necessary. I'm thinking about 15 minutes.

13 **CHAIRMAN CORNALE:** About 15 minutes. **MR. BLAZER:** Which, if yesterday is any

15 guide, means about an hour and a half. No, just a few 16 topics.

CHAIRMAN CORNALE: All right. Let's say I'm 17 going to set my -- I am going to set my timer. If you get to 20 minutes -- all right. Go ahead.

FURTHER CLOSING

21 BY MR. BLAZER: Just a few topics. Patrick Engineering

22 23 confirmed Hankard's modeling results. They confirmed

24 that we complied with the IPCB regulations, even when

1 not money. Families just want life to continue as it

2 exists now. The men, women, children, and other

3 family members want to enjoy outdoor birthday parties,

4 reunions, weiner roasts, and many other activities on

5 their quiet rural property.

Please allow the residents of this part of

7 the county to continue their current lifestyle.

8 Simply put, what do you as Board members consider to

9 be more important, money or the families of Livingston

10 County? I hope you will consider people to be more

11 important than money.

The length of these proceedings should 12 13 clearly tell the Board that these turbines need to go

to another location, somewhere where they are wanted

15 by the people, someplace where they're better sited. I urge all of the County Board members to 16

17 vote no. You certainly have been given enough

18 evidence to support that.

In conclusion, I want to thank all the 19 20 members of the United Citizens of Livingston County

21 for all their work and effort to stand up for the

22 people in this area. And, finally, my last thank you 23 to all County Board Members for their service to the

24 County.

- they add in ambient noise, which is not what theregulations calls for.
- 3 Phil mentioned Lamanacusa's testimony in
- 4 Wisconsin. He failed to mention that Lamanacusa's
- 5 testimony in Wisconsin was rejected by the Wisconsin
- 6 Public Service Commission. Instead, they accepted
- 7 Hankard's testimony and granted that permit.
- 8 So why does Patrick Engineering confirm that
- 9 we meet the regulations? First and foremost, Patrick
- 10 Engineering is certainly not pro wind. Let's not
- 11 forget Phil is their lawyer.
- But here is what they confirmed. First,
- 13 UCLC Exhibit 154, one of their own exhibits. This is
- 14 a discussion that the Pollution Control Board issued
- 15 right after they adopted the noise regulations.
- First, what is a property line noise
- 17 standard? Ms. Huisman, I'm about to answer the
- 18 question you asked repeatedly. Actually, I won't; the
- 9 IPCB does. "No person shall emit beyond the
- 20 boundaries of his property." That's a property line
- 21 noise standard.
- "The Board, pursuant to the procedures
- 23 prescribed in Title 7 of this act, may adopt
- 24 regulations prescribing limitations on noise emissions

- 1 residences owned by rental or management companies are
- 2 included. Establishments in this category include
- 3 apartments, condominiums, mobile homes, townhouses, et
- 4 cetera. The vast majority of residential uses fall in
- 5 this category. Use this category as the default for
- 6 quickly coding large residential areas."
- 7 That's code 1100, private hospital, which is
- 8 the one that's adopted by the Pollution Control Board
- 9 regulations.
- Structure codes, under 1100. Single-family
- 11 buildings, detached units, attached units, duplex
- 12 structures, row houses, accessory units, townhouses,
- 13 manufactured housing.
- What is included in non-class A, in
- 15 nonresidential? Sheds, farm buildings, or
- 16 agricultural facilities.
- I mentioned accessory uses. That's one of
- 18 the things they talk about as part of residential, and
- they define accessory units.
- "Use this category for an accessory unit
- 21 which is structurally separate and distinct from the
- 22 main structure. An accessory unit is a second
- 23 dwelling unit structure-wise that is added to an
- 24 existing lot for use as a complete and independent

Page 4391

- 1 beyond the boundaries of the property."
- 2 The classification of land is dependent on
- 3 the actual use being made of the land rather than an
- 4 anticipated or planned use such as could occur if the
- 5 classifications were based on zoning.
- The sound pressure levels -- this answers
- 7 your other question -- the sound pressure levels must
- 8 be measured within the receiving property but not
- 9 closer than 25 feet to the property line noise source.
- 10 This represents a significant departure from the
- 11 original proposal, which measured sound pressure
- 12 levels at the emitter's property line.
- Since the regulation is intended to protect
- 14 people from noise pollution, it is appropriate to
- 15 measure the levels on the receiving property, not at
- 16 the property line.
- Another one of UCLC's Exhibits, the LBCS
- 18 tables, Phil read you just one portion of it. I'm
- 19 going to read you a few more.
- First, "Similarly, residential uses in
- 21 single-family dwellings, multifamily structures,
- 22 manufactured houses, or any other type of building
- 23 would all be classified as residential activity.
- "Individually owned residences as well as

- 1 facility. For an accessory use not structured as part
- 2 of the main structure or not incidental to the primary
- 3 use, classification options vary. Such a unit is also
- 4 known as a 'granny flat.'"
- 5 That's what the LBCS codes say. That's why
- 6 the measurements are limited to the residential
- 7 portion, to the house, not to anything surrounding the
- 8 house. Everything around the house is unclassified.
- 9 And, therefore, no noise limit applies.
- We know that because the latest statement
- 11 from the Illinois Pollution Control Board is from
- 12 2003, and it's the Knox case that we talked about
- 13 earlier. I'm just going to read you a couple of
- L4 things out of there.
- Phil focused on the shed. That's really not
- 16 the main focus of the decision. The main focus of the
- 17 decision is -- Mr. Knox testified that the duck pond
- 18 has always been a getaway place where he likes to
- 19 relax. The duck pond is stocked with fish that he 20 feeds daily.
- The particular household code provides that
- 22 farm homes are also included under household units.
- 23 They should be identified separately from the
- 24 remainder of the farm, which is coded under

1 agricultural.

Specifically at issue is classification of

3 the duck pond where the noise measurements were taken.

4 The noise measurements upon which the alleged

5 violations were based were taken at the duck pond and

6 unclassified property. Since the duck pond is not a

7 classified property, the alleged numeric violations do

8 not apply. Accordingly, the Board finds no numeric

9 violations as alleged in the complaint.

And one final thing: "The Complainants have not proven that the noise emissions from Turris'

12 ventilation fans substantially and frequently

13 interfere with their enjoyment of life. They have not

4 shown that the noise in question is anything more than

15 a minor annoyance.

The noise in question was characterized as

17 an aggravation by both complainants. Based on the

18 evidence before it, the Board finds that noise

emissions do not substantially and frequently

20 interfere with the complainants' enjoyment of life and

21 weighs this factor in favor of the respondents."

That's the latest statement issued by the

23 Illinois Pollution Control Board.

Phil mentioned John Dassow's testimony. Mr.

Page 4396

Phil also said, in terms of what we talked
about yesterday, "None of which is true, but we'll go
past it." We can't go past it. You can't ignore the

4 fabrications from McCann.

Phil makes no mention of the fact that allof McCann's statements regarding 20-plus percent

7 reductions in property values in Ontario were false,

8 were fabricated.

9 In terms of the missing wind farm, Phil LO says: Well, it was really about the fact that there

11 was an anticipation of the wind farm coming. That's

12 not true. I told you yesterday; McCann said three

13 separate times it was the effect of the existing wind

14 farm.

And it wasn't that the wind farm wasn't operational when McCann claimed the effect occurred.

17 It's that construction hadn't even begun and didn't

18 begin until months later. As you all know, that wind

19 farm didn't begin operating until December of 2012,

ten months after McCann said it was there.

And one more thing about McCann. There was a mention about cumulative days on market, marketing

23 time, how long it takes to sell one of these,

24 particularly in Livingston County. This is what

Page 4395

Page 4397

1 Dassow testified about three particular species that

2 he's concerned about. And on cross-examination, he

3 acknowledged that all three of those species have been

4 excluded from any impact by this proposed project by

5 the IDNR.

And pursuant to consultation with the US

7 Fish and Wildlife Service, we're already doing

8 everything that the IDNR has recommended except for

9 items that, as Mr. VanDeWalle testified, would

10 actually increase the risk to endangered species.

I had a note here. It's over 52,000 acres,

12 Phil, that is the entire project site. But as I

13 mentioned yesterday, as the Soil and Water

14 Conservation District confirmed, out of that, we are

15 actually only using less than one half of 1 percent, a

16 total of 132 acres.

Phil mentioned Nelson Zehr and his confined

18 animal feeding operation. He answered your question

19 Ms. Huisman. You may remember. What effects them?

20 And he answered: Weather changes.

Phil said the only person who prepared a

22 USPAP report was McCann. Actually, he didn't because

23 we've established that he didn't comply with USPAP,

24 first and foremost because he's a lobbyist.

1 McCann said:

"Well, that's right. It's actually the

3 target area and lead that was -- the lead average was

4 635 days, cumulative days on market."

5 And MaRous addressed that. Here is what he

6 says about Livingston County. "The Livingston MLS

7 didn't lend itself to backtracking the prior listing;

8 so all I really had was the most recent sale in time.

9 And that would include, you know, changes -- changes

10 in brokers that -- you know, all it is is the last

11 listing."

So he says there's no information available

13 in Livingston County for cumulative days on the

14 market. That was also a fabrication because, thanks

15 to Mr. Steidinger, this is what we learned.

"Question: All right. I think you said you're a member of the local Board of Realtors; is

18 that correct?

"Answer: Correct.

20 "Question: All right. Do you know what

21 CDOM is?

"Answer: CDOM? Yeah. It's an abbreviation

23 for something. I'm not exactly sure.

"Question: Cumulative days on market. Does

21

1 that sound --

"Answer: We call it 'DOM,' which is what 3 our MLS system is; and we don't have the C. DOM, days 4 on market.

"Question: And what do you mean by your MLS 6 system?

"Answer: The Livingston County Board of 8 Realtors typically presents it as DOM instead of CDOM. "Question: So, for example, if an appraiser 10 wanted to find DOM or CDOM, whichever way you call it,

11 the Livingston County MLS contains that information, 12 right?

13 "Answer: Yes, it does."

Two thousand signatures on a petition. I 14 15 was going to say that we don't know what was said to 16 these people, but we actually do. It was what was said to the Prairie Central School Board and to your Planning Commission. It's what was said at that town hall meeting last summer.

And we know what the impact is of that, of 20 21 exactly something like that meeting, that town hall 22 meeting. Pleasant Ridge Exhibit 272, "Fomenting 23 Sickness: Nocebo priming of residents about expected 24 wind turbine health harms." It was the study that

1 involuntarily exposure, perceived inequitable or

2 unfair distribution of risk, 'industrial' rather than

3 'natural' risks, untrustworthy sources and dreaded consequences.

Crop dusters. Number one, 18 counties in this state with wind farms. Are none of them getting crop dusting services? One million properties in those 18 counties. Are none of those getting crop

dusting services?

Pleasant Ridge Exhibit 23, which was 11 presented during Jacob Baker's testimony back in 12 November, was a video of a crop duster dusting through 13 a wind farm.

And number 3, Pleasant Ridge Exhibit 229,

15 the communication between Invenergy and Mr. Reed at 16 the IAAA. And he expressed only one concern before a member of this community approached him. And the only concern he expressed was: Can you mark the met tower in alternating stripes? That's what our fliers have a problem seeing. And of course we agreed. Not a single other concern was expressed.

Talking about Punch, Phil said "qualifications that mean nothing" and "little words."

24 Those qualifications that mean nothing and those

Page 4399

1 considered what the aftermath was of holding a public

2 anti-wind meeting.

"In this paper, we present a case study of 4 the apparent impact of an anti-wind farm public 5 meeting on the generation of negative news media and 6 the subsequent expression of concerns about 7 anticipated health and noise impacts to a planning authority approval hearing.

"We present a content analysis of the 10 negative claims disseminated about health and noise in 11 the news media and available on the Internet prior to the hearing and another content analysis of all submissions made to the planning authority by those opposing the development application.

"The continued prominence of this issue in 16 wind energy planning cases is linked not to legal utility but more likely to the resonance of received negative information about health impacts of wind farms and its subsequent repetition through news media

20 and in submissions. 21 This effect is likely to reflect the various 22 'fright factors' that characterize environmental 23 threats with greater propensity to cause outrage in 24 communities. These include factors such as

1 little words sure meant a whole lot to Cary

Shineldecker, who was led to believe that he had Wind

3 Turbine Syndrome when he really has obstructive sleep

apnea and irregular heart rhythm.

Phil said cortisol is a big issue. And a whole lot of -- a whole lot more studies have been conducted since 2009, since the last time you approved a wind farm, which was actually in 2010.

There have been a lot more studies. I agree with that. That includes, as I mentioned yesterday, the most expensive one ever conducted published just in November of last year, the Health Canada, which completely rejected every single claim of health

impacts from wind turbines.

Phil called the Cape Bridgewater Study a wonderful study which proved sensation. It proved sensation when the wind turbines were turned off.

17 "Invenergy has been in many, many suits." Fifty-six projects over a 14-year history. And what

did we here from Rebekah Fehr? One guy in Oregon.

21 Don't know the status. One guy in 2010 in Wisconsin.

22 Don't know the status. Some folks in upstate New

23 York. Don't know the status.

The Comprehensive Plan Report, Blank's 24

- experience. Phil forgot to mention one thing. Thisis his cross-exam.
- 3 "Question: How did you take into account
- 4 this section when you did your 16 points, or did you?
- 5 "Answer: We did. We did an analysis of the
- 6 actual amount of land that will be used for wind farm
- 7 facilities versus the amount of agricultural and prime
- 8 agricultural land that's within the project area.
- 9 "Question: And when you say 'we,' who is 10 we?
- "Answer: Myself and the land use planner.
- "Question: Who is your land use planner?
- "Answer: Faye Simon.
- The claims from -- the testimony from
- 15 Mr. Cavazos and Ms. Kelson -- I have to quote you
- 16 again, Mr. Chairman. This was in your ruling where
- 17 you ruled that John Slagel's effort to bring in his
- 18 FaceBook conversation with Cary Shineldecker would not
- be admitted into evidence. And here is the reason
- 20 why.
- "All right. So he can't self-diagnose with
- 22 authority."
- Dr. Roberts said what needs to happen in a
- 24 situation like this. And it's the same thing, oddly

Page 4404

- 1 complaints about the project from residents in the
- 2 project area." That's the information you have today.
- Thank you very much. And by the grace of
- **4** God, we are finally done.
- CHAIRMAN CORNALE: Thank you. 20 minutes
- 6 And 20 seconds.
- 7 All right. The County will accept -- we
- 8 have an Exhibit list called Livingston County Zoning
- 9 Board of Appeals Group Exhibit Number 1. It is an
- 10 entire list of all the exhibits that have been placed
- 11 into evidence throughout this entire proceeding. All 12 right?
- Well, it's step 13 on my list. The ZBA
- 14 shall close the hearing. We've all been waiting for
- 15 that. At this time, we will close any additional
- 16 public comment, any comments by the Applicant, and we
- 17 will begin the deliberation process. We're not going
- 18 to start that this evening. It's too late.
- 9 So our next meeting is scheduled for June 2.
- The location is to be determined. Verify on the web
- 21 site. And the time at this point is 6:30.
- So for those of you not familiar with the
- 23 process, what will happen is, since we have all the
- 24 evidence at this point, we as a board will discuss the

Page 4403

- 1 enough, that Nina Pierpont said. If you think you
- 2 have a problem, don't self-diagnose. Don't go to the
- 3 Internet. Go to a doctor or find out what's really
- 4 wrong.
- 5 And, finally, new evidence that was not
- 6 available in 2009. You're right. Pleasant Ridge
- 7 Exhibit 100. "Pursuant to your request, the intent of
- 8 this letter is to discuss complaints that Streator
- 9 Cayuga Ridge Wind Power LLC has received regarding the
- 10 Cayuga Ridge South Project." This is dated November
- 11 11, 2014.
- "After achievement of commercial operations,
- 13 our record show that their response system received
- 14 fewer than ten complaints regarding the project. One
- of the most common issues was related to potentialinterference with television reception. In each case,
- 17 SCRS resolved the matter by adjusting the landowner's
- 18 television services.
- "One landowner also expressed concerns about
- selling a house during hearings in Livingston Countyrelated to Iberdrola Renewables Streator Deer Run
- 22 Project. In 2011, the landowner's house was
- 23 successfully sold.
- "Since March 2011, SCRS has not received any

- 1 direction we feel this project needs to go or whatever
- 2 the case and make a motion accordingly. And we'll
- 3 vote from that. Realistically, we will probably
- 4 discuss it for an evening. From that, we'll have an
- 5 idea so that some findings of facts and decisions can
- 6 be drafted accordingly. And then we'll probably come
- 7 back yet to another meeting and actually vote on that.
- 8 Now, we may deliberate. We may end up
- 9 needing a couple nights to deliberate. I don't
- 10 foresee that, but I don't know. So with that, I need
- **.1** a motion to recess.
- MR. VITZTHUM: I'll make a motion.
- 13 CHAIRMAN CORNALE: Vitzthum makes the
- **14** motion. Can I get a second?
- 15 MR. KIEFER: Second.
- 16 CHAIRMAN CORNALE: Kiefer seconds. All in 17 favor?
- **ALL MEMBERS:** Aye.
- 19 CHAIRMAN CORNALE: Opposed? (No response.)
- 20 (Hearing adjourned at 10:45 p.m.)
- 21 (Hearing aujourned at 10.43 p.m.
- 23

