

Public Hearing
3/8/2019

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STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Burke Wind, LLC Case No: PU-18-302
Burke Wind Transmission Line - Burke & Mountrail
Siting Application

Burke Wind, LLC Case No: PU-18-344
Burke County Wind Energy Center - Burke County
Siting Application

T R A N S C R I P T
OF
P R O C E E D I N G S
Part 3
Public Testimony
March 8, 2019

LOCATION: Memorial Hall
100 Main Street Northwest
Bowbells, North Dakota 58721

REPORTER: KAYLA A. RICHMOND

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE - TIMOTHY DAWSON

PUBLIC SERVICE COMMISSION:

Commissioner Julie Fedorchak

Commissioner Brian Kroshus

CASEY FUREY

Crowley Fleck PLLP

100 West Broadway Avenue, Suite 250

Bismarck, North Dakota 58502

701-224-7554

Cfurey@crowleyfleck.com

Attorney for NextEra Energy Resources - Burke Wind, LLC

Wade Mann

Crowley Fleck PLLP

100 West Broadway Avenue, Suite 250

Bismarck, North Dakota 58502

701-224-7554

Wmann@crowleyfleck.com

Attorney for NextEra Energy Resources - Burke Wind, LLC

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A P P E A R A N C E S (CONT'D)

BRIAN SCHMIDT

Smith, Porsborg, Schweigert, Armstrong, Moldenberg &
Smith

122 East Broadway Avenue

Bismarck, North Dakota 58501

701-258-0630

Bschmidt@smithporsborg.com

Attorney for Public Service Commission

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I N D E X

- PUBLIC TESTIMONY ORDER:
- Dennis Haugen - Proponent
 - Arvid Winkler - Proponent
 - Jay Johnson - Proponent
 - Charlie Sorenson - Opponent
 - Ted Hawbaker - Opponent
 - Aaron Jacobsen - Opponent
 - Jenine Jensen - Burke County Auditor
 - Kevin Carlson - Landowner
 - Lynn Brodal - Landowner
 - Lary Grindy - Proponent
 - Owen Enget - Proponent
 - Starla Norsted - Proponent
 - Cory Carlson - Opponent
 - Perry Johnson - Opponent
 - Karen Smith - Opponent
 - Shaun McKewin - Proponent
 - Eugene Roller - Proponent
 - Sharon Anderson - Opponent
 - Chase Jacobson - Opponent
 - Dave Nehring - Opponent
 - Cody Beard - Opponent
 - Kathy Beard - Opponent
 - Marshall Chrest - Clayton Township

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PUBLIC TESTIMONY ORDER CONT'D:
Lee Titus - Opponent
Ron Poters - Opponent
Alan Jacobson - Opponent
Corren Milbert - Opponent
Jean Chrest - Opponent

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1 MR. DAWSON: Okay, excellent. Well, then
2 we are at the portion of the hearing where we'll take
3 some testimony if there's any agency representative out
4 there or a person with expert testimony that's with an
5 agency government? Please. You have to come here and sit
6 down and be sworn in. Please spell your name for me.

7 MR. HAUGEN: Dennis Haugen, D-e-n-n-i-s
8 H-a-u-g-e-n.

9 MR. DAWSON: And you signed the sign in
10 sheet?

11 MR. HAUGEN: Yes.

12 MR. DAWSON: Were you here for my previous
13 warnings on perjury?

14 MR. HAUGEN: Yep.

15 MR. DAWSON: So you understand what
16 perjury is and the penalties for it?

17 MR. HAUGEN: Yep.

18 MR. DAWSON: Understanding so, do you
19 promise to swear that the testimony you're about to give
20 will be the truth, the whole truth and nothing but the
21 truth?

22 MR. HAUGEN: Yes.

23 MR. DAWSON: You may begin.

24 MR. HAUGEN: Okay. I am with North Dakota
25 Grain Growers Association. I am also a landowner on

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1 Ashtabula land. I have two towers on our property, one
2 on rental property, one on our land. Ours sits right on
3 the north end of Lake Ashtabula, about a three quarter
4 mile, I suppose from the north end of the lake, there's
5 been a lot of chatter today about birds and hunting. I
6 thought it was kind of ironic to my case that after --
7 I'm in the middle of prairie pothole country and my
8 hunters this year, one of my groups, limited out on
9 their goose hunt a hundred yards from one of our towers.
10 So that's one item I'd like to bring up. We're 10 years
11 into our project at Ashtabula. I've never found any bird
12 casualties by out towers. That's another item. You know,
13 Game and Fish keeps bringing this up, but that was some
14 limited, you know, talking about this avian mortality
15 and you know, 14 and a half million birds a year. I
16 think, are shot by sportsmans and nobody seems to be too
17 excited about that. Right? So and all of this been going
18 on about all this bird stuff, I think it's all pretty,
19 pretty unfounded. It's my opinion. 10 years into it on
20 ours and we've got our land where our property is at
21 where the towers are at is a bit rough country and we
22 have a real nice access to our property via the wind
23 tower roads and, you know, we get -- as landowners, we
24 get full use of those -- those roads. No issues with
25 deer. I don't know. They seem to be getting along just

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1 fine. Our towers are right in the best -- some of our
2 best hunting that we have. So haven't seen any issues
3 there. You know, ten years into it, if there was some
4 environmental issues, I think they would've showed up by
5 now on our property and I haven't seen the Game and Fish
6 out there going on about environmental problems. I
7 checked with our local NRCS office and with those
8 people. You know, I thought if there was going to be
9 problems after 10 years, it would have showed up. Any
10 other questions from the board or --

11 MR. DAWSON: Any questions, Ms. Furey?

12 MS. FUREY: No questions.

13 MR. DAWSON: Mr. Schmidt?

14 MR. SCHMIDT: Just wondering are you here
15 on behalf of yourself or on behalf of the North Dakota
16 Grain Growers?

17 MR. HAUGEN: Both. North Dakota Grain
18 Growers.

19 MR. SCHMIDT: Okay. I have nothing
20 further.

21 MR. DAWSON: Commissioner Fedorchak?

22 MS. FEDORCHAK: Dennis, I don't have any
23 questions for you, but thank you for being here and I
24 have been thinking as the day has gone on how I think
25 the hunters just want to be able to shoot the birds

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1 themselves. They don't want the towers to do it. Thank
2 you.

3 MR: HAUGEN: Well, yeah, one last thing is
4 just NextEra is who runs our project at Ashtabula. It's
5 been a great relationship, but we have -- I have no
6 problems at all after 10 years of towers being sited on
7 our property. It's all been good.

8 MR. DAWSON: Commissioner Kroshus?

9 MR. KROSHUS: I have no questions. Thank
10 you for being here.

11 MR. DAWSON: You may step down.

12 MR. HAUGEN: Thanks.

13 MR. DAWSON: I was asking if there's
14 anybody from a governmental agency like Game and Fish or
15 U.S. Fish and Wildlife in the audience that wishes to
16 offer testimony at this time? Anybody from a government
17 agency? I don't see anyone, so we'll go to the public
18 testimony portion of our hearing. Even if you just
19 decided that you want to testify, you sure can. If
20 you're going to testify, please come forward one at a
21 time and be seated because all the testimony is under
22 oath as you just saw, you cannot anything unless you
23 come up front and are sworn in. You can't speak from the
24 audience. You can't ask the attorneys or the
25 commissioners questions. You can bring up concerns you

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1 have and they may address them if they'd like. You get
2 up as was done with Mr. Haugen, was it?

3 MR. HAUGEN: Yes.

4 MR. DAWSON: Please state your name and
5 spell it and if you're with a group, tell your
6 relationship with the group and you signed the sign in
7 sheet and I'll ask you that. We're going to do this in
8 an orderly fashion. We're going to do this three
9 proponents, then three opponents and then I will ask if
10 there's anybody that has additional testimony and we'll
11 take three of those if they're out there and these are
12 people that may have a particular concern that isn't for
13 or against. Let's say you want to have crushed concrete
14 instead of class five aggregate on the roads. That's
15 that additional group of people out there that aren't
16 for or against but have some one issue sort of thing
17 they want to bring up and we'll keep going that way. I
18 see that there are 25 people that initially signed to
19 provide by testimony at the beginning. You can see what
20 happens if everybody speaks 15 minutes, we'll be here
21 until 10 o'clock, which is fine. But if you have
22 testimony that's redundant, please just say that you
23 agree with the other person that's already given it. And
24 then if you have written testimony, offer that at that
25 time and then we'll take that back and the commission

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1 will consider it and look at that later when they work
2 on this. I think that about covers it. So I'm counting
3 Mr. Haugen as the first proponents. So is there any
4 other proponent or anybody else that is for the
5 transmission line or a wind farm that wishes to come
6 forward? Okay. Your name?

7 MR. WINKLER: My name is Arvid Winkler.

8 MR. DAWSON: Can you spell your last name
9 for me?

10 MR. WINKLER: W-i-n-k-l-e-r.

11 MR. DAWSON: Did you sign the --

12 MR. WINKLER: Signed in at the top of the
13 second sheet.

14 MR. DAWSON: Perfect. Before you testify
15 today, were you here for my warnings on perjury?

16 MR. WINKLER: Yes, Your Honor.

17 MR. DAWSON: So you know what perjury is
18 and the penalties for it?

19 MR. WINKLER: Yes, Your Honor.

20 MR. DAWSON: Understanding so, do you
21 promise or swear that the testimony that you're about to
22 give will be the truth, the whole truth and nothing but
23 the truth?

24 MR. WINKLER: Yes.

25 MR. DAWSON: You may begin.

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1 MR. WINKLER: As I said, my name is Arvid
2 Winkler. I reside in Barnes County at 12232 40th Street,
3 Southeast, Valley City, North Dakota 58072-9575. I am
4 educated as a civil engineer with a degree from NDSU. I
5 did work for the Federal Highway Administration for over
6 eight years. During that time period I did a fair amount
7 of work working with their auditors, which you may or
8 may not like or appreciate what have you. I was also the
9 -- okay, after my brother's untimely death, I came back
10 farming and I did farm for over 40 years, beginning in
11 1973. In that time period, I was the township assessor
12 for over 30 cycles. Okay. I am also the -- since my
13 mother's passing, I am the owner of the NE 1/4 of
14 section nine in Harmonious Township with the numbers of
15 one six one nine four and there -- according to the map,
16 I am scheduled to receive towers 19 and 20. This area is
17 down by these south St. Olaf Lutheran Church. In my
18 lifetime I have raised sheep, cattle, oats, barley, hard
19 red spring wheat, durum, flax, sunflowers and soybeans.
20 So it seems given the opportunity, I am a little
21 interested in harvesting some wind. I have two daughters
22 that live in Minnesota that are the green types, so if I
23 do not participate in this project, given the
24 opportunity, I will be in deep doo doo. Now, not all
25 that glitters is not gold. And my area of Barnes County,

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1 we have gotten to put up with the -- what's now the
2 Canadian Pacific Railroad. We have to two 30 kV
3 transmission lines and one 115 kV, double wood pole
4 transmission lines that the government put in under
5 eminent domain type things. I presume they were all
6 bureau of reclamation projects. An individual tower
7 provides its own troubles, but when you have the
8 diagonal 115 line crossing east, west steel towers, your
9 option for aerial spraying disappears and you throw in
10 some wetlands and really need to be paying attention
11 when you're trying to farm. Over the years, that came
12 with what we used to call it REA, the rural
13 electrification administration. Anyway, electricity, we
14 got a telephone and the government helped put in farm to
15 market roads. So government assistance to make
16 infrastructure. Then they came with rural water, which
17 is a local cooperative type thing, but no eminent domain
18 authority. The last one has been the fiber optic at our
19 area Burleigh, Eddie, Kidder, under the name of BEK to
20 provide this service during a two-year construction
21 period. It is nice to have that utility. Okay. With the
22 potential towers on my property, there is less crop land
23 to farm. You have the obstacles to farm around and it
24 gonna make the property less desirable for someone
25 considering whether or not they're going to choose that

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1 parcel or another parcel to farm. There are a number of
2 the old windmills around that used to pump water.
3 They're not as high as these, but it's something that
4 sort of fell by the wayside. Okay. The Burke people have
5 been in contact with me for a couple of years. First
6 they come with the lease so they can look around and
7 then they said, yeah, we would want to put in a couple
8 of things. Then they notified me of a public hearing in
9 this very room last July put on by the Burke County
10 Planning and Zoning board or whatever they call
11 themselves. I did come to that after driving all 270
12 miles together and I was fascinated by one comment
13 during the hearing. There was a point where they took a
14 break, well, just as you've done, people come up to me
15 and said, oh, so you're Winkler. We didn't know who
16 Winkler was. Okay. After we reconvened, someone from
17 NextEra got up and mentioned the reason we are in Burke
18 County is because you have planning and zoning
19 regulations in place. And he was really fascinated by
20 some item six, whether it was paragraph six, section
21 six, chapter six but it as something involving six.
22 The next morning I went over to the courthouse and
23 eventually got up to Lady Macbeth on the northwest
24 corner of the third floor. And she is panels planning
25 and zoning and I questioned her about whatever this six

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1 was. Well, that was part of the fairly recently approved
2 regulations. Well, it did handle wind towers. We had a
3 similar situation in Barnes County before when the
4 Ashtabula project came to town. And I had never
5 considered, you know, what are you going to do with the
6 wind turbines. But there was enough information in the
7 approved zoning things that covered it. We survived. We
8 had, you know, another hearing, and the project got
9 constructed.

10 MR. DAWSON: So, again, I want to repeat
11 that the issues here today are, will this proposed wind
12 farm have minimal adverse effects on the environment and
13 the welfare of the citizens of North Dakota and is it
14 compatible with the environmental preservation and
15 efficient use of resources and will it minimize adverse
16 human and environment impact?

17 MR. WINKLER: The comment was made earlier
18 every development has impact. It's a matter of what you
19 can live with as a result. I rattled off a number of
20 things that have come by in my area and we have learned
21 to survived. And I was a little surprised by the comment
22 of Mr. Haugen but I have not heard of environmental
23 issues after the construction of the Ashtabula project.
24 Now, it appears to me that after the reduction in the
25 size of the project, you have a bit of a de facto zoning

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1 where part of the county is going to have different
2 zoning rules regarding wind towers. The other part is
3 going to have a different set of rules and apparently
4 one set of rules is not gonna go over the entire county.
5 Okay. Now, you had a lot of comments this afternoon
6 about the whole undisturbed native grasslands. I'm
7 sitting back there thinking, now wait a minute, this
8 looks to me under the property rights thing, like a bed
9 of uncompensated taking because if you follow what
10 happened in Barnes County, as soon as that tower was in
11 the people come in and says, Hey, you've more value on
12 your property now and here's a bigger tax bill. So
13 whoever has this unimproved native grassland is not
14 going to get that opportunity if you strictly follow
15 what I've been hearing today. Now, if you -- I hope you
16 urge the former Senator Christman the listen to what
17 I've got to say if you had been the opportunity because
18 20 years and in 1999 the legislative session, Senator
19 Christman and his compatriots passed something called
20 the inundated acres thing. And it was a way to lower the
21 valuation of those lands which were under water and
22 makes sense, but because of the way they implemented it,
23 there was no way you could follow every bit of the
24 century code and get this done in the 1999 assessments.
25 Like somebody had to make a determination, well, let's

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1 see, this is rule was more important than that and
2 whatever. It was a mess.

3 MR. DAWSON: Can you sum up your testimony
4 on the wind farm?

5 MR. WINKLER: Pardon?

6 MR. DAWSON: Can you sum up your
7 testimony?

8 MR. WINKLER: There's pluses and minuses.
9 I got a net four in my thing.

10 MR. DAWSON: Okay. Ms. Furey?

11 MS. FUREY: No questions.

12 MR. DAWSON: Mr. Schmidt?

13 MR. SCHMIDT: No questions.

14 MR. DAWSON: Commissioners?

15 MS. FEDORCHAK: I don't have any
16 questions. Thank you for being here. Appreciate it.

17 MR. DAWSON: Commissioner Kroshus?

18 MR. KROSHUS: No questions. Thank you.

19 MR. DAWSON: One more proponent that may
20 come up at this time and then we'll go to opponent. Are
21 there any other proponents? What's your name, sir?

22 MR. JOHNSON: My name is Jay Johnson.

23 MR. DAWSON: Did you sign the sign in
24 sheet?

25 MR. JOHNSON: I did.

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1 MR. DAWSON: Okay. And are you
2 representing yourself today?

3 MR. JOHNSON: I am.

4 MR. DAWSON: And what city are you from or
5 your location?

6 MR. JOHNSON: Langdon.

7 MR. DAWSON: Okay. You here for my
8 previous warnings on perjury?

9 MR. JOHNSON: I was.

10 MR. DAWSON: Do you understand what
11 perjury is and the penalties for it?

12 MR. JOHNSON: I do.

13 MR. DAWSON: Understanding so, do you
14 promise or swear that the testimony that you're about to
15 give will be the truth, the whole truth and nothing but
16 the truth?

17 MR. JOHNSON: I do.

18 MR. DAWSON: You may begin.

19 MR. JOHNSON: Thank you. Commissioners,
20 I'm here to ask you to approve this project because my
21 day job is managing technician program instructor. And
22 I'm here to support this program because really for one
23 reason, it will help my students find employment after
24 they leave school because it's a technical program,
25 that's really the number one purpose why they're there.

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1 And I can tell you that in 10 years that I've been with
2 the program, NextEra Energy has been the number one
3 employer that's hired our students and hired more wind
4 energy students than any there company and for that
5 reason I would do that urge you to approve this.

6 MR. DAWSON: Okay. And the basis of your
7 testimony is this letter you provided me?

8 MR. JOHNSON: It is.

9 MR. DAWSON: Do you wish to offer it as an
10 exhibit?

11 MR. JOHNSON: I would, please.

12 MR. DAWSON: It's been marked as exhibit
13 B. Are there any objections. Okay. So it's admitted and
14 you may step down. Oh, hold on. You may step down. Are
15 there any opponents who wish to testify. We'll take
16 three at this time. One at a time. Your name, sir?

17 MR. SORENSON: Charlie Sorenson.

18 MR. DAWSON: Did you sign in?

19 MR. SORENSON: Yes.

20 MR. DAWSON: What town are you from?

21 MR. SORENSON: I'm from Ross, North
22 Dakota.

23 MR. DAWSON: Okay. You were here for my
24 previous admonitions on perjury?

25 MR. SORENSON: Yes.

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1 MR. DAWSON: Do you understand what
2 perjury is and the penalties for it?

3 MR. SORENSON: Yes.

4 MR. DAWSON: Understanding so, do you
5 promise or swear that the testimony that you're about to
6 give will be the truth, the whole truth and nothing but
7 the truth?

8 MR. SORENSON: Yes.

9 MR. DAWSON: You may begin.

10 MR. SORENSON: Again, to reiterate, my
11 name is Charlie Sorenson. I'm from Ross, North Dakota,
12 which is in Mountrail County and I am here to speak
13 specifically about just the transmission line in
14 Mountrail County. As a resident, as a landowner, farmer
15 I'm the chairman of the Mountrail County Zoning
16 Commission. I'm a founding member of the Mountrail
17 County Tax Department Soils Committee and I'm also the
18 chairman of DB Township in Mountrail County. I am
19 opposed to the transmission line siting requested by
20 NextEra Energy, which in this case is doing businesses
21 Burke Wind LLC. This line is as proposed unnecessarily
22 uses more miles of travel, more poles and has more
23 impact for the residents, farmers, ranchers, and the
24 environmental of Mountrail County while putting
25 unnecessary strain on our public offices and servants

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1 within our communities. It further jeopardize -- has
2 jeopardized the process and speed by which critical
3 public works department and utility jobs will be
4 conducted in the future. I first learned about the
5 transmission line after answering several phone calls of
6 concerned landowners along the proposed route of the
7 transmission line prior to a November 27, 2017 Mountrail
8 County planning and zoning meeting. These landowners
9 have expressed to me their dissatisfaction with the
10 presentation by the company. The company's lack of
11 respect and the overall unprofessional attitude that
12 they dealt with when dealing with company
13 representatives. At the meeting after lengthy discussion
14 and testimony, the conditional use permit requested was
15 tabled due to only six easements being signed and
16 presented to our staff at the meeting. Later February
17 26, 2018 Burke Wind LLC once again approached Mountrail
18 County Planning and Zoning, again, seeking approval of
19 the conditional use permit. Since the first attempt to
20 seek approval, the route had changed, the project had
21 been modified and it was decided by the board that we
22 were going to wait until Burke County had completed all
23 -- all of the permits for the project before we would
24 move forward. We didn't really want to step on anybody's
25 toes. Contrary to the first testimony we heard from the

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1 first witness, there was actually three times that Burke
2 Wind approached Mountrail County Planning and Zoning.
3 And the third time was on October 22, 2018. At this
4 time, we noticed that from the original plan, the
5 transmission line was one mile longer than originally
6 planned. It was originally I believe of 17.1 miles and
7 now came in at 18.1 miles, one more mile longer. There
8 was a lot of discussion over the added length as well as
9 the impact of this additional footage of line and amount
10 of poles that went in. Company officials have stated
11 that they are unable to obtain easement and had to go
12 around somebody resulting in a longer power line. After
13 much discussion of what the added costs and extra
14 impacts of this added line, the conditional use permit
15 was granted. The actions of Burke Wind, LLC has resulted
16 in more upset landowner phone calls to me as chairman of
17 the planning and zoning than any other issues -- issues
18 in the last five years from being on that board. The
19 landowners who refused to sign the inadequate easement
20 along with many of those who have signed the
21 easement, were left with a sour taste of the entire
22 permitting process. After three longer than average
23 hearings at Mountrail County Planning and Zoning, county
24 employees and zoning commissioners now have a different
25 attitude towards conditional use permits in regards to

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1 transmission lines. Future easement that are needed for
2 power, telecommunications, water and oil related
3 projects all will face deeper scrutiny due to the
4 darkened shadow that was created by Burke Wind, LLC.
5 I have spent as a farmer and landowner more than the
6 last three months dealing with a well known oil company
7 in routing a proposed pipeline. Unlike what we're
8 dealing with here, it's an oil pipeline but in common
9 with this, the company has its headquarters on the east
10 coast. They are dealing with an unwilling seller which
11 is me and others and there's not an eminent domain
12 procedure that can be used. From their beginning at a
13 compressor station to their far end going across my
14 property is about six miles. I own one mile of that six
15 and after discussion with myself and fellow landowners,
16 we were able to shave two miles off of the length of
17 their proposed line. This has saved or will save it if
18 it moves forward, it will save unnecessary environmental
19 damage and create a much more economical and reliable
20 pipeline. The company has yet to offer any easements as
21 the are still in the process of completing their
22 preliminary route and they're creating a route which
23 will have the lowest cost and the least amount of
24 environmental impact. Burke Wind, LLC failed to take
25 these preemptive moves to ensure the most economical

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1 line of routing with smallest footprint. On my farm, I
2 deal with many easements on the land that I own and the
3 land that I. In the last 10 years, I've dealt with over
4 70 miles of pipeline that are buried beneath the land
5 that I farm along with 10 miles of overhead power line
6 that have gone over and along the land that I also farm.
7 Because of this, I have reaped the benefits of
8 successful routing while suffering from the detriments
9 of poor routing. And I feel that I have a duty to
10 express my dissatisfaction to you, the Public Service
11 Commission with Burke Wind, LLC's easement and routing
12 method. In the future, we will need more transmission
13 lines, more rural water lines, more telecommunication
14 lines, and without question more oil-related pipelines
15 in Mountrail county and in North Dakota. In order to
16 assure the ability to reasonably obtain easements
17 and routes as well as protecting the environment, we
18 must make sure that all routes selected are as efficient
19 as possible. As humans, we are here to utilize the earth
20 for all that it has to offer, but we must do so with
21 the utmost prudence to ensure that future generations
22 can have the same opportunity. I urge you to deny
23 Burke Wind, LLC's, transmission line siting in
24 Mountrail County and ask for a wiser and more responsible
25 route with a lower amount of impact.

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1 MR. DAWSON: Ms. Furey?

2 MS. FUREY: No questions, Your Honor.

3 MR. DAWSON: Mr. Schmidt?

4 MR. SCHMIDT: You said that you were the
5 chairman or are the chairman of the Mountrail County
6 Planning and Zoning Commission?

7 MR. SORENSON: Yes.

8 MR. SCHMIDT: Did you make a
9 recommendation to the Mountrail County Board of
10 Commissioners with respect to the conditional use permit
11 application?

12 MR. SORENSON: I think exhibit 40, you'll
13 probably see my signature on there. And as a chairman,
14 I'm -- I'm not allowed to make motions and I can only
15 vote in the case of a tie and I think what -- what has
16 happened there is it did forward to the Mountrail County
17 --did forward as a recommendation and to give you an
18 idea of how the procedure happened, I think the zoning,
19 from what I could see, I think the zoning members, which
20 there are eight others besides me, felt that this was
21 the only opportunity to provide this line. There was a
22 recognition of problems with it, but in the willingness
23 of cooperation and in order to move this process
24 forward, it was approved. But I believe they were
25 painted into a corner.

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1 MR. SCHMIDT: Okay. I don't have any
2 further questions.