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1	CERTIFICATE OF REPORTER
2	
3	
4	
5	
6	both inclusive, constitutes a true and accurate
7	transcript of the original stenographic notes recorded
8	by me of the foregoing proceedings had before the
9	Livingston County Zoning Board of Appeals at the
10	Walton Centre, Fairbury, Illinois, on the 21st day of
11	May, 2015.
12	
13	
14	Dated this 17th day of June, 2015.
15	
16	
17	
18	
19	Brenda L. Zeitler, CSR-RPR
20	Illinois License No. 084-004062
21	
22	
23	
24	

accepted (1) 4390:6 access (1)	add (2) 4328:12;4390:1	again (23) 4314:19;4319:22;	4349:15 allow (4)	annoyance (5) 4358:6,9,13,19;
		again (23)	13/0.15	annovance (5)
	4382:14	4380:3	allegedly (1)	14
4355:1	adamant (1) 4382:14	Ag (1)	4326:5;4394:4,7,9	4364:5;4385:10,13, 14
acceptance (1)	4401:8;4405:7	4309:18	alleged (4)	Animals (4)
4404:7	22;4397:2;4398:16;	Afterwards (1)	4350:14	4395:18
accept (1)	4390:18;4395:10,15,	4399:1	allegations (1)	animal (1)
4389:11	4371:19;4374:24;	aftermath (1)	4383:5	4309:24
absolutely (1)	4364:3;4365:9;	4350:21;4359:15	alike (1)	angry (1)
4368:22,24	4362:6;4363:14;	affects (2)	4327:17	4312:14
4328:13,17;4329:1;	4356:24;4360:13;	4384:16	akin (1)	Anderson (1)
4325:2;4327:5,11;	4340:8;4342:2,4,12;	4362:5,8,16,18;	4312:14,14,18	4351:1
above (10) 4319:3;4320:18;	4324:6;4330:10,11;	4344:1;4361:18;	Airlines (3)	analyze (1)
4377:23 above (10)	actually (23)	affected (7)	4355:6	4402:5
4344:17;4354:17;	4402:6	4370:3;4385:6	aircraft (1)	4351:4;4399:9,12;
4313:20,22;4336:24;	4371:17;4391:3;	affect (2)	4362:23	15,16,20,24;4349:2;
able (6)	4316:18;4330:12; 4336:1;4342:8;	4347:24	4351:21;4365:21 air (1)	4322:6;4323:7,7,8; 4325:18,19;4348:12,
4333:15;4370:4	actual (7) 4316:18;4330:12;	4354:14 aerials (1)	4351:21;4365:21	analysis (16) 4322:6;4323:7,7,8;
ability (2)	4341:9;4391:23	aerial (1) 4354:14	4389:19 ain't (2)	
4379:17	activity (2)	4360:23;4361:1	4384:9;4388:7;	analogize (1) 4352:14
4378:14,20,22;	4386:15;4387:4	advocate (2)	4308:20;4378:3,13;	4313:9
Aberle (4)	activities (2)	4310:22	ahead (6)	amounts (1)
4397:22	4390:23	advised (1)	4316:22	4402:6,7
abbreviation (1)	act (1)	4383:5	agriculture (1)	4374:11;4380:4;
4380:19	4376:2	adults (1)	4394:1;4402:7,8	amount (4)
abandonment (1)	across (1)	4390:15;4392:8	4355:6;4392:16;	4310:1;4326:8
abandoning (1) 4355:13	4395:11,16	adopted (2)	agricultural (5)	among (2)
4362:3	4340:12,15;4349:17;	4390:23	4355:16	4312:14
abandoned (1)	4329:18;4530:20;	adopt (1)	4303.9 Agrees (1)	4301:3 American (1)
4346:14	acres (13) 4329:18;4330:20;	4354:8;4375:21; 4402:19	agreements (1) 4365:9	America (1) 4361:5
abandon (1)	4373:16	4351:5;4352:13;	4346:17;4362:21,22,24	
	4340:17;4353:7;	4349:13;4350:4;	4344:21,23;4345:2;	Ambrose's (1)
\mathbf{A}	acreage (3)	4332:13,18,21;	agreement (7)	4382:6
	4354:19	4329:13;4330:6;	4329:13;4400:20	Ambrose (1)
4363:20	acre (1)	4314:3;4316:20;	agreed (2)	4379:18,23
\$70,000 (1)	4361:5	admitted (14)	4375:14;4401:9	4361:23;4378:19;
4354:18	Acousticians (1)	4371:1;4374:11	4359:6;4366:8;	Ambiro (4)
\$5 (1)	4361:4,10	4362:21;4364:5;	4335:14;4346:7;	4390:1
4363:16	4360:12,14,16;	4309:22;4330:24;	4324:18;4331:8;	ambient (1)
\$441,000 (1)	acoustician (5)	admit (6)	4309:5,6;4317:2;	4375:23
\$3.2 (1) 4336:1	4395:3	4352:12	agree (11)	amazing (1)
4363:16 \$3.2 (1)	acknowledged (1)	adjustments (1)	4371:9	4309:24
\$288,000 (1) 4363:16	4403:12	4403:17	ago (1)	amaze (1)
4335:4;4346:20 \$288,000 (1)	achievement (1)	adjusting (1)	4394:17	4380:21;4393:18
\$200,000 (2) 4235:4:4246:20	4324:3,4;4342:8	4405:21	aggravation (1)	always (2)
4313:8	accurate (3)	adjourned (1)	4383:22	4400:19
\$2.8 (1)	4370:12;4377:6;	4370:5	43/5:9;4381:10 agenda (1)	alternating (1)
4354:18	account (3) 4370:12;4377:6;	4341:6 Adequate (1)	4365:11;4368:11; 4375:9;4381:10	along (1) 4337:10
\$2 (1)	4405:2,6 account (3)	adds (1) 4341:6	against (4)	4377:1
4335:3	4326:12;4394:8;	4397:5	4402:16	4334:4;4335:6;4340:1;
\$150 (1)	Accordingly (4)	addressed (1)	4384:15;4385:5;	4314:14;4333:13;
4346:20	4361:3,10;4362:2,14	4372:17	4377:15;4381:14;	alone (6)
\$100 (1)	4337:5;4344:10;	address (1)	4372:7;4375:19;	4385:22
4335:6	according (6)	4404:15	4369:24;4370:10;	4369:3;4375:8;
\$1.60 (1)	4393:1	4339:4;4389:8;	4358:14;4366:5;	4336:22;4363:9;
4364:16	4392:12,17,19,20,22;	additional (3)	4351:11;4357:9;	Almost (5)
\$1.3 (1)	accessory (6)	4328:14;4341:8	4346:8;4347:23;	4338:14
Ψ	4354:16	Adding (2)	4341:9;4345:18;	allowed (1)
\$	accessible (1)	4392:23	4330:20;4338:19;	4370:15;4387:6
	4360:15	added (1)	4324:17;4326:17;	4317:19;4343:17;

	T	T	T	Wiay 21, 2013
4394:15	apply (1)	4357:6;4380:7,18	4331:22;4332:5;	4378:20;4379:23;
answered (2)	4394:8	Association (1)	4358:4;4362:3;	4384:8;4386:10;
4395:18,20	applying (1)	4326:3	4368:14;4370:2,10;	4396:18,19;4404:17
anticipated (2)	4348:14	assume (1)	4372:10;4378:3;	begun (1)
4391:4;4399:7	appraisal (6)	4331:6	4380:3;4382:17,22;	4396:17
anticipation (1)	4345:21;4346:3,4,7,	assurance (6)	4400:11;4405:7	behavior (1)
4396:11	8;4354:7	4312:1;4313:11;	backfill (1)	4364:8
Anti-Wind (5)	appraisals (1)	4338:4,6,8;4377:1	4334:16	behavioral (1)
4341:12;4360:23;	4345:8	assurances (1)	backtracking (1)	4356:6
4361:1;4399:2,4	appraise (1)	4314:13	4397:7	behind (1)
anymore (1)	4345:23	attached (1)	bad (3)	4338:3
4361:18	appraiser (3)	4392:11	4349:4;4350:22;	Bell (4)
apart (2)	4345:12;4354:1;	attempt (1)	4375:16	4378:15,15,15,18
4376:13,15	4398:9	4368:12	bailed (1)	Belle (1)
apartments (1)	appraisers (2)	attempted (1)	4312:11	4371:10
4392:3	4345:13,14	4327:8	bait (1)	below (3)
apnea (1)	approach (1)	attendance (1)	4375:7	4337:6;4348:11;
4401:4	4348:15	4363:19	Baker (1)	4360:2
apologize (7)	approached (1)	attention (2)	4354:13	benefit (4)
4309:10,12;4311:21;	4400:17	4309:1;4356:5	Baker's (1)	4349:20;4353:21,24;
4320:21;4326:18;	appropriate (2)	audience (2)	4400:11	4381:11
4329:4;4377:15	4318:5;4391:14	4371:6;4378:10	balance (2)	benefits (3)
app (1)	approval (1)	audio (1)	4312:21;4385:2	4363:7,8;4386:13
4354:19	4399:8	4362:22	bald-faced (3)	Besides (2)
apparent (1)	approvals (1)	authority (3)	4336:10;4349:3;	4311:8;4347:16
4399:4	4314:11	4399:8,13;4402:22	4350:1	best (4)
appeal (2)	approve (3)	auto (1)	ballpark (1)	4310:5;4326:19;
4353:20,21	4377:3;4382:20;	4312:13	4336:22	4332:19;4339:14
Appeals (6)	4383:22	AV (2)	bank (1)	better (5)
4309:4;4354:2;	approved (6)	4353:4;4363:24	4314:4	4309:9;4322:19;
4367:10;4382:8;	4359:1,1;4374:2,7;	available (6)	banking (1)	4324:6;4383:24;
4383:14;4404:9 Appeals' (1)	4382:11;4401:7	4342:10;4350:10;	4312:13	4387:15
4308:3	approximately (1) 4362:15	4373:18;4397:12; 4399:11;4403:6	bankrupt (2) 4312:9,10	beyond (4) 4318:1;4330:17;
appear (1)	area (13)	average (11)	bankruptcy (2)	4390:19;4391:1
4315:24	4312:8;4316:8;	4327:23;4328:2;	4312:16,19	Bible (1)
appears (1)	4342:20;4353:7;	4345:20;4346:4,7;	Banks (1)	4366:17
4370:24	4364:11;4382:13;	4347:9;4348:9,11;	4347:7	bid (2)
Applicant (23)	4383:1,7,12;4387:22;	4350:17;4362:9;	Barb (3)	4343:3,5
4310:9,11,14;	4397:3;4402:8;4404:2	4397:3	4361:22;4381:23;	Bieck (3)
4311:9,24;4312:22,24;	areas (4)	averaged (1)	4384:12	4364:9;4369:22;
4315:14;4317:14;	4348:1,4;4370:7;	4346:1	barn (1)	4378:16
4320:17;4332:10;	4392:6	averages (1)	4364:24	big (12)
4337:14;4339:13;	argues (1)	4328:3	barns (1)	4312:8,12;4340:11;
4346:13,16;4359:24;	4352:6	avoided (1)	4331:8	4352:20,24;4353:13,
4369:7,16;4372:5,8;	argument (1)	4315:22	based (6)	19;4354:6;4358:21,23;
4374:24;4376:20;	4351:12	aware (4)	4328:3;4345:8;	4373:22;4401:5
4404:16	around (1)	4322:3;4346:24;	4377:12;4391:5;	biggest (2)
Applicant's (4)	4393:8	4366:20;4370:23	4394:5,17	4315:22;4371:8
4315:21;4333:8;	Arthur (1)	away (11)	bases (1)	Bill (1)
4367:11;4372:22	4312:14	4313:6,19;4328:15,	4350:3	4334:23
application (16)	assessor (1)	15,16;4333:16;4344:5,	basis (4)	billion (2)
4314:14,18,18;	4352:18	14;4361:24;4375:19;	4333:13;4334:4;	4312:4;4313:8
4316:12;4330:12,14;	assessors (1)	4388:19	4338:14;4354:3	billions (2)
4332:9;4334:2;	4353:1	awful (1)	batch (1)	4312:20,20
4354:14;4366:2;	Assessor's (1)	4349:3	4341:10	biochemical (1)
4368:4,5;4372:15;	4353:3	Aye (1)	bathroom (1)	4358:8
4377:2;4381:10;	assets (2)	4405:18	4344:6	biologist (2)
4399:14	4313:1;4335:21	В	bear (1)	4385:12,15
applications (1) 4381:10	assistance (1) 4311:23	D	4375:22	bird (1) 4338:21
4381:10 applies (1)	associated (5)	back (16)	beat (3) 4358:2,4;4370:18	4558:21 Birds (3)
4393:9	4342:14;4356:2;	4318:17;4321:11;	begin (7)	4338:19;4385:16,17
1070.7	13 12.17,7330.2,	1310.17,7321.11,	~~g (1)	1550.17,7505.10,17
·	·	·		·

birthday (1)	bother (3)	buildings (2)	4329:14;4332:9;	Cavazos (4)
4387:3	4341:21;4342:10;	4392:11,15	4334:2;4336:3;	4361:23;4378:19;
bit (1)	4353:10	built (1)	4338:18;4346:15;	4380:1;4402:15
4320:20	bothers (1)	4364:24	4351:1;4354:5;4356:8;	Cayuga (2)
black (6)	4359:15	bullied (1)	4361:8;4365:20;	4403:9,10
4334:16;4347:16;	bottom (1)	4373:15	4374:6;4377:8;	CDOM (4)
4350:24;4351:4,6;	4337:1	bunch (1)	4379:15,18;4381:24;	4397:21,22;4398:8,
4384:22	bought (1)	4365:7	4382:18,24;4384:21;	10
blade (1)	4369:19	burden (16)	4386:18;4400:18;	center (3)
4328:10	boundaries (2)	4310:8,10,15;	4405:5,14	4320:9;4362:2;
blades (10)	4390:20;4391:1	4311:12;4332:5,6,6;	Canada (2)	4383:5
4328:10,24;4329:8,	box (4)	4333:8;4334:8;	4347:2;4401:12	central (3)
9,10;4330:2,9,20;	4347:17;4350:24;	4344:22;4355:9;	cancer (1)	4358:7;4363:15;
	4351:4,6		4373:23	4398:17
4344:17;4384:20		4369:16;4372:8,22;		
Blakeman (2)	boy (1)	4375:22;4376:21	capable (1)	certain (6)
4311:13;4316:7	4340:17	Bureau (1)	4318:1	4309:9;4326:6;
blame (2)	Brad (1)	4340:24	Cape (7)	4327:14;4349:18;
4347:4;4360:8	4388:2	Busch (1)	4356:12,16,18,19;	4360:11;4378:6
Blank (3)	Branz (1)	4378:17	4361:6;4374:2;	certainly (3)
4366:7,8,16	4378:16	business (3)	4401:15	4321:15;4387:17;
Blank's (3)	break (1)	4335:8;4364:15;	cardiovascular (1)	4390:10
4366:14;4369:14;	4378:2	4366:10	4356:3	cetera (2)
4401:24	breakages (1)	buy (1)	care (1)	4310:12;4392:4
Blazer (15)	4339:24	4346:14	4325:15	chair (4)
4309:2,5;4333:22;	Brent (1)		Cary (2)	4378:19;4379:22;
4334:24;4350:1;	4386:5	C	4401:1;4402:18	4381:23;4386:9
4351:11,14;4354:10;	Brian (1)		Case (17)	CHAIRMAN (22)
4360:22;4382:12;	4388:2	CA6 (4)	4308:4;4310:11,14;	4377:20;4378:6,12;
4385:3;4389:3,10,14,	Bridgewater (7)	4334:11,12,13,14	4316:13,17;4320:5;	4379:17;4381:21;
21	4356:12,16,18,19;	Cal (5)	4329:21;4367:19;	4384:2,7;4386:1,4,8;
Blazer's (2)	4361:7;4374:3;	4325:4,5,6;4327:6;	4371:18;4373:10;	4388:1,6,23;4389:3,6,
4349:15;4366:5	4401:15	4360:19	4374:4,6,24;4393:12;	13,17;4402:16;4404:5;
blood (1)	brief (1)	calculate (1)	4399:3;4403:16;	4405:13,16,19
4358:10	4326:6	4336:17	4405:2	chance (6)
	bright (2)			` /
Board (46)		calculation (1)	cases (2)	4321:12,15;4346:11;
4308:3,24;4309:3,3,	4365:1,3	4337:2	4373:9;4399:16	4365:22;4378:24;
12;4314:24;4315:19,	bring (3)	calculations (2)	cash (4)	4381:8
23;4316:13;4318:13,	4377:11;4384:15;	4329:1;4330:6	4312:6;4313:13;	change (8)
14;4319:3;4323:5;	4402:17	call (5)	4338:11,17	4322:5,6,8;4349:21,
4332:3;4335:23,24;	bringing (2)	4308:6;4313:17;	catastrophic (2)	22;4376:15,16;
4363:12;4364:4;	4341:9;4365:3	4317:7;4398:2,10	4339:24;4340:1	4382:19
4367:10;4369:9;	brings (1)	called (7)	catastrophically (1)	changed (3)
4370:22;4376:23;	4351:22	4314:1;4334:23;	4315:15	4349:22;4373:19;
4378:10;4380:2,24;	broken (1)	4335:5;4337:15;	categories (1)	4376:17
4382:8,18,19;4383:14,	4371:24	4350:1;4401:15;	4313:24	changes (7)
20;4387:8,13,16,23;	brokers (1)	4404:8	category (4)	4342:17;4358:8;
4390:14,22;4392:8;	4397:10	calls (1)	4392:2,5,5,20	4364:8;4370:17;
4393:11;4394:8,18,23;	brought (3)	4390:2	cattle (4)	4395:20;4397:9,9
4397:17;4398:7,17;	4333:21;4341:5;	calves (1)	4364:22,24;4365:2,5	characterize (1)
4404:9,24	4381:15	4364:12	cause (6)	4399:22
Board's (2)	Brown (1)	came (14)	4322:9;4356:8;	characterized (1)
4319:11;4323:17	4378:17	4309:16,18;4323:21,	4357:11;4359:23;	4394:16
bodies (1)	Brucker (1)	22;4341:4,20;4345:16;	4365:1;4399:23	charge (1)
4364:2	4378:17	4348:10;4357:23;	cause-and-effect (1)	4350:2
		4348:10;4337:23;	4361:14	
body (1)	Bryan (1)			charges (1)
4344:11	4378:15	4365:10,12;4368:9	caused (3)	4354:14
bond (2)	budget (1)	Campbell (2)	4357:3;4359:21;	chart (5)
4313:12;4338:11	4363:17	4378:17,18	4373:20	4323:9,11;4327:2;
Boomgarden (2)	build (1)	can (32)	causes (5)	4350:3;4358:14
4371:5;4378:16	4376:7	4310:11;4311:23;	4344:11;4355:10;	Charter (3)
both (4)	building (3)	4312:12;4313:17;	4356:9,14;4371:12	4319:22;4320:2;
4346:21;4352:2;	4318:6;4319:8;	4316:8;4320:15;	causing (2)	4326:2
4377:17;4394:17	4391:22	4322:1,19;4327:13;	4357:16,17	charts (1)
	1		1	

4326:20	classified (4)	4385:14;4404:16	4394:20	condominiums (1)
check (1)	4317:2,4;4391:23;	comments (1)	complaining (1)	4392:3
4371:1	4394:7	4404:16	4355:11	conducted (2)
checked (1)	clay (1)	commercial (3)	complains (1)	4401:7,11
4325:21	4334:16	4329:19;4354:4;	4352:11	confident (1)
checking (1)	clean (1)	4403:12	complaint (3)	4327:7
4389:7	4334:14	Commission (7)	4355:19;4356:19;	confined (1)
Cheryl (2)	clear (8)	4366:16,22;4368:3,	4394:9	4395:17
4363:11;4386:4	4310:8,10;4316:5,	9,18;4390:6;4398:18	complaints (3)	confirm (3)
Chicago (1)	23;4366:9;4374:4;	commissioned (1)	4403:8,14;4404:1	4319:12;4323:19;
4312:7	4375:3;4382:23	4337:13	complete (1)	4390:8
Chicago-based (1)	clearly (10)	commissioners (1)	4392:24	confirmed (5)
4312:15	4314:12;4324:8,19;	4372:13	completed (1)	4323:23;4389:23,23;
child (3)	4325:14;4329:22;	commitment (3)	4314:2	4390:12;4395:14
4365:16,17,19	4338:21;4372:19;	4314:8,8,9	completely (6)	confirms (1)
children (5)	4376:20;4382:10;	committed (3)	4315:21;4333:11;	4332:24
4330:1;4381:7;	4370.20,4382.10,	4349:4;4350:2;	4334:5;4339:7;	congestion (2)
4383:5;4386:15;	clients (2)	4352:4	4357:12;4401:13	4372:7,21
4387:2	4309:18;4310:10	Committee (1)	completion (1)	consequences (1)
chooses (1)	close (10)	4380:3	4314:10	4400:4
4345:12	4329:9;4344:15;	common (1)	complex (1)	Conservation (2)
chosen (1)	4348:23;4352:9;	4403:15	4382:11	4370:6;4395:14
4325:8	4353:12;4356:12;	communication (2)	compliance (4)	consider (2)
Chouinard (4)	4380:18;4388:20;	4354:24;4400:15	4333:12;4352:7;	4387:8,10
4379:22;4382:2,2,5	4404:14,15	communities (2)	4366:13;4368:19	consideration (1)
C-h-o-u-i-n-a-r-d (1)	closeness (1)	4376:13;4399:24	complied (5)	4380:15
4382:3	4348:3	community (18)	4311:8;4325:23;	considered (2)
cigarette (1)	closer (13)	4309:23;4335:23;	4326:1;4375:1;	4331:12;4399:1
4373:21	4321:7,14,18,20,21;	4343:14,21,22,23;	4389:24	consisted (1)
cigarettes (1)	4322:5,10,10;4329:10;	4352:15;4368:14;	comply (8)	4366:5
4373:20	4332:7,10;4337:12;	4375:22,24;4376:2,8,9,	4311:10;4314:23;	Consistent (1)
circles (1)	4391:9	14,15,16;4379:13;	4326:6,12,16;4347:1;	4366:3
4384:23	Closest (2)	4400:17	4372:18;4395:23	constant (2)
cite (2)	4375:11,18	compaction (1)	complying (1)	4327:8;4344:3
4310:11;4319:15	closing (16)	4372:2	4352:10	constituents (2)
cited (1)	4308:20,21;4309:20;	companies (13)	Comprehensive (7)	4377:8;4380:5
4362:15		4312:7,10,13,15,20;		construction (3)
	4315:11,21;4366:5;		4366:4;4367:20,23;	
citizens (4)	4367:1;4378:9,21;	4337:8;4342:9;	4368:15,17,20;4401:24	4335:1;4337:8;
4381:16,16;4382:23;	4379:24;4382:4;	4366:24;4373:21;	concentrated (1)	4396:17
4387:20	4384:10;4386:11;	4380:21;4381:14;	4370:7	consultant (1)
city (1)	4388:8;4389:8,20	4382:22;4392:1	Concern (4)	4363:12
4340:17	CoBank (2)	company (5)	4364:20;4400:16,18,	consultation (1)
civility (1)	4312:2;4313:21	4347:20;4360:13,16;	21	4395:6
4382:14	code (2)	4381:11;4382:18	concerned (4)	contain (1)
claim (2)	4392:7;4393:21	comparable (1)	4370:3;4381:16;	4309:11
4380:12;4401:13	coded (1)	4347:24	4385:6;4395:2	contains (1)
claimed (1)	4393:24	compare (1)	concerns (6)	4398:11
4396:16	codes (2)	4384:21	4354:22;4364:10;	contemplate (1)
claims (2)	4392:10;4393:5	compared (1)	4367:16;4371:10;	4340:16
4399:10;4402:14	coding (1)	4367:17	4399:6;4403:19	contemplated (1)
Class (23)	4392:6	comparison (1)	conclusion (1)	4372:20
4316:17;4317:8,15,	coffers (1)	4348:14	4387:19	content (2)
15,21,21,22,23;	4369:12	compatibility (1)	conclusions (1)	4399:9,12
4319:14,18;4320:4,9,	cognitive (1)	4368:5	4327:4	contingent (1)
13;4322:22,22,22;	4356:6	compete (1)	conclusory (1)	4314:9
4329:22;4330:21;	College (1)	4383:10	4352:6	continually (1)
4331:1,2,8,12,23	4352:15	compilation (1)	concrete (1)	4315:23
classification (10)	comfortable (1)	4350:5	4341:7	continuation (1)
	` '		condition (2)	, ,
4316:19,20;4322:17,	4312:17	complain (2)		4308:2
21;4323:1,6,10;	coming (4)	4351:12;4355:16	4348:14;4357:17	continue (2)
4391:2;4393:3;4394:2	4350:14;4366:24;	Complainants (2)	conditions (3)	4387:1,7
classifications (2)	4382:22;4396:11	4394:10,17	4337:4;4348:13;	continued (1)
4349:18;4391:5	comment (2)	complainants' (1)	4377:10	4399:15
-	1	I .	I .	1

	T			
continues (1)	4400:5,8	crops (1)	4327:2;4341:5;4350:9;	4349:14
4345:20	counting (1)	4371:12	4357:24;4365:2	denials (1)
contour (1)	4386:21	cross (4)	days (6)	4381:1
4324:2	country (3)	4346:23;4347:23;	4396:22;4397:4,4,	denied (3)
contract (2)	4312:7;4359:3;	4352:12;4356:23	13,24;4398:3	4314:15;4333:13;
4345:9;4365:11	4383:13	crossed (1)	deal (2)	4377:12
contractor (3)	County (61)	4364:6	4352:20;4373:22	denigrated (1)
4334:21,22;4337:16	4308:2,3,24;4309:3;	cross-exam (1)	deals (1)	4309:15
contractors (1)	4316:21;4331:10,22;	4402:2	4372:16	denigrating (1)
4334:24	4335:24;4336:4;	cross-examination (8)	dealt (1)	4366:6
contracts (2)	4339:11,16,21;4340:9,	4316:9;4320:24;	4369:1	deny (2)
4381:13;4388:21	10,19;4341:2,9,22,24;	4325:17;4326:4;	death (2)	4321:5;4380:21
contrary (1)	4342:3,6;4343:4;	4352:3;4371:16,19;	4380:15;4383:13	denying (1)
4320:7	4345:11;4350:16;	4395:2	December (2)	4321:1
Control (13)	4352:19;4353:3,4,5,17;	cross-examined (1)	4367:10;4396:19	Department (1)
4314:24;4315:19;	4364:17;4366:21;	4349:16	decibel (4)	4339:8
4316:13;4319:3,11;	4368:20;4370:21;	crushed (2)	4321:2;4332:13;	departure (1)
4323:5,17;4332:3;	4371:7;4372:18;	4371:3,22	4333:2;4353:15	4391:10
4376:23;4390:14;	4375:8,10,11,13;	crushing (2)	decibels (16)	dependent (1)
4392:8;4393:11;	4376:1;4380:2,24;	4336:16;4371:8	4321:4,12,13;	4391:2
4394:23	4381:17;4382:18,19;	cumulative (4)	4322:7;4327:9,10,12,	depressed (1)
controlled (1)	4383:4,20;4387:7,10,	4396:22;4397:4,13,	13,15;4328:1,9;4330:2,	4356:5
4364:12	16,20,23,24;4396:24;	24	19;4332:20,21;4360:2	deprivation (1)
conversation (1)	4397:6,13;4398:7,11;	current (3)	decide (2)	4344:12
4402:18	4403:20;4404:7,8	4315:15;4363:17;	4339:14;4374:23	depth (1)
conversations (1)	County's (1)	4387:7	decimal (1)	4331:21
4356:16	4329:15	cut (1)	4323:19	describe (1)
Cook (6)	couple (5)	4334:18	decision (2)	4367:21
4361:22;4381:23;	4314:17;4318:13;		4393:16,17	described (2)
4384:8,11,12;4386:1	4337:1;4393:13;	D	decisions (2)	4332:16;4359:21
copper (2)	4405:9		4319:12;4405:5	desire (2)
4334:20;4335:6	course (1)	dad (1)	decomissioning (1)	4335:24;4386:24
CODY (1)	4400:20	4385:23	4335:15	aesolate (1)
copy (1) 4389:3	4400:20 court (1)	4385:23 daily (2)		desolate (1) 4375:13
4389:3	4400:20 court (1) 4382:1	daily (2)	Decommissioning (4)	4375:13
	court (1) 4382:1	daily (2) 4340:24;4393:20		
4389:3 Cornale (22) 4308:6;4309:13;	court (1)	daily (2) 4340:24;4393:20 damage (4)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11	4375:13 despite (3)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12;	court (1) 4382:1 courting (2) 4335:9,11	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11;	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6
4389:3 Cornale (22) 4308:6;4309:13;	court (1) 4382:1 courting (2)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11	4375:13 despite (3) 4316:2;4319:4;
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21;	court (1) 4382:1 courting (2) 4335:9,11 cover (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11;	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8;	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13,	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16,	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21;	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20,	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16;	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17,	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18;	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20;	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10;	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20;
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11;	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18;
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1;
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21;	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7) 4313:9,13,18;	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7) 4313:9,13,18; 4314:11;4338:12,17;	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18 Counsel (1)	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7) 4313:9,13,18; 4314:11;4338:12,17; 4345:8	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10 daughter (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1) 4367:2	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3) 4353:11,18;4354:15
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18 Counsel (1) 4378:1	court (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10 daughter (1) 4350:10	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1) 4367:2 demand (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3) 4353:11,18;4354:15 devil (1)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18 Counsel (1) 4378:1 count (1)	court (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10 daughter (1) 4350:10 David (1)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1) 4367:2 demand (1) 4342:14	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3) 4353:11,18;4354:15 devil (1) 4361:23
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18 Counsel (1) 4378:1 count (1) 4328:21	court (1) 4382:1 courting (2) 4335:9,11 cover (1) 4322:18 covered (1) 4368:21 crane (1) 4334:18 cranes (2) 4371:14,21 crazy (1) 4388:19 create (3) 4355:5;4382:16; 4385:8 created (1) 4350:6 creating (1) 4373:23 Credit (7) 4313:9,13,18; 4314:11;4338:12,17; 4345:8 crop (6) 4336:16;4354:13; 4400:5,7,8,12	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10 daughter (1) 4378:16	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1) 4367:2 demand (1) 4342:14 demonstrates (1)	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3) 4353:11,18;4354:15 devil (1) 4361:23 diagnosed (2)
4389:3 Cornale (22) 4308:6;4309:13; 4377:20;4378:6,12; 4379:17;4381:21; 4384:2,7;4386:1,4,8; 4388:1,6,23;4389:6,13, 17;4404:5;4405:13,16, 19 coronary (1) 4356:3 corresponded (1) 4360:10 cortisol (6) 4356:4;4358:20,21; 4364:7,14;4401:5 cost (13) 4334:10,11,13,15,17, 20;4335:2,19;4336:18; 4337:16;4353:20; 4371:13;4379:12 costs (5) 4336:1,11,21; 4342:14;4346:18 Counsel (1) 4378:1 count (1) 4328:21 counties (5)	court (1)	daily (2) 4340:24;4393:20 damage (4) 4348:19;4371:11; 4372:2;4380:14 Damages (1) 4348:12 damning (1) 4361:9 Dan (2) 4369:22;4378:16 dangers (1) 4355:5 Dassow (6) 4338:20;4354:15,20, 21;4369:21;4395:1 Dassow's (1) 4394:24 data (10) 4324:3,4;4342:10; 4345:8;4350:5,11; 4351:3,6,7;4352:1 dated (1) 4403:10 daughter (1) 4378:16 day (7)	Decommissioning (4) 4334:5;4336:1; 4338:9;4379:11 deeply (1) 4381:2 Deer (1) 4403:21 default (1) 4392:5 deficit (1) 4356:5 define (2) 4322:23;4392:19 defined (1) 4317:24 definition (2) 4338:10;4375:13 definitive (1) 4359:22 deliberate (2) 4405:8,9 deliberation (1) 4404:17 deliberations (1) 4367:2 demand (1) 4342:14 demonstrates (1) 4354:24	4375:13 despite (3) 4316:2;4319:4; 4348:6 destroy (1) 4383:6 destruction (1) 4380:15 detached (1) 4392:11 determined (2) 4356:13;4404:20 determines (1) 4316:18 Detrimental (3) 4348:13,14;4364:1 develop (1) 4311:23 development (9) 4313:15,15;4339:20; 4342:13;4353:18; 4367:24;4368:1; 4373:12;4399:14 developments (3) 4353:11,18;4354:15 devil (1) 4361:23 diagnosed (2) 4384:17;4385:5

4384:22	4356:9,9	4355:15,15;4359:22;	earlier (5)	eloquent (1)
Diana (1)	disseminated (1)	4360:18,18;4364:8,9;	4322:24;4323:9;	4309:4
4308:12	4399:10	4369:22;4402:23	4338:10;4377:22;	else (3)
Dieter (2)	dissipation (1)	drafted (1)	4393:13	4318:22;4331:2;
4364:22;4369:22	4315:17	4405:6	early (1)	4346:1
difference (4)	distances (1)	drain (5)	4375:5	else's (3)
4328:5;4348:9;	4319:18	4336:16;4370:22,24;	Easement (2)	4315:10;4348:8;
4357:8;4379:6	distinct (1)	4371:1,4	4362:21,22	4381:12
different (7)	4392:21	Drainage (2)	easy (3)	email (1)
4329:12;4370:9;	distribution (2)	4371:11,21	4313:10;4351:17,18	4354:20
4373:12,13,16,17,22	4388:18;4400:2	drains (1)	eat (2)	emission (4)
differently (1)	District (5)	4371:9	4341:2;4364:8	4317:18,19;4319:9;
4373:5	4311:3;4363:8;	dreaded (1)	economic (8)	4320:8
diligence (1)	4370:6;4371:11;	4400:3	4339:10;4340:4,6,9,	emissions (5)
4314:10	4395:14	drive (1)	18;4341:6,8;4342:22	4316:7;4361:15;
dime (2)	districts (3)	4346:18	economy (1)	4390:24;4394:11,19
4365:19,20	4363:13;4364:2;	driving (1)	4341:6	emit (2)
direct (2)	4378:8	4311:18	ecosystems (1)	4321:4;4390:19
4346:22;4357:20	disturbance (4)	drop (2)	4339:2	emitter's (1)
direction (3)	4359:5,10,13,15	4363:18,24	edge (2)	4391:12
4322:2;4359:24;	divide (2)	dropped (2)	4331:4;4332:15	emitting (3)
4405:1	4331:19;4379:12	4350:17,18	Education (2)	4318:1,16;4319:20
directly (1)	doctor (1)	drops (1)	4363:12;4364:4	employed (1)
4318:23	4403:3	4380:17	educational (1)	4341:17
Director (1)	document (1)	drove (1)	4383:5	employing (1)
4361:5	4367:14	4309:8	effect (12)	4341:18
dirt (1)	dogs (2)	Duane (1)	4339:2;4342:8;	employment (1)
4334:16	4331:11,16	4384:2	4356:14;4364:1,14;	4342:17
dirty (1)	dollar (1)	duck (5)	4368:1;4384:17,19;	end (9)
4334:14	4345:23	4393:17,19;4394:3,	4385:9;4396:13,16;	4334:13;4346:5,9;
disappoint (1)	dollars (7)	5,6	4399:21	4363:14;4364:2,3;
4379:7	4312:21;4353:4,5;	due (4)	effects (6)	4374:13;4384:13;
discretion (1)	4365:16;4369:10,13;	4314:10;4315:7;	4339:4;4358:6;	4405:8
4332:10	4382:21	4345:9;4363:24	4360:3;4361:17;	endangered (1)
discuss (7)	DOM (3)	dug (1)	4375:18;4395:19	4395:10
4310:16;4312:2;	4398:3,8,10	4379:3	efficiency (2)	endeavor (1)
4340:3;4342:16;	DOM' (1)	duplex (1)	4337:9;4364:20	4383:11
4403:8;4404:24;	4398:2	4392:11	effort (4)	endless (1)
4405:4	Don (1)	duplicate (3)	4377:18;4380:4;	4380:20
discussed (2)	4330:18	4325:9;4351:1,2	4387:21;4402:17	Energy (15)
4321:3;4341:23	Donald (1)	duplicative (1)	efforts (3)	4308:4,5;4311:10;
discussing (1)	4384:4	4368:23	4380:10;4381:1,8	4343:7,8,9,9;4355:1;
4319:8	done (12)	Durham (2)	eight (1)	4366:24;4379:1;
Discussion (4)	4313:17;4321:6;	4384:2,6	4374:19	4380:21;4381:14;
4367:19,21;4368:3;	4323:13;4345:16;	during (5)	either (10)	4382:17;4383:11;
4390:14	4348:16;4354:2,8;	4326:3;4380:9;	4325:14;4327:18;	4399:16
disease (7)	4360:12;4367:12;	4385:17;4400:11;	4331:16;4337:11;	Engelhart (1)
4356:3;4357:3,6,7,	4370:8;4377:3;4404:4	4403:20	4343:18;4355:21;	4371:23
12,16;4359:14	doors (1)	duster (1)	4363:18,21;4374:15;	engineer (3)
dismiss (1)	4344:6	4400:12	4377:2	4336:20;4337:13;
4314:17	double (1)	dusters (1)	Elbert (2)	4366:9
dispute (1)	4343:12	4400:5	4364:22;4369:22	Engineering (6)
4374:14	double-check (2)	dusting (4)	elected (1)	4335:17,19;4336:9;
disputed (4)	4341:21;4370:23	4354:13;4400:7,9,12	4365:23	4389:22;4390:8,10
4310:12;4350:20;	doubt (8)	duty (2)	electricity (1)	Engineering's (1)
4359:19;4374:12	4320:15,19;4325:22;	4368:13;4380:22	4339:21	4337:11
disputing (2)	4329:14;4334:8;	dwelling (1)	elements (1)	English (1)
4323:22;4359:12	4349:21;4377:4,4	4392:23	4310:6	4336:12
disrupt (1)	down (7)	dwellings (1)	elevated (1)	enjoy (1)
4355:24	4311:18;4323:3;	4391:21	4356:4	4387:3
disrupted (2)	4347:1;4350:9;4354:9;	T.	Ellenbogen (3)	enjoyment (2)
4355:17;4356:1	4377:10;4383:19	E	4355:15;4358:12;	4394:13,20
disruption (2)	Dr (9)		4359:19	enlightening (1)
	1		I	

4335:14	4363:8;4364:14;	4315:20;4355:20	4393:1	4331:6,7;4335:1;
enough (8)	4366:16,19;4373:9;	existing (2)	fact (15)	4339:1;4340:17;
4340:19;4341:23;	4376:17;4377:6,11;	4392:24;4396:13	4311:14;4313:3;	4341:1;4353:7;
4379:2;4385:11,11,13;	4381:17;4385:12,15;	exists (1)	4314:7;4332:8;	4361:13,15,16;
4387:17;4403:1	4389:24;4396:17	4387:2	4333:10;4337:2;	4364:23;4366:11;
ensure (2)	evening (2)	expanded (2)	4339:3;4350:6,6,11;	4371:24,24;4373:12;
4333:12;4339:19	4404:18;4405:4	4327:11,13	4351:18;4373:4;	4379:3;4383:2,3;
entered (1)	everybody (5)	expect (1)	4377:7;4396:5,10	4386:14,24;4392:15;
4354:23	4377:17,22;4378:1;	4314:6	factor (1)	4393:22,24;4396:9,11,
entire (8)	4377:17,22,4378.1,	expected (1)	4394:21	14,15,19;4399:4;
4317:15;4319:13;		4398:23		
	everyone (1) 4335:23	4398.23 expense (1)	factors (3)	4400:13;4401:8; 4402:6
4325:18;4372:12;			4366:17,19;4399:24	
4375:8;4395:12;	everywhere (2)	4381:12	factors' (1)	farmhouse (1)
4404:10,11	4340:22;4385:24	expensive (1)	4399:22	4317:5
entirety (1)	evidence (26)	4401:11	facts (5)	farming (1)
4320:9	4310:7;4339:1;	experience (3)	4320:16;4374:5;	4371:7
entities (1)	4345:5;4349:13,13;	4374:17;4375:23;	4376:18;4380:22;	farmland (5)
4338:2	4354:24;4360:24;	4402:1	4405:5	4317:1;4324:20;
environment (2)	4369:7,7;4371:19;	expert (3)	fail (1)	4329:24;4330:21;
4355:7;4364:13	4372:5,8;4373:17,17;	4319:17;4329:15;	4334:4	4336:3
environmental (2)	4374:1,20,23;4375:3;	4367:12	failed (11)	farms (8)
4380:14;4399:22	4376:20;4385:11;	expertise (1)	4310:14;4311:11;	4317:7;4342:5;
Epidemiology (1)	4387:18;4394:18;	4351:10	4315:14;4320:17;	4353:7,14;4355:4;
4357:14	4402:19;4403:5;	experts (3)	4324:15;4326:6;	4371:13;4399:19;
equipment (2)	4404:11,24	4341:15;4346:21;	4370:20;4372:22;	4400:6
4331:7;4343:1	exact (7)	4383:17	4377:5;4385:15;	farmstead (3)
equity (5)	4313:16;4323:20,21;	explain (1)	4390:4	4317:3,4,5
4312:3,5,5,21;	4351:24;4364:3;	4376:17	fails (2)	fashion (1)
4313:23	4365:13,13	exposure (1)	4333:12;4352:8	4352:7
error (2)	exactly (7)	4400:1	failure (4)	faster (1)
4332:18;4333:3	4326:11,15;4336:22;	expressed (6)	4314:14;4323:15,15;	4337:10
errors (4)	4352:13,13;4397:23;	4367:16;4388:14;	4376:22	fatal (1)
4349:7,8;4351:22,23	4398:21	4400:16,18,21;4403:19	fair (2)	4377:2
escrow (2)	example (5)	expressing (1)	4310:7;4367:3	fathers (1)
4313:13;4338:11	4325:16;4327:13,15;	4310:2	fairly (1)	4380:22
especially (1)	4331:9;4398:9	expression (1)	4316:11	faults (1)
4339:2	Examples (1)	4399:6	fall (3)	4347:16
essential (2)	4313:11	expressly (1)	4313:23;4385:18;	favor (2)
4355:22,24	exceed (2)	4319:24	4392:4	4394:21;4405:17
established (2)	4317:15;4327:23	extra (1)	falls (1)	Faye (1)
4320:2;4395:23	except (1)	4379:19	4369:24	4402:13
Establishments (1)	4395:8	extreme (1)	false (3)	fear (5)
4392:2	exception (2)	4347:18	4355:2,2;4396:7	4309:14;4310:3;
Estate (1)	4318:19;4330:22	eyesight (1)	familiar (1)	4315:7,8;4337:21
4348:12	excessive (2)	4373:8	4404:22	fears (1)
estimate (2)	4319:14;4320:8	_	families (5)	4379:10
4334:22;4337:13	exchange (2)	\mathbf{F}	4365:6;4376:12;	federal (1)
estimates (2)	4354:20;4369:9		4386:23;4387:1,9	4383:23
4332:22;4348:19	excluded (2)	fabricated (1)	family (8)	feds (1)
Estimator (2)	4389:6;4395:4	4396:8	4329:22;4331:10,11,	4312:11
4335:1,3	exclusive (1)	fabrication (1)	15;4344:8;4383:4;	fee (1)
et (2)	4345:1	4397:14	4385:23;4387:3	4354:19
4310:11;4392:3	Exhibit (15)	fabrications (1)	family's (1)	feed (1)
etc (1)	4315:12;4322:19;	4396:4	4383:2	4364:20
4325:22	4323:10;4328:8;	face (1)	fan (1)	feeding (1)
even (34)	4349:14;4354:21,21;	4351:20	4344:12	4395:18
4314:2;4316:20;	4375:6;4390:13;	FaceBook (1)	fans (1)	feeds (1)
4328:19,20;4332:4,22;	4398:22;4400:10,14;	4402:18	4394:12	4393:20
4334:7,22;4340:16,20;	4403:7;4404:8,9	facilitate (1)	far (4)	feel (6)
4342:5;4343:3;	exhibits (4)	4340:4	4329:24;4330:22,23;	4312:17;4360:9,9;
4344:12,15;4348:23;	4354:23;4390:13;	facilities (2)	4357:13	4379:8;4383:24;
4350:12;4352:9,10,21;	4391:17;4404:10	4392:16;4402:7	farm (34)	4405:1
4355:4;4357:10;	exist (2)	facility (1)	4317:9;4329:19;	feeling (2)
	1	1	1	1