3 MR. DAWSON: Commissioner Fedorchak?

4 MS. FEDORCHAK: So just to be clear and
5 thank you for taking time to be here and sharing your
6 experience. You're asking us to overrule the local
7 decision on this?

8 MR. SORENSON: Yes.

9 MS. FEDORCHAK: Okay. Thank you.

10 MR. DAWSON: Commissioner Kroshus?

11 MR. KROSHUS: How many landowners have an
12 issue with the line?

13 MR. SORENSON: I've had -- I've been
14 approached in a total number of people probably five or
15 six. In recent days I've talked to two of them. One
16 signed, one did not. And I think this is something where
17 when we look at, you know, exhibit 36, for example, we
18 look at the entire route, we're going to south and a
19 little bit west, why aren't we going east? And when I
20 look at that line, I see seven miles of waste. That's
21 roughly 20 percent of the line. And that was done
22 because of inadequate easement procuring. There's a
23 right and a wrong way of doing that. And I tried to
24 illustrate that with the pipeline in my example and I've
25 dealt with a number of them. We need to do this with the

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1 least amount of impact and for that reason, I do ask you
2 to overturn the local decision and deny it. I think the
3 project if it wants to move forward is fine, but I think
4 there's a better -- a better route.

5 MR. DAWSON: If there's no further
6 questions, you may step down.

7 MR. SORENSON: I do have my testimony in
8 writing if you'd like that?

9 MR. DAWSON: Please. Do you wish to offer
10 this as an exhibit?

11 MR. SORENSON: Sure.

12 MR. DAWSON: Do you have an objection?

13 MR. SCHMIDT: No objection.

14 MS. FUREY: No objection.

15 MR. DAWSON: I'll mark it and admit it as
16 exhibit D. Do we have anyone else that is an opponent
17 that wishes to come forward?

18 MR. HAWBAKER: My name is -- my name is
19 Ted Hawbaker. I'm from Portal, North Dakota and I've
20 been on the Burke County Planning and Zoning Board since
21 its inception, since its beginning about 20 years.

22 MR. DAWSON: I've got to swear you in. I
23 thought you were going to keep going. You were here for
24 my previous warnings on perjury, right?

25 MR. HAWBAKER: I was.

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1 MR. DAWSON: So you know what perjury is
2 and the penalties for it?

3 MR. HAWBAKER: Yes.

4 MR. DAWSON: Understanding so, do you
5 promise or swear that the testimony that you're about to
6 give will be the truth, the whole truth and nothing but
7 the truth?

8 MR. HAWBAKER: Yes.

9 MR. DAWSON: You may begin.

10 MR. HAWBAKER: I have here the minutes of
11 our planning and zoning meeting where we denied the
12 applications if you would like? I have three copies of
13 it here. Just so you know how things went. We -- as a
14 zoning board, we actually, there was a motion on the
15 floor to recommend to the commissioners, that we approve
16 the -- approve the project and that failed to get a
17 second. So it died due to a lack of a second. And there
18 was a motion -- actually motion to deny it, to deny the
19 project and that -- that passed five to one. So -- and
20 the one being -- the one vote for it, granted, was the
21 mayor of Bowbells, so they're not going to be anywhere
22 near a tower. He had to look out for this people too. So
23 I don't fault him for that. But after listening to the
24 people in the community, and I had three people myself
25 that signed easements for the project call me and said,

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1 I want you to know that I'm not in favor of the project.
2 I was mislead in the process. You know, basically being
3 told that my neighbors are, you know, my neighbors are
4 signing up. You're going to have towers in your backyard
5 anyway. You might as well get it on it. And. You know,
6 come to find out a little later they hadn't signed yet,
7 but I had three different people that did sign up call
8 me specifically and said, you know, we're not in favor
9 of this. So that's the way it started as we had our
10 hearing and so on. And I guess half are listening to the
11 people, we look at our comprehensive plan. I guess, I
12 did and it allows wind towers, it certainly does. It can
13 -- it does state that we should have ag first. All our
14 land is considered ag land first until it's change and
15 to commercial or industrial or whichever. And then, I
16 guess, I look at a large portion of the people that are
17 in favor of this or the not, don't mean to put it that
18 way, that did sign easements are absentee land owner
19 that plan will be foreign, but are in the statements
20 previous that this is a multigenerational project. I
21 mean, our young farmers are going to have to farm around
22 these things, deal with inability to get airplanes to
23 spray, deal with the runoff from the tower pads as I
24 haven't seen one with a dike around it yet and the roads
25 leading to the towers, there's a lot of runoff on that

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1 solid ground. It doesn't soak him when you get six
2 inches of rain, why, it runs off into the field and
3 creates alkaline and so I guess that's our younger
4 generation that's going to have to deal with that. I've
5 had several of them talk to me in the aspect of I can't
6 come to these meetings. My landlords -- my landlords
7 want this and so I really can't speak up. I can't say
8 anything because that's the people I rent this land
9 from. So our next generation is, well, a little bit.
10 Another issue that is of some concern in talking with
11 beggars is that our younger generation here, if they
12 bought -- if they bought the family farm or if they
13 bought a few borders now they through no fault of their
14 own, they end up in the middle of the wind farm, they
15 say that land is worth 30 percent less. Doesn't look
16 good on the balance sheet when you're going in for an
17 operating loan. So I have some concerns for our younger
18 generation here and in our area, most farmers rent more
19 land than they own, especially -- especially the 50 and
20 under, so those are some of my concerns. And I'd like to
21 ask you this -- and our commissioners did overrule us,
22 our, you know, we recommended to the commissioners to
23 deny it and they did overrule lists. One commissioner,
24 granted, it was only on for about six months on the
25 board due to a death, he had recently been appointed to

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1 the commission and another one was not running again and
2 going to be off within a couple of months. So that's
3 just some of the circumstances on how that went.

4 MR. DAWSON: Did you wish to offer this as
5 an exhibit?

6 MR. HAWBAKER: Yes. Yep. That's what
7 happened. That's the minutes of our meeting.

8 MR. DAWSON: So I'll mark it as exhibit E.
9 Do you have any objection, Ms Furey?

10 MS. FUREY: No objection.

11 MR. DAWSON: Mr. Schmidt?

12 MR. SCHMIDT: No objection.

13 MR. DAWSON: Okay. Do you have any
14 questions for this witness? Ms. Furey?

15 MS. FUREY: No, Your Honor.

16 MR. DAWSON: Mr. Schmidt?

17 MR. SCHMIDT: Just one. Are you aware as
18 to whether or not anyone appealed Burke County, the
19 commission's decision to grant the conditional use
20 permit?

21 MR. HAWBAKER: Not -- not that I'm aware
22 of. The zoning board did not. I'm not sure what that
23 process is. I do know that, you know, Burke Wind never,
24 you know, the information they gave us and gave the
25 commissioners, as to the whole amount of money that

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1 would come into the county, school districts, cities and
2 so on, was -- those numbers were brought with the 300
3 megawatt project. When they reduced it to 200, why,
4 there was never any new figures on -- on a reduced, you
5 know, amount that would benefit the local subdivisions,
6 so I don't know that. And we actually, oh, we were
7 having a board meeting and then it was that -- that
8 board meeting was probably in November. I would have to
9 look back at minutes and see. But before we even knew
10 the size was reduced, there was nobody, you know, they
11 had already reduced the size. I don't -- I don't know. I
12 tried to ask our state's attorney and didn't really get
13 a firm answer. It's a whole different project than it
14 was. Doesn't it have to start over? I don't know but I'd
15 ask you to deny it because we, yeah, are very
16 disappointed in our county commission. Well, yeah, and
17 still on. And we were the ones that listened to the
18 people, talked to the people, took the phone calls and
19 dealt with all that and the county commission were, you
20 know, I don't know of any meetings that they were all
21 to, you know, just like today, we've got one and he's
22 the one who was just newly elected. The other -- the
23 others aren't here, so --

24 MR. DAWSON: Commissioner Fedorchak?

25 MS. FEDORCHAK: Thank you. What was your

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1 last name?

2 MR. HAWBAKER: Hawbaker. H-a-w-b-a-k-e-r.

3 MS. FEDORCHAK: Okay. Thank you, Mr.
4 Hawbaker. What was the basis for your planning and
5 zoning --

6 MR. HAWBAKER: When we looked at the whole
7 package, the -- the whole package, the, you know,
8 consider ag first, the negative impact it was going to
9 have on agriculture and people that lived in the area
10 and all of that combined, I guess, you know, our
11 comprehensive plan to put ag first and, you know, I just
12 see a real -- a real stress on the next generation
13 coming in to try and work around these. And I remember
14 how it was and I see their voice, their voices is a
15 little quelled because they're landowners that they are
16 rent from, they want the cash to take somewhere else. It
17 won't be spent in Burke County. A little of it will.
18 Some of it will. It's not a 100 percent. Some of it
19 will.

20 MS. FEDORCHAK: Oh, what was the vote of
21 the county?

22 MR. HAWBAKER: It was five to one. One,
23 one for, five against -- oh, of the county? The vote of
24 the county commissioners was three to -- three to zero,
25 three for, zero against.

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1 MS. FEDORCHAK: And was that a public
2 meeting?

3 MR. HAWBAKER: That -- well, it was -- I
4 don't think they took any private testimony there. The
5 public meetings were the zoning. We take -- we're here
6 to take the heat for the commissioners and I've been on
7 there approximately 20 years. I do not -- I do not
8 remember a vote that was reversed by the, you know, the
9 zoning board or disapproved of or approved that was not
10 the -- that's the first time I've ever seen that that I
11 can remember. We maybe -- maybe if somebody digs through
12 all those minutes we might find something, but that's a
13 first I remember.

14 MS. FEDORCHAK: And as a community, tell
15 me how would you characterize feelings about this? Are
16 you split? Is it --

17 MR. HAWBAKER: I would say from the people
18 that live in Burke County, there's a small -- there is a
19 percentage that are for it. I would say there's a large
20 majority against it from the people that live here,
21 people that own land here and don't live here. There's
22 probably a 50-50 or majority of people that don't live
23 here, but are absentee landowners. They support it
24 because they might get a wind tower.

25 MS. FEDORCHAK: Okay. I think that --

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1 thank you very much for being here and sharing that
2 perspective.

3 MR. DAWSON: Commissioner Kroshus?

4 MR. KROSHUS: Just want to make sure I
5 have this down correct. Okay. Five, one vote against
6 from the planning and zoning board. The commission voted
7 the other way, three, zero for the project and that was
8 before project was changed from the 300 to 200?

9 MR. HAWBAKER: Yes. Yes. That was -- to my
10 knowledge, there has been nothing across our desks since
11 it's been changed from 300 to 200 other than a
12 substation somewhere that we probably did approve of.
13 There may have been something there, but there's been --
14 the project did not come back to the zoning board, which
15 it would have to come there first and then go to the
16 commission. So that hasn't come back. The new project.

17 MR. KROSHUS: And, again, looking at the
18 map over there which I can't quite read, 30 -- exhibit
19 31 -- 37? The footprint and black line represents the
20 new?

21 MR. HAWBAKER: I guess so. I asked the
22 question at one of our last meetings and we approved all
23 of those wind towers, and, you know, we all have other,
24 you know, we actually -- I don't get paid for this
25 either and we donate our time and energy to this stuff

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1 and so I didn't research it where every tower was and
2 where every tower was going to be on the new one to know
3 if there's -- if all of those were approved, I would say
4 that they're probably okay to where they wouldn't have
5 to go through us again, but if any of those changed from
6 our initial approval, I would assume that the project
7 has to come back through the zoning -- planning and
8 zoning and then to the commission again.

9 MR. KROSHUS: I don't know what kind of
10 rules your commission -- guidelines or rules your
11 commission has in place, but certainly, take a look at
12 it.

13 MR. HAWBAKER: Yeah, I need to talk to our
14 state's attorney and get her to nail it down and find
15 out if there -- if these are all in the same places and
16 the same towers that were once approved in the larger
17 project. I guess, that's something I should pursue. I
18 was sitting to retire. Especially after they overturned
19 us on that deal. Guys call me and say, I want you to
20 know I signed up but I want you to know I don't want it
21 to happen. I got that from three different landowners.

22 Mr. DAWSON: Any further questions? Seeing
23 no further questions, you may step down. Is there
24 another opponent, the third opponent to come forward at
25 this time in this rotation? Another opponent to the wind

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1 farm. Your name, sir?

2 MR. JACOBSEN: Aaron Jacobsen.

3 MR. DAWSON: Did you sign in?

4 MR. JACOBSEN: Yes.

5 MR. DAWSON: Where are you from?

6 MR. JACOBSEN: Noonan.

7 MR. DAWSON: Were you here for my warnings
8 on perjury?

9 MR. JACOBSEN: Yes.

10 MR. DAWSON: So you know what perjury is
11 and the penalties for it?

12 MR. JACOBSEN: I'll be the first to admit
13 I want you to explain it?

14 MR. DAWSON: Perjury is a lying under oath
15 so when you present testimony here, you present
16 testimony as you would in any court of law. What you say
17 can be punished if you were purposely lying, you could
18 be charged with a Class C felony, which is punishable by
19 a fine of up to 10,000 dollars or five years in prison
20 or both.

21 MR. JACOBSEN: I have to purposely lie to
22 be charged with this?

23 MR. DAWSON: Yeah, you have to be proved.
24 The state's attorney would have to bring it against you.

25 MR. DAWSON: The importance of it is that

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1 you're here to tell the truth.

2 MR. JACOBSEN: Oh, I am. I just didn't
3 understand. You've asked that question all day and I
4 didn't want to be the first to get my hand slapped.

5 MR. DAWSON: Something tells me that
6 you're here to tell the truth. Knowing now what perjury
7 is and the penalties for it, do you promise or swear
8 that the testimony that you're going to give will be the
9 truth, the whole truth and nothing but the truth?

10 MR. JACOBSEN: I do.

11 MR. DAWSON: You may begin.

12 MR. JACOBSEN: Okay. I've got -- carrying
13 three letters of opposition that people that aren't able
14 to attend today. Do you I read those or turn them in?
15 How do I go about presenting those?

16 MR. DAWSON: Okay. You can -- you can
17 offer them as evidence here at the beginning and you can
18 just summarize them real quick because I'm sure they're
19 all pretty close to each other.

20 MR. JACOBSEN: They are not.

21 MS. FUREY: Your Honor, we would object
22 that they're hearsay.

23 MR. SCHMIDT: Yeah, public testimony and
24 the Public Service Commission will give the testimony
25 the weight it allows.

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1 MR. DAWSON: At this time I'm going to
2 allow it because of the time and because of the
3 commission is fully capable of giving it the weight that
4 it deserves.

5 MR. JACOBSEN: Thank you. A lot of people
6 have jobs and cannot attend these meetings at nine in
7 the morning. I'm thankful that I got in on the first
8 round. I've got a whole bunch of cows that are really
9 missing me right now. I've got a son that didn't get in
10 on the first round that's lambing and he needs to get
11 his butt home too. That being said, I'll forego two of
12 the three letters, but I do want to read this third
13 letter. To the North Dakota Public Service Commission
14 from Race Ronald Jacobsen so Noonan. Testimony, I, Race
15 Jacobsen oppose the proposed wind farm in Burke County.
16 I'm against the wind farm for multiple reasons. The
17 first reason is because it will affect the natural
18 migratory paths of birds that I enjoy hunting in the
19 spring and fall. In the spring and fall we see lots of
20 bird migration over the area. After talking to people
21 around Tioga, they have noticed a decrease in migratory
22 birds. The location will also affect the environment and
23 welfare of the citizens by creating obstructions in
24 areas that have few roads already. Construction of wind
25 towers will bring not only unnatural noise, but a higher

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1 amount of traffic in Burke County. It will affect the
2 welfare of the citizens by making the road more
3 dangerous with the added traffic. It will also take away
4 from the citizens, the splendid scenery that we do
5 enjoy. The construction of a wind farm in Burke County
6 will affect me and my family greatly. I work for a
7 professional dog trainer in the summer and the job is
8 based on wild game birds and some of migratory birds
9 that come through the area. If the wind farm is built,
10 it will take away my job because my boss will have to
11 find new ground to train his dogs on. It also affect me
12 because I like to be outdoors and enjoy nature in a
13 place that is not already affected by people. At my
14 family's ranch we will be affected by the added noise in
15 the area. We will also be affected by not being able to
16 move our cattle easily between pastures because of the
17 added traffic. Sincerely, Race Jacobson. So now is it my
18 turn?

19 MR. DAWSON: Yes.

20 MR. JACOBSEN: Okay. I'm Aaron Jacobsen,
21 as I stated before. I'm a fourth generation rancher in
22 Burke and Divide County. Very first thing I'd like to
23 do, and this tastes like vinegar in my mouth, I'm going
24 to try and stand up for the North Dakota Game and Fish
25 Department and the U.S. Fish and Wildlife Service. The

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1 testimony basically from 11 o'clock on was regarding
2 statements or stuff from the North Dakota Game and Fish
3 and the US Fish and Wildlife Service. But those letters
4 have not been read. I assume they're in here and I
5 assume you have them. I was able to obtain a copy of
6 them, but very few people in the audience are aware of
7 them. So the first letter is dated March 7th. This is
8 from the North Dakota Game and Fish Department.

9 MR. DAWSON: Sir, are you going to read
10 the whole letter?

11 MR. JACOBSEN: I would like to.

12 MR. DAWSON: Could you just sum it up.
13 It's in the record or hit some high points.

14 MR. JACOBSEN: Okay. I'll hit the high
15 points that were not hit before. The North Dakota Game
16 and Fish Department first learned of the proposed Burke
17 County Wind Energy Center at a joint agency meeting with
18 NextEra and the United States Fish and Wildlife Service
19 in September of 2016. During this first consultation
20 department staff voiced a considerable concern and
21 indicated the applicant could not have picked a worse
22 spot in the state with regards to potential negative
23 impacts to prairie and wetland wildlife species. Further
24 down in the letter, this is a paragraph you haven't
25 talked about yet. Although NextEra has made significant

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1 efforts to reduce their environmental footprint, we were
2 disappointed with their misuse and misrepresentation of
3 the voluntary WEG. As well as their subsequent decision
4 to push forward with a project that has raised explicit
5 concerns from both agencies. On the back, the second to
6 last paragraph, it states as we have relayed from the
7 start, the department believes this project was ill
8 planned in its site selection relative to natural
9 resources and consequently will have substantial impacts
10 to native wildlife and their habitat and it's signed
11 Great Link Conservation and Communications Division.
12 We've also got a letter from the Fish and Wildlife
13 Service. It's on United States Department of Interior
14 letterhead. And I'll only read parts of this again.
15 Staff from this office and the service in South Dakota
16 Ecology Service's office have provided guidance and
17 recommendations to NextEra and its consultants regarding
18 this project via correspondence, meetings, calls and
19 electronic mail. We, in the North Dakota Game and Fish
20 Department have indicated to NextEra that the location
21 of the proposed projects falls within in an unusually
22 high value wildlife resource area and significant
23 negative direct and indirect impacts to wildlife are
24 anticipated if this project proceeds to construction and
25 operation. Primary recommendation has been to avoid

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1 development of the project at the current proposed
2 location and this is dated March 6th. After the change
3 from 300 to 200. In the second -- third to last
4 paragraph it says, in short, the project area is still
5 within a high value natural resource area, thus, our
6 primary recommendation remains that development not
7 occur in this area and I'm going to just read a short
8 piece from -- this is an attachment and I'm not sure
9 what number it is called at all, but it was absent from
10 the discussion earlier regarding whooping cranes. This
11 is from the U.S. Fish and Wildlife Service and its
12 response to questions from -- or to statements by
13 NextEra dated March 7th and I don't understand the
14 mitigated acre thing real well but based on peer
15 reviewed published studied that documented avoidance of
16 turbines by breeding pairs of waterfowl of wind turbines
17 and estimated 1,040 breeding pairs of waterfowl may be
18 displaced by the Burke Wind Farm. This study is dated
19 2019. This is based on an approximately 20 percent
20 displacement rate from wetlands that are situated within
21 half mile of wind turbines as a metric to estimate
22 offsets necessary to compensate for waterfowl
23 displacement two, 236 acre wetland would be what need to
24 be created or restored to compensate for that -- this
25 loss. I'm sorry, I misspoke. That was one and this is

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1 regarding the whooping cranes and this is also from the
2 US Fish and Wildlife Service dated November 25, 2018.
3 The purpose of this letter is to provide environmental
4 comments and recommendations regarding the proposed
5 Burke County Wind Energy Center and Transmission Line in
6 Burke and Mountrail Counties. The very last page, the
7 project avoids as many wetlands as possible that
8 represents suitable whooping crane stopover habitat.
9 That's a statement, I assume, correct me if I'm wrong,
10 that is made by NexEra or the developers of this
11 project and the reply which is from the US Fish and
12 Wildlife Service reads, this effort appears to be based
13 on an evaluation of whooping crane habitat on the Burke
14 Project Area by Watershed Institute inc. However, our
15 records indicate in Burke County over 30 whooping crane,
16 stopover locations have been recorded -- reported since
17 the service began collecting such reports, only four
18 percent of actual stopovers are estimated to actually be
19 reported and these sightings occurred within and upon
20 all sides of the proposed turbine location. Modeling
21 done by our, I don't know what HAPT office in Bismarck
22 stands for 2018, based on knowing whooping cranes
23 sightings as they related to the landscape features
24 confirms that much of the Burke Project area suitable
25 stopover habitat ranked in the top thistle predicted use

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1 by whooping cranes, i.e., relatively high probability
2 areas for whooping crane occurrence. This project is
3 near the center of the known whooping crane migration
4 corridor of the only self sustaining wild migratory
5 population of whooping cranes in existence today.
6 That was the letters that I wanted to read. No, we're
7 going to move into my own notes. I came with a page and
8 the half of things I wanted to say. And after listening
9 to well, we're going into nine hours of testimony, I've
10 got got seven pages of things I want to say. So please
11 excuse my unorganized and I forgot to thank you for
12 coming to Burke County because this is -- I do
13 appreciate that. This morning you mentioned you drove
14 through Kenmare when you got off your plane or whatever.
15 Did any of you drive through the proposed area? It was
16 stated that this is not unique. This is the only part of
17 the Coteau anywhere that contain quaking aspens and deep
18 tree filled draws unlike any other part of the Coteau. A
19 little bit of it occurs in Divide County but the rest
20 all occurs in Burke County. So yes, we are unique. It
21 doesn't happen anywhere else. It wasn't talked about at
22 all regarding our quality of life. I own and operate the
23 ranch land and I rent ranch land that is adjacent to the
24 black lines there and I rent land that is inside the
25 black lines. We heard from sound experts this morning

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1 and I'll express my frustration with the county
2 commissioners of Burke when I asked why they were
3 listening to experts from NextEra only, I was told if
4 you can afford your own experts, we'll listen to them
5 too. I thought that was a slap in the face. I can't
6 afford an expert. I've ranched full time for 31 years,
7 so maybe I am an expert, but we talked about sound. I
8 don't know what decibels are. My son happens to live on
9 a piece of land that I own that is four miles from his
10 mailbox, two miles from his nearest neighbor and it is
11 on a hill, not down in a valley. From his house if you
12 look west, you can see three poles from the REA line
13 that brings power into his yard. You can see some fences
14 that we have built, three, four foot high, fences to
15 contain cattle and sheep. You cannot see, other than his
16 road into his yard, which is a dead end, you cannot see
17 anything else made by man. You look south, the same
18 thing. You look east, same thing. You look north, the
19 same thing. To the northeast at night you can see one, I
20 believe it's a radio tower, blinking red light. You
21 can't see a yard light, anything. You don't hear any man
22 made noise. That being said, I don't understand the
23 decibels and all that stuff, but I have a friend that
24 lives three miles from the wind farm in Williams County
25 and that disturbs them in the evening when they're

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1 sitting on their deck trying to enjoy the evening, they
2 can hear it. Now, the closest tower to my son's house is
3 going to be just over a mile. There is no manmade noise
4 there. I don't know percentages and I haven't done a
5 study, but the only time you'll hear man made noise is
6 when he or his fiance drives into the yard or I drive
7 into the yard or for the three days that we're making
8 hay on the hayfield adjoining him. The rest of the year,
9 there is no manmade sound, so even if it falls within
10 the guidelines of whatever it is and on all decibel, if
11 there was no manmade sound, you've introduced an
12 invader. It's no different. I equate it to a pig farm.
13 If a pig farm was moved into me and they meet their
14 setback requirements and they meet all the odor
15 requirements, but there was never a pig smell before and
16 now I can smell pigs, it still stinks. So I'd ask you to
17 consider that. Maybe people are jealous. We do live in a
18 place that is very sparsely occupied, very, very
19 beautiful and we kind of -- we hold it dear to our heart
20 and we're probably not the best at sharing it. We are
21 one of the last great untouched places. We haven't even
22 talked about the red blinking lights at night. There is
23 -- I mentioned there's one radio tower that you can see,
24 but there are no other manmade lights. Now, if this
25 project is to allowed to go forward, there's nighttime

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1 will be constantly reflect -- or have this blinking red
2 light. I can't imagine how anybody can tell me that
3 isn't going to affect my quality of life, my ability to
4 sleep. Anything.