				May 21, 2
4356:15,17	4360:13;4367:5;	4342:21	generations (1)	4390:7
fees (1)	4374:11;4375:5;	Fosdick (2)	4381:7	great (1)
4334:13	4389:1;4390:9,12,16;	4384:3,3	generator (2)	4333:5
feet (34)	4391:20;4395:24	Fosdicks (1)	4344:17;4355:4	greater (1)
4318:10,17,24;	fish (2)	4365:7	George (1)	4399:23
4319:1,19;4321:11,18;	4393:19;4395:7	found (14)	4378:17	greed (1)
4322:2,5,8,10;4328:6,	Five (7)	4309:20;4319:20,24;	geothermal (1)	4386:22
15,15,16;4329:10;	4328:17;4339:24;	4339:6;4349:15,15;	4379:2	green (2)
4331:4,17,21,23,24;	4352:21;4362:9,16;	4351:22,23;4353:1;	Gero (1)	4324:10;4379:1
4332:7,10,11,11,14;	4372:3;4374:19	4358:19;4365:8;	4384:4	Griffin (1)
4344:16,16;4352:21,	fix (1)	4366:16;4371:12,24	getaway (1)	4328:11
23,23,23;4361:24;	4328:11	four (2)	4393:18	gross (1)
4391:9	Flanagan (1)	4327:18;4330:1	gets (6)	4341:23
ehr (2)	4351:12	four-letter (1)	4326:17;4341:16;	ground (2)
4375:21;4401:20	flat' (1)	4344:9	4346:1,10;4353:4;	4355:6;4379:4
elt (1)	4393:4	freely (1)	4358:2	group (2)
4361:19	flicker (2)	4350:4	Gibs (1)	4388:13;4404:9
ew (6)	4362:22;4363:2	frequency (2)	4308:18	growth (2)
4312:12;4340:3;	fliers (1)	4344:3;4359:11	given (5)	4369:5,11
	4400:19	*	4337:2;4360:15;	Gruen (1)
4379:19;4389:15,22;		frequently (2)		
4391:19	flows (1)	4394:12,19	4366:14;4370:11;	4342:12
ewer (1)	4370:7	friend (2) 4382:6;4385:22	4387:17	guarantee (3)
4403:14	fly (1)	*	giving (2)	4344:21,23;4346:24
ifty (1)	4385:17	friends (2)	4344:24;4368:14	guarantees (1)
4373:22	flying (1)	4380:23;4385:23	goal (1)	4338:3
lifty-six (1)	4355:6	fright (1)	4343:8	guarantor (2)
4401:19	focus (2)	4399:22	goals (1)	4313:2,6
gure (1)	4393:16,16	front (7)	4367:23	guess (1)
4379:13	focused (2)	4310:18,20;4316:12;	God (2)	4344:9
lled (2)	4310:7;4393:15	4326:21;4338:16;	4338:15;4404:4	guide (1)
4312:19;4314:16	folks (1)	4349:12;4352:16	goes (11)	4389:15
inal (1)	4401:22	frontage (1)	4314:7;4318:15;	Guideline (5)
4394:10	Fomenting (1)	4331:20	4329:6,6,8,11;4357:13,	4368:23;4369:1,3,5
inally (5)	4398:22	fronts (1)	18;4362:21;4367:14,	4370:5
4353:6;4384:13;	foot (2)	4311:12	21	guidelines (2)
4387:22;4403:5;	4324:5;4365:24	full (3)	Good (3)	4315:13;4366:2
4404:4	footprint (2)	4319:15;4325:24;	4309:16;4313:22;	Gulliford (2)
inancial (12)	4340:7,14	4335:15	4321:12	4369:8;4384:4
4311:23;4312:1;	forbid (1)	full-blown (1)	goodness (3)	guy (5)
4313:11;4314:1,20;	4338:15	4354:7	4350:13;4362:4;	4340:17,23;4357:23
	force (1)	further (3)	4364:18	4401:20,21
4377:1,7	4346:16	4333:18;4337:15;	gosh (3)	guys (1)
nancing (1)	foremost (2)	4389:20	4332:11;4357:22;	4364:16
4314:9	4390:9;4395:24	future (2)	4366:22	1301110
ind (6)	foresee (1)	4381:7,10	gotta (2)	H
4315:19;4353:1;	4405:10	1301.7,10	4328:20;4334:3	
4355:19;4371:24;	forever (1)	G	governing (1)	half (14)
4398:10;4403:3	4349:11	0	4317:17	4324:5,13;4325:1,2
nding (2)	forget (2)	gain (1)	government (2)	4335:21;4340:13;
4368:10,19	4312:23;4390:11	4376:11	4378:7;4383:24	4344:14;4345:4,22;
ndings (2)	forgot (3)	Gap (2)	grace (1)	4349:24;4364:23;
4311:14;4405:5	4311:20;4328:21;	4375:4,15	4404:3	4370:19;4389:15;
nds (2)	4402:1	T	grandchildren (1)	4395:15
3 6		Gauwitz (1)	0	
4394:8,18	form (1)	4384:3	4381:7	Hall (6)
ne (1)	4356:13	gave (3)	grandfathers (1)	4319:22;4320:2;
4366:9	formally (1)	4333:18;4335:2;	4380:23	4326:2;4361:22;
irmly (1)	4314:5	4349:20	grandmothers (1)	4398:19,21
4339:5	former (1)	Geese (1)	4380:23	halls (1)
rst (20)	4382:7	4364:7	granny (1)	4340:20
4308:23;4311:20;	forth (5)	general (2)	4393:4	hand (3)
4322:17;4330:11;	4311:2;4316:8;	4337:3;4368:5	grant (1)	4334:23;4350:18;
1220.10.1245.1 12 10.	4323:1;4375:2;4380:4	generation (1)	4338:16	4369:18
4339:19;4345:1,12,19; 4346:8;4349:16;	fortunately (1)	4399:5	granted (1)	handed (2)

				Wiay 21, 2013
4316:7;4350:7	4377:7;4380:17;	help (1)	homes (12)	Human (2)
handing (1)	4398:24;4399:7,10,18;	4381:9	4346:19;4347:3,9,	4355:8;4386:21
4311:14	4401:12,13	helpful (1)	18,21;4350:17;	hundred (1)
handled (1)	healthy (2)	4325:6	4352:12;4356:10;	4371:9
4309:9	4365:19,20	Henry (1)	4369:19;4382:15;	hundreds (3)
handling (2)	hear (4)	4384:3	4392:3;4393:22	4369:9,12;4385:16
4334:12,12	4315:9;4316:9;	Here's (1)	4392.3,4393.22 honest (8)	* *
		4359:4	4336:10,13;4337:7,	hurt (1) 4364:18
Hankard (14)	4339:22,23			
4316:15,20;4317:11;	heard (53)	hertz (5)	20;4341:14;4355:9;	Hymans (3)
4320:3;4323:21;	4309:14,15;4312:5;	4320:18;4327:12;	4357:24;4358:1	4317:6;4329:23;
4325:3;4326:12;	4313:3;4315:8,17;	4328:9;4330:3,19	honestly (3)	4337:5
4328:19;4332:13,18;	4316:1;4320:5;4324:2;	Hewson (1)	4333:22;4343:16;	Hymans' (1)
4358:15;4361:3;	4325:3,10;4327:16;	4337:15	4374:8	4335:13
4362:6,15	4328:16;4332:24;	Hewson's (2)	hope (4)	hypertension (2)
Hankard's (9)	4334:14;4336:18;	4336:18;4337:12	4346:15;4379:15;	4356:2;4358:11
4316:9;4319:4;	4338:20;4339:10;	high (3)	4383:16;4387:10	_
4320:23;4323:19,22;	4340:13,21;4341:4,11;	4325:4;4336:7,11	hoped (1)	I
4325:10;4362:10;	4342:12;4343:3;	higher (3)	4377:15	
4389:23;4390:7	4349:3,7;4352:20,20;	4335:20;4347:10;	hopefully (1)	IAAA (4)
haphazard (1)	4353:11;4354:15;	4353:23	4316:5	4354:19,22,23;
4370:18	4358:24;4361:19;	highlight (1)	hoping (1)	4400:16
happen (2)	4362:5,6,7;4363:11;	4368:19	4317:13	IAAO (2)
4402:23;4404:23	4364:8,9,10;4365:6,7,	highlighted (2)	horizon (1)	4348:19,20
happens (1)	9;4366:16,19;4369:18;	4327:1;4361:7	4383:6	Iberdrola (1)
4371:2	4371:5,16;4372:23;	himself (3)	horrifically (1)	4403:21
happy (2)	4373:14,21;4379:11;	4361:23;4385:12;	4333:11	idea (6)
4375:15;4385:19	4380:10;4383:17	4389:6	hospital (1)	4334:10;4337:8;
hard (2)	hearing (15)	hire (1)	4392:7	4342:1;4345:2;
4322:19;4340:23	4308:2;4309:10;	4361:1	hounding (1)	4347:14;4405:5
Hardke (1)	4310:22;4315:22;	hired (5)	4382:22	identical (1)
4361:23	4356:7;4367:4,11;	4345:18;4360:13,19,	hour (3)	4369:3
			4349:9,23;4389:15	
harmed (1)	4374:4,10,12;4376:19;	20;4361:11		identified (1)
4365:16	4399:8,12;4404:14;	historical (1)	hours (7)	4393:23
harmful (1)	4405:21	4383:6	4334:17,18,20;	IDNR (5)
4355:18	hearings (4)	history (1)	4349:10;4358:2;	4339:11,14;4367:18;
harmless (1)	4376:5;4380:6;	4401:19	4363:2;4383:15	4395:5,8
4357:13	4381:20;4403:20	hit (1)	house (30)	ignorant (1)
Harmon (2)	hears (1)	4363:3	4321:10;4324:9,11,	4380:7
4326:6,10	4344:16	Hmmmm (1)	12,17,19,24;4325:1,2;	ignore (2)
Harms (4)	hearsay (1)	4328:7	4327:17;4328:6;	4339:13;4396:3
4365:7;4384:4,4;	4314:4	Hoffman (3)	4329:16,21;4330:18;	ignored (4)
4398:24	heart (3)	4363:11;4386:4,7	4331:3,10,14,24;	4315:21;4316:2;
Hartke (3)	4315:6;4358:10;	Hogs (1)	4332:14;4344:6,18;	4338:23;4377:9
4344:8;4384:5,6	4401:4	4364:19	4345:23;4362:3,13;	ii (1)
Hartke's (2)	Heartland (1)	hold (3)	4385:17;4393:7,8,8;	4369:4
4327:17;4360:20	4352:15	4327:8;4379:18;	4403:20,22	iii (1)
hate (1)	heavier (1)	4381:21	household (2)	4355:8
4374:15	4359:9	holding (1)	4393:21,22	Illinois (17)
hates (1)	heavily (1)	4399:1	houses (3)	4314:24;4315:16,19;
4362:1	4352:9	holes (2)	4328:16;4391:22;	4319:3,11;4323:4;
Hayes (7)	heck (3)	4335:16;4346:17	4392:12	4332:3;4339:8,15,16;
4326:21;4357:1,1;	4324:24;4351:20;	home (11)	housing (1)	4341:13;4342:6;
4384:7;4386:10,12,13	4352:3	4309:8;4317:7;	4392:13	4363:11;4376:23;
hazardous (1)	hedonistic (2)	4309.8,4317.7, 4331:15,22;4341:4;	Howard (1)	4380:16;4393:11;
4355:5	4347:7;4348:18	4346:15;4353:22;	4308:14 hugo (5)	4394:23
head (2)	Heed (1)	4355:13;4362:3;	huge (5)	illusion (1)
4312:12;4344:7	4381:17	4379:2;4380:19	4312:13;4340:16,16;	4384:22
headaches (2)	height (3)	homeowner (1)	4364:15;4371:5	Imagine (1)
4360:6,7	4333:6,7;4348:2	4345:8	hugely (2)	4353:24
health (17)	heirloom (1)	Homeowner's (1)	4337:3;4371:4	immune (1)
4340:2;4355:8,18,	4383:4	4326:2	Huisman (4)	4356:4
23;4357:13;4359:16;	held (1)	Homerding (1)	4308:16,17;4390:17;	impact (8)
4364:21;4368:4,21;	4374:6	4386:5	4395:19	4340:18;4341:6;

				May 21, 201:
4342:17;4364:15;	4314:17,18	interested (2)	4309:11;4310:6;	
4367:17;4395:4;	inconsistent (1)	4314:7;4370:2	4311:20;4315:18,22;	K
4398:20;4399:4	4366:15	interesting (8)	4316:5;4318:20;	K
impacts (5)	incorrect (2)	4309:21;4315:1;	4328:2;4358:22,23;	Vaionos (2)
4367:15;4380:17;	4330:6,11	4324:1;4328:5;	4360:5;4369:17,23;	Kaisner (2)
4399:7,18;4401:14	increase (4)	4329:17;4339:7;	4370:1;4372:9,17;	4331:14;4386:5
impairing (1)	4322:9,11;4342:13;	4365:8;4375:5	4375:5;4394:2;	Kaisner's (2)
4356:3	4395:10	interfere (2)	4399:15;4401:5	4329:3,16
impede (1)	increased (3)	4394:13,20	issued (2)	Karen (1)
4369:5	4354:19;4358:9,10	interference (1)	4390:14;4394:22	4378:16
imply (1)	increases (1)	4403:16	issues (13)	keep (6)
4350:12	4345:10	internal (1)	4311:16,19;4318:12;	4317:12;4349:5,11;
implying (1)	increasing (1)	4314:11	4332:17;4336:14;	4356:7;4378:4;
4315:3	4343:9	Internet (3)	4337:1;4340:2;4360:1;	4382:22
importance (1)	independent (3)	4374:21;4399:11;	4367:15;4385:2,4,7;	keeping (1)
4339:10	4360:12,14;4392:24	4403:3	4403:15	4389:11
important (14)	4300.12,14,4392.24 Individually (1)	intimidation (4)	items (1)	Keeps (1)
			4395:9	4364:12
4311:4,19;4317:20;	4391:24	4309:14;4310:3;		Kelson (2)
4319:2;4339:6;	industrial (2)	4315:7,9	Iverson (2)	4361:22;4402:15
4343:21;4345:19;	4353:9;4382:11	into (11)	4308:12,13	Kent (1)
4346:22;4365:14;	industrial' (1)	4310:3;4356:10;	-	4364:19
4371:5;4379:9,9;	4400:2	4367:21;4370:12;	J	kids (3)
4387:9,11	industry (3)	4373:9,15;4377:6;		4331:11,15;4356:15
importantly (1)	4312:13;4341:17;	4381:2;4402:3,19;	Jacob (1)	Kiefer (4)
4361:2	4383:9	4404:11	4400:11	4308:10,11;4405:15,
imported (1)	inequitable (1)	Invenergy (29)	James (2)	16
4343:2	4400:1	4312:19,22;4313:2,	4315:3,5	kill (1)
impressed (1)	infancy (1)	8;4316:2,2;4317:11;	JEDI (4)	4358:5
4376:3	4359:3	4341:20;4344:10;	4341:20;4342:4,6,24	kind (6)
impressive (1)	information (12)	4345:12;4346:10,12;	Jill (1)	4329:17;4331:14;
4309:4	4333:18;4360:15;	4354:22;4360:19,21;	4369:21	4357:10;4375:4;
improper (1)	4367:18,18;4370:19;	4361:1,11;4362:1,4;	Jim (1)	4384:21;4385:21
4368:13	4381:3,15;4383:18;	4374:18;4375:21;	4384:4	kinds (4)
improve (1)	4397:12;4398:11;	4376:7;4380:10;	Joan (1)	4349:8;4357:20,21;
4370:4	4399:18;4404:2	4382:24;4383:9;	4308:16	4359:21
improved (1)	infrasound (1)	4386:20,21;4400:15;	job (9)	Knauer (1)
4369:20	4359:20	4401:18	4326:16;4332:2,4;	4389:4
improvement (2)	infrastructure (1)	Invenergy's (5)	4337:3,10;4341:18;	knew (5)
4345:9;4369:6	4359:20	4312:3,4;4313:23;	4366:23;4368:6,7	4309:17;4354:10;
improvements (1)	inside (3)	4356:19;4362:22	jobs (1)	4369:20;4373:20;
4313:17	4315:18;4347:3;	involuntarily (1)	4341:22	4385:14
inaccurate (1)	4352:12	4400:1	John (8)	
4320:10	inspect (1)	involved (1)	4308:8;4333:14;	known (6)
inaudible (1)	4347:3	4371:14	4365:10;4384:7;	4312:24;4356:2;
4354:12	Instead (5)	IPCB (9)	4386:13;4388:2;	4361:14,17,18;4393:4
inch (1)	4320:12;4336:12;	4316:23;4319:24;	4394:24;4402:17	knows (2)
4371:17	4358:2;4390:6;4398:8	4320:6;4325:24;	Johnston (1)	4340:18;4356:11
incidental (1)	4338:2;4390:6;4398:8 instrument (2)	4320:0;4323:24; 4326:16;4327:23;	4386:5	Knox (3)
4393:2	4313:12;4338:11	4320:10;4327:23; 4333:10;4389:24;	4380:3 journey (1)	4329:20;4393:12,17
4393:2 include (6)		4333:10;4389:24;	Journey (1) 4384:14	-
	instruments (1)			L
4340:22;4342:16;	4318:9	IPCB's (1)	judgment (1)	
4358:6;4392:2;4397:9;	insurance (2)	4323:15	4325:12	labor (2)
4399:24	4314:1,20	irregular (1)	Judith (2)	4334:20;4337:1
included (5)	intended (2)	4401:4	4375:4,15	labor-intensive (1)
4336:16;4342:15;	4346:17;4391:13	irrelevant (1)	Judy (1)	4337:3
4392:2,14;4393:22	intensity (1)	4329:24	4378:17	lack (3)
includes (3)	4348:6	irrevocable (4)	Julie (1)	4351:3;4376:24;
4313:12;4348:15;	intensive (1)	4313:13;4314:12;	4384:3	4382:14
4401:10	4374:15	4338:12,17	June (1)	laid (1)
including (4)	intent (2)	ISO (4)	4404:19	4371:9
4312:7;4331:2,7;	4323:17;4403:7	4323:20,23;4332:19;	justify (1)	lake (2)
	interest (1)	4333:3	4341:24	
4358:9	mieresi (1)	4333.3	TJT1.4T	4385.1971
4358:9 incomplete (2)	4389:10	issue (20)	7571.27	4385:19,21 Lamanacusa's (2)