5 Early in the meeting, the very beginning, I
6 believe it was Commissioner Kroshus, you asked a
7 question, how many people here support the program or
8 project and how many are opposed to it? This has been a
9 battle of attrition. It seems like they all these
10 meetings, this is the fifth meeting that we've attended
11 and none of them have been less than six hours. This is
12 the longest other than the county commissioner meeting
13 where they voted to approve it, but it seems like
14 they're just trying to wear us down. You ask how many
15 people were in favor and how many people were opposed.
16 When we had all the people and I realize that a lot of
17 the opposition had to go home, they had a feed, they had
18 to do whatever. You asked that question, but at that
19 time in my estimate is a third of the room were people
20 associated with NextEra. I would've liked to see that
21 question asked of people that are not associated with
22 the project. The question was -- or it was raised by Mr.
23 Hawbaker about the outside landowners. Another -- or
24 absentee landowners and that's a very valid question. I
25 don't know the number. I haven't had time to look down

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1 -- look at the atlas and look where the towers that are
2 sited, but I would hazard to guess that most of the
3 landowners that have signed up do not live in the
4 project. He criticized and we also heard from Mr.
5 Sorenson, he criticized how this was handled. I have a
6 good friend and a neighbor and when I learned that he
7 had signed up, I went and visited with him and I asked
8 him, I said, why did you sign up knowing he lives in a
9 very beautiful spot and he said, I didn't want these.
10 The land man came and told me that they had the person
11 that owns a property across from me already signed up
12 and if I was going to look at the towers, I might as
13 well benefit from them. He was also told the project had
14 been approved. After learning that project hadn't been
15 approved, he was very disgruntled.

16 Regarding the communications that NextEra has had
17 with the public. This has been great secret. I also get
18 the Divide County paper and the wind farms in Williams
19 County, although I am opposed to wind farms in general,
20 the wind farms in Williams County have done a wonderful
21 job of presenting their information in the Divide County
22 Journal, the Tioga Tribune and the Williams County -- or
23 the Williston Herald. They put maps. They're very
24 upfront and tell you what they're doing. NextEra had an
25 open house in March, and I believe you said it was 2017.

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1 What happened prior to that meeting? There was one
2 notice in the Burke County paper. What happened prior to
3 that meeting? We had a blizzard. If you'll recall, we
4 had Highway 52 blocked. There were six foot drifts and
5 semis stuck in the middle of the highway. I didn't even
6 receive my paper with the notification of the meeting
7 until after the meeting had happened. Would I go to an
8 open house hosted by NextEra or any wind developer?
9 Probably not. It seems that my absence has been taken as
10 a vote of affirmation instead of opposition because we
11 weren't there to oppose them. They seem to have taken it
12 as we do. You asked earlier, one of the people that
13 spoke earlier today, what their thoughts were on the
14 meetings and how they thought people felt, the people in
15 the meetings were overwhelmingly opposed to it in my
16 opinion. The only people that spoke in favor of it were
17 people that had been promised royalty income. Mr.
18 Kroshus, you talked early, very early in the day about
19 the PTC, production tax credit. Is that correct? And I'm
20 not an accountant by any means, but NextEra up to this
21 point, has received 5.5 billion dollars, billing with a
22 B in tax credits. They stated this morning that the
23 project would provide to Burke County \$29 million over
24 30 years. That's less than a million dollars a year. In
25 Divide County we're presently pursuing paving some of

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1 our county roads. The cost that has been presented to us
2 is up over a million dollars a mile to pave a county
3 road. What Burke County will receive from NextEra per
4 year isn't even going to pave one mile of road. A quote
5 that I find really interesting and this is MidAmerican
6 Energy Company, it's a subsidiary of Berkshire Hathaway.
7 Berkshire Hathaway, Berkshire CEO's, a name we all know,
8 Warren Buffet explained why his companies are in the
9 wind business. We get a tax credit if we build a lot of
10 wind farms. That's the only reason to build them he
11 said. They don't make sense without the tax credit. My
12 question is instead of taking a small amount into
13 individual counties, which is originally my money
14 because I had to give them the tax credit, why not do
15 away with this tax credit and collect the 5.5 billion
16 dollars and distribute that? We could do a lot more with
17 that distributed. It takes -- I can't -- I didn't do the
18 math but less than a million dollars a year. How many
19 years does that take to equal 5.5 billion? A lot.

20 It was talked about the commissioners and the
21 zoning board and the zoning board spent two very long
22 meetings hearing from NextEra and people in and around
23 Burke County, both the pro and opposed. The county
24 commissioners voted without hearing near as much input
25 and it should be pointed out that none of the county

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1 commissioners lived in the country. They all live in
2 towns. Two of the three county commissioners recently
3 moved into Burke County. I don't feel that they
4 represented Burke County very well. You've talked about
5 aerial spraying and I don't remember which meeting it
6 was presented to but a letter was written by a
7 commercial spray pilot from Kenmare and it was read,
8 excuse me, in front of the -- as testimony in that he
9 stated there is no way they can fly in the wind farms to
10 spray. We haven't began to talk about predator control
11 from air. I ranch for a living as I said earlier, one of
12 my calving pastures, northern boundary is right against
13 the project and the closest wind tower will be whatever
14 the minimum setback. It's a thousand feet or whatever
15 from a property line. I don't remember the number, but
16 my calving pasture is there every spring before we start
17 calving, I get the state predator control airplane out
18 to hunt for coyotes. It typically takes 60 to 80 coyotes
19 off my ranch alone allowing me to calve in those
20 pastures unmolested from coyotes. If they can't fly to
21 hunt coyotes because the wind turbines are all around my
22 calving pastures, that is certainly devaluing my
23 property. Not only the value of that calving pasture,
24 but I will lose livestock due to the depredation.

25 Something that I think was touched on, but I'm not

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1 sure I get lost in some of the really big lingo. Weather
2 radar. How many times maybe you guys don't get Tom
3 Schrader. We get to Tom Schrader on our television and
4 in my opinion, he's the best meteorologist in North
5 Dakota. You'll be watching Tom Schrader when a storm
6 comes through and there's all those wind farms between
7 Minot and in Bismarck and he'll have the radar's going
8 and he'll say, we can't see what's happening here
9 because the wind farms are interrupting. He's said that
10 many times on television. Sorry, that page had my
11 original conclusion. The question I have and I don't
12 understand it, why not put additional wind towers
13 between Minot and Bismarck. There's already towers
14 there, aesthetic value of the land has already been
15 ruined. The transmission facilities, as far as I
16 understand, are already in place. I don't know the
17 answer to that question but it doesn't make sense to me.
18 It was talked about regarding, I don't remember what the
19 word was, but if the wind towers are too close together,
20 they don't function efficiently and there was a term
21 used that I do not remember but they do not function
22 efficiently if they're too close together. Another
23 question I have is if that is the case, is it devaluing
24 my land if I'm downwind, the prevailing wind direction
25 here is north, northwest. Would I have the opportunity

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1 if I so chose in the future to develop my own wind farm
2 and it sounds to me like I would not be able to because
3 my efficiency would be diminished because I've already
4 got wind towers north of me.

5 In the letter I read from Race Jacobsen, he talked
6 about the dog trainers. I don't know if you're aware of,
7 but there are in eastern Divide County on Western Burke
8 County, there are five professional dog trainers that
9 come every summer. They come up here because of our
10 climate, the open spaces and the lack of people. During
11 their field trials in September, which lasts ten days,
12 there are 30 other or more depending on the year, but at
13 least minimum of 30, other participants that travel into
14 Burke County, stay in hotels, spend their money in the
15 restaurants, spend their money in the bars, they go to
16 the laundry mats, they spend a lot of money in our area.
17 These same dog trainers are losing trial grounds.

18 They've already lost trial grounds in Oklahoma and Texas
19 and they directly attribute it to the lack of birds
20 because wind farms are there. I fear that if this wind
21 farm comes to fruition, the same will happen here and
22 that's an economic loss that may not have been
23 considered earlier in the discussion. Much the same as
24 the hunting revenue loss. It was talked about bird
25 deflectors. I think that's what they were called to make

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1 the birds fly around -- around these towers, around
2 transmission lines. So if the birds are flying around on
3 the migration in the fall is mostly in a southerly
4 direction, if you're south of this diversion, your
5 wildlife is gone. That is an economic loss to me. I have
6 many friends, family and myself that enjoy hunting. I
7 also enjoy the scenery. I have relatives, my siblings
8 included, that all live in a large rural -- or urban
9 areas and when they come home, what is the one thing
10 they want to do? In the evenings, they want to sit
11 outside and watch an uninterrupted sun set. That is
12 something we can still do this area of the state. If
13 this project comes to fruition, that won't be available.

14 It's been discussed some and property rights and
15 property value and when I first started studying wind
16 farms, I understand and can acknowledge and you stated
17 it, I don't want to be told what to do with my property,
18 but what you do on your property affects my ability to
19 enjoy my property. I feel violated. I also feel that it
20 is destroying or lessening the value of my property. I
21 have very, very beautiful property and one of the
22 reasons I chose to own that property is because it is
23 pretty. I could have went to eastern Montana. There
24 ain't a tree in eastern Montana. I've got trees, I've
25 got good grass and I've got a wonderful wildlife habitat

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1 and a wonderful lifestyle. The shadow flicker was
2 addressed and our daylight here in the summer is
3 considerably longer than it is in Germany. I don't
4 understand 30 hours of flicker. Is that every time it
5 goes over my pop can? That's one second and we
6 accumulate that to get 30 hours because if it is, that's
7 a constant interruption any time the sun is shining and
8 the reference was made to a home, but that seems to
9 imply a residence. My home is my ranch, not just one
10 specific spot on it. It is all of it.

11 MR. DAWSON: Excuse, me for a second. How
12 many more opponents are there in the audience? Just let
13 me see your hands. Okay. If you could summarize a little
14 bit more, that would be great.

15 MR. JACOBSEN: Okay. I'll do my best. When
16 I listened to a lot of the testimony today, it seemed to
17 me that NextEra's experts have come with their own
18 environmental ideas and opinions that conflict with our
19 state and federal experts. The question was asked to a
20 NextEra person at what point were landowners made aware
21 of Game and Fish recommendations? I wouldn't hazard a
22 guess most of them were not aware of them until I read
23 this right now. I became aware of them yesterday and
24 this morning. They commented they saw a few whooping
25 cranes. I've lived here my whole life. I see them every

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1 summer. It was commented they don't find many bird
2 kills. I have a really interesting question. Are you
3 there all the time? Because we, as I mentioned earlier,
4 we have a lot of coyotes. If a bird gets killed by a
5 wind turbine and you're not there to see it laying dead
6 in the first few hours, a coyote or a fox is going to
7 hop on by and that bird will be gone. And there's no
8 evidence. An example of that would be a few years ago,
9 the ducks unlimited used to come around the country and
10 try to count duck nests. Every time they found a duck
11 nest, what did they do? They put an orange flag right by
12 the duck nest. Didn't take very long for the fox and
13 especially the raccoons and even a few coyotes to
14 realize that there is an orange flag, there's dinner. I
15 see you one over there, that'll be an appetizer and
16 there's supper over there. So I questioned some of that
17 science.

18 This project affects the wildlife and our
19 livelihoods and our quality of life, not only in the --
20 inside the black line but outside the black line.
21 Another interesting fact, the transmission line they're
22 proposing is all above ground. I saw some people from
23 Burke Divide here and I'm not going to turn around to
24 see if they're still here but in 1997 or 1998 Burke
25 Divide took their main north-south transmission line

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1 that runs right through this and buried it. This area is
2 extremely foggy and frosty in the winters, probably one
3 of the most foggiest, frosty areas. They were not able
4 to maintain their transmission line. It was constantly
5 going down, blowing breakers because the frost was on
6 the line. So I question -- it's just an interesting
7 fact. Before I conclude I'd just like to state, I'm
8 afraid I forgot half of what I said and I'm gonna home
9 and start saying, oh, shoot, I wish I would've said this
10 or shoot, I wish I would have said that. So I'm trying
11 to milk my time.

12 I would like to conclude with the statement that
13 Burke County is a great hidden gem of beauty and
14 solitude, a great place to live and ranch and one of the
15 god's last remaining unadulterated treasures that has
16 been disturbed. Very little by man's hand. You have the
17 power to keep it that way. Please, I beg you. Don't
18 quote to destroy our quality of life and I'll conclude
19 the call grouse grounds leks and the one lady referred
20 to it as a single's bar, locally -- locally, we refer to
21 them as dancing grounds.

22 MR. DAWSON: Ms. Furey?

23 MS. FUREY: Mr. Jacobsen, for the record
24 can you please state your home address?

25 MR. JACOBSEN: My home address is 11327 ND

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1 Five Northwest, Noonan, North Dakota, 58765.

2 MS. FUREY: Thank you. And is that located
3 in Burke County?

4 MR. JACOBSEN: Noonan is not.

5 MS. FUREY: What county is that?

6 MR. JACOBSEN: Divide.

7 MS. FUREY: Thank you. No further
8 questions.

9 MR. DAWSON: Mr. Schmidt?

10 MR. SCHMIDT: I don't have any questions.

11 MR. JACOBSEN: May I respond to that
12 question that she asked?

13 MR. DAWSON: You answered it. It was a
14 question, you answered.

15 MR. JACOBSON: She seems to imply that by
16 me living in Divide County, I don't have the ability to
17 comment --

18 MS. FUREY: Sir, that is not my intention
19 at all.

20 MR. DAWSON: No. Just answer the question,
21 don't apply anything. Commissioner Fedorchak.

22 MS. FEDORCHAK: I don't have any
23 questions, but thank you for being here and taking the
24 time to provide some thoughtful comments and we will
25 definitely take them into consideration.

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1 MR. DAWSON: Commissioner Kroshus.

2 MR. KROSHUS: I just got a couple of
3 points here to ask about. And it's not -- we parameters
4 that we have to operate within and that's -- that's a
5 decision that's been there at the federal level in terms
6 of production, tax credit. It's a federally driven
7 policy and then sometimes it's state regulators and we
8 get squeezed in between counties dealing with what the
9 federal folks are doing. But that's just not something
10 that we -- we can take into account or be a part of the
11 process itself. So I just wanted to be upfront in terms
12 of answering that question.

13 MR. DAWSON: Could you bring me your three
14 letters? And I'll admit these as Exhibit F. You may step
15 down. Do we have anyone that is just a one issue person?
16 We'll take a five minute break.

17 (Recess taken.)

18 MR. DAWSON: We're back on the record.
19 Please don't hold it against us up here, we'll stand up
20 scratch while you're speaking or walk around a little
21 bit. We're still listening. The chairs are hard and
22 we're an hour late. The next group of people, which
23 there shouldn't be many of in the audience are one issue
24 people like I talked about who want to have crushed
25 concrete instead of number five gravel or want a metal

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1 fence post instead of a wood fence post. We do get
2 people like that. I just want to give those people an
3 opportunity to speak. I heard there's a Jeanie Jensen
4 that has one issue. Is there anybody else that falls
5 into that group? Now, if you're for or against, I'm
6 gonna take you for or against it. One issue like that
7 sort of thing. Please come forward. Your name, please?

8 MS. JENSEN: My name is Jennie Jensen.
9 J-e-n-s-e-n.

10 MR. DAWSON: Did you sign in?

11 MS. JENSEN: Yes.

12 MR. DAWSON: And you were here for my
13 previous warnings on perjury?

14 MS. JENSEN: Yes, I was.

15 MR. DAWSON: So you understand what
16 perjury is and the penalties for it?

17 MS. JENSEN: Yes, I do.

18 MR. DAWSON: Understanding so, do you
19 promise or swear that the testimony that you're about to
20 give will be the truth, the whole truth and nothing but
21 the truth?

22 MS. JENSEN: Yes.

23 MR. DAWSON: You may begin.

24 MS. JENSEN: I don't know if I'm
25 specifically a one issue type person as you explained it

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1 but I plan to be very brief. I did not plan to speak so
2 I have nothing written down. This is just off the top of
3 my head, but my position in this county is as the county
4 auditor and I cannot speak to the thought processes of
5 the Burke County Planning and Zoning Commission when
6 they took their vote. But I do feel as the clerk to the
7 board of county commissioners and spending a lot of time
8 in conversation and talking about issues with them, I do
9 know their thought processes and I will tell you that
10 even thought one was new and one was leaving, that had
11 no bearing on their approach to their vote. When they --
12 before they made their vote, they looked at the zoning
13 ordinances and they knew what our zoning ordinances did
14 and did not omit. And a wind farm was a permissible use
15 under our zoning regulations, excuse me. Our newest
16 commissioner actually made a visit to a wind farm to see
17 how they operated and see what the noise level was.
18 And he did put a lot of time and effort into researching
19 the issue. He was very interested in it. Our other
20 commissioner kind of made an off the cuff trip down
21 south of Mint, drove around, looked at wind farms to see
22 if he could hear anything or not. And I just feel like I
23 need to get that on the record. That they did not make a
24 snap decision without any governing permission. They
25 were very, very invested in the decision that they made.

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1 He other thing I would like to say is that there's
2 been some talk about the tax dollars coming back to
3 Burke County and where did those figures come from? I
4 actually provided those figures. I used a formula that
5 is used for other wind towers and then used Burke
6 County's taxable evaluations and if anybody wants to
7 come into my office or give me a call, they're more than
8 welcome. I have updated the figures, I just did that
9 fairly recently, but I have updated figures for the
10 smaller wind tower and I have provided them to NextEra
11 so there figures. And the other thing I would like to
12 mention is with all due respect to Mr. Hawbaker, we do
13 pay our planning and zoning people a per diem and
14 mileage. If they choose not to take it, that is their
15 decision. Thank you for your time and that's all I have
16 to say.

17 MR. DAWSON: Any questions, Ms. Furey?

18 MS. FUREY: No questions. Thank you.

19 MR. DAWSON: Mr. Schmidt?

20 MR. SCHMIDT: I don't have any questions
21 either.

22 MR. DAWSON: Commissioner Fedorchak.

23 MS. FEDORCHAK: Thank you Jeannie for
24 being here. Really appreciate you sticking it out and
25 sharing your thoughts. I don't have any questions.

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1 MR. DAWSON: Commissioner Kroshus.

2 MR. KROSHUS: No questions. Thank you for
3 being here.

4 MR. DAWSON: That's exactly what I meant
5 by a one issue person. You didn't say for or against,
6 you just kept it on point. Is there anyone else that
7 fall into this narrow group? Mr. Carlson? State your
8 name?

9 MR. CARLSON: Kevin Carlson.

10 MR. DAWSON: Did you sing in?

11 MR. CARLSON: Yes, I did,

12 MR. DAWSON: And where are you from?

13 MR. CARLSON: Address is Powers Lake. I am
14 five miles south of the center of the proposed wind farm
15 is my farm location and I own land in Mountrail County
16 too.

17 MR. DAWSON: Okay. Before you begin today,
18 you were here for my previous warnings on perjury so you
19 understand what perjury is and the penalties for it?

20 MR. CARLSON: Yes.

21 MR. DAWSON: Understanding so, do you
22 promise or swear that the testimony that you're about to
23 give will be the truth, the whole truth and nothing but
24 the truth?

25 MR. CARLSON: Yes.

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1 MR. DAWSON: You may begin.

2 MR. CARLSON: I just want to comment on
3 the professionalism of NextEra's representatives when
4 they come to us to get easement for the power of time.
5 I do not have any -- I'm not in the wind tower
6 footprint. They met with myself, our neighbors, anytime
7 we had a question, they provided what information they
8 could, they provided a personal attorney and after a
9 period of about four months, we agreed to do this deal
10 and they were very professional about this, so I'm glad
11 it's in Mountrail County.

12 MR. DAWSON: Any questions for him, Ms.
13 Furey?

14 MS. FUREY: No questions. Thank you.

15 MR. DAWSON: Mr. Schmidt?

16 MR. SCHMIDT: No questions.

17 MR. DAWSON: Commissioner Fedorchak?

18 MS. FEDORCHAK: I don't have any
19 questions. Thank you, Mr. Carlson.

20 MR. DAWSON: Commissioner Kroshus?

21 MR. KROSHUS: Quick question. So you have
22 land that's -- you own land that the transmission line
23 will cross?

24 MR. CARLSON: Yes.

25 MR. KROSHUS: Okay. Tell us -- what's the

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1 distance?

2 MR. CARLSON: Well, I own half miles on
3 both sides.

4 MR. KROSHUS: Okay. All right. No further
5 questions. Thank you.

6 MR. DAWSON: Is there anyone else that's
7 just got one issue? I'm going to go back to opponents
8 and proponents again, but I just want to see if there's
9 anybody in there? If you're sure, you can come forward.
10 Your name, sir?

11 MR. BRODAL: Lynn Brodal. Columbus, North
12 Dakota.

13 MR. DAWSON: And have you signed the sign
14 in sheet?

15 MR. BRODAL: Yes, I did.

16 MR. DAWSON: Okay. You were here for my
17 previous admonitions of perjury?

18 MR. BRODAL: Yes, I did.

19 MR. DAWSON: And you understand what
20 perjury is?

21 MR. BRODAL: Yes, I do.

22 MR. DAWSON: And the penalties for it?

23 MR. BRODAL: Yes.

24 MR. DAWSON: Understanding so, do you
25 promise or swear that the testimony that you're about to

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1 give will be the truth, the whole truth and nothing but
2 the truth?

3 MR. BRODAL: Yes, I do.

4 MR. BRODAL: It's mostly a question.
5 I am a participant and a landowner. I live on the west
6 edge of the project. If the tower goes as they plan,
7 I'll probably have 15 towers within three miles of my
8 house. Give or take. My question is what's the
9 parameters that the Public Service Commission gives
10 NexEra to have permission to do this project? Because
11 this project will be a 50 year project, are they allowed
12 to expand the project beyond the 80 towers that they've
13 got now? They -- I just would like to understand their
14 client for the project as presented, what's their leeway
15 to change? If there's a huge change, is it a whole new
16 game because as a participant and we signed our land up,
17 we've heard -- we've established -- we've given them
18 that land to do as they choose within their parameters.
19 Within the setbacks and so on and I'm wondering can this
20 project get much bigger than we see it now within these
21 parameters of that work?

22 MR. DAWSON: Ms. Furey, any questions or
23 comments?

24 MS. FUREY: I don't know that it's my
25 place to give legal advice, so no, Your Honor.

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1 MR. DAWSON: Mr. Schmidt?

2 MR. SCHMIDT: Yes, I would take the same
3 positions but consult the North Dakota Century Code. The
4 North Dakota Administrative code there's a lot of really
5 good information that will answer your question.

6 MR. DAWSON: Commissioner Fedorchak.

7 MS. FEDORCHAK: Brian, are you sure you
8 can't give an explanation on the --

9 MR. SCHMIDT: If you come talk to me
10 afterwards.

11 MS. FEDORCHAK: Maybe just -- it's kind of
12 an explanation of the siting laws and rules and I would
13 do it but I'd probably screw it up because I'm not an
14 attorney so I feel more comfortable if Brian did it but
15 it's a very simple explanation, so visit with Brian
16 afterwards. I mean, in a nutshell, no, they can't expand
17 it much bigger than that.

18 MR. BRODAL: Okay. As I understand it,
19 these 80 towers have an x on the land. As I understand
20 that, it's been presented to you as such and can they
21 move them around?

22 MS. FEDORCHAK: Yes.

23 MR. BRODAL: Can they subtract them? Do
24 they have --

25 MS. FEDORCHAK; they can pick them within,

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1 but that's, you know, hopefully your easement is, you
2 know, whatever language you have in your easement with
3 them would be your control over, you know, what they can
4 do on your own land in that regard. Our permit doesn't
5 require them to put it exactly in the spot that's on the
6 land today, but that -- but it does limit them, it caps
7 them out at the total megawatt that they're sited at.

8 MR. BRODAL: Okay. As I see it, they're
9 using some of their discretion as to where to place the
10 plant -- place the towers. Some of the discretion as to
11 whether or not they're going to put it by a wetland,
12 it's somewhat at their discretion. It's not mandatory.
13 It's not statutory that they can't put it right in the
14 middle of a wetland. They say they're going to put it on
15 a hill away from the wetland as a setback and are they
16 allowed after this meeting, after you approve the
17 project, to put it wherever they care to put it?

18 MS. FEDORCHAK: No, they have to comply
19 with the terms of the permit. If the permit is issued,
20 they have to follow the terms of the permit as it's
21 provided and those -- a lot of that is spelled.

22 MR. BRODAL: Okay. Thank you.

23 MR. DAWSON: Commissioner Kroshus.

24 MR. KROSHUS: Well, this was -- this was
25 already covered. It's a 200 megawatt permit. If it were

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1 approved and then all of a sudden they wanted to go to
2 250 megawatts, it would have to come back in. Okay. Now
3 in terms of your agreement with the company, again, that
4 depends on the language that you have within your
5 easement and that's a landowner-developer negotiation,
6 if you will when that takes place.

7 MR. BRODAL: Thank you.

8 MR. DAWSON: If there's no further
9 questions, you may step down. Now we're back to the
10 proponents. Do we have a proponent from the audience who
11 wishes to come forward?

12 MR. GRINDY: My name is Larry Grindy,
13 G-r-i-n-d-y-.

14 MR. DAWSON: And did you sign the sign in
15 sheet?

16 MR. GRINDY: Yes.

17 MR. DAWSON: And were you here for my
18 previous admonitions on perjury?

19 MR. GRINDY: Yes.

20 MR. DAWSON: So you understand what
21 perjury is and the penalties for it?

22 MR. GRINDY: Yes.

23 MR. DAWSON: Understanding so, do you
24 promise or swear that the testimony that you're about to
25 give will be the truth, the whole truth and nothing but

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1 the truth?

2 MR. GRINDY: Yes.

3 MR. DAWSON: You may begin.

4 MR. GRINDY: Okay. I have a letter I
5 promised to read for this guy and I'll do it real quick
6 and he's at Mayo and he had an operation for pancreatic
7 cancer surgery today. So I'll just read it and then give
8 you guys copies. Public Service Commission of North
9 Dakota, my husband, Rodney B. Olson and myself, Donna B.
10 Olson, are very much in favor of the Burke Wind project.
11 We would like to be at the March 8th meeting if it were
12 possible. However, on that date we will be at Mayo
13 Hospital in Rochester for pancreatic cancer surgery on
14 Rodney. We feel benefits for Burke County and the state
15 of North Dakota far outweigh any arguments against it.
16 Wind energy is a clean -- clean air project. That alone
17 makes it important to all. Electricity is one of the
18 most important parts of energy and it needs to come from
19 somewhere. North Dakota is perfect for it. We have wind
20 and that is cleanest way to provide future needs. We
21 need this project here and now. Burke Wind is a great
22 idea, sincerely Rodney Olson D. Olson.

23 MR. DAWSON: Anything else you'd like to
24 add?

25 MR. GRINDY: Yes, I'll make this as brief

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1 as possible. I'm also testifying on behalf of myself and
2 Burke Farms, LLC. Okay. Three. The environmental issues
3 is that thought was the issues we were supposed to be
4 sticking with when we come to this meeting but I've
5 heard everything but that, and, you know, here's my
6 points. North Dakota wind energy is a clean energy
7 service. There's no emissions, Moose World Economic
8 Revitalization, wind energy is a cornerstone of
9 sustainable energy for the future and provides for clean
10 air jobs and adds tax base for Burke County and adding
11 tax base and I noted it said 28 million a day divided by
12 30 years. That gives you a pretty good idea what the
13 taxes are going to be. And heaven knows that the schools
14 and, the ag departments, the fire department, the roads,
15 all need extra money. And, you know what, I have to give
16 a lot of credit to NextEra staff and that's the way I've
17 been treated. I've always been up -- they've always been
18 very up front with me. And so I -- and I also give a lot
19 of credit to the county commissioners. They -- these
20 guys know what's going on. I mean, they've been with
21 every one of us before the vote, called us before, they
22 made their vote the year before. So I give a lot of
23 credit to a lot of people. And, boy, it's a good project
24 and I kind of hate to see all of the chatter about it.
25 It's more than that. It's -- it's a lot of the feelings

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1 going on and some of this land out here, well, has been,
2 80 years or a hundred years since they put up a wind
3 tower, a wind mill, what they called wind mills then and
4 then they seen the advent of electricity consoles.
5 There's always been conflict. Where we going to put
6 those poles, but it's always gotten resolved. So I want
7 to see NextERA proceed forward. Thank you.

8 MR. DAWSON: Do you wish to offer both of
9 those letters as evidence?

10 MR. GRINDY: Yes. Just the one I read.

11 MR. DAWSON: Okay. Any objections? Any
12 objections?

13 MR. SCHMIDT: No objections.

14 MR. DAWSON: Okay. Any questions, Ms.
15 Furey?

16 MS. FUREY: No questions. Thank you.

17 MR. DAWSON: Mr. Schmidt?

18 MR. SCHMIDT: No questions.

19 MR. DAWSON: Commissioner Fedorchak.

20 MS. FEDORCHAK: No question. Thank you for
21 being here. Do you live in the footprint did you say?

22 MR. GRINDY: No. I live in Minot.

23 MS. FEDORCHAK: Oh, you live in Minot.
24 Okay. Which area is yours?

25 MR. GRINDY: Where is the property?

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1 MS. FEDORCHAK: Yeah.

2 MR. GRINDY: Earls Township and Leaf
3 Mountain Township. It's where the substation is going to
4 be.

5 MS. FEDORCHAK: Okay. That's -- your
6 property is going to be the location for the substation?

7 MR. GRINDY: Substation.

8 MS. FEDORCHAK: Very good. Thank you.

9 MR. DAWSON: Commissioner Kroshus.

10 MR. KROSHUS: No questions. Thank you.

11 MR. DAWSON: Please bring your exhibits
12 up. I will mark them as exhibits E and admit them into
13 evidence. Step down. Do we have another proponent? Your
14 name, sir?

15 MR. ENGET: Owen Enget.

16 MR. DAWSON: Spell your last name, please?

17 MR. ENGET: E-n-g-e-t.

18 MR. DAWSON: Did you sign the sign in
19 sheet?

20 MR. ENGET: Yes, I did.

21 MR. DAWSON: And where are you from?

22 MR. ENGET: Powers Lake is my address. My
23 wife and I live in Mountrail County right along the line
24 between Burke and Mountrail.

25 MR. DAWSON: Were you here for my warnings

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1 on perjury so you know what perjury is and the penalties
2 for it?

3 MR. ENGET: Yes, I do.

4 MR. DAWSON: Understanding so, do you
5 promise or swear that the testimony that you're about to
6 give will be the truth, the whole truth and nothing but
7 the truth?

8 MR. ENGET: Yes, I do.

9 MR. DAWSON: You may begin.

10 MR. ENGET: Thank you. I'm not going to be
11 long winded at all, but I own land in Burke and
12 Mountrail County and the transmission line comes through
13 our property in Burke County and Mountrail County and
14 they have been up front with me as far as the company is
15 concerned and they're doing things the way they said
16 they would. Signed an easement with them for these power
17 lines and they've extended them out into the fields so
18 we don't have to -- we've got enough room so we don't
19 have to -- we can go around them. Between the road and
20 the power lines. They've extended them a hundred and
21 some feet out and that's a plus for us. I asked my son,
22 he's farming the land and I asked him, I said, what do
23 you think of this, John? He said, it's progress. We've
24 always been that way and progressive and the wind power
25 is, like Larry said, they're renewable every day and

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1 every minute of the day, wind energy is, so I thank you
2 for listening.

3 MR. DAWSON: Ms. Furey?

4 MS. FUREY: No questions. Thank you.

5 MR. DAWSON: Mr. Schmidt?

6 MR. SCHMIDT: No questions.

7 MR. DAWSON: Commissioner Fedorchak.

8 MS. FEDORCHAK: Thank you for your
9 testimony. Did you say you live along the transmission
10 line?

11 MR. ENGET: I live along the county line.

12 MS. FEDORCHAK: And the transmission line
13 crosses your property?

14 MR. ENGET: Yes, it does. Both in Burke
15 and Mountrail County.

16 MS. FEDORCHAK: And how far in from the
17 footprint?

18 MR. ENGET: I really don't know.

19 MS. FEDORCHAK: Couple miles?

20 MR. ENGET: No. The towers itself?

21 MS. FEDORCHAK: Yeah.

22 MR. ENGET: Burke County line to the
23 towers out west.

24 MS. FEDORCHAK: Thank you. All right.
25 Thank you.

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1 MR. ENGET: I gotta leave with one good
2 thought. Powers Lake won last night and rigged the
3 tournament. Beat Mandaree. You may step down.

4 MR. DAWSON: Do we have any other
5 proponents that wish to come forward? Take one more
6 right now and then we'll go on the opponents. Your name?

7 MS. NORSTED: Starla Norsted.

8 MR. DAWSON: Did you sign the sign in
9 sheet?

10 MS. NORSTED: Yes, I did.

11 MR. DAWSON: And where are you from?

12 MS. NORSTED: My address is Powers Lake.

13 MR. DAWSON: Were you here for my previous
14 admonitions on perjury?

15 MS. NORSTED: Yes, I was.

16 MR. DAWSON: So you understand what
17 perjury is and the penalties for it?

18 MS. NORSTED: Yes.

19 MR. DAWSON: Understanding so, do you
20 promise or swear that the testimony that you're about to
21 give will be the truth, the whole truth and nothing but
22 the truth?

23 MS. NORSTED: Yes, it will.

24 MR. DAWSON: You may begin.

25 MS. NORSTED: Thank you. First I want to

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1 address Mr. Jacobsen who gave the long testimony on how
2 beautiful his ranch is and his land and I understand
3 that. I live in oil country. I have no choice when
4 something is happening next door to me. I have an oil
5 compressor station, one half mile from my house. It
6 lights the house up at night. I also have a
7 sister-in-law who came from Fargo and informed me that
8 our air does not smell the same. I believe in wind
9 energy. I have for a long time. I am proponent of and we
10 have the transmission lines going across our land and
11 NextEra has dealt with us very well. It was a long
12 process. We were very explicit about where we wanted the
13 lines to run, where we didn't want them to run and they
14 treated us with respect. I think that they're very
15 fortunate to have been able to have this hearing and
16 voice their opinions, but they need to recognize that
17 there is a need for more than one energy business in our
18 state. When we were proponents of wind energy in the
19 late eighties and nineties and went to our local
20 cooperative meetings and there was no oil business at
21 that time and everyone was pro wind and putting their
22 land up into organizations where they would try to give
23 wind companies interest in it. We were informed that,
24 well, they couldn't get into wind energy because the
25 grid was too combined. Well, you know me, I'm pretty

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1 common sense. I said, well, change the grid and low and
2 behold, oil field came in and we needed more energy.
3 What happened? The wind farms came in and the grid
4 changed. Now I see a chance at North Dakota, not only
5 for our state but for our local communities and
6 opportunity to promote renewable energy that does not
7 scar our land. It's a lot different to look at and I
8 will call it a little pine wheel because I think they're
9 -- they're a lot prettier than the oil sites I look at
10 every day. Then to me I understand the reservations. I
11 understand their fear of what's going to happen to their
12 community as far as the scenery and the hunting and the
13 -- I just went blank. And the animals and the birds. I
14 understand that because we have to preserve our earth
15 and they have to preserve and not only for ourselves but
16 for the creatures around us. Renewable energy will do
17 that far better than the energy that destroys land that
18 is never going to look the same. So I would really like
19 to see you approve and to move this forward. Thank you.

20 MR. DAWSON: Any questions, Ms. Furey?

21 MS. FUREY: No questions. Thank you.

22 MR. DAWSON: Mr. Schmidt?

23 MR. SCHMIDT: No questions.

24 MR. DAWSON: Commissioner Fedorchak?

25 MS. FEDORCHAK: I don't have any

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1 questions. Thank you.

2 MR. DAWSON: Commissioner Kroshus.

3 MR. KROSHUS: No questions. Thank you.

4 MR. DAWSON: You may step down. Now we're
5 back to opponents and we'll take three opponents and
6 I'll remind you that if somebody has said what you agree
7 with already, just say we do agree with them and move
8 onto something new. Any opponents that wish to testify
9 at this time? Please come forward and sit down. State
10 your name?

11 MR. CARLSON: Cory Carlson.

12 MR. DAWSON: Did you sign the sign in
13 sheet?

14 MR. CARLSON: Yes, I did.

15 MR. DAWSON: And where are you from?

16 MR. CARLSON: South of Columbus.

17 MR. DAWSON: And you were here for my
18 previous admonitions on perjury?

19 MR. CARLSON: Yes, sir, I was.

20 MR. DAWSON: Do you understand what
21 perjury is and the penalties for it?

22 MR. CARLSON: Yes, sir.

23 MR. DAWSON: Understanding so, do you
24 promise or swear that the testimony you're about to give
25 will be the truth, the whole truth and nothing but the

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1 truth?

2 MR. CARLSON: Yes, I do.

3 MR. DAWSON: You may begin.

4 MR. CARLSON: My name is Cory Carlson. I
5 live at 9513 96th Avenue Northwest Columbus. I have a
6 small farm in amongst the project on the west side of
7 highway 40. I am one of the six out of seven
8 participating residences in the project and I regret it.
9 At the time, I felt pushed in to signing by NextEra and
10 by my other families members that had signed. They do
11 not live in the area. I have a beautiful view of the --
12 to the north and can see Canada for miles. That is why I
13 chose to live on my great grandfather's farmstead. I
14 really hate to see it ruined with their plans. I will
15 have six wind turbines within about a mile of my house
16 surrounding me on three sides. Originally when I talked
17 to NextEra, they told me that the wind turbines would be
18 200 -- or 320 and 380 foot tall depending on what output
19 the put out. The last time I talked to them, they had
20 told me that they would be 480 foot tall. They also said
21 that they would be spaced far apart but six of them
22 within a mile of my house doesn't feel that way. Also I
23 ask them to pay for magnesium chloride dust control in
24 front of my house for -- to do better dust control. I
25 have talked to the construction manager about this and

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1 also the project manager and I could not receive a
2 straight answer from them about it and no guarantees
3 that that would happen. Me and my son are avid hunters
4 and I voiced my concerns to them about waterfowl and
5 wildlife, but when they said they would send studies on
6 ducks and geese that were requested, all they sent was
7 studies on bass skippers and hawks, not really
8 responding to my exact concerns. I moved up here with my
9 family for the way the country is, quiet and beautiful
10 and how the community is right now. My family loves it
11 up here. You know, we don't want to live amongst huge
12 wind turbines. We will likely try moving if they are
13 built, but that will be hard for me when my property
14 value is greatly devalued. I don't think anybody would
15 purposely want to move right next to wind turbines. So I
16 feel my place to be very hard to sell. Me and my family
17 feel that we are going to be greatly impacted by this
18 project. Thank you. And also I'd like to read a letter
19 that my son wrote.

20 Dear Public Service Commission, ever since I moved
21 to North Dakota, I knew that I wanted to live here for
22 rest of my life. I love everything here, from the people
23 to the great hunting land. I have read articles and talk
24 to people about a lot of these wind turbines that you
25 are wanting to put on our land. And I have found that

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1 this can affect migratory bird patterns. Also you say it
2 doesn't affect other animals, but I feel that it will
3 drastically hurt the population of all the animals. My
4 family and I are very big hunters and with all the
5 construction and noise they make, it will scare off
6 animals. I personally do not want to live anywhere near
7 these terrible machines. I would want to be able to live
8 -- I want to be able to build a house and a family on
9 this land in the future. And if you put these machines
10 all over the place, how am I supposed to do that? I know
11 that they have to be a certain distance away from
12 buildings, so if you put them everywhere, where is my
13 house going to go? The land we have is not very
14 accessible and there are not many places that you can
15 put buildings and such. So if you take all the space
16 away, these turbines -- with these turbines, where am I
17 supposed to build? He's referring to my family's land
18 who also signed up.

19 MR. DAWSON: Any questions, Ms. Furey?

20 MS. FUREY: No questions.

21 MR. DAWSON: Mr. Schmidt?

22 MR. SCHMIDT: How old's your son?

23 MR. CARLSON: 16.

24 MR. SCHMIDT: No other questions.

25 MR. DAWSON: Commissioner Fedorchak?

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1 MS. FEDORCHAK: Thank you, Mr. Carlson.
2 Can you describe where your land is?

3 MR. CARLSON: On 96th Avenue and 96th
4 Street, that intersection.

5 MS. FEDORCHAK: There's no streets -- oh,
6 wait, no there is. What street did you say?

7 MR. CARLSON: County Road 6. From there
8 going west, I'm a mile west and a mile south.

9 MS. FEDORCHAK: Is it section numbers?

10 MR. CARLSON: It would be -- oh, it would
11 be right by wind turbines 32, 33, 34, 35, 36. It's up
12 in the top -- north of the top, middle.

13 MS. FEDORCHAK: Okay. Your house is there
14 on the circle, it says --

15 MR. CARLSON: 95th street.

16 MS. FEDORCHAK: Okay. And did you have an
17 attorney advise you before you signed the easement?

18 MR. CARLSON: No, I basically got from my
19 family and NextEra that everybody else signed, you
20 should to.

21 MS. FEDORCHAK: Okay. And is that true?
22 Had everybody around you signed. We've heard allegations
23 from others --

24 MR. CARLSON: As far as I could tell, my
25 grandma was one of the last ones to sign. I just have a

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1 small chunk of land on a small farm and I'm basically
2 trapped by it. I don't get any benefit from it for the
3 most part. What they compensate for it -- my property
4 will be devalued.

5 MS. FEDORCHAK: So is it safe to say you
6 weren't mislead, you're not saying you mislead but you
7 didn't really see any other option because you were
8 going to be surrounded anyways?

9 MR. CARLSON: Yes, I felt pushed into it
10 and then I feel a little bit lied to about the height of
11 the wind turbines.

12 MS. FEDORCHAK: I see. Okay. Let's see. I
13 don't think have any other questions. Thank you.

14 MR. DAWSON: Commissioner Kroshus.

15 MR. KROSHUS: Do you have anything in
16 writing from them in terms of the height of the wind
17 turbines?

18 MR. CARLSON: I'm not sure. That's just
19 what they told me when I signed the contract. I'd have
20 to look at my contract.

21 MR. KROSHUS: Okay. It wasn't material
22 provided in time in terms of saying here's what the
23 turbines will do in terms of height?

24 MR. CARLSON: No, I believe it was just
25 word of mouth.

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1 MR. KROSHUS: Where are you from? I
2 thought you said you had moved.

3 MR. CARLSON: I was born and raised in
4 Wyoming, but I lived at my grandparents' place every
5 summer. I spent every summer up here and I love the
6 country and that's made me want to move here.

7 MR. KROSHUS: And so you don't -- you
8 signed but not for a turbine placed on your farm just
9 within the footprint?

10 MR. CARLSON: No, no, it isn't. Just a
11 collection line that they have on my place.

12 MR. KROSHUS: Oh, collection line. Okay.
13 Thank you, Cory. No other questions.

14 MR. DAWSON: Any further questions? Seeing
15 none, you may step down.

16 MR. CARLSON: Can I submit these for my
17 son?

18 MR. DAWSON: I'll mark these as exhibit H.
19 Is there an objection?

20 MS. FUREY: No, Your Honor?

21 MR. SCHMIDT: No objection.

22 MR. DAWSON: They are so marked and
23 admitted. Anyone else that is an opponent who wishes to
24 testify as this time. Your name, please?

25 MR. JOHNSON: Perry Johnson.

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1 MR. DAWSON: First name again?

2 MR. JOHNSON: Perry. P-e-r-r-y.

3 MR. DAWSON: And where are you from,
4 Perry?

5 MR. JOHNSON: I have land over in Lucy
6 Township. My address is Grand Forks, North Dakota.

7 MR. DAWSON: You've been here for my
8 warnings on perjury?

9 MR. JOHNSON: Yes.

10 MR. DAWSON: So you understand what
11 perjury is and the penalties for it?

12 MR. JOHNSON: Yes, sir.

13 MR. DAWSON: Understanding so, do you
14 promise or swear that the testimony that you're about to
15 give will be the truth, the whole truth and nothing but
16 the truth?

17 MR. JOHNSON: Yes, sir.

18 MR. DAWSON: You may begin.

19 MR. JOHNSON: I'll make this real brief. I
20 wrote out a few things. I'm here on behalf of myself and
21 my three siblings that are landowners in Lucy Township.
22 I just wanted to make a few points about wind turbines.
23 We would not like to see them anywhere, especially in
24 the county. Contrary to popular thought, the generation
25 of electricity using wind towers is not necessarily

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1 environmentally friendly. According to a report
2 published by NewsWeek Magazine, studies performed by the
3 EPA found that the footprint of a wind produced energy
4 maybe as high as 364 gras per kilowatt hour which is a
5 little bit lower than that of fossil fuels, but because
6 the wind is not reliable and only performance about 40
7 percent of the time, the coal or gas generated power
8 supply must be kept on line for backup. Resulting in two
9 plants doing the work of one. Former secretary of
10 interior and run safety recorded that wind towers kill
11 approximately 750,000 birds a year and that's the ones
12 that we know of. Wind energy is not self-sustaining. In
13 fact, it is -- if it weren't for the taxpayer subsidies,
14 NextEra wouldn't be here wanting to put in wind towers.
15 The wind power industry receives billions of dollars
16 each year from taxpayer subsidies. NewsWeek Magazine
17 published an article written by Randy Simmons, economist
18 from Utah State University showing that the lifecycle
19 cost of wind power generation is about 140 dollars per
20 megawatt hour, which equates to about 14.9 cents per
21 kilowatt hour. We, as purchasers of electricity, pay on
22 the average, I believe between seven and nine cents per
23 kilowatt hour. So that means that the remainder is being
24 paid by someone else and that's really our taxes. So
25 we're paying for ourselves. So reality, the wind

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1 generation program takes money from the general
2 taxpayer, puts it into the hands of the large entity
3 companies. If this or future administrations remove the
4 subsidies, companies like NextEra will drop the wind
5 power business and their towers will stand on our
6 properties without maintenance, likely, eventually
7 failing and becoming a rusting danger to the residents
8 and environment like a Mad Max movie scene. Reports
9 indicate that there is potential for negative health
10 effects on humans and wildlife due to the low frequency
11 noise, flickering lights and ground vibrations. Some
12 seem to think that the scene of a wind farm and
13 windmills standing on the horizon is a thing of beauty.
14 In my opinion, they are an eyesore for beautiful prairie
15 landscape. If we allow a wind towers to be built all
16 around us, not only will they be an eyesore, but soon
17 there will be boneyards of old used tower parts dotting
18 the neighborhood. And as part of that -- or the reason I
19 mention that as I took a picture of myself of a boneyard
20 in eastern North Dakota, wind tower blades being cut
21 into pieces and stacked covering several acres of
22 property. For those -- these and other reasons, bottom
23 line is my siblings and I do not want wind towers in
24 Burke County destroying our farm, the family
25 environment, endangering the birds and wildlife,

Doug Ketcham and Associates
701-237-0275

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1 cluttering our horizon and ask you to just put aside the
2 expansion in Burke County. My notes and my picture have
3 been included in exhibit A. I didn't think I was going
4 to be here for the meeting. So they have already been
5 added but the person that's delivering exhibit A has not
6 spoken yet.

7 MR. DAWSON: Okay. Any questions, Ms.
8 Furey?

9 MS. FUREY: Mr. Johnson, can you reference
10 exhibit 37, it's actually one of the maps.

11 MR. JOHNSON: Yes.

12 MS. FUREY: Okay. So the initial 300
13 megawatt boundary, I just want to draw your attention to
14 that. That's the yellow dashed line. That was the
15 original project boundary. As a result of the 200
16 megawatt project which ended up resulting portion of the
17 project after the other amendment, it appears that the
18 project boundary is further away from Lucy Township than
19 it previously was under the original project footprint.
20 Are you aware of that?

21 MR. JOHNSON: Yeah, I was just made aware
22 of that today.

23 MS. FUREY: Okay. I just wanted to
24 clarify.

25 MR. JOHNSON: Yep.

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1 MS. FUREY: Thank you.

2 MR. DAWSON: Mr. Schmidt?

3 MR. SCHMIDT: I don't have any questions.
4 Thank you.

5 MR. DAWSON: Commissioner Fedorchak?

6 MS. FEDORCHAK: No questions. Thank you.

7 MR. DAWSON: Commissioner Kroshus?

8 MR. KROSHUS: Can you remind me what
9 township again?

10 MR. JOHNSON: Lucy.

11 MR. KROSHUS: Lucy? Okay. And then you
12 have three siblings you said?

13 MR. JOHNSON: Yes.

14 MR. KROSHUS: So yourself and three
15 siblings?

16 MR. JOHNSON: Correct.

17 MR. KROSHUS: Thank you.

18 MR. DAWSON: Would you like to offer some
19 exhibits? Bring them to me. Okay. We have his testimony
20 and the picture he held up. Any objection?

21 MS. FUREY: No objection.

22 MR. DAWSON: Any objection?

23 MR. SCHMIDT: No objection. So I will
24 admit this as and mark it as exhibit A. We have one more
25 opponent for now that can come forward? Any other

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1 opponents? Please come forward. Please state your name,
2 please.

3 MS. SMITH: Karen Smith.

4 MR. DAWSON: With a K or a C?

5 MS. SMITH: K and e.

6 MR. DAWSON: Where are you from?

7 MS. SMITH: I live in Diamond Township,
8 rural area about a mile north of Lostwood Refuge.

9 MR. DAWSON: Were you here for my previous
10 admonitions on perjury?

11 MS. SMITH: Yes.

12 MR. DAWSON: So you know what perjury is
13 and the penalties for it?

14 MS. SMITH: Yes.

15 MR. DAWSON: Understanding so, do you
16 promise or swear that the testimony that you're about to
17 give will be the truth, the whole truth and nothing but
18 the truth?