4390:3,4	LBCS (2)	4383:11;4391:6,7,12,	4397:7,11	Logan (1)
Lamancusa (1)	4391:17;4393:5	15	Literature (2)	4382:18
4333:1	LBNL (2)	liable (1)	4338:21;4339:3	long (7)
Lance (1)	4347:8;4348:22	4314:1	litigation (4)	4311:1;4345:2;
4388:3	lead (2)	liar (2)	4345:4;4372:24;	4357:24;4374:14;
land (39)	4397:3,3	4349:4;4350:2	4374:13;4376:5	4384:12;4388:19;
4316:19;4317:1,21,	leading (1)	lie (1)	little (9)	4396:23
22,23;4318:5,7,16;	4358:11	4336:11	4320:20;4338:24;	
				longer (4)
4319:14,18,20,20;	leads (1)	lied (1)	4339:7;4358:4;	4377:8,15;4385:24;
4320:4,9,12,13;	4365:4	4352:4	4367:22;4372:5;	4389:11
4322:22,24;4323:1,6,	learn (2)	life (10)	4388:10;4400:23;	long-term (1)
11;4324:13,20,21,24;	4373:24,24	4343:15;4359:10;	4401:1	4358:20
4329:22;4330:24;	learned (3)	4367:13;4370:4;	live (7)	look (16)
4331:23;4340:14;	4335:18;4380:14;	4375:24;4381:15;	4343:16;4344:2;	4312:4;4320:15;
4366:9,10,12;4367:12;	4397:15	4385:21;4387:1;	4362:13;4379:14,15;	4324:8,16;4325:15;
4391:2,3;4402:6,8,11,	learning (1)	4394:13,20	4385:19;4386:23	4329:6;4347:20;
12	4381:15	lifestyle (1)	lived (3)	4348:6;4353:2;4373:7;
land-based (5)	least (6)	4387:7	4340:24;4352:19;	4374:22;4375:2;
4322:16,21;4323:1,	4309:18;4318:13,17;	lifestyles (1)	4385:14	4376:18;4381:2;
6,10	4333:2;4336:11;	4382:15	lives (7)	4385:24;4388:17
landowner (1)	4338:4	lights (2)	4329:22;4344:13;	looked (6)
4403:19	leave (2)	4365:1,3	4359:16;4361:23;	4326:17;4347:17,22;
landowner's (2)	4315:6;4331:20	likely (2)	4371:23;4388:12,16	4348:1;4372:11;
4403:17,22	led (1)	4399:17,21	livestock (2)	4374:5
language (2)	4401:2	likes (1)	4364:11,21	looking (3)
4317:20;4368:16	Lee (1)	4393:18	living (3)	4319:2;4332:14;
large (3)	4340:24	limit (7)	4342:13;4346:14;	4383:19
4353:7;4374:14;	left (3)	4317:15;4363:3,3,4,	4361:16	looks (2)
4392:6	4326:10;4330:5,11	5;4370:16;4393:9	Livingston (36)	4381:11;4384:13
larger (1)	legal (2)	limitations (3)	4308:2,3,24;	Loomis (6)
4375:12	4373:3;4399:16	4338:20;4352:1;	4331:10,22;4339:16,	4340:21;4341:16;
Larry (1)	lend (1)	4390:24	21;4340:9,10,19;	4342:1,15,16,23
4384:3	4397:7	limited (1)	4341:1,22,24;4342:3,6;	lose (1)
LaSalle (2)	length (1)	4393:6	4343:4;4350:16;	4382:15
4366:17,19	4387:12	limits (1)	4352:18;4364:17;	loss (2)
last (26)	Lenz (2)	4327:23	4366:21;4368:20;	4336:16;4363:24
4309:2,15,24;	4386:6,7	Linda (1)	4370:21;4375:13;	lot (25)
4315:9,11,23;4316:3,9;	Lenz's (2)	4382:6	4380:2;4383:3,20;	4309:14;4315:11,17;
4317:6;4329:5,23;	4372:9,11	line (26)	4387:9,20;4396:24;	4324:24;4331:23;
4334:15;4335:13;	Leslie (3)	4318:2,2,10,16,19,	4397:6,6,13;4398:7,11;	4337:8,12;4339:22;
4352:24;4360:14;	4379:22;4381:22;	20,21,23;4319:13,19;	4403:20;4404:8	4340:9;4341:6,11;
4364:17;4367:1,3;	4382:2	4320:14;4321:11,13,	LLC (4)	4350:23;4361:22;
4372:23;4380:9,11;	less (7)	19,21;4325:7;4330:16,	4308:4;4312:24;	4366:2;4372:23;
4387:22;4397:10;	4318:10;4324:10;	17;4331:5,24;4332:7;	4313:5;4403:9	4373:22;4377:16;
4398:19;4401:7,12	4342:18;4347:17;	4390:16,20;4391:9,12,	LLC's (1)	4379:3,4;4385:3;
late (1)	4353:16;4363:20;	16	4338:2	4392:24;4401:1,6,6,9
4404:18	4395:15	linen (1)	LNTE (7)	lots (3)
later (4)	Lets's (1)	4321:4	4328:10;4329:8,9,	4309:15;4346:17;
4334:2;4351:15;	4308:20	lines (2)	10;4330:2,8,20	4363:7
4373:22;4396:18	letter (11)	4321:7;4324:2	load (1)	louder (1)
latest (2)	4312:2;4313:9,13,	linked (1)	4334:10	4321:9
4393:10;4394:22	17,21;4314:4,7;	4399:16	lobbyist (1)	love (1)
law (12)	4325:24;4338:12,17;	linking (1)	4395:24	4309:22
4310:10,11;4313:18;	4403:8	4359:10	local (9)	low (6)
4316:6,8,10,13,14;	letters (1)	list (8)	4334:21;4335:5;	4335:3;4344:3;
4317:10,13;4374:4;	4360:5	4345:13;4378:13;	4337:16;4339:2;	4345:22;4359:11;
4377:13	level (2)	4380:19;4388:24;	4340:5,21;4341:7;	4362:13,19
laws (1)	4321:2;4327:14	4389:4;4404:8,10,13	4378:7;4397:17	lower (7)
4380:16	levels (15)	listen (1)	location (4)	4346:6,10,15;
lawyer (5)	4321:8;4322:9;	4316:8	4320:4,10;4387:14;	4347:11,14;4351:20;
4338:1;4353:24;	4327:22,24;4353:15;	listening (2)	4404:20	4363:19
4354:1;4373:6;	4356:4;4358:21;	4383:15,21	locations (3)	lowers (1)
4390:11	4360:2;4364:7;4370:9;	listing (2)	4319:8,24;4370:12	4353:4
	, , , , , , , , , , , , , , , , , , , ,	6 \ /	, ,	

LUETKEHANS (2)	MaRous (13)	4210.6 0.4201.15	4367:15,16,24;	4372:7
4308:22;4377:21	4347:4;4351:2,5,8,	4319:6,9;4391:15 measured (8)	4382:12;4389:5;	minimizing (1)
lunch (1)	22;4352:4,6,11,14;	4317:22;4325:5,7;	4390:3;4392:17;	4372:20
4341:5	4353:6;4354:6,10;	4317.22,4323.3,7, 4327:14,24;4358:20;	4394:24;4395:13,17;	minor (1)
4341.3	4397:5	4327.14,24,4336.20,	4401:10	4394:15
\mathbf{M}	MaRous's (3)	Measurement (5)	mentions (1)	minus (2)
	4349:9;4352:2,24	4318:9;4319:24;	4351:2	4327:18;4332:20
machinery (1)	Marshall (1)	4320:4,11;4326:7	merits (1)	minute (1)
4330:22	4388:1	Measurements (13)	4374:5	4343:23
main (4)	Marvin (2)	4318:3;4319:12,17,	messenger (1)	minutes (11)
4392:22;4393:2,16,	4344:3;4388:3	23;4326:9,10,11;	4358:5	4340:3;4367:6,6;
16	Massachusetts (1)	4327:7,16;4328:2;	met (8)	4378:2,3;4379:21;
majority (2)	4356:7	4393:6;4394:3,4	4311:4;4324:14;	4386:3;4389:12,13,19;
4339:8;4392:4	materials (3)	measuring (1)	4344:22;4369:16;	4404:5
makes (5)	4334:16;4341:19;	4325:13	4372:6;4376:21;	miserably (1)
4348:24;4356:14;	4343:1	mechanical (1)	4382:12;4400:18	4324:15
4369:12;4396:5;	math (1)	4329:20	meter (2)	misleading (2)
4405:13	4332:12	media (3)	4328:10,24	4355:2,2
making (1)	matter (4)	4399:5,11,19	meters (3)	missed (2)
4355:12	4331:2;4333:22;	mediate (3)	4333:6,6,7	4333:21;4334:3
management (1)	4345:21;4403:17	4346:11,12,16	methods (1)	missing (3)
4392:1	Matthew (2)	medical (3)	4348:13	4342:20,22;4396:9
manner (2)	4329:16;4386:5	4385:2,3,7	metric (1)	mistake (3)
4316:5;4384:16	maximum (1)	meet (14)	4336:12	4336:10,13;4382:13
manpower (1)	4321:2	4310:15;4311:5,12;	microphone (1)	mistakenly (1)
4334:17	May (25)	4315:15;4333:10;	4318:4	4336:9
manufactured (2)	4308:1;4309:6;	4334:8;4355:8;	microwave (1)	mistakes (2)
4391:22;4392:13	4321:3,12;4324:4;	4368:17;4372:22;	4314:21	4349:15,17
Manufacturer (2)	4331:1;4335:9;4336:2;	4373:11,13,14;	middle (5)	MLS (4)
4332:20;4341:22	4345:22;4358:6;	4376:23;4390:9	4324:9,11,17;	4397:6;4398:3,5,11
many (19)	4362:22,24;4363:15;	meeting (8)	4332:14;4344:6	mobile (1)
4310:15;4312:6;	4364:2;4366:8;	4388:14;4398:19,21,	might (4)	4392:3
4316:16;4328:21;	4370:24;4371:11;	22;4399:2,5;4404:19;	4351:17;4353:18;	model (14)
4331:18;4342:22;	4378:20;4379:23;	4405:7	4367:24;4385:2	4319:6;4323:20,23;
4343:13;4347:19;	4384:8;4386:10;	meetings (1)	migration (1)	4332:19,19;4333:3,5,
4354:2;4369:18;	4390:23;4395:19;	4310:1	4385:18	15,17;4341:20;4342:4,
4371:18;4374:18,18;	4405:8,8	meets (1)	Mike (3)	6,24;4348:18
4375:9;4381:16;	maybe (3)	4310:23	4308:6;4351:22;	modeled (1)
4383:11;4387:4;	4336:2;4360:14; 4389:2	Megan (3) 4354:20,21;4369:21	4352:4 mile (8)	4320:13 modeling (1)
4401:18,18	4389.2 Mayor (1)	4554:20,21,4509:21 MEMBER (3)	4330:3;4344:13,14;	4389:23
map (1) 4330:4	4369:8	4378:10;4397:17;	4345:4;4362:11,12;	4369.23 moderate (1)
maps (2)	McCann (15)	4400:17	4364:23;4375:19	4322:8
4324:2;4388:17	4347:4,4;4350:1;	members (11)	miles (4)	mom (1)
March (1)	4351:2,3,8,13;4352:11;	4318:13,14;4380:24,	4352:19,21,21;	4385:23
4403:24	4395:22;4396:4,12,16,	24;4385:23;4387:3,8,	4375:11	moment (1)
Margi (1)	20,21;4397:1	16,20,23;4405:18	Miller (4)	4312:3
4361:22	McCann's (8)	memo (2)	4365:10;4386:8;	money (14)
margin (1)	4348:7,17;4349:2;	4319:16,22	4388:6.9	4336:5;4337:4;
4333:2	4350:4;4351:23;	Memorandum (1)	million (15)	4350:15;4354:5;
margins (1)	4352:3,7;4396:6	4316:6	4335:19,20;4336:1,	4363:16,20;4372:4;
4332:18	mean (11)	memories (2)	8,14,20,20;4337:17,19,	4375:18;4386:19,19,
Mark (2)	4311:15;4321:20;	4385:20,22	23;4338:4,16;4345:23;	19;4387:1,9,11
4378:14;4400:18	4331:4;4344:15;	memory (1)	4364:16;4400:7	monger (1)
market (6)	4353:22;4355:20;	4356:5	millions (2)	4337:21
4347:21;4396:22;	4357:12;4373:2;	men (1)	4365:16;4382:21	month (1)
4397:4,14,24;4398:4	4398:5;4400:23,24	4387:2	mind (5)	4315:23
marketing (1)	means (3)	mention (8)	4334:8;4357:8;	months (5)
4396:22	4318:15;4372:20;	4319:7;4324:12;	4374:23;4377:5;	4342:19;4351:15;
marketplace (1)	4389:15	4340:2;4352:8;4390:4;	4382:19	4380:9;4396:18,20
4383:10	meant (2)	4396:5,22;4402:1	mine (1)	mood (1)
markup (1)	4358:3;4401:1	mentioned (13)	4340:2	4356:5
4354:18	measure (3)	4313:24;4334:24;	Minimize (1)	moral (1)
-	1		1	

4373:3	4379:11;4404:3	4345:2	non-answers (1)	occur (3)
more (31)	multifamily (1)	neighboring (2)	4357:21	4362:23;4363:1;
4312:2;4318:4;	4391:21	4371:13;4372:3	non-class (1)	4391:4
4319:9;4320:16;	multipliers (1)	neighbors (2)	4392:14	occurred (6)
4321:13;4322:7;	4342:23	4379:8;4380:23	none (9)	4315:8;4372:1;
4324:21;4328:22;	Municipal (3)	Neither (1)	4332:5;4337:9;	4373:18;4374:2;
4335:10;4337:5;	4313:18;4338:1;	4347:3	4343:18;4349:4;	4376:19;4396:16
4343:23;4348:4;	4373:6	Nelson (2)	4355:10;4371:20;	occurring (3)
4354:14;4355:20;	must (9)	4364:11;4395:17	4396:2;4400:6,8	4318:23;4324:7;
4357:24;4359:4,8;	4314:14;4317:14;	nervous (1)	non-local (1)	4356:22
4361:2;4362:1;4367:7,	4318:1,4,9;4333:12;	4358:7	4334:22	occurs (1)
22;4373:24;4380:10;	4367:5;4377:12;	net (1)	nonresidential (1)	4345:4
4387:9,10;4391:19;	4391:7	4341:23	4392:15	oddly (1)
4394:14;4396:21;	mutually (1)	new (15)	non-wind (1)	4402:24
4399:17;4401:6,9	4345:1	4330:2,8,20;	4345:10	Odell (1)
morning (1)	myself (2)	4363:16,20;4364:24;	nor (2)	4350:18
4372:11	4377:11;4402:11	4373:8,9,17;4374:1,1,	4334:13;4366:19	off (6)
mortgages (1)		2;4383:17;4401:22;	note (2)	4312:12;4336:5;
4347:8	N	4403:5	4319:2;4395:11	4356:17;4379:19;
most (20)		Newhouse (2)	notice (1)	4389:1;4401:17
4311:4,19;4315:1,2;	name (3)	4388:1,5	4353:2	offend (1)
4316:1;4339:6;4343:1;	4381:24;4384:9;	news (3)	notion (1)	4379:7
4345:19;4359:4,5;	4389:1	4399:5,11,19	4350:20	offer (3)
4363:13;4365:8;	names (2)	next (8)	November (3)	4346:5,9,13
4375:23;4380:6;	4361:21;4379:19	4322:16;4324:16,23;	4400:12;4401:12;	offers (1)
4381:4,13;4388:14;	Nancy (1)	4326:21;4327:2,21;	4403:10	4338:22
4397:8;4401:11;	4386:4	4355:3;4404:19	number (21)	Office (1)
4403:15	Natural (1)	nice (1)	4311:12;4325:17;	4353:3
mostly (1)	4339:8	4382:12	4337:18,19,22;	officials (1)
4359:8	natural' (1)	Nielsen (1)	4340:16;4345:6,19,20;	4365:23
mother (1)	4400:3	4308:18	4346:3;4348:3;	often (2)
4383:2	near (3)	night (23)	4361:19;4362:5,6,7,11,	4325:21;4346:20
mothers (1)	4319:12;4320:13;	4309:2,15,20,23,24;	19;4363:19;4400:5,14;	old (2)
4380:22	4353:12	4315:9,11;4316:3,9;	4404:9	4373:9;4385:22
motion (5)	nearest (1)	4317:6;4320:18;	numbers (14)	oldest (1)
4384:19;4405:2,11,	4344:14	4329:5,23;4334:15;	4322:15;4323:19,21,	4383:3
12,14 motions (1)	nearly (1)	4335:13;4341:5;	23;4325:4;4328:8;	Olson (1)
4314:17	4384:13 necessarily (1)	4344:4;4349:16; 4352:24;4367:1,3;	4330:7,12;4337:11,12; 4340:11;4341:24;	4388:2 once (7)
move (3)	4357:12	4372:23;4375:5	4345:17;4349:22	4335:10;4342:5,8,9;
4308:20;4337:10;				4343:12;4384:15;
4308.20,4337.10,	necessary (2)	nights (2) 4309:8;4405:9	numeric (2) 4394:7,8	4345.12,4364.13,
moved (5)	4348:23;4389:12	Nina (1)	1394.7,8 numerous (1)	one (99)
4322:2,4;4332:9;	need (12) 4310:12;4311:22;	4403:1	4383:15	4310:8,12;4311:13,
4352:22,22	4310.12,4311.22, 4314:23;4323:14;	nine (1)	4363.13	19,22;4312:2,18;
Moving (4)	4332:23;4338:4;	4380:12	0	4315:7,22,24;4318:4,
4321:23;4322:10;	4332:23;4338:4; 4342:23;4344:20;	4380:12 Nobody (1)	U	4315:7,22,24;4318:4, 13;4320:5,5,11;
4349:5;4363:19	4342.23,4344.20, 4355:20;4370:19;	4359:19	objections (1)	4322:6;4324:4,10,16,
mow (1)	4387:13;4405:10	nocebo (2)	4381:1	23;4325:18;4326:20,
4331:15	needing (1)	4356:14;4398:23	objective (1)	21,24;4327:1,9,13;
mows (1)	4405:9	noise (42)	4355:19	4329:7,11,17;4330:1,5,
4331:10	needs (3)	4315:13,17;4316:6,	obligations (1)	8,10,15,19,22;4331:6,
MPAC (2)	4378:2;4402:23;	17;4317:14;4318:10,	4313:2	18;4333:16;4340:18;
4350:5,11	4405:1	15,21;4319:9,14;	obstructive (1)	4343:16;4344:21;
Mrs (1)	negative (8)	4320:8,11,12;4325:18,	4401:3	4345:16;4346:3;
4367:16	4348:10,11;4350:23;	19;4327:22,24;4344:4;	obtaining (1)	4347:17;4348:1,16;
much (17)	4357:15;4380:17;	4358:19;4360:2,3;	4313:9	4350:7,20;4351:6,13;
4310:22;4312:17;	4399:5,10,18	4362:23;4365:1,3;	obviously (6)	4352:14,19;4353:8,20;
4324:6;4347:9,11;	negatives (1)	4370:9;4380:16;	4335:16;4338:23;	4354:8,11;4356:11;
4348:4;4353:5,23;	4380:7	4390:1,15,16,21,24;	4343:10,19;4369:1;	4358:15;4363:8;
4356:8;4358:22;	negotiations (1)	4391:9,14;4393:9;	4376:9	4365:16,17;4366:9;
4366:10;4371:13,17;	4372:12	4394:3,4,11,14,16,18;	occasions (1)	4367:5;4369:15;
4376:1;4377:16;	Neighbor (1)	4399:7,10	4325:17	4372:4;4373:3,7,13,20;
1575.1, 1577.10,	(1)	,	1323.17	13,2.1,13,3.3,7,13,20,