19 MS. SMITH: Yes.

20 MR. DAWSON: You may begin.

21 MS. SMITH: There's a lot that's already
22 been discussed about some of the wildlife issues. I have
23 been in Burke County since December of 1977 when I
24 started working at Lostwood Wildlife Refuge, which I
25 managed until May of 2001 and I've since lived on the

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1 land and I have continued to monitor wildlife
2 particularly on the Lostwood Refuge policy research. I
3 was going to go into more detail, but we had covered so
4 much of this stuff I had in here. So I'm going to
5 highlight some areas. One of the things that I noticed
6 that people seem to be having a little complex with,
7 which I think has been fairly straight. Burke Wind
8 project area begins by list -- well, there's 115 species
9 of wildlife identified by the North Dakota Game and Fish
10 department as having a conservation priority due to
11 either their rarity, declining populations are
12 uniqueness in North Dakota. They established levels of
13 concentration priority. A one is very high. Two is
14 moderate. And three is a moderate, but it's believed to
15 be a peripheral or not reading specie in North Dakota.
16 So that helps to explain it. I think some of it. Now, of
17 that 115 species that North Dakota Game and Fish
18 identified in their guidelines, 49 of those species
19 occur in the Coteau. I'm not going to go into details on
20 that because it gets to be overbearing. But if you refer
21 to page three, you'll see a map of the United States and
22 within that, and you'll see the darker areas. That's
23 where the numbers of species are the highest. This area
24 is extremely valuable for diversity of wildlife species.
25 These species are here because their critical habitat

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1 needs are met on large blocks of intact native and chain
2 grasslands and abundant wetlands found in the Coteau.
3 Many of these species have restricted green lands. Many
4 concentrate on the Coteau and appendix at the end of
5 this thing shows some of the different species and their
6 narrow range. Another thing that I don't think has
7 really been stressed, but it's -- it's really critical
8 because we're not talking about the diversity of species
9 that use this migratory corridor. This critical habitat
10 is a major bird migration corridor for all those species
11 on a priority list plus many others. I know we talked a
12 lot about grouse and I think because of my background, I
13 think I can clarify some of the stuff about the grouse.
14 Yes, they're a hunted species in North Dakota. People
15 come from very many places to hunt this specie, so why
16 is this specie on the priority list and incidentally
17 it's listed as a -- find it right away. Oh, it's number
18 two, So it's not a top priority. It's a moderate
19 priority. The reason why North Dakota listed this 30.9%
20 of the global population of sharp-tailed grouse occurs
21 in North Dakota. So any kind of decrease of native
22 habitat that we have adversely affects this bird. I had
23 a lot of background because I've counted a lot of
24 grounds and I searched for a lot of answers. Although
25 NextEra has not distributed their biological data that

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1 they may have gathered to get the other parties, we did
2 see a map showing where sharp-tailed grouse dancing
3 grounds were located. Based on NextEra's, July 11, 2018
4 map, NextEra must have agreed with North Dakota Game and
5 Fish which is obvious now they were setback half a mile.
6 We appreciate NextEra's decision to set that that back a
7 half a mile. Knowing what NextEra has located grounds,
8 we searched in portions of eastern three townships of
9 the project area that we're going to show. We found
10 three additional dancing grounds not shown on their map
11 that would have affected at least one potential wind
12 turbine location. Are there other dancing grounds that
13 have not been found in the remaining portion of the
14 project area? We believe there's a high probability that
15 not all were accounted because of the difficulty
16 locating dancing grounds and if a lek can be a word used
17 to describe a location where any specie bird displays to
18 attract. Dancing ground, which is used for sharp-tailed
19 grouse, boonie ground is used for prairie chickens and a
20 strutting ground is used for sage grouse. That's kind of
21 -- but a lek is a universal term for where birds will
22 concentrate for displaying. Maybe immaterial
23 information. To locate dancing grounds on the 23,000
24 which is actually 22,900, Burke Wind project area would
25 take considerable time, particularly without knowledge

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1 of ground locations. For example, when I searched the
2 27,000 acres of Lostwood Refuge for dancing grounds, I
3 already had significant amount of historical information
4 on where the historical grounds were. There are the
5 dancing grounds that are over 80 years old that are
6 still being used. I use this information plus two
7 consecutive springs and drove refuge roads and walked
8 transects across the area without roads to locate
9 dancing grounds and to validate historical grounds. Most
10 of the grounds were identified by the third spring, but
11 yet I keep finding new grounds every spring and that's
12 important. Locating dancing grounds becomes even more
13 difficult because the annual population fluctuations.
14 Grouse populations are affected by extreme winter
15 weather conditions and when there's too much rain in
16 June and I have to add at Lostwood Refuge, anytime
17 grouse get more than four inches of rain in June, you're
18 going to have a decline in grouse population by the next
19 year because the chicks don't make it. These dynamics
20 make locating ground difficult from year to year. In
21 high population years, SGA grounds are crowded and
22 easier to find. In low population years, there are fewer
23 males, sometimes just two or three on any of the
24 established ground making it very hard to hear them and
25 locate them. In high population years, new ones are

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1 established close to historical grounds and when their
2 population is extremely high, which has happened in the
3 past few years, some birds disperse from established
4 grounds and move further away. These grounds can easily
5 be missed. Some of Burke Wind project area turbine
6 locations will likely affect potentially new grounds
7 from becoming established because the tower is there. If
8 there are numerous towers, over time, this will
9 adversely affect the grouse population because they
10 won't put a new dancing ground where the towers are
11 because there wasn't a tower there before. So they put a
12 tower -- or there wasn't a ground there before so they
13 put a tower. That could've been a spot where the grouse
14 would have moved to. Causes of habitat and wildlife
15 mosses and I'm reading from on page five and, again I --
16 we talked a lot about direct effect and indirect effect
17 and it's obvious what direct effect is. Indirect effect
18 and an indirect effect actually in the long run it's
19 going to be far superior in amount than the direct
20 effects. Perhaps when birds stay away from roads and the
21 more you fragment your intact habitat with roads, the
22 more back away these species go from the road. And I --
23 I don't -- I know you guys can read this. This is why I
24 gave it to you so you could spend time studying this
25 stuff, but there was some stuff -- let's see, how do I

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1 want to do this? The roads, it was going to be 50
2 vehicle travel days of increasing traffic for wind
3 turbine maintenance on township roads, county roads and
4 their new roads and anytime you have a disturbance to
5 the fragmentation of the habitat, these birds are
6 adversely affected. There's going to be many miles of
7 roads and the underground collection lines and it's
8 great that NextEra put them under ground because you
9 don't have the aerial killing by the lines but anytime
10 you bisect and pull and a trencher across the prairie or
11 even contained grass, you disturbed that soil enough
12 that your noxious weeds invade, particularly wormwood
13 and all of a sudden you have a tall specie that's not
14 native to the area and all of a sudden makes the
15 fragmentation of that intact habitat once again, and
16 there's many miles of underground collection lines on
17 this project. We've talked about flickering sound and we
18 haven't really talked about other than one person about
19 how it might affect wildlife. This is a major indirect
20 effect that potentially is an imprint upon the turbines.
21 Sound flickering shadow free flung by the whirling
22 blades, either from turbine itself or from frost or ice.
23 And any bird that's nesting around those areas, they're
24 going to be effected by this. Again, this is all
25 indirect effect. The noise, you know, with an

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1 established 50 decibel years, limitation for person's
2 residence, they found this study -- and this was funded
3 by NextEra. Bid life establishing their nesting
4 territory, singing to deter males and attract females.
5 Noise from the wind turbines where birds will try to set
6 up territories under and near the turbines, could easily
7 be one of the reasons why one study found seven of nine
8 grassland bird species over a five-year period being
9 increasingly displaced in the ratings up to 300 meters.
10 Again, that's a huge indirect quantity of land that the
11 birds are starting to move away from. All of this kind
12 of thing I'm talking about is fragmentation. It's been
13 shown by a variety of studies and explained this in here
14 and I refer to different studies of how this
15 fragmentation affects grassland birds.

16 I'm going to go down to being more specific about
17 indirect effects to grassland birds. And I'm not going
18 to go into detail again because it's here. Generally,
19 grassland birds and waterfowl exhibit avoidance of wind
20 turbines within North Dakota and the Coteau. In Alberta
21 they found where there were prevalence of off roads
22 sites, they found that four species on the Canadian
23 Federal Specie list, sprigs pipit, bird sparrow, jasmine
24 colored (inaudible) and (inaudible), the six species
25 were much -- as four times more abundant on off road

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1 sites. Grasshopper sparrows avoid roads, published,
2 bared sparrows avoid roads, published. Now how far back?
3 There's a study that was done in western North Dakota by
4 Thompson. Published in 2015 and it involves oil
5 development. Secondary gravel roads commonly measured
6 approximately 10 meters wide and they usually had an
7 additional one -- approximately 10 years with -- or of
8 roadside habitat differed from the interior. So we're
9 looking at -- of the road itself plus the disturbance on
10 each side. The inclusion of 115 meters on either side of
11 the roadway increases the effect -- the area effected
12 tenfold. Thus, any one meter -- and I'm quoting here,
13 thus, any one meter of secondary road can detrimentally
14 affect up to 33 hectores of habitat. That's over 80
15 acres. So now you begin to see the indirect effect of
16 this fragmentation of these intact habitats.

17 Another thing we haven't really talked about and I
18 refer you to way in the back on page 28 and 29 it shows
19 you the wind turbines or downwind of a wind turbine.
20 There are many grassland species that use aerial
21 displays every spring for courtship. If they're anywhere
22 near these turbines, as they turn with the varying wind
23 directions and these turbulence that are created behind
24 downwind of these turbines. These areas displays go up
25 and down and they sing. Sometimes the sounds are so

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1 minute, you have to be very careful to listen. Are the
2 females and males going to be able to hear one another
3 or the sound of the tower and then be affected by the
4 turbulence behind wind turbines? We don't know. That's
5 the whole problem in this area. We have a lot of unique
6 wildlife species, but we don't know how it's going to
7 affect them. Do we take that chance? One of the
8 publications in 2011 it was published and I quote, wind
9 energy offers the potential to reduce carbon emissions
10 while increasing energy independence and economic
11 development. However, wind energy has a larger land
12 footprint per gigawatt than most other forms of energy
13 production. Making appropriate siting and measuring are
14 particularly important. Species that require large
15 fragmented habitats and those known to avoid structures
16 are particularly at risk from wind development.
17 Developing land on disturbed plants rather than placing
18 them on developed within large and intact habitats would
19 reduce the cumulative effect to wildlife. And there's
20 another quote in here that says basically the same thing
21 and for time basis, I'll let you folks read that.
22 Wildlife associated with wetlands, I haven't -- we
23 haven't touched on -- the species we haven't touched on
24 are water birds and shorebirds and this is pretty
25 significant. I'm on page nine now. This particular area

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1 of the Coteau has some of the densest wetlands in North
2 Dakota. It also has some of the highest pair count
3 density in North Dakota. We've talked a lot about ducks.
4 There's lots of ducks and it's a cumulative effect of if
5 we keep taking bits and pieces away, then we start to
6 affect the total population. All right. About waterbirds
7 and shorebirds. And I quote here, millions of wetlands
8 that define the prairie pothole region harbor large
9 proportions of continental populations of several
10 species of North American waterfowl, waterbirds and
11 shore birds. The Coteau which also was referred to as
12 the prairie pothole region and I quote now, estimated to
13 host greater than 50% of North American breeding
14 populations of (inaudible). Sorrow, American coop and
15 lek turn, and this is probably the most unique thing of
16 it all. Approximately 80 percent of the North American
17 calculation of marble (inaudible) occurs in this area.
18 And on page 11 you can see a picture of that bird. They
19 nest on uplands, stay on uplands for a couple of weeks
20 with their youngsters when they first hatch and they go
21 down to the wetlands to finish maturing. All right.
22 Let's hustle along here. In particular have you leather
23 courtship displays and they go up in their calls and
24 they come down and they go up and they come down.
25 They're not -- they're not going to be able to do that

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1 around wind turbine. Willows are the same way. Now we've
2 talked a lot about whooping cranes. There's only one
3 thing that I want to add about whooping cranes and this
4 is a quote from a study by Smith and Greyer. He says,
5 for example, large bodied species with a wide wing
6 loading and are relatively low (inaudible) appear to be
7 especially susceptible to direct effects of tall
8 structures and the risk of collision is likely greater
9 with structures that are placed perpendicular which is
10 exactly what is happening with this wind turbine
11 location is. Whooping cranes have large bodies. They
12 fit this description perfect. Sooner or later, if we
13 continue to put wind turbines on the Coteau and the
14 major corridor, we're going to kill some birds. If you're
15 interested, I have included in your package the
16 publication on the whooping cranes. It was 2018
17 published. All right. Onward and upward here. The most
18 there -- this is kind of a conclusion to me. There is a
19 little -- there's so little known about how these
20 different water birds will be affected in migration,
21 perhaps a significant degree of caution by the wind
22 industry should employed by not developing in these
23 native habitats. This is the greatest assurance that
24 these critical habitats will be available for many
25 sensitive species that depend upon grassland and

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1 abundant wetlands characteristic of the Coteau in the
2 proposed project area. I have stuff -- a little bit on
3 bats. And I also presented the information about North
4 Dakota Game and Fish, the nature conservancy, how
5 they're -- they're interested in this piece. Bird life,
6 international and important bird areas, Fish and
7 Wildlife Service. And, again, you can read this. I don't
8 need to go into it. Now, I'm presenting something
9 entirely new. Now, there's another way -- there's two
10 ways to use better information to select wind turbine
11 locations. One was published in 2012 and one was
12 published in 2016. The one in 2012 is entitled wind and
13 wildlife in the northern great plains identifying low
14 impact areas for wind development. They have developed
15 if you look on page 18, the whole -- the blue line that
16 goes diagonally across there is a northern edge or the
17 escarpment of the Coteau. The colored stuff in there,
18 the yellows, the reds or the greens, that's low impact
19 areas. In other words, low areas, there's not as
20 critical habitat to wildlife as the areas that are gray.
21 They also have three, four or five designated wind
22 levels. So the combination of low impact and good winds
23 and they have a complete map's formed so the wind
24 industries can just say, okay, this will have low
25 impacts to wildlife but yet it has sufficient land. Like

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1 I've said, we're all tired, we're all ready to go home.
2 Encouragingly, and this is a quote, our analysis
3 demonstrates that it is possible to meet all of our
4 demands for wind on lands that are likely to have low
5 impact to wildlife. The northern great plains, and this
6 is extremely interesting, wind energy production on low
7 impact disturbed lands could exceed 1,056 gigawatts over
8 35 times the projected man for wind energy. And what is
9 even more interesting with that, if I can find it quick,
10 in the United States, there's only a little over a
11 thousand gigawatts used for all of electricity in the
12 United States. So there's plenty of areas in the United
13 States in the northern great plains that has low impact
14 and enough wind. Let's use this information so we don't
15 have to go through all of this. There's another -- the
16 other paper that was published in 2016 it's called
17 PawPrint. One of the main goals was to identify the
18 location of intact habitat which is both hay and native
19 to guide wind and other industrial development that
20 would reduce the loss of natural resources. The outcome
21 of that map or of that study is shown on page 21. They
22 express that, quote, while the tall grass prairie in
23 North America has largely been converted from its native
24 state to crop land, short grass and mixed grass prairie,
25 which the Coteau is in, located along the western

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1 portion for the great plains still contains large,
2 intact, blocks of habitat. Intact grasslands are a
3 valuable resource because they provide a wealth of
4 services to our country that includes, listen to this,
5 carbon sequestration, grasslands put as much carbon
6 sequestration in the soil as much as a forest. Water
7 filtration reduced erosion that keeps the moisture on
8 the land, avoid the addition of nitrogen phosphorous and
9 sediment into our fresh water systems in the United
10 States and, of course, maintains the tremendous
11 diversity of habitat for the tremendous diversity of
12 wildlife those of which cannot use crop land.

13 Going back to the wind turbine of Burke Wind,
14 knowing what we know now and understanding the
15 guidelines of US Fish and Wildlife Service in North
16 Dakota, Game and Fish developed to help the wind
17 industry select sites of low impact wildlife. The Burke
18 Wind project should really never have gotten started. It
19 should have been stopped just because on the basis of
20 the wildlife.

21 Now, in summary, The Coteau Preservation Alliance
22 Group would first like to express our sincere
23 appreciation to NextEra Company dropped three townships
24 closest to Lostwood Refuge, which I happen to live in
25 one of them. Now, what our question on this, there are

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1 several people that have leases and it's no longer in
2 their current approved processing approved project. Will
3 these three townships be dropped? Will they give back
4 the easements or will they eventually come back and try
5 to put wind turbines on these townships? I don't know.
6 And we also sincerely appreciate them pursuing it and
7 maintaining a half mile setbacks for dancing grounds.
8 Now, they've already talked about NextEra has done a
9 phenomenal job in trying to place most of the turbines
10 on plowed areas and that's to be commended, but
11 regardless, turbines are still in the migration corridor
12 that will adversely affect migrating birds and leks and
13 shore birds. When they migrate, they migrate in small
14 flock and flip around all of our landscape up and down
15 the hills and go on again, so they're going to be right
16 in the path of all these wind turbines. So we believe
17 very strongly that NextEra has selected the wrong
18 location for this wind field. If we had presented that
19 the Coteau, and of course I went briefly through this,
20 one, is extremely important because of intact native
21 grassland and other grassland types. Two, has one of
22 North Dakota's highest wetland densities. Three, is
23 critical endangered resource in great decline across the
24 northern great plains because of the need and desire for
25 more corn or soybean or losing it continually every

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1 year. The Coteau is associated with a diversity of
2 indigenous grasslands, wetland wildlife that meet intact
3 grasslands for survival. Five, is associated with
4 grassland birds with restrict breeding range. Six, is an
5 important migratory corridor for many species, some of
6 which like the whooping crane having greater chance of
7 striking turbine blades. Seven, it is strongly
8 recognized by many organizations and federal and state
9 agencies as a highly valuable natural resource that
10 needs to be excluded from wind development. And we
11 already know that if they went to the low impact areas
12 which would meet 35 times their actual need of the 20%
13 what the Department of Energy -- for wind energy, they
14 wouldn't have to go into any of these areas, it would
15 all be done with low impact.

16 Knowing all this, the Coteau Preservation Alliance
17 is opposed to the Burke Wind LLC project. We ask the
18 North Dakota Public Service commissioners to please deny
19 NextEra's request for the Burke Wind LLC project based
20 on the harm it will cause natural resources across the
21 Coteau and I also provided you in your package the
22 publication of the low impact areas and also the
23 publication on (inaudible) so you can easily read
24 yourself and understand more about it because there's
25 just not enough time to go into that kind of detail.

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1 Behind on the package that I gave you is also our
2 updated package that we provided last fall and also I
3 wrote a letter to -- let's see. Let me get it here.
4 NextEra Resource, LLC, attention Clay Cameron, project
5 developer or Burke County, North Dakota, subject
6 environmental concerns over wind turbines in Burke
7 County. Folks, I wrote this back in September the 24th
8 of 2017 when I first learned about this project and I
9 wrote a letter, which I am going to include in here
10 about why I thought this was a bad place to even
11 consider. I never even got a response, so at that, I'm
12 done. Oh, I do -- North Dakota Chapter of the Wildlife
13 Society. Do you want me to wait until I answer their
14 questions and then do this? North Dakota Chapter of the
15 Wildlife Society. I remember -- they asked me if I would
16 present this for filing?

17 MR. DAWSON: Yes. Just put it in with the
18 other stuff. She was just going to offer it as an
19 exhibit and just this document right here. I don't think
20 she was going to say anything more. So you're offering
21 this as an exhibit?

22 MS. SMITH: Yes.

23 MR. DAWSON: Okay. I'm going to mark it as
24 exhibit I, is there any objection?

25 MS. FUREY: Yes, Your honor. We would like

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1 to object to the entry of this as a advance. We haven't
2 had a chance to review. We haven't even touched the
3 document today. It's one thing to provide public
4 comments at hearing, but we don't feel that it would be
5 appropriate to submit this information without providing
6 proper foundation. In addition, as I just previously
7 said, we have serious concerns that we haven't even had
8 a chance to glance at the document?

9 MR. DAWSON: Mr. Schmidt?

10 MR. SCHMIDT: Your Honor, I think she did
11 lay foundation for the documents. She talked about what
12 was in there. If they want to ask some additional
13 questions as to how she got to where she got with it,
14 they should be allowed to do so otherwise it would be
15 the commission can take it for what it's worth and give
16 it the weight. I still have no problem with them looking
17 at the document before you make a final determination as
18 to if they're going to object to this not.

19 MS. FUREY: Your Honor, we would still
20 offer our objection. It looks to be substantial. There's
21 no way that we're gonna be able to look at this document
22 within, you know, a few minutes and, you know, outline
23 of all the questions that we would potentially have so I
24 would maintain my objection.

25 MR. DAWSON: I'm going to admit it into

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1 evidence and we'll talk about it later before we close.

2 MS. FUREY: Can we at least look at it
3 before --

4 MR. DAWSON: Yes.

5 MS. FUREY: Thank you.

6 MR. DAWSON: Yes.

7 MS. SMITH: Thank you. What letter?

8 MR. DAWSON: You said that you have a
9 different one from the federation is the one I have.

10 MS. SMITH: I just gave that to you, I
11 believe, didn't I? Oh, I didn't I? I'm sorry, do you
12 want me to come up and give it to you now?

13 MR. DAWSON: Please.

14 MS. FUREY: Your Honor, I realize that
15 you're going to allow this and I'd just like to note for
16 the record that we still maintain our objection, we're
17 just not gonna have time to prepare questions and
18 response given, you know, the extent of the materials,
19 but we would like to maintain the ability to follow up
20 and provide us some of my co response. Whether we'd be
21 able to file the exhibit?

22 MR. DAWSON: Yes, I don't have any
23 objection to that.

24 MR. SCHMIDT: I have no problem with that
25 as well.

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1 MR. DAWSON: We'll discuss that here in the
2 end of the meeting, and allow for that, that is fair.
3 Any questions?

4 MS. FUREY: We just need a copy that's
5 all.

6 MR. DAWSON: I need a copy for sure.

7 MS. FUREY: And just to clarify, you --
8 you made a couple of references to -- are these
9 materials that have been, I haven't even looked at the
10 document. Are these materials that have been submitted
11 by yourself on behalf of an entity, or an organization?

12 MS. SMITH: It's on behalf of the Coteau
13 Preservation Alliance.

14 MS. FUREY: Okay. Thank you.

15 MR. DAWSON: Mr. Schmidt?

16 MR. SCHMIDT: I do have a few questions
17 for you here. Okay. So we have what looks like pages 1
18 through 25 of text. Is that your basis of the report?

19 MS. SMITH: Approximately, yes.

20 MR. SCHMIDT: Did you draft this?

21 MS. SMITH: Yes

22 MR. SCHMIDT: Okay. What's your
23 educational background?

24 MS. SMITH: Bachelor's of Science.
25 Michigan State University.

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1 MR. SCHMIDT: And was it a Bachelors of
2 Science in any specialty?

3 MS. SMITH: Conservation

4 MR. SCHMIDT: And then what year did you
5 graduate from --

6 MS. SMITH: 1969 .

7 MR. SCHMIDT: So did you continue to work
8 in the conservation field?

9 MS. SMITH: I started -- if you want more
10 detail on my background, I can provide it.

11 MR. SCHMIDT: Yeah, can you give me your
12 experience?

13 MS. SMITH: I graduated in the fall of
14 1969. I started working with US Fish and Wildlife
15 Service one month later. I worked with the Fish and
16 Wildlife Service until 2001, May 13.

17 MR. SCHMIDT: What did you do at the Fish
18 and Wildlife Service?

19 MS. SMITH: I worked at a variety of
20 places until the December of 1977 when I transferred to
21 Bostwick National Wildlife Refuge and I worked there
22 until I retired in mid-May.

23 MR. SCHMIDT: Mid May of what year?

24 MS. SMITH: 2001. I've worked with this
25 resource for 39 years.

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1 MR. SCHMIDT: And then I see you have a
2 literature citing --

3 MS. SMITH: Mhmm.

4 MR. SCHMIDT: -- spot, is that a complete
5 copy of all the literature?

6 MS. SMITH: Yes.

7 MR. SCHMIDT: That you used to support
8 this document?

9 MS. SMITH: Yes.

10 MR. SCHMIDT: Then this looks like The
11 Condor: Ornithological Applications research articles
12 that titled Opportunity- Opportunistically collected
13 data reveals habitat selection by migrating Whooping
14 Cranes in the US Northern Plains. Where did you obtain
15 this information from?

16 MS. SMITH: It's in the -- what page?

17 MR. SCHMIDT: It doesn't have a page
18 number. It's -- it's a research article that's attached
19 after the map of --

20 MS. SMITH: Oh, yeah that's what's
21 published.

22 MR. SCHMIDT: Okay. So this was published,
23 did you get this off the internet or did you get it out
24 of the journal?

25 MS. SMITH: No, I was told when I

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1 contacted US Fish and Wildlife Service in Bismarck, I
2 said I need to know what the density of wetlands and
3 (inaudible) are on this area, so I can present that. And
4 they gave me that, and the next thing I know I was given
5 this publication by the author who had -- he sent an
6 email, and so then I (inaudible) business nice. Because
7 it's just published in 2018.

8 MR. SCHMIDT: I don't have any other
9 questions for you.

10 MR. DAWSON: Commissioner Fedorchak.

11 MS. FEDORCHAK: Thank you, Karen, for
12 taking the time to put that information together and go
13 through it. I'm hoping that we have a way to -- well I'm
14 glad your company can provide commentary back because I
15 think it's difficult for the public to provide
16 meaningful information when they come to the hearing
17 with it and it's rejected. And so I'm glad that it was
18 admitted as evidence and we can look at it and the
19 company can comment on it and have their experts look at
20 it and we'll give it its weight. So I appreciate that
21 and we need to do a better job of telling the public how
22 they can do this sort of thing or when they can do it
23 and how they can do it, so that, you know, it would have
24 been really difficult for you to have spent all that
25 time in your organization putting that information

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1 together and not even being able to be considered and
2 given weight. So we'll work on our process. Thanks for
3 taking your time, and I'm making sure, I'll be fair
4 because I'll have every opportunity to respond to what
5 you presented.

6 MS. SMITH: I did this for the resources.

7 MS. FEDORCHAK: Thank you.

8 MR. DAWSON: Commissioner Kroshus.

9 MR. KROSHUS: Karen, the public testimony
10 part of the hearing is all about sharing information, so
11 I appreciate this.

12 MS. SMITH: I appreciate that. Thank you
13 very, very much.

14 MR. DAWSON: Any further questions?

15 MS. FUREY: I guess we'd just like to know
16 if we have an opportunity to intervene in proceedings.
17 You know, which would provide, the company an
18 opportunity to fully evaluate and respond earlier than
19 at the hearing. So I would just like to know that and
20 that was not done here. So that was really the basis of,
21 you know, a good part of our objection here. I would
22 also like to clarify, are you providing comments on
23 behalf of North Dakota Game and Fish?

24 MS. SMITH: No. You know, I'm retired. I
25 have nothing to do. Because of Freedom of Affirmation, I

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1 can contact North Dakota Game and Fish or Fish and
2 Wildlife Service and ask for information. And they
3 provide, and that's what happened.

4 MS. FUREY: Thanks, I was just clarifying
5 for the record.

6 MS. SMITH: No, I'm retired. I don't work
7 for them anymore.

8 MS. FUREY: Are you providing comments on
9 behalf of the United States Fish and Wildlife Service?

10 MS. SMITH: No.

11 MS. FUREY: Okay. So comments are just
12 submitted by the the Coteau?

13 MS. SMITH: By the Coteau and because of
14 our Coteau preservation alliance of group of people who
15 are extremely interested in preserving this habitat as
16 best you can.

17 MS. FUREY: Okay. So you authored this but
18 it is presented on or I guess offered into the record by
19 --

20 MS. SMITH: We developed it because they
21 are the ones who helped me pull this together without a
22 team you can do these kinds of things.

23 MS. FUREY: Thank you.

24 MR. DAWSON: Further questions?

25 MR. SCHMIDT: I don't have anything

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1 further.

2 MR. DAWSON: Seeing no further questions,
3 you may step down. I have entered that into evidence as
4 Exhibit I. Are there -- where are we? We are with
5 proponents again or people with single issues. Is there
6 anybody left with a single issue? So are there any
7 proponents that are still left with that wish to offer
8 testimony? Proponents, people for the wind farm or
9 transmission line.

10 MR. MCKEWIN: Shaun McKewin. I'll be
11 brief, I promise.

12 MR. DAWSON: Your name, Sir?

13 MR. MCKEWIN: Shaun McKewin.
14 M-c-K-e-w-i-n. Yes, I signed in.

15 MR. DAWSON: Shaun?

16 MR. MCKEWIN: Yes.

17 MR. DAWSON: Spell that.

18 MR. MCKEWIN: S-h-a-u-n.

19 MR. DAWSON: And where are you from?

20 MR. MCKEWIN: Grand Forks.

21 MR. DAWSON: Were you here for my previous
22 admonitions on perjury?

23 MR. MCKEWIN: Yes, sir.

24 MR. DAWSON: You understand what perjury
25 is and the penalties for it?

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1 MR. MCKEWIN: Yes, sir.

2 MR. DAWSON: Understanding so, do you
3 promise or swear that the testimony that you're about to
4 give will be the truth, the whole truth and nothing but
5 the truth?

6 MR. MCKEWIN: Yes, I do.

7 MR. DAWSON: You may begin.

8 MR. MCKEWIN: All right. As I said, my
9 name's Shaun McKewin and I'm from Grand Forks. I made
10 the trip here today to express my enthusiastic support
11 for this project. Uh, I am a full time student at Lake
12 Region State College, Devil's Lake in the wind energy
13 technician program. So last year, early last year I got
14 back from my latest, national guard mobilization and
15 went back to my civilian job at the sugar factory and
16 decided I was ready for a career change. So that's why I
17 ended up in the wind energy program because I did some
18 looking into it and I found that the, uh, the wind
19 energy career field is one of the fastest growing career
20 fields in the country. And it's going to still be for a
21 while here if projections hold true. Um, so yeah, I
22 enrolled at Lake Region, a two semester program going to
23 be graduating in couple of months here, and I'm looking
24 for work. And like I said, when tech jobs, they're going
25 to be here a while and the skills we develop in programs

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1 like this and why don't work like this, uh, these skills
2 translate to countless other career opportunities in,
3 like, stem fields and either the tech jobs in my
4 opinion, that the state needs to attract people to our
5 state and keep people in our state. The economic
6 development here is, the value is the (inaudible). As a
7 North Dakotan I really appreciate the rules and
8 regulations that we're all concerned with today in place
9 to protect, protect our natural environment. They're
10 important. Our environment does need protection from
11 over development. But that's not to say that we need to
12 protect it from all development, done in a responsible
13 and reasonable way. And I really appreciate that this
14 commission and your role in enforcing the rules and
15 regulations and making sure that companies like NextEra
16 and coming in and they hear these rules to make sure
17 that any developments like this serve the best interests
18 of the people in North Dakota and our environment.
19 But as a citizen, I am fully satisfied with the ones
20 which NextEra has gone and all hoops they've had to jump
21 through to mediate, mitigate the potential negative
22 effects environmental and otherwise of this project.
23 They didn't cut the overall size of their project by a
24 hundred megawatts because you know, of the -- the most
25 affected or potentially affected area of the 300

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1 megawatt project. So I mean that was a huge concession
2 that they made. So in closing, I would just urge this
3 commission to allow this project to move forward as
4 planned and allow this major investment that is
5 happening in our state. Thank you.

6 MR. DAWSON: Any questions, Ms. Furey?

7 MS. FUREY: No questions.

8 MR. DAWSON: Mr. Schmidt?

9 MR. SCHMIDT: No questions.

10 MR. DAWSON: Commissioner Fedorchak?

11 MS. FEDORCHAK: Thank you, Shaun, for
12 being here. Have you been here all day?

13 MR. MCKEWIN: Yes, I have.

14 MS. FEDORCHAK: I admire your enthusiasm
15 at this hour.

16 MR. MCKEWIN: And I admire all your
17 stamina. I dreaded coming out and making this any longer
18 than I had to, but you know, I waited around all day
19 figured I'd throw in my two cents.

20 MS. FEDORCHAK: We appreciate you waiting
21 around all day. Thank you for doing that.

22 MR. MCKEWIN: Thank you, commissioner.

23 MR. DAWSON: Commissioner Kroshus.

24 MR. KROSHUS: Thank you for your service.
25 Thank you for being here.

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1 MR. MCKEWIN: Thank you.

2 MR. DAWSON: You may step down. Any other
3 proponents, any other proponents? Your name?

4 MR. ROLLER: Eugene Roller.

5 MR. DAWSON: Did you sign in?

6 MR. ROLLER: Yes, I did.

7 MR. DAWSON: Where are you from?

8 MR. ROLLER: New England, North Dakota.

9 MR. DAWSON: And you were here for my
10 previous admonition on perjury?

11 MR. ROLLER: Yes, sir.

12 MR. DAWSON: So you understand what
13 perjury is and the penalties for it?

14 MR. ROLLER: Yes, sir.

15 MR. DAWSON: Understanding so, do you
16 promise or swear that the testimony that you're about to
17 give will be the truth, the whole truth and nothing but
18 the truth?

19 MR. ROLLER: I do.

20 MR. DAWSON: You may begin.

21 MR. ROLLER: I came up here in support of
22 the project. I am in the middle of Brady 1 project. I
23 have wind towers on three sides of me within 2000 feet.
24 I live in a hill line that's covered with wildlife,
25 anything from pheasants, grouse, partridge, couple

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1 species of the air. At first I noticed it a little bit
2 that they, you know, with the construction, that the
3 wildlife, didn't come to the area. Now, it's like
4 there's extra wildlife around. It doesn't seem to make
5 any difference. The cattle use them for shade.
6 Absolutely. I can't see any, any negative impact on the
7 wildlife. It's something that I looked at in the future
8 of our community and my family, I'm the fourth
9 generation on the farm. I own three quarter acres, so
10 it's not very much, but the bit that it did help out. It
11 helped out in retirement and it's going to be helping my
12 children, and possibly even my grandchildren in the
13 future. So, along with the community, I'd like you to
14 see the positive effect in the community. I can't see
15 nothing wrong with it. I did a bit of research on
16 NextEra. It's a very wonderful company. They're very up
17 to date on all their processes. Very computerized. They
18 say they're going to do something, they're gonna. I was
19 not led astray on anything. Our contracts, I have
20 transmission lines (inaudible) honest the whole time. A
21 lot of things I wanted to say. There was a lot of
22 misconceptions on it. To me, my head's been here all my
23 life with airplanes. My grandfather had airplanes on the
24 farm. So to me I think of props. It's got my interest. I
25 mean, I'm living in my dream right now. Like I said,

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1 they're all around me, they're very relaxing to me.
2 There is a little bit of noise with them. Yeah, it's not
3 that -- not that bad. I moved from New England in 2012,
4 I owned a house along the highway and actually I could
5 not really be out on my patio, front deck with the
6 highway noise, couldn't hardly have this conversation.
7 Well, I figured out there's more noise there than I'll
8 ever get from the wind towers. Shadow flicker, I get a
9 little bit of that too. You know, you'll be sitting
10 there all of a sudden you'll see a little bit of shadow,
11 but it's not that won't last maybe 15 minutes or so. You
12 just don't notice it after a while. It's like driving
13 down road. You don't -- all of a sudden you don't see
14 wind towers anymore, that was part of the art of the
15 countryside. I guess, that's all I got to say.

16 MR. DAWSON: Any questions, Ms. Furey?

17 MS. FUREY: No questions. Thank you.

18 MR. DAWSON: Mr. Schmidt?

19 MR. SCHMIDT: No questions. Thanks.

20 MR. DAWSON: Commissioner Fedorchak.

21 MS. FEDORCHAK: Thank you. Eugene, what's
22 your connection to this project?

23 MR. ROLLER: I have no connection really
24 besides (inaudible).

25 MS. FEDORCHAK: So why did you come, or

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1 who invited you to come and testify?

2 MR. ROLLER: I got invited by the head of
3 the project.

4 MS. FEDORCHAK: Oh, okay. To share your
5 insights on --

6 MR. ROLLER: Yeah, just what it's like to
7 live right in the middle of this thing.

8 MS. FEDORCHAK: Right, right. Were you at
9 the hearing for the Brady hearing?

10 MR. ROLLER: Yes.

11 MS. FEDORCHAK: So you're the reason
12 because that was our longest record hearing in length.
13 You came on your own dime, I'm assuming?

14 MR. ROLLER: Yes.

15 MS. FEDORCHAK: All right. Thank you.
16 Appreciate you sharing your insight.

17 MR. DAWSON: Commissioner Kroshus?

18 MR. KROSHUS: Okay. I've got two
19 questions. One is, what's the record because this is
20 only my third. So what are we shooting for here?

21 MS. FEDORCHAK: I think twelve hours.

22 MR. KROSHUS: Twelve hours. So you said
23 you're within 2000 feet, that's the closest turbine?

24 MR. ROLLER: That's the closest turbine,
25 2,700, and then a couple that are, 3-4 within 3,000

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1 feet.

2 MR. KROSHUS: Okay. I'm curious when you
3 say the noise, I think you said the noise wasn't that
4 bad.

5 MR. ROLLER: No, it's -- to me, it would
6 be like a distant airplane flying, or like a highway
7 noise. Basically it's a long distance kind of noise.

8 MR. KROSHUS: And wind direction?

9 MR. ROLLER: And that hasn't -- some days
10 you don't hear nothing.

11 MR. KROSHUS: All right. Thank you.

12 MR. DAWSON: If there's no further
13 questions, you may step down. Any other people for the
14 wind farm or transmission line that wish to testify?
15 Anyone? Seeing there is no one else, we can go on to the
16 opposition, but we're going to take a five minute break.

17 (Recess taken.)

18 MR. DAWSON: We're on the record and it is
19 about 10 minutes after 8:00 PM and we are calling people
20 on the opposition to the wind farm or transmission line.
21 Is there anyone that wishes to come forward? Please have
22 a seat and state your name.

23 MS. ANDERSON: Hello. My name is Sharon
24 Anderson. Do you need my address?

25 MR. DAWSON: Just your town is fine, where

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1 you're from. Where you live?

2 MS. ANDERSON: My husband and I ranch by
3 Powers Lake.

4 MR. DAWSON: Okay. You were here for my
5 previous admonitions on perjury?

6 MS. ANDERSON: Yes.

7 MR. DAWSON: So you know what perjury is
8 and the penalties for it?

9 MS. ANDERSON: Yes.

10 MR. DAWSON: Understanding so, do you
11 promise or swear that the testimony that you're about to
12 give will be the truth, the whole truth and nothing but
13 the truth?

14 MS. ANDERSON: Yes.

15 JUDGE DAWSON: You may begin.

16 MS. FEDORCHAK: Could we hold on until
17 Commissioner Kroshus gets back, so we record her
18 testimony?

19 MR. DAWSON: You're right. Did you sign
20 the sign in sheet?

21 MS. ANDERSON: Yes.

22 MR. DAWSON: I run jokes by my staff every
23 now and again. They tell me never to tell a joke. You
24 may begin.

25 MS. ANDERSON: Again, my name is Sharon

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1 Anderson. My husband and I are third generation ranchers
2 in this area, and have been blessed raise our children
3 and our grandchildren and this beautiful prairie region
4 here in Coteau. We have worked and formed partnerships
5 with the US Fish and Wildlife Service and organizations
6 whose work it is to preserve and protect these native
7 grasslands and wetlands, for migratory birds and for
8 future generations. This area as a main corridor for
9 migratory birds, and contains some of the last untouched
10 areas of native prairie and wetlands, so important
11 to everyone. I'm here to express concern and make an
12 appeal to deny... to deny an industry who's proposing a
13 commercial wind farm in this area. The risk of
14 developing a wind farm in this area is substantial.
15 Hundreds of thousands of birds are being killed annually
16 through collisions with fast moving turbine blades and
17 that number moves into the 10 million when collisions
18 and electrocution of power lines and towers is included.
19 Many grassland species will avoid these areas and wind
20 turbines have been known to cause reproductive failure
21 in declining grassland breeding birds. These findings
22 have all been substantiated and recorded and I do have
23 those publications from Shaker and Bule, 2015, was
24 published. Stephen's 2013 was published and Erickson
25 2015 was published. Our migratory- sorry, our migratory

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1 birds are declining in numbers at an alarming rate
2 prompting many of these birds in our area to be listed
3 as threatened or endangered. The number one cause of
4 this decline is loss of habitat. And I just wanted to
5 talk a little bit about the speakers. Our first, with
6 regard to our first speaker, Daryl Hearst (sic), he
7 spoke on NextEra decreasing their projected area from
8 approximately 46,000 acres to 22,933 acres to avoid the
9 Lostwood National Wildlife Refuge. This in itself should
10 prove that this area is indeed important. However, the
11 refuge doesn't encompass the entire project area. This
12 project area and poses an unacceptable risk and would
13 clearly put NextEra, I believe it would put NexEra in
14 violation of the endangered species act, the Migratory
15 Bird Treaty Act and the Bald and Golden Eagle Protection
16 Act. With regards to our second speaker Richard
17 Lampeter, he spoke against noise and shadow flicker.
18 I've read in an article, windwatch.org, that turbines
19 produce airborne pressure waves and vibration and that
20 not all of these waves are heard. There's also no
21 standard to measure ultrasound, but there are reports
22 that these towers emit and give off between 20 and 50
23 KHz of ultrasound. The towers generate vibrations even
24 when they're shut down and it can be measured at
25 significant distances. These frequencies are detected by

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1 the body and the brain as pressure. People living near
2 turbines describe the effect on their homes as like
3 living inside a drum. The sounds very, the sounds very
4 likely can cause serious or intolerable problems
5 including disrupted sleep, nausea, vertigo, headaches
6 and depression. Dr. Nina Pierpont, an American
7 pediatrician coined this the wind ti- the wind turbine
8 syndrome. With regards to our third speaker, Kimberly
9 Wells. My concern is that wind energy developers are
10 supposed to assess the risks associated with her
11 projects to protected wildlife species. My concern is
12 that this should be done by independent third party
13 experts and that these findings should be reported
14 directly to regulatory agencies. Anything less I believe
15 would be deemed a conflict of interest. I don't believe
16 data should be collected by or interpreted by
17 individuals that have vested interest in the outcome. I
18 believe this information should be made transparent. It
19 should be made public. I think this information is owned
20 by future generations. With regards to our fourth
21 speaker, Mr. Derby. I just have a question. If somebody
22 sees a whooping crane a mile away from a turbine, there
23 was talk about reporting it and then that's assuming you
24 know who to report it to and if and if they're available
25 to report it to and it and he said that they would shut

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1 the wind turbine off. Well what do you flip a switch? I
2 know if I turned my- my ceiling fan off in my front
3 room, it doesn't stop right away. You know, this just
4 doesn't make any sense to me. So anyway, I'm asking you
5 to not- to deny NextEra's project in this area, so
6 that's my closing.

7 MR. DAWSON: Any questions, Ms. Furey?

8 MS. FUREY: Just to clarify, you're a
9 resident of Mountrail County?

10 MS. ANDERSON: Burke.

11 MS. FUREY: Okay. Thank you.

12 MR. DAWSON: Mr. Schmidt?

13 MR. SCHMIDT: No questions.

14 MR. DAWSON: Commissioner Fedorchak.

15 MS. FEDORCHAK: Thank you Sharon. I
16 appreciate you being here and making comments from the
17 whole day. The one thing, I had heard it from a couple
18 of speakers and I do want you all to know that
19 everything that we have here, all our boards, all of the
20 information is available to the public and it's
21 available on our website. And so there's this -- under
22 the North Dakota Public Service Commission if you
23 just Google that and you'll get our website and there's
24 the Siting category and then through there, you might
25 have to dig down a little bit, but if you have any

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1 trouble, you can always call our office and we have a
2 person in our office, who can help get you to the
3 information. Obviously there's volumes upon volumes of
4 information here, but it is docketed, that's what we
5 call it on our website. And each docket has a name so
6 you can kind of look for whatever it is that you want to
7 examine in that stuff. Actually had to be available on
8 our website 30 days prior to the hearing. So the company
9 had to have that. That was big. The hearing date was set
10 contingent upon them getting that information to us. And
11 again, that's something that we do include that in our
12 news releases, whether that gets included in the news
13 stories about these hearings, I'm not sure, but we'll
14 try to beef up the awareness about those resources in
15 the future as well.

16 MR. DAWSON: Commissioner Kroshus.

17 MR. KROSHUS: No questions, thank you.

18 MR. DAWSON: If there's no further
19 questions, you may step down. Please come forward. Your
20 name, sir?

21 MR. JACOBSON: Chase Jacobson.

22 MR. DAWSON: Where are you from, Chase?

23 MR. JACOBSON: Columbus.

24 MR. DAWSON: And you were here for my
25 previous warnings on perjury?

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1 MR. JACOBSON: Yes, I have.

2 MR. DAWSON: Do you understand what
3 perjury is and the penalties for it?

4 MR. JACOBSON: Yes.

5 MR. DAWSON: Understanding so, do you
6 promise or swear that the testimony that you're about to
7 give will be the truth, the whole truth and nothing but
8 the truth?

9 MR. JACOBSON: Yes, I do.

10 MR. DAWSON: You may begin.

11 MR. JACOBSON: Thank you. I am a fifth
12 generation rancher. I live just south of Columbus. I
13 live one mile on the south side of the wind project. I
14 will just hit the main points that I haven't really
15 heard too many times from other people. My first one is
16 that it will wreck the natural beauty of the landscape.
17 Looking north from my yard is one of my favorite views
18 and I love catching pictures of cows and horses on that
19 hill with a sunset. Another thing is disturbing our
20 livestock and animals with noise, people and light
21 flicker, which will be in a closer proximity to the
22 towers than my house. Another problem I have with this
23 project is a tower is as tall as our state Capitol
24 building, which is pretty tall. And on the edge of the
25 Coteau there's an old farm yard that I have heard is

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1 called the 42 farm, which looks of way up into Canada.
2 And if we put another tower on top of that, we're going
3 to be looking a long ways, I'm guessing 50-60 miles,
4 they'll be able to see these from. A big concern I have
5 is that this will be changing our way of life forever,
6 where people who like our peace and quiet, and that's
7 why we live in this area, I would just rather be left
8 alone. Um, my main concern is the possible occurrence of
9 health degradation from towers. We love living where we
10 do and if this comes true, I'm starting a family soon,
11 and I would rather not raise children next to these and
12 I would probably be moving out of county. That is what I
13 have from my notes. I have a note from my younger
14 sister. Would you like me to read that or just submit it
15 for evidence?

16 MR. DAWSON: Submitting it is fine.

17 MR. JACOBSON: Okay. She just likes the
18 landscape and would rather not to get harmed. So thank
19 you for your time.

20 MR. DAWSON: Any questions, Ms. Furey?

21 MS. FUREY: No, your Honor.

22 MR. DAWSON: Mr. Schmidt?

23 MR. SCHMIDT: No, that's all I have.

24 MR. DAWSON: Commissioner Fedorchak?

25 MS. FEDORCHAK: I have no questions

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1 either. Thank you, Chase.

2 MR. DAWSON: Commissioner Kroshus?

3 MR. KROSHUS: I have one question. Is
4 Aaron your dad? Your father?

5 MR. JACOBSON: Yes. That is correct.

6 MR. KROSHUS: And he read a letter from
7 you or from- --

8 MR. JACOBSON: No, that would be one of my
9 other brothers.

10 MR. KROSHUS: Okay. What was his name?

11 MR. JACOBSON: Race. I am Chase.

12 MR. KROSHUS: It's scribbled out. Race.
13 Okay, I heard it wrong. Gotta rewrite it. Thank you for
14 being here.

15 MR. DAWSON: Can you bring those to me,
16 please? You wish to offer these?

17 MR. JACOBSON: Yes, I do.

18 MR. DAWSON: Then I'm going to mark these
19 as exhibit J, is there any objection?

20 MR. SCHMIDT: No objection.

21 MS. FUREY: No, Your Honor.

22 MR. DAWSON: And I admitted as exhibit J
23 multiple letters. Anyone else in opposition? You may
24 step down. Your name, please.

25 MR. NEHRING: My name is David Nehring.

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1 MR. DAWSON: And you've been here for my --
2 I've seen you've been here.

3 MR. NEHRING: Yes, I have.

4 MR. DAWSON: So you understand what
5 perjury is and the penalties for it?

6 MR. NEHRING: Yes I do.

7 MR. DAWSON: Understanding so, do you
8 promise or swear that the testimony that you're about to
9 give will be the truth, the whole truth and nothing but
10 the truth?