-				
4374:3,7,10,13;	4384:22	4364:20	4309:11	4347:10,11,13,13,14;
4376:10;4377:2;	options (1)	overnight (1)	passionately (1)	4348:11,11;4349:6,23,
4379:6,8,10;4386:21;	4393:3	4341:2	4382:10	23,24;4350:18,19;
4390:13;4391:17,18;	order (1)	own (12)		4354:18;4358:16,16,
			past (3)	
4392:8,17;4394:10;	4381:5	4327:19;4329:7;	4374:19;4396:3,3	16,17;4362:8,8,9,15,
4395:15;4396:21,23;	orderly (1)	4341:10;4351:9;	pathway (1)	16,19;4363:17;
4400:5,7,16;4401:11,	4369:5	4373:8;4374:5,5;	4356:22	4364:14;4375:12;
20,21;4402:1;4403:14,	Ordinance (15)	4381:17;4383:10,22;	patience (1)	4395:15;4396:6
19	4311:9,10,11;	4385:21;4390:13	4381:19	percentage (4)
one-hour (1)	4313:12;4318:7;	owned (2)	Patrick (15)	4336:6;4341:19;
4327:7	4333:24;4334:1;	4391:24;4392:1	4314:20;4328:4,4;	4342:1;4348:9
	4338:9,15;4366:4,13,			perception (3)
ones (1)		owner (3)	4329:5;4333:21;	
4373:2	21;4370:17;4372:20;	4346:2,11;4351:19	4335:17,19;4336:9,17,	4324:6;4350:21,23
ongoing (2)	4375:1	owners (3)	20;4337:11;4384:4;	performance (2)
4370:14;4372:12	ordinances (2)	4340:7;4342:2;	4389:22;4390:8,9	4356:6;4365:4
only (27)	4314:13;4366:18	4388:20	Paula (1)	period (1)
4309:6;4314:4;	Oregon (1)		4361:22	4353:17
4338:13;4340:6,8;	4401:20	P	pay (5)	perjury (5)
4341:20;4347:1;	original (3)	_	4335:6;4354:1,1,17;	4349:4;4350:2,13;
4348:16;4353:19;	4330:5;4335:18;	page (6)	4363:15	4351:21;4352:4
4354:5,16;4363:8,16;	4391:11	4322:17,18;4327:5,	paying (1)	permit (2)
4367:3;4369:7;4370:1;	originally (2)	21;4355:3;4367:20	4308:24	4320:8;4390:7
4375:12;4376:12;	4328:13;4335:19	paid (2)	payments (1)	permutations (1)
4378:24;4379:6;	others (1)	4353:4;4368:7	4347:19	4331:18
4381:11;4386:18,19;	4373:1	paired (2)	pays (3)	person (5)
4395:15,21;4400:16,17	otherwise (1)	4348:16;4349:2	4345:14;4346:3,4	4326:9;4347:2;
Ontario (1)	4320:22	paper (1)	peace (1)	4364:4;4390:19;
4396:7	Ottawa (1)	4399:3	4379:15	4395:21
open (2)	4340:24	parcel (1)	peacefulness (1)	person's (4)
4367:14;4374:23	ours (1)	4332:1	4343:14	4355:17,23;4356:1;
openly (1)	4315:10	park (1)	penetrates (2)	4357:13
4380:12	out (30)	4386:16	4344:5,11	per-ton (1)
operating (2)	4311:14;4312:11;	part (14)	people (68)	4334:12
4360:7;4396:19	4314:21;4316:7,24;	4315:1;4317:18;	4309:15,16,23;	petition (3)
operation (4)	4325:20;4326:14,14,	4326:8,13;4330:24;	4315:13;4317:11;	4350:22;4375:9;
4351:14,15,16;	22;4328:11;4334:10;	4334:1;4338:19;	4335:9;4336:4;	4398:14
4395:18	4335:21;4336:1,3,14;	4339:19;4341:16;	4339:15,15;4340:19;	phased-in (1)
operational (2)	4337:15;4345:6;	4353:3,8;4387:6;	4341:1,17,18;4343:13,	4338:14
4351:18;4396:16	4350:7;4357:18;	4392:18;4393:1	24;4344:2;4347:21;	Phil (17)
operations (3)	4363:9,19,21;4367:3,	participating (1)	4350:21;4355:11,16;	4309:19;4310:4;
4328:1;4370:12;	12;4385:11;4386:16;	4342:2	4359:15,17;4360:6;	4390:3,11;4391:18;
4403:12	4388:24;4393:14;	participation (1)	4361:15,18,19;4362:5,	4393:15;4394:24;
operators (2)	4395:14;4403:3	4309:3	6,7,11,13,14,16,17,18,	4395:12,17,21;4396:1,
4361:13,16	outdoor (1)	particular (3)	20;4364:11,17;4365:9;	5,9;4400:22;4401:5,
opinion (4)	4387:3	4376:22;4393:21;	4368:6,11,12,13;	15;4402:1
4316:24;4319:5;	outlines (1)	4395:1	4369:18;4370:1,2;	phonetic (1)
4326:14;4388:14	4338:21	particularly (1)	4371:6,6;4375:7,9,12,	4319:15
opinions (4)	outrage (1)	4396:24	24;4381:13;4382:13;	physical (2)
4310:2;4316:14;	4399:23	parties (1)	4383:12,12,21;	4359:23;4384:16
4319:4,7	outside (1)	4387:3	4384:18;4385:1,3,6;	physiological (2)
opportunities (2)	, ,		4387:10,15,22;	
• • • • • • • • • • • • • • • • • • • •	4315:18	partners (1)	1 1 1	4358:7,8
4340:5,6	over (27)	4335:11	4388:13,20;4391:14;	pick (1)
opportunity (3)	4315:23;4321:4,16;	parts (3)	4398:16	4359:24
4340:10;4351:11;	4324:13;4328:9;	4345:10;4360:11;	per (5)	picked (2)
4377:21	4330:17;4331:3,5;	4367:4	4335:4;4348:19;	4315:23;4345:6
Opposed (1)	4333:5,6,7;4339:24;	Parzyck (3)	4353:16;4354:19;	picnics (1)
4405:19	4344:7,12;4350:21;	4314:2;4340:20;	4371:17	4386:16
opposing (1)	4353:17;4369:2;	4370:22	perceived (1)	piece (1)
4399:14	4371:9,14,21;4374:19;	pass (2)	4400:1	4331:13
opposite (5)	4375:19;4379:15;	4373:3;4383:8	percent (41)	pieces (2)
4313:4;4333:10;	4382:9;4385:17;	passed (2)	4327:6,14;4336:4;	4334:18,19 Diamont (1)
4365:13,13;4373:4	4395:11;4401:19	4373:1,2	4337:2,6,9;4340:6,8,	Pierpont (1)
optical (1)	overall (1)	passion (1)	13;4342:18,19,24;	4403:1
	1	1		<u> </u>

pig (1)	podium (1)	pre-approved (1)	4311:4;4331:3,5;	4311:24;4316:18,21;
4375:15	4378:14	4345:13	4342:21;4343:17;	4317:8,16;4318:2,2,10,
Pillow (1)	point (10)	precedent (2)	4362:13;4368:7;	16,19,19,21,23;
4344:6	4317:23;4319:6;	4372:23;4373:9	4405:3,6	4319:13,19;4320:3,13;
pilots (1)	4324:4,18;4325:7;	Preconstruction (2)	problem (8)	4321:4,7,11,13,19,20,
4355:6	4326:22;4352:20;	4333:20,23	4315:6,14;4328:12;	21;4324:13;4325:7;
place (6)	4367:3;4404:21,24	predictions (1)	4333:4;4371:2,8;	4329:21;4330:1,16,17,
4332:19;4370:20,23;	pointed (3)	4321:6	4400:20;4403:2	17;4331:5,13,24;
4371:1;4385:19;	4314:21;4328:11;	predicts (1)	problems (10)	4332:7;4340:7;4342:2,
4393:18	4367:12	4342:24	4338:22;4355:10,11;	17;4344:20,20,23;
placed (2)	points (4)	prefer (1)	4356:10;4359:21;	4345:10;4346:2,11,14,
4331:22;4404:10	4324:3,4;4360:1;	4388:21	4371:12;4372:1;	24;4348:23;4349:17;
places (5) 4321:3;4342:7;	4402:4	prehearing (1) 4326:5	4373:21;4385:2; 4386:21	4351:19;4363:24; 4368:1;4369:20,23;
4354:16,17;4386:15	politely (1) 4310:2	prepared (3)	procedures (4)	4380:17;4387:5;
Plaintiff's (1)	Pollution (15)	4316:6;4347:2;	4326:7;4370:23,24;	4390:16,20,20;4391:1,
4319:17	4314:24;4315:19;	4395:21	4320.7,4370.23,24,	8,9,12,15,16;4394:6,7;
plan (11)	4316:13;4319:3,11;	prescribed (1)	proceeding (1)	4396:7
4333:9;4334:5;	4323:5,16;4332:3;	4390:23	4404:11	property-line-noise- (1)
4366:4;4367:13,21,23;	4376:23;4380:16;	prescribing (1)	proceedings (2)	4317:24
4368:15,17,20;	4390:14;4391:14;	4390:24	4378:5;4387:12	proposal (4)
4372:21;4401:24	4392:8;4393:11;	presence (2)	process (7)	4322:1;4382:20;
planned (1)	4394:23	4347:11;4385:22	4310:13;4325:10;	4383:23;4391:11
4391:4	pond (5)	present (4)	4345:21,24;4346:18;	proposed (5)
planner (4)	4393:17,19;4394:3,	4315:12;4326:9;	4404:17,23	4311:14,24;4367:24;
4366:10,12;4402:11,	5,6	4399:3,9	production (2)	4386:24;4395:4
12	poor (2)	presented (4)	4339:20;4343:9	protect (5)
Planning (11)	4320:10;4365:4	4338:24;4381:3;	Project (29)	4315:13;4335:22;
4366:6,11,15,22;	Population (1)	4383:17;4400:11	4308:5;4313:1;	4339:12;4381:5;
4368:3,9,18;4398:18;	4375:8	presents (1)	4314:2,6;4333:11;	4391:13
4399:7,13,16	portion (7)	4398:8	4340:11;4341:19;	protected (1)
plans (1)	4317:1,16;4324:12,	preserve (1)	4343:4;4355:1;	4319:14
4376:23	17,19;4391:18;4393:7	4383:8	4360:21,21;4361:2;	protection (1)
plant (1)	position (5)	pressure (4)	4363:10;4365:12;	4312:16
4341:10	4353:19;4363:14;	4358:10;4391:6,7,11	4368:11;4370:13;	prove (4)
plants (1)	4364:3;4366:6;	presumptive (1)	4376:8,10;4377:12;	4357:15,17;4372:6;
4341:7	4372:13	4311:15	4383:1;4395:4,12;	4376:22
play (4)	positions (1)	pretty (7)	4402:8;4403:10,14,22;	proved (3)
4322:13;4331:11,16,	4318:4	4310:21;4336:6;	4404:1,2;4405:1	4333:17;4401:16,16
16	positive (1)	4350:2;4351:17,18;	projects (4)	proven (2)
plea (1)	4386:19	4358:11;4376:1	4339:24;4343:1;	4355:21;4394:11
4381:9	possible (2)	previously (2)	4375:22;4401:19	provide (5)
plead (1)	4339:4;4355:17	4374:7;4385:5	prominence (1)	4311:22;4314:8;
4381:17	possibly (1)	price (4)	4399:15	4338:5,13;4386:14
Pleasant (17)	4358:10	4346:6,10,15;	promote (2)	provided (2)
4308:4,4;4311:24;	potential (1)	4379:12	4343:6,7	4351:3;4367:18
4312:23;4315:12;	4403:15	prices (1)	promotes (1)	provides (2)
4328:8;4339:1;	pound (1)	4348:9	4340:5	4339:11;4393:21
4354:20;4355:1;	4371:21	primarily (1)	proof (8)	providing (1)
4363:22;4375:6;	pounds (1)	4350:3	4310:9,11;4333:9;	4347:8
4382:9;4383:12;	4371:15	primary (2)	4355:19;4359:22;	provision (2)
4398:22;4400:10,14;	pouring (1)	4365:24;4393:2	4372:8;4376:21;	4322:3;4326:13
4403:6	4379:5	prime (1)	4380:16	provisions (1)
please (8)	Power (1)	4402:7	propensity (1)	4311:11
4309:19;4374:16;	4403:9 PowerPoint (5)	priming (1)	4399:23	pro-wind (2)
4381:9;4382:13;	PowerPoint (5) 4326:18;4350:4,8,9;	4398:23 prior (2)	proper (5) 4319:8,13,21;	4341:11,16 proximity (1)
4384:8;4387:6; 4388:11,15	4320:18;4330:4,8,9;	4397:7;4399:11	4319:8,13,21;	4380:18
4388:11,13 plus (4)	4303:23 Prairie (3)	private (1)	properties (10)	public (11)
4327:17;4332:20,24;	4363:15;4371:11;	4392:7	4316:16,18;4328:13,	4309:13;4313:16;
4370:1	4398:17	pro (1)	17;4353:8;4369:6,11;	4340:2;4342:14;
pm (1)	prayed (1)	4390:10	4370:4;4372:3;4400:7	4368:21;4372:16;
4405:21	4383:16	probably (9)	property (67)	4380:13;4390:6;
1703.21	1303.10	probably (7)	property (07)	1300.13,7370.0,

		T.	1	17143 21, 2010
4399:1,4;4404:16	Rand (2)	4351:5;4352:2;	4368:17	rent (1)
published (1)	4315:3,6	4399:17;4403:9,13,24	Regression (2)	4334:17
4401:11	random (2)	receiving (11)	4348:18,20	rental (1)
pull (1)	4345:5,6	4317:21,23;4318:5;	regs (13)	4392:1
4334:10	rate (1)	4319:13,18,19;4320:4,	4315:19;4316:14,23;	rep (1)
Punch (4)	4358:10	9;4347:19;4391:8,15	4317:8,17;4318:8;	4375:21
4357:22;4359:22;	rates (1)	recent (1)	4319:7;4323:11;	repeatedly (1)
4362:7;4400:22	4337:1	4397:8	4325:15;4326:16;	4390:18
punt (1)	rather (5)	reception (1)	4332:4;4333:10,12	repetition (1)
4372:21	4312:17;4337:24;	4403:16	regular (1)	4399:19
purchase (2)	4339:13;4391:3;	receptor (6)	4354:3	replete (1)
4346:5,9	4400:2	4324:8,16;4325:1;	regulation (2)	4357:20
pursuant (3)	Rautmann (3)	4328:6;4329:17;	4317:24;4391:13	report (20)
4390:22;4395:6;	4334:11;4335:2;	4330:18	Regulations (12)	4322:1;4327:5,6,19,
4403:7	4336:22	receptors (2)	4314:24;4315:16;	21;4347:2;4350:12;
put (15)	Rautmann's (1)	4322:7;4329:1	4319:4;4320:7;	4351:3,23,24;4352:7,8;
4311:21;4316:24;	4335:7	Recess (2)	4325:11,24;4389:24;	4353:1;4356:7;4366:7,
4325:12,12;4336:3;	reaction (1)	4378:5;4405:11	4390:2,9,15,24;4392:9	14;4367:19;4369:14;
4349:20;4350:8;	4358:8	reciprocal (1)	rehired (1)	4395:22;4401:24
4374:19;4376:13;	reactions (1)	4346:12	4345:15	reporter (1)
4379:2,12;4380:4;	4358:9	Recognized (3)	rejected (2)	4382:1
4383:15;4387:8;	read (14)	4348:13;4357:5,7	4390:5;4401:13	reports (1)
4388:20	4310:17;4320:20;	recommendation (1)	related (4)	4353:6
	4322:19;4326:2,3;	4368:10	4354:6;4358:20;	represent (1)
Q	4329:7;4355:4;4361:8,	recommendations (2)	4403:15,21	4337:7
	8;4379:19;4389:1;	4339:9,12	relationships (1)	representative (1)
qualifications (3)	4391:18,19;4393:13	recommended (3)	4361:14	4378:8
4358:3;4400:23,24	reading (1)	4339:5;4370:6;	relatively (1)	represented (1)
qualified (1)	4311:18	4395:8	4329:9	4375:24
4369:15	real (8)	record (3)	relax (1)	represents (1)
quality (1)	4326:17;4328:11;	4360:24;4384:9;	4393:19	4391:10
4359:10	4333:20;4337:22;	4403:13	relevant (4)	reproductive (1)
quarries (2)	4348:12;4355:12;	recreational (1)	4317:18;4319:5;	4364:22
4343:3,4	4367:3;4372:7	4386:14	4360:1;4373:10	reputable (1)
quarter (1)	Realistically (1)	recyclers (1)	reliability (2)	4361:3
4344:13	4405:3	4335:5	4348:21,22	request (1)
quick (4)	realized (1)	red (2)	reliance (1)	4403:7
4333:21;4334:6,9;	4311:19	4324:9;4325:2	4352:24	require (3)
4374:21	really (20)	reduce (2)	relied (1)	4313:15;4314:13;
quicker (1)	4335:22;4337:4;	4364:24,24	4367:7	4338:16
4366:3	4338:13;4343:21;	reductions (1)	relies (1)	required (3)
quickly (3)	4353:2;4354:9,11,12;	4396:7	4312:1	4311:10;4313:9;
4308:23;4316:11;	4362:9;4368:11;	Reed (1)	Relight (1)	4338:8
4392:6	4372:24;4373:1;	4400:15	4382:17	requirement (3)
quiet (1)	4376:14;4377:14;	refers (1)	Relight's (1)	4313:19;4333:24;
4387:5	4378:24;4393:15;	4358:18	4382:20	4346:13
quote (2)	4396:10;4397:8;	reflect (1)	rely (4)	requirements (3)
4314:6;4402:15	4401:3;4403:3	4399:21	4350:24;4352:9;	4311:2,6;4372:18
quoted (1)	Realtors (2)	reflected (1)	4371:7;4372:9	requires (1)
4325:16	4397:17;4398:8	4368:4	relying (2)	4326:8
4323.10	reason (3)	refused (1)	4366:7;4369:14	reread (1)
R	4335:21;4338:15;	4357:9	remainder (1)	4310:19
	4402:19	reg (3)	4393:24	research (3)
raised (1)	reasonable (1)	4318:17,24;4320:6	Remember (5)	4339:5;4355:21;
4371:10	4367:22	regard (5)	4312:5;4340:15;	4359:3,4353.21,
raises (2)	Rebekah (2)	4310:15;4339:7;	4346:19:4367:5;	reside (1)
4364:12;4383:4	4375:21;4401:20	4367:9;4370:8;4377:5	4395:19	4342:2
raising (1)	recall (1)	regarding (6)	remind (1)	residence (9)
4364:11	4372:10	4316:6;4332:18;	4379:20	4319:23;4320:5,6,
ramifications (1)	receive (1)	4367:19;4396:6;	renewable (1)	10;4322:5,11;4330:21;
	Teceive (1)		` '	
	1316.16	$AA(Y3\cdot 0.1A)$		
4370:15	4316:16	4403:9,14	4343:9 Ponovoblog (1)	4375:11,19
	4316:16 received (8) 4320:12;4346:13;	4403:9,14 regional (4) 4363:12;4366:6,22;	Renewables (1) 4403:21	residences (4) 4322:14;4362:12;