11 MR. NEHRING: I do.

12 MR. DAWSON: You may begin.

13 MR. NEHRING: Thank you. I'm going to have
14 to change my testimony, it started with "good morning."
15 Well, we've been waiting 3 and a half hours, we're still
16 going to be okay Good evening. Judge Dawson, Chairman
17 Kroshus, and Commissioner Fedorchak. My name's Dave
18 Nehring and I represent North Dakota Vision Keepers. A
19 nonprofit entity that was established in 2018 to assist
20 grass roots organizations such as the Coteau
21 Preservation Alliance, Say No to Burke Wind, and others.
22 You've heard plenty of testimony, expert testimony
23 regarding the site of this proposed project. I've heard
24 many times from the natural resources professionals that
25 if a developer was looking to site a project in the

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1 worst possible location in North Dakota, that this would
2 be it. I'm not going to deal with this. We're going to
3 talk about something totally different now. I'll keep my
4 testimony focused on other aspects of the proposed
5 project such as NextEra's need analysis, the
6 reliability, reliability and availability, border vortex
7 and winds contribution, polar vortex in natural gas, the
8 sprawl of North Dakota wind farms, and the saturation
9 point of wind development. Let's look at the need
10 analysis and presentation by NextEra. They state that,
11 and I'll quote, "additional electrical generation is are
12 required to keep up with the demand within North Dakota
13 to the population expansion and growth associated with
14 oil and gas development as well as the high demand for
15 heat in winter. There's a spreadsheet in your packet
16 that shows heads from the EIA joint calendar years 2014
17 through 2017, and I think we can safely assume that
18 4-year trend will give us the information we need to
19 support or hurt either claim. In 2014 the total supply
20 of megawatt hours of electrical generation was
21 38,331,000 and some odd of which 18,577,000 was exported
22 out of state. By 2017, the total supply was over 41
23 million megawatt hours of which over 22 million was
24 exported out of state. This chart shows one thing. We
25 have significantly more generation than what is needed

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1 in North Dakota. Now let's address the issue with
2 respect experiences involved in cold weather, and the
3 impact to wind and natural gas. Polar vortex was present
4 in late January and I've included a couple of
5 screenshots showing them (inaudible) during cold spells.
6 I'm going to be brief here and just mentioned that the
7 first displayed showed, a production of 93 megawatts or
8 93,000 megawatts of which wind group produced only 4.4%
9 of total. That was on January 30th at 6:50AM.
10 Temperature of Bismarck was minus 33. The next one is
11 later the same day. Production at MISO was 83,000 and
12 change when provided 4% of the, this was at 3:15 PM that
13 same day. Final displays on February 19th at 8:10 AM as
14 you can see, the total production was almost 83,000
15 megawatts when provided under 2%. The next piece you're
16 going to see is an article that describes the potential
17 issues with natural gas during the cold winter months.
18 Xcel energy was poised to shut off gas supply to over
19 150 customers to keep the gas flowing to other
20 customers. Their reason was loss of pressure. Our base
21 load generation at North Dakota is very low, we cannot
22 afford to negatively impact that portion of our energy
23 portfolio. One of the things that Chairman Kroshus
24 talked about earlier, I happened to find a piece, as I
25 was doing some research for legislation recently, and it

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1 showed, the acreage- sprawl of wind built in the state
2 of North Dakota compared to other states. This was taken
3 from the federal renewable energy study and showed that
4 the projects listed North Dakota encompassed 160 to 307
5 acres per megawatt in Texas, the averaged approximately
6 83 acres per megawatt in the Illinois 71 acres, Kansas
7 93 acres, Oklahoma average was 78. And wondering what
8 the reason is. The Wind Energy Association state that
9 we're at top 10 windscape, do we really need all the
10 space between turbines or is this a land grab?
11 (Inaudible) further inspection. I'll now share a couple
12 of statements made by a candidate in most recent
13 election for public service commission.
14 When I asked her directly and this wasn't human, what
15 the saturation point was for wind development in our
16 state, she told me "we are there now." When I asked for
17 clarification, she added that more wind and solar will
18 cause reliability issues, add to the string of current
19 transmission capabilities, and likely cost her peers
20 more money. And I'd like to make a point of
21 clarification on something that Clayton Derby said
22 earlier. He mentioned that in the state of North Dakota
23 we shoot 75 to 100- 75,000 to 100,000 grouse per year. I
24 think that's what he stated. The grouse harvest in 2017
25 in North Dakota was \$46,900. In 2017 that was down 28%

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1 from previous year. Just to show you what's happening in
2 bird populations. In closing, I'll say this: There are
3 challenges in adding an uncertain element to our
4 electrical grid. By uncertain I mean uncertainty and
5 reliability, cost, and the impact to our natural
6 resources. In this case, however, the impact to our
7 resources are huge, there are certainly better locations
8 to site projects such as this. I would please ask you to
9 deny the application by NextEra. Thank you.

10 MR. DAWSON: Do you want to offer this
11 into evidence?

12 MR. NEHRING: Yes, I do.

13 MR. DAWSON: I'm going to mark it as
14 exhibit K?

15 MS. FUREY: Your honor, what is it? What
16 is the document? Is it his testimony, is it comments?

17 MR. NEHRING: It's my testimony with
18 supporting documents. I've got a copy for you if you
19 like?

20 MR. SCHMIDT: Please.

21 MS. FUREY: We would, yes.

22 MR. NEHRING: Okay, no problem.

23 MS. FUREY: It says Table 10 at the top,
24 where is this document coming from?

25 MR. NEHRING: From the EIA website. Energy

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1 Information Association.

2 MS. FUREY: For what it's worth, I mean, I
3 question the relevancy of a lot of this information, so
4 I would object on that basis, but I mean, to the extent
5 that it's entered into the record and, you know,
6 evaluated for what it's worth.

7 MR. SCHMIDT: The determination of
8 relevance I think should be left up to the commission.

9 MR. DAWSON: I'm going to allow it into
10 evidence, and let them make it into the um, relevant
11 information. Any further questions?

12 MS. FUREY: Just one more, one more. I
13 need to clarify for the record, are you a resident of
14 Mountrail County?

15 MR. NEHRING: I am not, I live in Burke
16 County, east of Bismarck. I grew up three blocks north
17 of where we're at right now. I lived in Bowbells my
18 whole life until 1994.

19 MS. FUREY: Thank you, no further
20 questions.

21 MR. DAWSON: Mr. Schmidt.

22 MR. SCHMIDT: I don't have any questions
23 for you.

24 MR. DAWSON: Commissioner Fedorchak.

25 MS. FEDORCHAK: Thank you, Dave. Just to

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1 provide a little background into the question on
2 relevancy. This is great information. I mean you hear
3 from folks a lot that whole need issue and it's
4 confusing because we do deal with need but not the site
5 when we deal with need. It relates to our regulation on
6 the utilities themselves and in their portfolio. So need
7 is not a factor in deciding decision whether it's needed
8 or not. Kind of left up to the marketplace I think to
9 determine that. And so, um, thank you for being here,
10 for providing this information and um, we'll certainly
11 give it the weight that we can.

12 MR. NEHRING; Thank you.

13 MR. DAWSON: Commissioner Kroshus.

14 MR. KROSHUS: David, thank you for being
15 here and um, it's always good to have more numbers. The
16 acreage question has been questioned before. Not just
17 this hearing but at least the previous hearing because I
18 think it does go back because one of the requirements,
19 or one of the considerations I should say, which is
20 various impacts to the environment.

21 MR. NEHRING: Thank you very much.

22 MR. DAWSON: Any further testimony -- you
23 may step down. Any further testimony? Please come
24 forward. Your name?

25 MR. BEARD: Cody Beard.

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1 MR. DAWSON: Where are you from, Cody?

2 MR. BEARD: Bowbells.

3 MR. DAWSON: You've been here for my
4 warnings on perjury?

5 MR. BEARD: Yes.

6 MR. DAWSON: Do you understand what
7 perjury is and the penalties for it?

8 MR. BEARD: Yes, Your Honor.

9 MR. DAWSON: Understanding so, do you
10 promise or swear that the testimony that you're about to
11 give will be the truth, the whole truth and nothing but
12 the truth?

13 MR. BEARD: Yes, Your Honor.

14 MR. DAWSON: You may begin.

15 MR. BEARD: Okay. First, a couple of notes
16 of my own, I got a letter from my father that he would
17 like me to read. He is present, he's just not
18 comfortable talking. Yeah. There's a -- there's a couple
19 of edited in the areas that we got to exclude it now,
20 but I'll start it off anyways. First of all, I'd like to
21 thank you all for being here today. My name is Cody
22 Beard. As I stated, I'm a fifth generation farmer, John
23 and the Beard farm, which was started in 1902. I'm
24 reading this letter from my dad as I said. So here's his
25 part. My name is Douglas Beard. I'm not reading this but

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1 like you to hear what's on their mind. I was born and
2 raised in Lakota, Hillsboro County. I farm and ranch
3 along with my family, this native prairie that we graze
4 our cattle on is very precious to us. We take care of
5 it, and cherish it. We have a tremendous population of
6 wildlife here. We certainly appreciate the peacefulness
7 this area has to offer. You can sit on the open prairie
8 in the evenings and only hear the coyotes talking. I
9 will tell you many times over, this is God's country.
10 I've never been too much about politics until these wind
11 farms started popping up all over the place. I've done a
12 lot of research on the articles that I've found and soon
13 realize how crooked politics are, not only at our
14 federal levels but our state and county as well. Wind
15 energy is heavily subsidized by our federal government.
16 And that is the only reason wind companies can make this
17 work. Ask yourself if this, if you had a business that
18 did not support itself, should it even exist? Your
19 answers, more than likely, of course not, we have these
20 outside companies from out of state coming in to make
21 millions in our state is my understanding of a previous
22 project and North Dakota game and fish stepped up and
23 tried to save our grasslands. They set some guidelines
24 for the wind companies to follow, but NextEra decided
25 that they cannot follow these guidelines because it will

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1 cost them too much money. So instead of following our
2 state's guidelines of governor of North Dakota stepped
3 in and granted a waiver to NextEra, so they do not need
4 to follow our state's guidelines. We find that very
5 interesting. NextEra's next step was to slither into our
6 county wining and dining or county officials our
7 planning and zoning board whose job it is to make
8 recommendations to the county commissioners voted the
9 Burke Wind Project down 5-1. If County commissioners
10 even take into consideration the recommendation of
11 planning and zoning board, in my opinion, they didn't.
12 Our County Commissioners LRI Group, Jared, who has never
13 voted in official and Debbie Turner, who's no longer in
14 office. Did they even give it a second thought or they
15 didn't give it a second thought before they approve this
16 project? In my opinion, that's very questionable.
17 Another sketchy decision, it seems to me is knowing that
18 our commissioners went against everything in Burke
19 county's comprehensive plan, which I have a copy of that
20 here. I'll provide that at the end. I believe NextEra
21 should have access to it, it's at our court house, and
22 it's been there the last couple of years. So, um, and
23 why it's all about the money. Why else would anybody
24 vote to destroy the peaceful scenic serenity of our
25 landscape, God's country. The state of North Dakota

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1 needs to take a step back and really rethink their
2 decisions as they pretty much all the big corporations
3 to do what they want because it's all about the Almighty
4 dollar. I'm referring to oil companies as well. North
5 Dakota needs to put more boundaries in place and enforce
6 them before it's too late. A lot of grasslands these
7 towers are proposed to be placed is native ground, never
8 disturbed or broken up, which is something special and
9 we will never get back again. God's country. I do not
10 want this project to be approved because once it is
11 approved, wind energies will only continue to peck away
12 at the rest of the county, they will come back and put
13 up to her lines, collection lines, transmission lines
14 where they have omitted them from the original plan,
15 regardless if they must go through the application
16 process again or not. Allowing this project is only
17 opening a huge hornet's nest. We will all get stung.
18 NextEra even put confidentiality clauses on some of
19 their contracts to keep neighbors from talking to other
20 neighbors. Why? It's pathetic than an outside company
21 comes into our state and divides our communities,
22 neighbors against neighbors and friends against friends.
23 I have a neighbor ask me one day why I felt I should be
24 able to stop them from putting wind towers on their
25 land. I understand his point, but why by him putting

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1 towers on their land, should this be able to affect my
2 life? My family's lives, my family's lives will be
3 affected and I have no say about it. The beautiful
4 scenery will change. The peacefulness will be gone.
5 Wildlife will decrease, so our lives would be greatly
6 affected if my neighbor has these towers and why is that
7 fair? Life as we know it will drastically change. We
8 will lose the tranquility of the land that our family's
9 farm since 1902. Our children and grandchildren are
10 planning on keeping the Beard name; or keeping the land
11 in the Beard name, excuse me; something we are extremely
12 proud of and work very hard for. My son, Cody planned on
13 moving out to his grandparents' farm, building a house
14 and raising his family here, as he believes this is the
15 most beautiful, enjoyable place in the world to live.
16 His plans are on hold, pending the Burke Wind Project.
17 In closing, I'd like to thank you PSC for listening and
18 I hope you vote this project down for the sakes of our
19 grassland, our wildlife and the people that are opposed
20 to this project, that want to preserve what we have in
21 God's country. It's time for a state to take a good look
22 at how it being destroyed by big corporations and trying
23 to preserve what we still have. Once it's gone, it's
24 gone. Let's look out for future generations when making
25 your decision and ask yourselves would I want one these

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1 towers in my backyard. I ask that you do not approve the
2 wind- Burke wind project. Thank you for your time.

3 MR. DAWSON: Anything else?

4 MR. BEARD: Yeah, a couple of things of
5 my own here I just kind of jotted down, and this is --
6 I'll start by saying this. Nothing against the
7 representative -- representatives from Dakota college
8 that came here. I have great respect for what they do.
9 But one thing that's always kind of conflicting thing to
10 me is NextEra seems to come in here and win our approval
11 over by saying "we're going to provide you guys with all
12 these jobs, there's 300 construction jobs. So many
13 maintenance jobs, we're going to offer jobs to your
14 area." And then most of these meetings they have
15 representatives from Dakota college coming in and
16 saying, we've got these students that really need all
17 these jobs and they'd love to come and fill all of these
18 jobs. So I would think that some personal (inaudible)
19 get straightened out. And then to comment to Ms.
20 Jensen's comments earlier, kind of run our zoning board
21 down and talk to her commissioners up. If you noticed in
22 what she described there of one commissioner went on a
23 tour and they didn't think it was that bad. You know,
24 there's a little bit of noise, but they didn't think it
25 was that bad. And then the other one drove down just

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1 trying to look at the field himself. He didn't think it
2 was that bad. Okay. So what you're telling me is our
3 commissioners based their decision on their own personal
4 preferences and opinions. They are officials that are
5 elected by the public to be the voice of the public. Our
6 planning and zoning, as Ted Hawbaker stated earlier,
7 he's on our planning and zoning board. He listened to
8 the people, the, the people of the county, residents of
9 the county I should say, I don't think really want,
10 there's not been many people up here tonight that are
11 for this, that live in the energy markets. So I just
12 wanted to back our planning and zoning on what they did.
13 Um, and like I stated earlier, my family's been here
14 since 1902, farming. Burke County was established in
15 1910. My family has been farming this county longer than
16 its existed. This is, this is our livelihood. My father
17 and grandfather both served on township boards, school
18 boards. I'm on our local fire department and ambulance.
19 Our, our family supports this town. This town supports
20 our family. You know, this town is a family and it's sad
21 to see a corporation come in and start dividing things
22 and making neighbors angry with each other. This has
23 been nothing but a nuisance since this all came about.
24 And personally I just think it needs to go away. We're
25 fine without this. We were doing fine before they came

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1 in. We're a community and we'll be doing fine if they
2 leave. Um, and I guess in closing, the one thing that
3 really irritated me today is everybody that sat up here
4 that doesn't live here referred to what's on that map as
5 the project area. Okay. Well this was the project area.
6 This is now the project area. This is what's going to
7 affect the project area. Take it from the people that
8 live here. That's not the project area. That's home.
9 That's all I have.

10 MR. DAWSON: We stopped for something
11 within the exhibit, the letter. And what else did you
12 have?

13 MR. BEARD: It's the Burke county roadmap
14 to the future comprehensive plan. It's basically county
15 guidelines on what we're supposed to follow, what our
16 officials are supposed to follow as far as zoning
17 regulations.

18 MR. DAWSON: Is there a need to see it?
19 You offer it?

20 MS. FUREY: Is it the zoning ordinance or
21 is it the county's comprehensive plan?

22 MR. DAWSON: Bring them to me, please.

23 MR. BEARD: It's the Burke County
24 comprehensive plan.

25 MR. DAWSON: I'll pass -- I'll pass it

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1 around.

2 MS. FUREY: I would prefer if you just
3 take up a tray of notice of the actual document as it
4 exists on the county's website, so that we know that we
5 have the most current version entered into the record.

6 MR. DAWSON: It hasn't been redrafted by
7 somebody at least that you're aware of? He is wanting
8 the addition of the letter read into the record and
9 marked down as exhibit H, the are there any objections?

10 MS. FUREY: No objections.

11 MR. SCHMIDT: No objections.

12 MR. DAWSON: So any questions, Ms.
13 Furey?

14 MS. FUREY: No questions.

15 MR. DAWSON: Mr. Schmidt?

16 MR. SCHMIDT: No questions.

17 MR. DAWSON: Commissioner Fedorchak.

18 MS. FEDORCHAK: Cody, thanks for being
19 here, I don't have any questions.

20 MR. BEARD: Thank you.

21 MR. DAWSON: Commissioner Kroshus.

22 MR. KROSHUS: Likewise, Cody, thank you
23 very much. No questions.

24 MR. BEARD: Thank you.

25 MR. DAWSON: I'll accept the comprehensive

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1 plan as it is. Since there's no questions, you may step
2 down.

3 MR. BEARD: Thank you.

4 MR. DAWSON: Any further testimony? Your
5 name, please?

6 MS. BEARD: Kathy Beard.

7 MR. DAWSON: Where are you from, Kathy?

8 MS. BEARD: I am from Bowbells, Clayton
9 Township.

10 MR. DAWSON: Ere you here for my --

11 MS. BEARD: Correct.

12 MR. DAWSON: You understand what perjury
13 is and the penalties?

14 MS. BEARD: I do, sir.

15 MR. DAWSON: Understanding so, do you
16 promise or swear that the testimony that you're about to
17 give will be the truth, the whole truth and nothing but
18 the truth?

19 MS. BEARD: I do.

20 MR. DAWSON: You may begin.

21 MS. BEARD: Okay. I am part of the Coteau
22 preservation alliance. And I have received quite a few
23 letters from people that are out of state in Arizona for
24 the winter who wanted to be heard. And people who
25 couldn't be here today because of work or medical or

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1 whatever. I am only going to read one letter. This
2 letter is from Tami Lucy. She's a Burke County resident
3 and landowner.

4 MR. DAWSON: Could you spell her name?

5 MS. BEARD: Tami is T-a-m-i. Lucy,
6 L-u-c-y. Proposed Burke Wind industrial wind turbines,
7 Burke County, North Dakota. Dear Commissioners, when
8 faced with a difficult decision throughout our lives,
9 we're told to weigh the pros and cons and let that be
10 what determines our decision. That only makes common
11 sense. And here are the pros and the cons regarding this
12 project. The pros? Money. The cons? Number one is death
13 of migrating and native birds. We all that's been gone
14 over quite a few times today, so I'm not gonna continue
15 there. Number two, death of bats. Number three is the
16 negative impact on wildlife. Number four, the negative
17 impact on grasslands. In the area proposed for the Burke
18 county wind project is native northern mixed grass
19 prairie, so unique to the plateau, that it is not found
20 as intact elsewhere in most of North Dakota. Why would
21 we want to permanently destroy these native grasslands
22 for industrial wind turbines that can be constructed
23 elsewhere? Number five, negative impact on wetlands.
24 Number six, noxious weeds. And toxic chemicals include
25 water and air. Some of the most noxious weeds gaining

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1 strength in this area are Wormwood, Leafy Spurge, and
2 Canadian thistle. Wormwood, which can produce 50,000
3 seeds from one stem is already an extreme problem in
4 Burke county and anytime soil is disturbed, even just a
5 scratch, it can create an open wound where noxious weeds
6 begin to grow. Imagine that huge open wound that will
7 created if this project is approved. On the other hand,
8 if established grass lines are left alone, it is more
9 difficult for weeds to take hold. The more weeds, the
10 more need for chemicals to kill them, which leads to
11 more toxins in our food supply, in our water supply and
12 in the air we breathe. This affects both people and
13 animals. Number seven is the noise pollution and shadow
14 flicker. Number eight is health issues. Number nine is
15 the decrease in prop- property values. There are many
16 articles online about real property, adding to reduction
17 in value to totally unsellable. Some who want to leave
18 due to any health issues from the industrial wind
19 turbines cannot sell their homes so they are forced to
20 just lock up their doors and leave. Ten, safety issues.
21 Industrial wind turbines can cause harm to animals and
22 people from ice that is thrown from the blades or blades
23 breaking apart in fires. Number 11: Death to our way of
24 life. The reason we live out in this rural area of our
25 county is the way of life that living in this beautiful

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1 part of North Dakota provides for us. If this project is
2 approved, I for one will more than likely never see it
3 without industrial wind turbines again in my lifetime.
4 That is a death to our way of life. There are many more
5 cons to be considered such as liabilities, dust, wear
6 and tear on the roads, etc. What I find so very
7 interesting is that just about all, if not all of the so
8 called experts who are for the project and are telling
9 us what is like to have and live by industrial wind
10 turbines, don't live by them and never have. Money is
11 not everything and should not be. What should most be
12 considered here is the fate of the Coteau in Burke
13 County, and everything it is and has to offer, not only
14 for Burke county, but globally. It is an extremely
15 important ecosystem and we need unbiased people who are
16 in authority that are willing to take a look at the
17 facts and not through industrial wind turbines to be
18 constructed in Burke county due to those facts. We need
19 great people in authority who are willing to stand up
20 and say that money isn't everything. And that is most
21 important is the preservation of this very unique part
22 of Coteau for all future generations. We need North
23 Dakotans who are in authority to say no to the out of
24 state wind companies such as NextEra who want to come to
25 our state and ruin our ecosystems and our way of life so

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1 they can make their wallets a lot bigger. Are we really
2 going to allow this? As you can see, the cons far
3 outweigh the pros. And for this reason I ask that you do
4 not approve the Burke wind project. Thank you.

5 Sincerely, Tami Lucy.

6 MR. DAWSON: Anything else you'd like to
7 add?

8 MS. BEARD: I am just going to add that I
9 just want you to know how much I appreciate the time and
10 effort you guys have put into this. It's been a long
11 day, so I just want you to know that I also am totally
12 against the Burke Wind project.

13 MR. DAWSON: Any questions, Ms. Furey.

14 MS. FUREY: Ms. Beard, just for
15 clarification, you stated that you live in Lucy
16 Township, is that correct?

17 MS. BEARD: I live in Clayton Township.

18 MS. FUREY: You live in Clayton Township.

19 MS. BEARD: And Tami Lucy lives in Lucy
20 Township.

21 MS. FUREY: Okay. So you're aware that the
22 original project boundary was located in those
23 townships, but since the amendment of the application to
24 the 200 megawatt project, the proximity of the project
25 boundary to those townships have changed substantially?

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1 MS. BEARD: Yes, I know that and we really
2 appreciate that. But we're here to fight the whole
3 project. Um, and what's to say that you're not going to
4 come back and put towers in the first projected area.

5 Furey: We'd just like to note that the Burke wind
6 application is for the 200 megawatt facility as the
7 project boundary is dependent on hearing the exhibits
8 number 35, 36, and 37 behind me; I have no additional
9 questions.

10 MR. DAWSON: Mr. Schmidt.

11 MR. SCHMIDT: I don't have any questions,
12 thank you.

13 MR. DAWSON: Commissioner Fedorchak.

14 MS. FEDORCHAK: Kathy, but with all these
15 Beards coming forward now, I just have to know your
16 relation to the previous Beards testified.

17 MS. BEARD: Cody Beard is my son.

18 MS. FEDORCHAK: Okay.

19 MS. BEARD: And he read the letter for
20 Doug Beard, which is my husband who is sitting right
21 behind me.

22 MS. FEDORCHAK: Okay. Thank you.

23 MR. DAWSON: Submit the evidence. Please
24 bring it to me. You wish to offer these?

25 MS. BEARD: Yes.

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1 MR. DAWSON: Okay. You can sit down, at
2 the table right there. It's the letter she read. And the
3 letter from Elizabeth and Elizabeth and a letter from
4 Jonathan Wild and a letter from Joseph Lucy, Raymond
5 Lucy and Emma Malin. Elaine Road, and some I can't read.
6 Anyway, if you want to see these are there.

7 MS. BEARD: They're all just in
8 opposition, basically repeating everything that's said
9 today.

10 MR. DAWSON: Thank you for the summary.
11 Since there's no objection to these, I'm going to admit
12 them as exhibit M. Now you may step down. Any further
13 opposition? Your name?

14 MR. CHREST: It's Marshall Chrest.
15 Marshall with two L's, last name, Chrest, like the
16 toothpaste, but with an H. C-h-r-e-s-t.

17 MR. DAWSON: I already have it spelled
18 wrong.

19 MR. CHREST: Everybody does that.

20 MR. DAWSON: Okay. And where are you
21 from?

22 MR. CHREST: Rural Bowbells, excuse me.
23 Where the first project was. I'm chairman of Clayton
24 Township.

25 MR. DAWSON: And you were here for my

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1 previous admonitions on perjury?

2 MR. CHREST: Yes, sir.

3 MR. DAWSON: So you understand what
4 perjury is and the penalties for it?

5 MR. CHREST: Yes, sir.

6 MR. DAWSON: Understanding so, do you
7 promise or swear that the testimony you're about to give
8 will be the truth, the whole truth, and nothing but the
9 truth.