1201 24 1202 1	1015 5 1055 10	(2)	10.50.01	1017.01
4391:24;4392:1	4315:5;4365:10;	room (3)	4363:21	4315:24
resident (3)	4386:8	4322:13;4344:12;	saw (8)	Seems (3)
4331:10,22;4376:10	rid (1)	4368:11	4323:18;4329:20;	4349:11;4380:19;
residential (11)	4335:12	round (2)	4336:8;4347:23;	4386:20
4324:21;4329:18,18;	Ridge (24)	4328:19,20	4349:6;4352:2;	Selection (1)
4367:23;4368:1;	4308:4,5;4311:24;	rounding (1)	4360:17;4382:17	4318:3
4391:20,23;4392:4,6,	4312:23;4315:12;	4328:22	saying (7)	self-diagnose (2)
18;4393:6	4325:5,5,6;4327:6;	routes (1)	4314:5;4317:12,12,	4402:21;4403:2
residents (9)	4328:8;4339:1;	4372:16	12;4370:2;4373:23;	sell (2)
4333:16;4340:5,9,	4354:20;4355:1;	row (1)	4388:15	4347:21;4396:23
10;4370:21;4382:9;	4360:19;4363:22;	4392:12	scenario (2)	selling (2)
4387:6;4398:23;	4375:6;4382:9;	ruined (2)	4331:15,21	4342:18;4403:20
4404:1	4383:12;4398:22;	4343:15;4376:3	scheduled (1)	semis (2)
resolution (1)	4400:10,14;4403:6,9,	rule (1)	4404:19	4353:9,9
4355:3	10	4374:23	Schneeman (1)	sensation (5)
resolve (1)	ridiculously (1)	ruled (1)	4388:2	4356:13;4360:9,10;
4382:14	4345:22	4402:17	Schomer (3)	4401:16,17
resolved (3)	right (31)	ruling (1)	4360:4,18,18	sense (3)
4372:10,14;4403:17	4311:21;4314:21;	4402:16	school (7)	4348:24;4349:1;
resonance (1)	4315:5;4327:5;4329:4;	run (3)	4341:16;4363:8,13;	4356:15
4399:17	4330:7,8,15;4333:18;	4333:15;4342:6;	4364:2;4378:7,10;	sent (1)
resounding (1)	4336:15,21;4345:15,	4403:21	4398:17	4370:1
4375:3	17;4370:14;4379:18;	running (3)	schools (1)	sentence (1)
Resources (1)	4383:1;4384:8;4386:2;	4325:21;4344:12;	4363:7	4388:11
4339:9	4388:20,23;4389:17,	4383:22	SCHOPP (7)	separate (2)
respected (1)	19;4390:15;4397:2,16,	runs (1)	4308:1,8,10,12,14,	4392:21;4396:13
* ` ´				,
4361:10	20;4398:12;4402:21;	4341:16	16,18	separately (1)
respects (2)	4403:6;4404:7,12	rural (3)	science (2)	4393:23
4310:15;4366:3	ripping (1)	4348:4,4;4387:5	4351:24;4357:14	separating (1)
Respondents (2)	4367:2	Ruth (1)	scientific (1)	4319:19
4326:5;4394:21	risk (5)	4388:3	4338:24	seriously (1)
response (5)	4365:11;4370:20;		scientist (1)	4368:7
1000 7 17 10		C		
4308:7,15,19;	4377:8;4395:10;	S	4352:16	service (4)
4403:13;4405:19	4400:2		screen (1)	4342:14;4387:23;
4403:13;4405:19 responses (6)	4400:2 risks (1)	sad (1)	screen (1) 4320:22	4342:14;4387:23; 4390:6;4395:7
4403:13;4405:19 responses (6) 4358:7;4361:15;	4400:2 risks (1) 4400:3	sad (1) 4351:24	screen (1) 4320:22 SCRS (2)	4342:14;4387:23; 4390:6;4395:7 services (3)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6;	4400:2 risks (1) 4400:3 road (5)	sad (1) 4351:24 safe (4)	screen (1) 4320:22 SCRS (2) 4403:17,24	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20;	sad (1) 4351:24 safe (4) 4337:24;4339:21;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19;	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15;	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20,	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4308:3 reviewed (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20;	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12 Rhode (2)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4387:4 Robert (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4352:16	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3;	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19;
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4352:16 Roger (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1) 4338:9	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2 rhythm (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4378:16 Roger (1) 4378:16	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24 satisfactory (1)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1) 4338:9 security (2)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14 Sharon (1)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2 rhythm (1) 4401:4	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4378:16 Roger (1) 4378:16 Roll (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24 satisfactory (1) 4314:10	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1) 4338:9 security (2) 4313:12;4338:11	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14 Sharon (1) 4344:13
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 reviewed (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2 rhythm (1) 4401:4 Richard (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4352:16 Roger (1) 4378:16 Roll (1) 4308:6	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24 satisfactory (1) 4314:10 save (1)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1) 4338:9 security (2) 4313:12;4338:11 seeing (2)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14 Sharon (1) 4344:13 shed (2)
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 revised (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2 rhythm (1) 4401:4 Richard (1) 4308:10	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Robinson (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4378:16 Roger (1) 4308:6 Ron (1)	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24 satisfactory (1) 4314:10 save (1) 4337:4	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4338:9 security (2) 4313:12;4338:11 seeing (2) 4365:2;4400:20	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14 Sharon (1) 4344:13 shed (2) 4330:22;4393:15
4403:13;4405:19 responses (6) 4358:7;4361:15; 4378:18;4384:6; 4386:7;4388:5 restoration (1) 4355:22 restrictions (1) 4372:19 results (2) 4348:7;4389:23 retail (1) 4341:24 reunions (1) 4387:4 revenues (1) 4364:1 review (1) 4308:3 reviewed (1) 4314:5 reviewed (2) 4330:13;4370:12 Rhode (2) 4319:15;4320:2 rhythm (1) 4401:4 Richard (1)	4400:2 risks (1) 4400:3 road (5) 4318:22;4331:20; 4333:20;4383:19; 4384:12 roads (3) 4336:2,2;4372:16 roar (1) 4344:4 roasts (1) 4386:5 Roberts (5) 4344:13;4355:14,15; 4359:19;4402:23 Roberts' (1) 4356:23 Robinson (1) 4358:12 rocket (1) 4352:16 Roger (1) 4378:16 Roll (1) 4308:6	sad (1) 4351:24 safe (4) 4337:24;4339:21; 4357:13;4385:10 safety (3) 4359:16;4368:4,21 sale (3) 4351:4,12;4397:8 sale/resale (1) 4348:15 sales (5) 4348:9,14,16; 4349:2;4351:13 salvage (1) 4336:11 same (18) 4313:14,16;4323:20, 21;4326:24;4327:2,2; 4331:9,15;4338:10; 4347:12;4348:6; 4363:14;4364:3,19; 4371:10;4379:3; 4402:24 satisfactory (1) 4314:10 save (1)	screen (1) 4320:22 SCRS (2) 4403:17,24 search (1) 4374:21 Second (13) 4312:22;4319:10; 4320:17;4322:15; 4324:22;4346:3; 4356:20,24;4375:18; 4381:22;4392:22; 4405:14,15 seconds (2) 4404:6;4405:16 section (14) 4311:3,5,6;4314:23; 4317:17;4322:24; 4323:4,5;4326:13; 4338:19;4367:20; 4372:16,17;4402:4 sectors (1) 4342:22 secure (1) 4338:9 security (2) 4313:12;4338:11 seeing (2)	4342:14;4387:23; 4390:6;4395:7 services (3) 4400:7,9;4403:18 set (8) 4311:2;4313:4; 4318:9;4330:11; 4343:10;4375:2; 4389:18,18 setback (1) 4365:24 sets (2) 4316:8;4323:1 seven (5) 4339:23;4352:21; 4364:23;4380:9,11 several (1) 4353:6 Severson's (1) 4347:24 Shadow (3) 4363:2;4365:1,4 Shall (3) 4317:18;4390:19; 4404:14 Sharon (1) 4344:13 shed (2)

				Way 21, 201.
4392:15	single (5)	4325:8	4383:9;4387:21	Stichnoth (2)
sheet (3)	4314:4;4350:8;	someone (2)	Standard (14)	4344:3;4388:3
4312:21;4329:4;	4352:14;4400:21;	4374:15;4381:11	4311:2;4323:16;	still (10)
4350:8	4401:13	someplace (1)	4339:19;4343:6;	4310:4;4312:19;
shifting (1)	single-entity (3)	4387:15	4348:20,21;4355:8;	4314:18,19,22;4316:1;
4370:6	4312:24;4313:5;	sometimes (1)	4368:22,23;4369:3;	4325:23;4330:12,15;
Shineldecker (2)	4338:2	4344:5	4372:6;4373:7;	4333:4
4401:2;4402:18	single-family (2)	somewhere (4)	4390:17,21	stocked (1)
shop (1)	4391:21;4392:10	4325:8;4337:6;	standards (16)	4393:19
4329:20	sinister (1)	4362:8;4387:14	4310:17,23,24;	stone (2)
short (1)	4315:4	sorry (5)	4311:5,9;4317:18;	4343:3,4
4367:8	sit (1)	4338:1;4373:19;	4324:14;4348:19;	stood (1)
shot (1)	4386:17	4375:16;4377:22;	4361:4;4366:20;	4311:16
4344:19	Site (4)	4386:2	4369:2;4373:11,13,15;	Stop (2)
shoved (1)	4318:3;4326:11;	sought (1)	4375:1;4376:24	4346:14;4386:2
4354:9	4395:12;4404:21	4339:12	standpoint (1)	Storm (1)
show (10)	sited (2)	soul (1)	4373:3	4370:5
4314:23;4315:3,15;	4387:15;4388:19	4342:18	Stantec (1)	straight (2)
4317:14;4320:17;	situation (1)	sound (11)	4367:14	4313:18;4329:21
4324:2;4329:1;4332:2,	4402:24	4317:17,19;4318:1;	staring (1)	Streator (2)
4;4403:13	six (4)	4326:9;4358:9;	4351:19	4403:8,21
showed (4)	4322:6;4330:3;	4359:11;4372:14;	start (1)	stress (6)
4315:20;4353:8;	4339:24;4342:19	4391:6,7,11;4398:1	4404:18	4356:4;4364:13,24;
4358:15;4363:23	size (1)	Sounds (3)	started (1)	4365:1,1,4
showing (1)	4334:18	4344:8;4350:22;	4378:13	stretch (1)
4310:1	skipping (1)	4368:6	state (10)	4352:17
shown (5)	4317:19	source (5)	4339:15,16;4363:12;	strip (1)
4333:10;4354:12;	Slagel (4)	4318:1,11,15,21;	4364:3;4368:13;	4334:20
4357:3,11;4394:14	4333:14;4365:10,15;	4391:9	4376:1,2;4381:24;	stripes (1)
shows (3) 4328:8;4330:15;	4388:2 Slagel's (4)	sources (2) 4343:10;4400:3	4384:9;4400:6	4400:19
4376:20	4323:18;4330:5,18;	South (1)	stated (1) 4385:3	strobe-light (1) 4384:19
Sickness (1)	4402:17	4403:10	STATEMENT (13)	strong (1)
4398:23	sleep (12)	space (1)	4308:21;4329:23;	4350:2
sides (2)	4344:11;4355:17,22,	4367:15	4357:2;4367:17;	structurally (1)
4346:21;4377:17	24;4356:1,8,9;4359:5,	speaking (1)	4378:9,21;4379:24;	4392:21
sighting (1)	10,13;4362:2;4401:3	4382:6	4382:4;4384:10;	structure (8)
4388:18	sleepiness (1)	speaks (1)	4386:11;4388:8;	4317:22;4319:5,7;
sign (5)	4355:16	4323:16	4393:10;4394:22	4323:7;4365:24;
4345:3,9;4350:22;	sleeping (1)	Special (4)	statements (1)	4392:10,22;4393:2
4375:9;4388:21	4344:4	4311:3,8;4366:17,20	4396:6	structured (1)
signatures (2)	slides (1)	species (3)	states (1)	4393:1
4370:1;4398:14	4323:18	4395:1,3,10	4317:18	structures (5)
signed (2)	slop (1)	Specifically (1)	statistically (1)	4323:4,12,12;
4365:9;4381:13	4375:16	4394:2	4358:20	4391:21;4392:12
significance (1)	small (7)	spend (2)	status (3)	structure-wise (1)
4383:7	4320:21,22;4326:18;	4361:21;4367:1	4401:21,22,23	4392:23
significant (7)	4340:11;4342:1;	spent (5)	stay (3)	students (1)
4330:16,16;4339:10;	4353:22;4364:14	4315:11;4349:9,10;	4336:2;4341:2;	4363:18
4367:4;4377:7;	Society (2)	4364:16;4377:19	4385:17	studies (11)
4380:17;4391:10	4341:12;4361:5	spin (2)	stays (1)	4317:6;4348:18;
significantly (1)	Soil (1)	4384:23,24	4345:24	4358:18;4359:4,8;
4321:7	4395:13	spinning (1)	steadily (1)	4374:1,2;4385:12,13;
similar (4)	soils (1) 4372:2	4384:19	4388:13 Stoidinger (3)	4401:6,9
4325:9;4352:17; 4358:11,14	43/2:2 sold (1)	spoken (1) 4382:10	Steidinger (3) 4350:16;4388:3;	study (28) 4314:21;4328:4;
4558:11,14 Similarly (1)	4403:23	4382:10 spring (1)	4397:15	4314:21;4328:4;
4391:20	solutions (1)	4385:18	Steidinger's (1)	4347:8,13,4348:22; 4349:7,9,12,16,21;
4391.20 Simon (1)	4338:22	square (1)	4363:23	4350:5,11;4351:1,9;
4402:13	somebody (1)	4331:17	step (2)	4354:7;4359:24;
simply (3)	4348:8	stake (1)	4380:3;4404:13	4360:1,3;4361:7,9;
4320:3;4361:17;	somehow (3)	4382:21	Steve (1)	4362:15;4364:7;
4387:8	4310:2;4316:15;	stand (2)	4389:4	4370:6;4385:4;
-	, ,	` '		-,,

4398:24;4399:3;	4401:1	tax (7)	therefore (1)	4343:12;4363:12;
4401:15,16	surely (1)	4353:4,5,20,21;	4393:9	4364:4;4369:10;
stuff (1)	4313:23	4354:2;4363:7;4364:1	thinking (4)	4370:22;4383:3;
4331:1	surround (1)	taxed (1)	4325:10;4365:17;	4396:12
SU-7-14 (1)	4380:11	4383:13	4389:9,12	Tom (1)
4308:4	surrounding (3)	taxes (2)	third (3)	4378:17
submissions (2)	4369:6,11;4393:7	4353:22;4363:16	4324:23;4343:6;	tomorrow (1)
4399:13,20	survey (1)	taxing (1)	4346:6	4309:20
submit (1)	4333:20	4364:2	thoroughly (1)	ton (4)
4375:2	surveys (1)	taxpayers' (1)	4381:2	4334:12;4335:6;
subsequent (2)	4338:21	4382:21	though (5)	4351:23;4375:18
4399:6,19	Suzanne (1)	teacher (2)	4311:17;4332:4;	tonight (3)
substantial (1)	4378:15	4343:12;4382:7	4342:5;4357:11;	4311:18;4316:11;
4347:18	switch (1)	teams (1)	4363:18	4378:11
substantially (2)	4375:7	4337:5	thought (2)	tons (2)
4394:12,19	sworn (1)	tear (1)	4312:8;4328:4	4336:12,12
successfully (1)	4333:1	4376:14	thoughts (1)	took (6)
4403:23	symptom (1)	tears (1)	4339:14	4319:17;4323:5,6,9;
succinct (1)	4359:6	4376:13	thousand (2)	4374:10,11
4316:5	symptoms (1)	Ted (2)	4370:2;4398:14	tools (1)
sue (2)	4359:23	4361:23;4384:5	thousands (5)	4325:13
4374:16;4384:3	Syndrome (1)	television (2)	4340:12,12;4369:9,	top (3)
sued (1)	4401:3	4403:16,18	13;4385:16	4312:12;4326:24;
4374:6	system (10)	tells (2)	threat (1)	4332:17
sufficient (1)	4322:17,21;4323:2,	4323:13;4373:4	4372:24	topic (2)
4315:13	6,10;4356:4;4358:7;	temporary (1)	threats (3)	4315:2;4371:6
suggest (1)	4398:3,6;4403:13	4341:10	4315:7,9;4399:23	topics (2)
4313:3		ten (4)	Three (10)	4389:16,22
suggested (1)	T	4378:2,3;4396:20;	4312:13;4330:20;	total (1)
4339:1		4403:14	4332:24;4349:10;	4395:16
suggestion (1)	table (3)	term (1)	4351:15;4359:1;	touchy (1)
4360:20	4322:18;4327:1,5	4375:16	4362:13;4395:1,3;	4364:20
suggests (1)	tables (1)	terms (2)	4396:12	tower (1)
4339:3	4391:18	4396:1,9	threw (2)	4400:18
suits (2)	takeoff (1)	test (1)	4326:14,14	towers (1)
4374:19;4401:18	4388:11	4342:7	throat (1)	4372:3
sum (2)	talk (25)	tested (2)	4354:9	town (4)
4333:9;4369:16	4310:24;4311:20;	4333:17;4342:4	throughout (4)	4369:12;4375:7;
summary (3)	4313:21;4319:9;	testified (9)	4345:21,24;4376:1;	4398:18,21
4327:22;4357:10;	4320:16;4322:14;	4343:13;4350:20;	4404:11	townhouses (2)
4367:8	4324:21;4329:3,16;	4365:11;4366:12;	throwing (1)	4392:3,12
summer (1)	4338:6;4343:23,24;	4371:23;4376:10;	4386:20	Township (2)
4398:19	4344:22;4345:7;	4393:17;4395:1,9	thrown (1)	4365:23;4366:1
supply (2)	4347:5;4354:16;	testify (3)	4350:14	tracks (1)
4343:6,8	4356:18,23;4357:22;	4333:15;4361:3;	tile (3)	4371:16
support (7)	4360:18;4361:11;	4369:15	4336:16;4371:21,24	traffic (2)
4343:8;4363:10;	4364:9;4377:11;	testimony (19)	tiled (1)	4372:7,21
	, ,			
4365:12;4371:19;	4389:2;4392:18	4314:3;4317:10;	4371:2	traipsing (1)
4376:8,9;4387:18	talked (10)	4333:1;4335:13,15;	tiles (4)	4371:21
supported (1)	4314:16;4326:22;	4339:22;4354:23;	4370:22,24;4371:1,4	tranquility (1)
4365:6	4338:10;4344:1;	4357:20;4366:7,14;	timer (2)	4343:15
supposed (1)	4352:18;4353:20;	4372:9,12;4383:16;	4379:21;4389:18	transcript (2)
4371:22	4358:21;4360:2;	4390:3,5,7;4394:24;	times (5)	4367:11;4372:11
suppress (1)	4393:12;4396:1	4400:11;4402:14	4309:10;4314:17;	transcripts (1)
4381:2	talking (9)	testing (1)	4360:8;4368:4;	4367:6
surcharge (1)	4324:5;4329:5;	4325:20	4396:13	transparency (1)
4354:17	4338:7;4344:16;	tests (1)	tipping (1)	4360:16
sure (11)	4347:17;4348:2;	4329:12	4334:13	Traveled (1)
4325:21;4335:18;		4329.12 thanks (1)	Title (1)	4340:24
	4366:10,11;4400:22	, ,	, ,	
4338:16;4351:20;	talks (1)	4397:14	4390:23	tremendous (1)
4352:3;4355:15;	4363:7	Thayer (5)	today (1)	4380:4
4371:20;4381:4;	target (1)	4346:23;4347:5;	4404:2	trenching (1)
4389:4;4397:23;	4397:3	4351:5;4352:8,13	told (7)	4379:4
	1	1	1	1

tried (7)	4309:18;4312:1,3;	4355:5	4310:13;4333:3;	views (2)
4328:10;4337:21;	4326:20;4327:7;	unit (4)	4341:7;4395:15	4343:14;4347:18
4352:14;4358:1,1;	4332:24;4344:18;	4392:20,22,23;	USPAP (6)	Vigilance (1)
4362:2;4370:18	4345:3,3,3;4352:17;	4393:3	4347:1,2;4352:8,10;	4341:12
trucks (1)	4358:2;4365:6,9;	United (3)	4395:22,23	violation (1)
4371:17	4366:5;4370:1,2;	4312:14,17;4387:20	Utilities (1)	4380:16
true (9)	4376:12;4377:1,3;	units (6)	4370:5	violations (4)
4313:4;4321:24;	4379:21;4386:2;	4378:7;4392:11,11,	utility (1)	4332:3;4394:5,7,9
4327:10;4333:11,24;	4398:14	12,19;4393:22	4399:17	Virkler (1)
4349:5;4373:4;4396:2,	two-thirds (1)	unlike (2)	4377.17	4383:3
12	4340:8	4351:4;4360:17	V	vistas (2)
			•	* *
trust (4)	type (6)	unsupported (1)	l (10)	4348:10,11
4313:12;4325:11;	4314:12;4329:24;	4319:5	value (10)	visual (1)
4338:11;4366:23	4332:15;4342:23;	untrustworthy (1)	4327:10;4334:14;	4384:17
truth (4)	4343:21;4391:22	4400:3	4343:20;4344:21,23;	Vitzthum (4)
4335:9;4357:23;	types (3)	up (48)	4346:24;4347:9;	4308:8,9;4405:12,13
4358:2;4381:2	4314:1;4342:22;	4309:19;4310:1,18;	4350:17,21;4351:20	volumes (1)
try (4)	4350:14	4313:4;4315:23;	values (10)	4323:16
4334:9;4337:20;	typically (1)	4318:9;4323:21,22;	4342:17;4344:20;	vote (9)
4352:10;4359:24	4398:8	4326:24;4327:1,2;	4345:10;4347:8;	4311:6,7;4376:19;
trying (4)		4328:22;4329:8,11,13;	4348:24;4363:24;	4381:9;4383:19;
4318:14;4337:20;	\mathbf{U}	4332:10;4333:21;	4368:2;4369:23;	4386:22;4387:17;
4374:8;4383:7		4337:9;4338:16;	4380:18;4396:7	4405:3,7
turbine (24)	UCLC (1)	4343:10,18;4344:4;	Vanderwalle (1)	votes (1)
4316:17;4321:14;	4390:13	4346:18;4348:10;	4364:5	4383:22
4322:4,10;4327:24;	UCLC's (1)	4353:22;4355:12,13;	VanDeWalle (1)	vulnerable (1)
4333:7;4334:21;	4391:17	4358:2,4;4359:24;	4395:9	4364:13
4335:4;4341:22;	ultimate (1)	4361:13;4363:2,14;	variations (1)	
4344:14;4345:10;	4375:7	4364:3,7;4368:9;	4366:18	\mathbf{W}
4347:20;4352:14;	unable (1)	4374:13;4377:23;	various (1)	
4353:10;4354:14;	4381:6	4378:14,19;4379:21,	4399:21	waiting (1)
4355:4;4358:19;	unacceptable (2)	22;4381:23;4384:15;	vary (1)	4404:14
4360:7,8;4361:24;	4309:12;4355:5	4386:9;4387:21;	4393:3	Wake (2)
4382:11;4385:15;	unaware (1)	4389:7;4405:8	vast (1)	4344:4;4362:23
4382:11;4385:15; 4398:24;4401:3	unaware (1) 4381:6	4389:7;4405:8 upon (5)	vast (1) 4392:4	4344:4;4362:23 walk (2)
				· ·
4398:24;4401:3	4381:6	upon (5)	4392:4	walk (2) 4313:6,19 wants (2)
4398:24;4401:3 turbine-only (2)	4381:6 unbelievable (2)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1)	4392:4 vegetables (1)	walk (2) 4313:6,19
4398:24;4401:3 turbine-only (2) 4327:22,24	4381:6 unbelievable (2) 4343:22;4377:18	upon (5) 4314:2,9;4367:7; 4372:9;4394:4	4392:4 vegetables (1) 4383:4	walk (2) 4313:6,19 wants (2)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1)	4392:4 vegetables (1) 4383:4 veiled (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29)	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 432:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 432:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 432:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 432:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9)	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13;	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24;	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14;
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1)	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17 Turris' (1)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20 unincorporated (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1) 4334:13	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1) 4362:23	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19 we' (1)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17 Turris' (1) 4394:11	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20 unincorporated (1) 4316:21	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1) 4334:13 uses (5)	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1) 4362:23 vicinity (1)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 4333:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19 we' (1) 4402:9
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17 Turris' (1) 4394:11 TV (1)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20 unincorporated (1) 4316:21 union (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1) 4334:13 uses (5) 4329:19;4366:18;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1) 4362:23 vicinity (1) 4361:16	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 433:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19 we' (1) 4402:9 Weather (1)
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17 Turris' (1) 4394:11 TV (1) 4344:18	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20 unincorporated (1) 4316:21 union (1) 4340:19	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1) 4334:13 uses (5) 4329:19;4366:18; 4391:20;4392:4,17	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1) 4362:23 vicinity (1) 4361:16 video (2)	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 433:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19 we' (1) 4402:9 Weather (1) 4395:20
4398:24;4401:3 turbine-only (2) 4327:22,24 turbines (48) 4321:3,8;4322:1; 4329:8,9,10;4330:3; 4332:7,9;4340:14; 4343:18;4347:11; 4348:2;4351:14,19; 4353:12,13;4355:24; 4356:8;4357:4,6,11; 4358:14;4359:2,20,23; 4360:4,11;4361:20; 4362:12;4363:9,13; 4364:23;4369:21; 4370:7;4376:11; 4380:8,11,19;4383:6; 4384:16,24;4385:6,8; 4386:17;4387:13; 4401:14,17 turbulence (1) 4362:23 turned (2) 4310:3;4401:17 Turris' (1) 4394:11 TV (1)	4381:6 unbelievable (2) 4343:22;4377:18 uncertainty (4) 4327:11,13;4332:20; 4333:5 unclassified (2) 4393:8;4394:6 under (13) 4312:8;4313:23; 4321:24;4322:1; 4331:21;4338:8,14; 4343:7;4369:24; 4386:17;4392:10; 4393:22,24 underestimated (1) 4334:6 understood (1) 4337:22 unfair (1) 4400:2 unfortunately (4) 4312:6;4336:17,24; 4342:20 unincorporated (1) 4316:21 union (1)	upon (5) 4314:2,9;4367:7; 4372:9;4394:4 upstate (1) 4401:22 urge (1) 4387:16 Use (29) 4311:3,8;4313:14; 4316:18,23;4317:3,4; 4322:23,24;4328:9,24; 4333:2;4336:3; 4344:17;4347:7; 4348:15,20;4353:9; 4362:10;4366:20; 4391:3,4;4392:5,20,24; 4393:1,3;4402:11,12 used (9) 4317:1;4324:18; 4330:21;4331:7; 4336:12;4338:21; 4349:17;4351:4; 4402:6 user (1) 4334:13 uses (5) 4329:19;4366:18;	4392:4 vegetables (1) 4383:4 veiled (1) 4372:24 ventilation (1) 4394:12 verbatim (1) 4367:6 Verify (1) 4404:20 versed (1) 4335:16 versus (2) 4371:17;4402:7 vertigo (2) 4384:17;4385:8 vet (1) 4385:14 veteran (1) 4361:4 viable (1) 4348:19 vibration (1) 4362:23 vicinity (1) 4361:16	walk (2) 4313:6,19 wants (2) 4316:15;4320:11 warnings (1) 4381:18 waste (1) 4310:19 Watch (1) 4341:13 Water (2) 4370:6;4395:13 way (17) 4310:6;4311:7; 4330:2;4331:16,18; 433:9;4337:11; 4352:5;4354:5; 4355:21;4363:21; 4369:16;4370:3; 4374:13,15;4386:9; 4398:10 ways (4) 4335:14,15;4373:14; 4388:19 we' (1) 4402:9 Weather (1)

				Way 21, 201
4404:20	4364:23;4366:24;	works (1)		11.8 (1)
weeks (1)	4369:21;4370:7;	4342:9	0	4336:8
4345:3	4371:23;4373:12;	world (1)	Ů,	1100 (2)
weighs (1)	4376:11;4379:3;	4373:19	0 (1)	4392:7,10
4394:21	4380:7,11,18,21;	worried (3)	4383:20	12.7 (2)
weight (2)	4381:14;4382:20;	4343:13,17;4370:17	0.3 (1)	4336:13,20
4366:15;4371:17	4383:10;4386:14,24;	worry (1)	4332:13	126 (1)
weiner (1)	4390:10;4396:9,11,13,	4385:1	0.6 (9)	4375:7
4387:4	15,18;4398:24;	worth (5)	4328:5,6,12,14;	13 (1)
welfare (2)	4399:16,18;4400:6,13;	4312:21;4313:8;		4404:13
4359:16;4368:5	4401:2,8,14,17;4402:6;	4346:19,20;4378:2	4329:5,8,11,13;	132 (1)
well-being (2)	4403:9	write (1)	4375:11	4395:16
4355:23;4356:1	wind-generated (1)	4369:15	0.67 (1)	14 (5)
well-documented (1)	4339:20	written (1)	4348:22	4336:20;4337:19,22;
4359:6	windmill (1)	4377:10	0.75 (2)	4338:3,16
weren't (4)	4363:15	wrong (6)	4352:19,21	14-year (1)
4325:6;4352:17;	Wisconsin (5)	4320:3;4351:8;	0.90 (1)	4401:19
			4348:21	15 (3)
4370:11;4385:13	4333:1;4390:4,5,5;	4373:5,24;4383:11;	_	
Wes (1)	4401:21	4403:4	1	4373:14;4389:12,13
4371:23	wish (1)	₹7		150 (1)
Wessels (1)	4375:19	Y	1 (7)	4340:21
4388:3	Wishes (1)		4318:3;4342:18,18;	154 (1)
west (3)	4372:3	yard (1)	4353:16;4368:23;	4390:13
4330:22,23;4331:1	wishing (1)	4332:15	4395:15;4404:9	16 (1)
What's (7)	4309:8	year (3)	1,000 (6)	4402:4
4337:16;4338:14;	within (11)	4363:20;4364:17;	4320:18;4327:12;	16B (3)
4348:21,23;4356:22;	4317:23;4318:5;	4401:12	4328:1,9;4330:3,19	4328:8;4330:8,8
4383:24;4403:3	4323:19;4327:8,9;	years (14)	1,089 (1)	18 (4)
whichever (1)	4330:3;4362:11,12;	4339:24;4344:18;	4331:21	4353:11,17;4400:5,8
4398:10	4364:23;4391:8;	4345:3,4;4370:14;	1,150 (1)	1960s (1)
white (1)	4402:8	4371:9,12;4373:6,22;	4332:11	4373:20
4384:23	without (4)	4374:19,19;4376:4;		1973 (1)
Whitman (2)	4329:8,9;4336:20;	4380:12;4385:20	1,250 (1)	4316:24
4364:9;4369:21	4347:10	Yednock (3)	4332:11	1990s (1)
Whitney (1)	witnesses (2)	4340:22;4388:4,5	1,600 (3)	4312:18
4378:15	4315:8,10	yesterday (5)	4344:16;4352:23,23	1312.10
whole (5)	women (1)	4389:14;4395:13;	1,665 (1)	2
4315:1;4375:10;	4387:2	4396:2,12;4401:10	4361:24	
4401:1,6,6	Wonder (2)	York (1)	1.1 (2)	2 (6)
wife (1)	4342:11;4353:10	4401:23	4349:23,24	4311:2;4318:9;
4330:1	wonderful (2)	4401.23	1.3 (1)	4332:21;4343:12;
wildlife (6)	4361:9;4401:16	${f Z}$	4363:17	4350:17;4404:19
4339:3,4,11;	Woodburn (1)	L	1.7 (1)	2,000 (3)
	, ,	7D A (4)	4349:17	
4367:15;4380:15;	4367:16	ZBA (4)	1.9 (1)	4350:21;4362:16;
4395:7	word (3)	4308:24;4380:2,23;	4349:18	4370:1
Willa (1)	4319:7;4340:23;	4404:13	10 (1)	2,100 (1)
4383:2	4344:9	Zehr (3)	4319:18	4375:12
Wind (91)	wording (1)	4334:23;4364:12;	10:45 (1)	2.60 (1)
4308:5;4311:10;	4340:1	4395:17	4405:21	4335:7
4316:17;4317:7,9;	words (3)	zero (1)	100 (9)	2.8 (1)
4330:3;4332:7,9;	4358:4;4400:23;	4334:15	4328:6,9,14,16;	4312:4
4334:24;4339:1;	4401:1	Zimmerman (2)	4329:10;4347:18;	20 (7)
4340:14;4341:1,13,17;	work (7)	4308:14;4364:19	4362:16,18;4403:7	4358:16;4360:2;
4342:5,9,24;4343:7,8,	4340:20;4341:1;	zoned (1)	100-acre (1)	4362:8,19;4389:19;
18;4344:14;4347:11,	4344:7;4360:21;	4316:22	4331:6	4404:5,6
20;4348:2;4351:13,19;	4380:4;4386:9;	Zoning (21)	100-meter (1)	200,000 (2)
4352:14;4353:7,10,12,	4387:21	4308:2,3;4309:3;	4330:20	4345:23,24
13;4354:14;4355:1,3,	worked (2)	4311:9,11;4316:19,23;	100th (1)	2000 (2)
23;4356:8;4357:4,6;	4354:10;4382:16	4366:4,13,18;4367:10,	4323:19	4362:14;4382:9
	workers (1)	19;4374:9,12;4375:1;		2003 (1)
4358:13.19:4359:2.20			103 (1)	
4358:13,19;4359:2,20, 22:4360:4.7.8.11.13.	, ,	4376:5:4380:3:4382:8:	1328.24	4393:12
22;4360:4,7,8,11,13,	4340:21	4376:5;4380:3;4382:8; 4383:14:4391:5:	4328:24	4393:12 2004 (1)
	, ,	4376:5;4380:3;4382:8; 4383:14;4391:5; 4404:8	4328:24 11 (3) 4353:11,17;4403:11	4393:12 2004 (1) 4350:17

				May 21
2007 (1)	4352:21,23	41 (12)	64,000 (1)	
4359:2	3.2 (1)	4321:2,4,12,13,16;	4340:15	
2009 (7)	4335:20	4322:7;4324:9,10,10,	654 (1)	
4359:2,5,8,9;	30 (5)	11,13;4363:4	4362:12	
4373:18;4401:7;	4333:6,7;4358:16;	41.0 (10)	66 (1)	
4403:6	4363:4,18	4320:18;4322:14;	4357:1	
200-foot (1)	300 (1)	4324:9,19,20,24;	4337.1	
4331:19	4333:6	4325:1;4330:17,19;	7	
		4363:6	,	
2010 (3)	31.9 (1) 4329:6		7 (2)	
4359:2;4401:8,21		41.1 (4)	7 (3)	
2011 (2)	313 (1)	4325:2;4328:17;	4347:14;4370:5;	
4403:22,24	4324:8	4329:1;4331:3	4390:23	
2012 (1)	32,000 (1)	41.4 (2)	7,000 (1)	
4396:19	4340:15	4327:1;4363:5	4344:15	
2014 (3)	325 (1)	41.5 (2)	70,000 (1)	
4350:17;4367:10;	4315:12	4328:21,22	4363:20	
4403:11	34 (1)	41.6 (2)	7-1 (1)	
2015 (1)	4329:1	4328:18;4329:2	4327:1	
4308:1	35 (1)	41.8 (1)	7-5 (1)	
20-plus (1)	4327:18	4327:3	4327:2	
4396:6	37 (3)	42 (3)	0	
21 (2)	4328:12,16,17	4328:20;4331:5;	8	
4308:1;4348:10	37.9 (1)	4367:20	2 (2)	
216 (1)	4329:6	43 (3)	8 (3)	
4324:16	3765 (1)	4327:5,15,18	4347:13;4348:11;	
2168 (1)	4357:1	438 (1)	4367:10	
4375:8	38 (2)	4325:1	8.6 (1)	
217,800 (1)	4337:2,9	47 (1)	4335:19	
4331:17	39 (4)	4327:14	8-year-plus (1)	
229 (2)	4327:17;4328:1;	_	4353:17	
4354:20;4400:14	4340:6,7	5		
23 (1)	394 (1)		9	
4400:10	4329:18	5 (13)		
23.58 (1)	3i (3)	4329:1,12;4331:9,	9 (4)	
4349:23	4339:19;4343:7;	14,16,19;4333:2;	4347:9,11,13;	
24 (1)	4368:22	4337:6;4358:16;	4358:16	
4383:20		4362:8,15;4369:3;	90 (2)	
24.68 (2)	4	4375:6	4336:4;4342:24	
4349:6,22		50 (3)	900 (3)	
241 (2)	4 (6)	4319:18;4332:14;	4331:23,24;4332:7	
4324:23;4330:19	4327:9,10,13;	4354:18	900,000 (2)	
25 (10)	4328:15;4331:4;	500 (4)	4371:14,20	
4318:10,17,24;	4369:1	4321:11,18;4328:15;	901.102 (1)	
4319:1;4337:16,21;	4,000 (1)	4331:4	4317:17	
4373:6;4376:4;	4365:23	51 (1)	910.105a (1)	
4385:20;4391:9	4.1 (1)	4327:15	4318:3	
25.88 (1)	4367:20	52,000 (1)	95 (4)	
4350:18	4.2 (1)	4395:11	4327:6,14;4331:7,8	
250 (5)	4327:12	5-acre (1)	951 (2)	
4322:2,5,8,10;	4.7 (1)	4332:1	4326:8,13	
4332:10	4329:18		960,000 (1)	
272 (1)	40 (1)	6	4336:11	
4398:22		_	-	
	4375:12			
	4375:12 40.5 (2)	6 (3)		
29 (2)	40.5 (2)	6 (3) 4354:21.21:4369:5		
	40.5 (2) 4328:9,13	4354:21,21;4369:5		
29 (2) 4363:2,4	40.5 (2) 4328:9,13 40.6 (1)	4354:21,21;4369:5 6:30 (1)		
29 (2)	40.5 (2) 4328:9,13 40.6 (1) 4330:2	4354:21,21;4369:5 6:30 (1) 4404:21		
29 (2) 4363:2,4 3	40.5 (2) 4328:9,13 40.6 (1) 4330:2 40.9 (1)	4354:21,21;4369:5 6:30 (1) 4404:21 620 (1)		
29 (2) 4363:2,4 3 3 (5)	40.5 (2) 4328:9,13 40.6 (1) 4330:2 40.9 (1) 4324:11	4354:21,21;4369:5 6:30 (1) 4404:21 620 (1) 4314:23		
29 (2) 4363:2,4 3 3 (5) 4332:20;4343:12;	40.5 (2) 4328:9,13 40.6 (1) 4330:2 40.9 (1) 4324:11 400 (1)	4354:21,21;4369:5 6:30 (1) 4404:21 620 (1) 4314:23 621 (1)		
29 (2) 4363:2,4 3 3 (5) 4332:20;4343:12; 4368:23;4369:4;	40.5 (2) 4328:9,13 40.6 (1) 4330:2 40.9 (1) 4324:11 400 (1) 4362:20	4354:21,21;4369:5 6:30 (1) 4404:21 620 (1) 4314:23 621 (1) 4338:19		
29 (2) 4363:2,4 3 3 (5) 4332:20;4343:12;	40.5 (2) 4328:9,13 40.6 (1) 4330:2 40.9 (1) 4324:11 400 (1)	4354:21,21;4369:5 6:30 (1) 4404:21 620 (1) 4314:23 621 (1)		