10 MR. CHREST: Yes, sir.

11 MR. DAWSON: You may proceed.

12 MR. CHREST: Okay. I've got three things
13 to go over. I have a letter to submit that is from Scott
14 Roadie. He is from Bellevue. That's what his address
15 says that's within Burke county anyway, that doesn't
16 know. I would a lot be reading the ladder just to speed
17 this up. So I will present that after I had done, uh, I
18 do have another letter. Uh, I plan on reading was sent
19 to my address, uh, from Marlow Nelson, uh, M A R L O W.
20 Uh, Nelson is just N E L S O N. Night he is from Powers
21 Lake, rural Powers Lake. Okay. Um, he has an address,
22 North Dakota Public Service Commissioners, Honorable
23 Julie Fedorchak, Honorable Brian Kroshus, Honorable
24 Randy Christmann; concerning proposed Burke wind
25 project. He says, Dear Commissioners, I am greatly

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1 concerned with the direction all government is going.
2 Our country is founded and maintained under the
3 principle a government by and for the people, but it has
4 turned into a government by and for government and more
5 government control. The proposed Burke County wind
6 project is a pet project of the zoning director and
7 former Burke county commission chairman who was also ex
8 officio member and chairman of the zoning board. The
9 chairman is no longer on the commission of, excuse me,
10 no longer on the commission or the zoning board. In my
11 experience at being at Burke County Commissioner in x
12 office level on the zoning board, only zoning changes
13 approved by the zoning board went to the commissioners
14 for final approval. I don't understand how the county
15 commissioners can override a five to one vote of their
16 appointed zoning board, which didn't approve of the
17 zoning changes. In the last 10 years, since I retired
18 from the Burke County Commissioner. They adopted a
19 dictatorial style of governance. The commissioners have
20 number one required being on the meeting agenda up prior
21 to the meeting, even if an invited by a member of the
22 commission. Number two, adopted a land taxation program
23 that doesn't follow state law. Three refused to look at
24 and understand the state law. Four, refused to provide
25 documentation on how land parcel value and taxation has

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1 been determined. Uh, and then he has a open meeting
2 slash information loss and number five, uh, rejected any
3 and all public input that is against their personal
4 desire and benefit. I would have never thought this
5 would happen, by local board made up of local people on
6 local government. I personally don't want wind towers or
7 high voltage power lines on my land, but on this
8 proposed project I will have their power plant just off
9 the edge of my property. I am concerned the health
10 hazards and risk close to my lifestyle and where I work
11 and live. I ask for your vote to oppose the project on
12 the basis of public concern and support for our zoning
13 board who voted it down with a five to one vote. We need
14 to get back to government by and for the people. And he
15 lists his phone number, signed, Margow Nelson, resident
16 farmer, Burke County Commissioner. And this is exhibit
17 C. And it might have to change because I think I got
18 passed up, so. This is going to be good. I'll try to get
19 us, I don't know, we probably broke that record already,
20 but remember Aaron Jacobson, I kind of felt like Aaron,
21 I had something prepared but as the day went on, I just
22 kind of kept scribbling down things that I had questions
23 to, I want answered that we haven't had answered. And
24 what I thought was kinda funny when the meeting started,
25 Julie pointed out right away, uh, how the room was so

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1 neatly divided and in, she wasn't kidding. For those who
2 don't realize what's going on. This has divided our
3 county, our towns. Some of our townships, some of our
4 friendships have been stressed and even I think severe,
5 severely probably for or separate probably forever. Um,
6 so yeah, that was good, I guess, to notice that. I am
7 not completely against renewables, but this isn't the
8 county for it. My goal here is not to take, try to take
9 money out of anybody's pocket. But I'm trying to
10 preserve what we have. Turbines, they may be renewable,
11 but they're not proving to be reliable. The wind doesn't
12 always blow. There's no storage. I also wanted to kind
13 of touch on something else and I'm just -- just trying
14 to get through this as quick as I can for you guys.
15 you know, I've heard this slogan a lot today: Best of
16 the best, birding and nesting. And I have to agree with
17 that. Living in this, basically born, raised, lived in
18 this county my whole entire life. As ranchers, we
19 understand this because, you know, the Game and Fish and
20 US Wildlife -- or Fish and Wildlife, they keep us out of
21 the CRP until August 2nd. There's a reason for that.
22 It's because of the bird nesting, the wonderful habitat
23 they're trying to protect and we respect that even
24 though we wish that we could probably be in there in
25 July. But a question that kind of, I don't know I have

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1 to ask is what these bird fatalities, these, you know,
2 I've made, I listened to testimony today and I got kind
3 of caught off guard a little bit, but, I've been to
4 another, wind turbine, a public hearing in Tioga a
5 couple of weeks ago. And what I've got a kick out of is,
6 now I don't know if it's just something that's in the
7 agenda. But everybody seems to be doing a one year study
8 as far as the bird study. And my question with that is,
9 I want to know these birds that they're following, what
10 happens to them? Now if the coyotes, the predators don't
11 find them, are they picked up? Are they, you know, is a
12 wildlife biologist, do they check them out, see it and
13 (inaudible) broke their neck, if bats' lungs exploded or
14 they just kind of taken out and disregarded thrown
15 behind the hill. I don't know. I'm not speculating. I'm
16 just saying, you know, anybody can do is to yeah, I can
17 promise you that you put a jar cookies and front of me
18 and I'm not going to eat them right now, and I'm
19 starving. I'm probably going to take this cookie, but
20 I'm not implying anything. I'm just saying, but
21 something that was said and the testimony earlier today
22 by NextEra, was in early 2018, they talked about
23 removing these 55 turbines. Now that my memory, that was
24 just last year, early 2018. Then why did it take them
25 until, from my memory, I'm not clear on this. I can find

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1 you the date because I was at the meeting, it was in
2 August or early September cause we are harvesting shut
3 off of Conway to go to the meeting. It was in the Burke
4 county courthouse, some commissioners room, but I heard
5 that day from Clay Cameron and I, I'm probably gonna
6 slaughter the guy's name it's Tom [VonBische] from
7 NextEra. I apologize. But they've read a letter at that
8 meeting stating that they had removed at that time, I
9 believe it was 37 turbines behind us. And when I say
10 behind us, I really mean and it encompassed Diamond and
11 Lucy and basically took the wind turbines over to, um,
12 the highway straight south of Lignite, so what, you
13 know, it be the thing that I got a kick out of was that
14 If this was done last spring, why did it take until
15 August or September to bring this to the public? And you
16 know, and then that day when asked for a map, they, they
17 didn't buy one, I think they might've had a small one,
18 but they told us, we met with them, I talked to them,
19 Um, they didn't have one they can show us that was
20 printed to scale because they had to go to Minot to get
21 one to put in the community area of the courthouse on
22 display. So I just have a question about that, that,
23 that was kind of sticking with me. One other thing, I've
24 got a friend, he will be in this wind project area and
25 hate to say that project area, cause I feel the same as

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1 Cody Beard by uh, industrial wind farms facilities. I
2 hate that term. This is, this is our, this is our
3 backyard. It's just not, you know, I hate that term. But
4 anyway, I have friend, he'll be farming on several of
5 these turbines and in farm land because they've been
6 mitigated out of native grasslands. His concerns are,
7 and I haven't heard anything about this today, really,
8 are the high routes of compaction. What's going to be
9 done with them. You know, the drainage and the erosion,
10 what's going to be used as far as erosion control, a
11 mulch. There were areas in Burke county that had more
12 rain than that last spring, 7-8 inches of rain.
13 And I can't imagine it, this project is under
14 construction in the Coteau. We get that kind of runoff.
15 We are going to have erosion problems, like nobody's
16 business. Another thing that he was wondering about were
17 the speed limits on these access roads, uh, haul roads
18 if this project would get constructed. He, he voiced his
19 opinion that he thought it should be 10, 15 mile an
20 hour, uh, even though they're using a dust control, uh,
21 weight and speed destroys things. So I just wanted to
22 add that and I'm not trying to pick on wind energy
23 companies. We've had trouble with oil field companies up
24 here before, uh, blocking calls and backing up water,
25 uh, pushing snow out in the fields. That's something

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1 else that's a hasn't been really addressed in Ted
2 Hawbaker mentioned it, but snow removal piling snow,
3 running down hills. So yeah, that's something else that
4 we, we were kind of worried about. Something else I
5 noticed, I haven't had a chance to look at any of next
6 year is newly updated, binders and I feel, I dunno, how
7 I feel about that. I know it's online now, but this is a
8 lot of information to go through and to just be adding
9 stuff here in the last couple of days when it was made
10 mentioned before Karen Smith's stuff. That should be
11 objected too. I kind of feel the same about some of
12 this. That's a lot of stuff I look around at these
13 binders and somebody's going to hurt themselves. So
14 anyway, but we live right next to an L8 missile base is
15 L as in Larry Eight. And we have 150 missile silos here
16 in western central, North Dakota. And I do -- have read
17 their most of their stuff, but I do see that they sent
18 letters to the 91st missile squadron or to the, to the
19 Minot air force base. But one of my concerns has never
20 been addressed and we've -- we've heard a lot about
21 radar lately. I want to know will there be no
22 interference with current radar or future radar? Ah, in
23 flight plans of this 91st missile squadron out of Minot?
24 Because I live well three quarters of a mile straight to
25 the south of this missile base and they actually just

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1 yesterday flew over our house doing a flight, they are
2 on highway eight, I think it's a -- it's a (inaudible).
3 They're all alphabetized but they do like a flight
4 pattern and they fly out past our farm and they will
5 actually sometimes fly up my flax bin, and we are kind
6 of on the western edge of it. But I am still concerned
7 because these Minuteman missile silos have been in the
8 ground for, for well since before I was born. I'm 32
9 years old. Uh, and they are basically a matter of
10 homeland security and our nation's defense system and I
11 would sure hate to see something malfunction some day,
12 cause we have made our clutter or clustered or there's
13 so many different terminologies for it. So I just want
14 to know that we're guaranteed if this application would
15 get approved and these things get built and they say
16 right now we are out of this, this project area that's
17 not saying that they won't come back (inaudible) is too
18 close of a the -- the setback they could go north of us.
19 You're still going to be in this, this footprint and
20 these missile silos. So yeah, I, I'm concerned, uh,
21 greatly about that. I I know Mr. Jacobson mentioned
22 something about a National Weather Service, how he, he
23 watches Tom Schrader out of Minot and there's radar
24 cluttered south of Minot, you know, and I have seen it
25 every once in a while too. The agreement that NextEra

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1 has with, with National Weather Service out of Bismarck,
2 is it classified as confidential between those two
3 entities? And if so, why? Why isn't that public
4 information? Is something that I'd really like to know.
5 Uh, we talked about the 1,272 acres during construction
6 and somebody said, well, it really, it really isn't that
7 much. Well, yeah, as, as uh, Kathy Beard, read Tami
8 Lucy's letter, and I had just jotted this down here
9 earlier today, probably five hours ago. Um, I was kinda
10 wondering about weed control. We have leafy spurge and
11 most all of our pastures, it's on the state registry as
12 a noxious weed, you -- it's the law to spray it.
13 And we take basically high regards in spraying all of
14 our pastures for it. You know, you name it the
15 wormwood, I have heard before at their meetings,
16 NextEra's meetings, that they will do weed control on
17 access roads and around the turbine. I have not yet
18 heard that they'll take control of the noxious weeds
19 across the plowed, collection lines. And that's going to
20 be a substantial area. When we start to build, you start
21 building roads that are 50 feet wide, you're going to
22 move a lot of dirt, and you're going to have a lot of
23 weed troubles. Are they going to take care of this weed
24 trouble? Or is that left on the land owners, because we
25 do, we've been talking about birds all day. We've got a

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1 ton of wildlife here and birds will move noxious weed
2 seeds like fire. So given it's in the western side of
3 the county in three to four years exploding terribly,
4 Guess what? It'll be coming our way. It'll be going into
5 Canada. They'll be going into Divide County and not to
6 say that we don't have it right now, but we have noticed
7 in the past, you do any dirt work in native prairie,
8 whether it's you have to re-drill a post hole for a
9 corner post, you disturb that ground, the next year, I
10 will bet you a dollar that there is a beautiful bouquet
11 of wormwood right there. So that is something to take
12 into consideration. I'll just basically skip over some
13 of this stuff. And another thing that we're wondering
14 about is these collection lines, they're plowed in.
15 Yeah, we -- we've seen other stuff plowed in via fiber
16 optics, things like that. What about settling,
17 sinkholes, etc? The danger to livestock? We've had oil
18 companies that had sinkholes that the neighbor's
19 livestock ended up into. Farm equipment and getting
20 these, these trenches, sinkholes, uh, wrecking farm
21 equipment. I think a lot of this stuff just kinda gets
22 overlooked, just to try it out. I know, I don't know,
23 maybe they have agreements with people that have
24 contracts, but I would guarantee that a lot of
25 non-participants haven't been talked to. And that's

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1 something else that I'd like to kind of touch base on
2 is, NextEra said earlier in the day that one of their
3 outreaches, is the Burke county paper. Now I kind --
4 find that kind of funny because they act like everybody
5 in the county and the surrounding area gets the Burke
6 county paper. I actually do, but I do know people that
7 don't get it. So if that's your only outlet and that's
8 how you're publicizing your meetings, uh, uh, that's,
9 that's probably not the best way of going about it. I
10 also heard about the word- "land owner" mailer sent up
11 the land owners or the participants. But what about the
12 non-participants? We share the same roads, section
13 lines. So that's, that's something else I'm kind of
14 concerned about. Just try to wrap this up real quick.
15 When this project first got off the ground, I don't know
16 what the year, was over a million. Burke County
17 residents were promised 1.1, 1.2, 1.3, or 1.4 million,
18 uh, tax incentives for life of the project. But that
19 was with a 300 megawatt wind facility with 114 wind
20 turbines. It got reduced to 200; to 76; that should be a
21 lot of less tax dollars, for the schools, the county,
22 the townships, fire, et cetera. And what I felt was kind
23 of funny because one of our representatives, from
24 Edgeley, Mike Brandenburg, just proposed a bill taking a
25 third of our tax dollars away from the counties with

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1 newly built wind farms going forward. So to me, in my
2 opinion, this whole project, and it's not just because
3 of my grandeur, um, it's kind of misled a lot of people.
4 Cause I know people that were here in June for the Burke
5 County planning and zoning meeting and really kind of
6 fell out of touch with it cause they just thought, "eh,
7 you know, the big company, they're just going to steam
8 roll us." And they've left it. Talking to a couple
9 people just recently, they had no idea that this wind
10 farm was down to 76 turbines and we don't longer have
11 them, uh, behind our farm, uh, where I have a friend
12 from Williston that comes up in this area to hunt, and
13 he had no idea they weren't going to be on his uncle's
14 land or not on, excuse me, not on his land; next to his
15 property here. So it's kind of, you know, a little
16 misleading, same as Aaron Jacobsen. I have to say I
17 ranch, I drive, you know, cattle, just two nights ago, I
18 had a deer killed 110 yards from my front doorstep.

19 right across my tree row in the field. A pack coyotes
20 got a deer, you know, guess what? If I've go wind towers
21 eventually in my area, they come back in some day. I
22 know the state trappers, we've had them up before to,
23 shoot coyotes in our area and these guys are very
24 effective. We lost four calves last year to coyotes. If
25 we can't get these guys in our area because they won't

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1 fly with these wind turbines, that's a lot of -- lot of
2 lost income for myself and my family. Speaking of
3 planes, it was mentioned earlier about the guy that has
4 a spray plane business out of Kenmare, North Dakota. He
5 actually does work for us. He has in the past, he will
6 in the future, uh, but he's named Julius Brekhus with
7 Great Plains Aero. He is kind of our lifeline in the
8 rolling hills in the Coteau to take care of leafy
9 spurge. We got -- well I shouldn't say, I think it's one
10 current cell phone tower and then there's another
11 smaller one. I don't know if it's used anymore and it's
12 small. He absolutely hates flying amongst those or he
13 won't even fly out to them. So as far as the wind farm
14 behind us, that, that's out of question now at this
15 point, what are we left to do? I have no idea. So
16 getting on to something else here that I just heard
17 testimony a little while ago, uh, have a question, uh,
18 for our county auditor. If this plan was reduced from
19 the 300 to 200 megawatt by the testimony of NextEra
20 earlier in the day, and it should be on record, they
21 said early --

22 MS. FUREY: Your Honor, I would just
23 object that I don't know how appropriate it is to be
24 calling each other out.

25 MR. SCHMIDT; It was testimony. It's a

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1 public hearing.

2 MR. DAWSON: I think it's a -- it's a
3 public hearing testimony, he's responding to it. I don't
4 think you've crossed the line, but --

5 MR. CHREST: Tell me if I have and I will
6 -- I will stop, I promise. But this plant was reduced
7 from 300 megawatt to 200 megawatt; by the testimony
8 earlier today, by NextEra. And it should be on record
9 that, uh, if this was reduced down to 200 megawatt, um,
10 why didn't the public find out until fall? And I said,
11 again, I think it was September, but why did it take the
12 county auditor until just recently by her testimony, her
13 sworn testimony to do the updates? That's almost six
14 months. I don't know. So maybe we were really busy at
15 the courthouse. I don't know. So like Cody also said,
16 I'm just going to touch on this, if anybody hasn't seen
17 this today, only a couple of local people have spoke for
18 the project. For the project. The rest of them were all
19 out of the area. Valley City, Grand Forks, you name it,
20 whatever you guys are here, you saw it. Most all of us
21 that have spoke against it? We live here. This is our
22 backyard. This, this is our home. That should say
23 something. I want to thank you guys for hearing us out,
24 probably breaking the record. And I just want to say
25 North Dakota has coined the term of us as "Legendary."

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1 Let's keep it that way. Thank you very much. I have
2 nothing further.

3 MR. DAWSON: Any questions, Ms. Furey?

4 MS. FUREY: Just a bit of clarification
5 because I think it's important for those that are here
6 to understand that I do understand that looking at these
7 binders it seems as though that Burke Wind came and
8 plopped down all this information. But I do want to make
9 something very, very clear. Two of those binders that
10 are in front of you are actually the applications that
11 were filed months and months and months ago and are on,
12 uh, they're publicly accessible on the commission's
13 website. And then just as clarification so that
14 everyone's aware, the other two binders that are on the
15 table contain various reports that have, uh, been filed.
16 Most of them were filed because they were based on the
17 original 300 megawatt application. So really it's not
18 necessarily new information, it's shrunken down
19 information as to how it relates to this amended project
20 boundary. And so all of this information in those
21 binders specifically was filed three days prior to
22 hearing. There were additional exhibits that we
23 submitted today such as agency correspondence because
24 those letters were literally received yesterday
25 afternoon and last night. And so that is why they were

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1 not included in those is because we just received them
2 ourselves. And so I just thought that was important for
3 everyone here to understand

4 MR. DAWSON: Mr. Schmidt?

5 MR. SCHMIDT: I don't have any questions
6 for you.

7 MR. DAWSON: Commissioner Fedorchak.

8 MS. FEDORCHAK: Marshall, thank you. I do
9 not have any questions. I know you have a lot of them.

10 MR. CHREST: Yes, and they've been
11 unanswered for quite some time.

12 MS. FEDORCHAK: And unfortunately this is
13 not best venue to answer your questions either, so --

14 MR. CHREST: But for the record, I just
15 want to make my point.

16 MS. FEDORCHAK: I will say there are a
17 number of things that we, we haven't really gone over,
18 like there's a whole certification document that the
19 company's agreed to. So if the project gets approved, I
20 would encourage you look at that because it outlines
21 it's, oh six pages long, four to six pages long. It
22 outlines all of the various terms that the company
23 agrees to abide by. And that includes things like weed
24 control, and maintenance, and a best management
25 practices for drainage. And a lot of the kind of

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1 operational issues that you identified are covered in
2 that certification document. So I could even give you
3 the copy that I have. Let's see. Yeah, there's
4 coordination with the missiles, with the air force base.
5 That if coordination occurs we may have to get clearance
6 from them. FAA covers a lot of this stuff as well, so
7 um, always, if there are issues on, on needs,
8 reclamation, anything of this sort of project that has
9 been approved, we've constructed, they're obligated for
10 the life of the project to abide by the terms of the
11 project. And so if there's ever an occurrence where that
12 isn't happening, and we can't find a resolution, we
13 still have authority over them at that point.

14 MR. CHREST: Well that was my third
15 question, who do you contact at that point if that
16 happens?

17 MS. FEDORCHAK: If you don't get
18 resolutions with the company, you can always contact us.
19 Okay. So thank you for your time.

20 MR. DAWSON: Commissioner Kroshus.

21 MR. KROSHUS: Nothing additional, thank
22 you.

23 MR. DAWSON: Unless there's an objection,
24 I'm going to enter into evidence the two letters you
25 provided as exhibit C. Is there any further testimony?

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1 Any further testimony? Any further testimony? Hearing
2 none, it is now -- Okay. Come on up. Your name, please?

3 MR. TITUS: Lee Titus.

4 MR. DAWSON: Where are you from, Lee?

5 MR. TITUS: Powers Lake. Cleary Township.

6 MR. DAWSON: Were you here for my previous
7 admonitions on perjury?

8 MR. TITUS: I was.

9 MR. DAWSON: So you understand what
10 perjury is and penalties for it?

11 MR. TITUS: Yes.

12 MR. DAWSON: Understanding so, do you
13 promise or swear that the testimony that you're about to
14 give will be the truth, the whole truth and nothing but
15 the truth.

16 MR. TITUS: Yes, it is.

17 MR. DAWSON: You may begin.

18 MR. TITUS: I concur with everything that
19 he said. I'm pretty disgusted with the county
20 commissioners. I'm just a simple old farmer, I've lived
21 here oh, my whole life. And I don't really like the
22 changes that are coming. Got these wind towers are
23 coming in. I'll have a transmission line going right by
24 my house. When you get out in the open country and look
25 across the horizon, I'm gonna see nothing but wind

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1 towers. Not really crazy about that. Well, what I wanted
2 to make it quick is that you guys here, is my last hope.
3 There was people, salt of the earth people coming in
4 there and saying we don't want this. And the zoning
5 board listened to us. The county commissioners have a
6 meeting here and yeah, there was a couple people to
7 talk, who were opposing, but then it just kind of like
8 this strangest meeting. They just all started going
9 through them. They passed. Do really appreciate you guys
10 out west coming here and, you know, blowing off some
11 steam. But you are our last hope. Please vote no. That's
12 all I got.

13 MR. DAWSON: Any questions, Ms. Furey.

14 MS. FUREY: No questions

15 MR. DAWSON: Mr. Schmidt.

16 MR. SCHMIDT: No questions.

17 MR. DAWSON: Commissioner Fedorchak.

18 MS. FEDORCHAK: I don't have any

19 questions. Thank you for being here.

20 MR. DAWSON: Commissioner Kroshus.

21 MR. KROSHUS; No questions. Thank you.

22 MR. DAWSON: Any further testimony? You
23 may step down. Any further testimony? Your name, Sir?

24 MR. PETERS: Ron Peters.

25 MR. DAWSON: John Peterson?

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1 MR. PETERS: Ron Peters.

2 MR. DAWSON: Where you from?

3 MR. PETERS: Powers Lake.

4 MR. DAWSON: Were you here for my previous
5 warnings on perjury?

6 MR. PETERS: Yes.

7 MR. DAWSON: So you know what perjury is
8 in the penalties for it?

9 MR. PETERS: Yes.

10 MR. DAWSON: Understanding so, do you
11 promise or swear that the testimony that you're about to
12 give will be the truth, the whole truth and nothing but
13 the truth?

14 MR. PETERS: Yes.

15 MR. DAWSON: You may begin.

16 MR. PETERS: I'd just like to agree with
17 what Aaron Jacobsen said. I totally agree with him. One
18 thing also I would like to add is when I showed little
19 interest in this project to begin with and then after
20 reviewing things and that I decided not to participate.
21 NextEra Energy became very belligerent, trying to
22 persuade me to stay with my personal thoughts. They was
23 very adamant about the persistence on contacting me, and
24 coming to my place and visiting me and it was getting to
25 be a point where he was being a pest. They wouldn't take

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1 no for an answer. One of those should be enough I would
2 think on something like this. You shouldn't have to
3 badger people to try to convince them into create some
4 contracts for that. One other thing that I disagree
5 with, what they was proposing was a 99 year contract.
6 Well, I don't want a 99 year contract. They said, well,
7 what if we could come up and do something lower? Well,
8 I'll consider it. So they proposed a 30 year. Don't want
9 that either. They said, we'll talk to the guys will see.
10 They finally came down to 20 years. Now when they're
11 doing stuff like this, is this an honest company that
12 they're willing to come down and propose lower
13 contracts, for one individual? Try to make you go into
14 their agreements? I don't think so. I think it's very
15 dishonest.

16 MR. DAWSON: Anything else?

17 MR. PETERS: I can't think of one, right
18 now no, no. I wish I would've said something else but
19 not right now.

20 MR. DAWSON: Okay. Any questions, Ms.
21 Furey.

22 MS. FUREY: No questions.

23 MR. DAWSON: Mr. Schmidt?

24 MR. SCHMIDT: No questions.

25 MR. DAWSON: Commissioner Fedorchak.

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1 MS. FEDORCHAK: Thank you, Ron. Are you
2 located near the project boundary?

3 MR. PETERS: I will have a tower within a
4 mile, or very close to a mile of my place, I live in
5 Cleary Township on the north side.

6 MS. FEDORCHAK: Okay, I don't have any
7 other questions, thank you.

8 MR. DAWSON: Commissioner Kroshus.

9 MR. KROSHUS: When the company -- Ron,
10 thank you for being here. When the company was working
11 with you and starting those 99 years, was that for a
12 turbine location?

13 MR. PETERS: Pardon?

14 MR. KROSHUS: Was this for a turbine
15 placement?

16 MR. PETERS: Yep. They wanted to put
17 turbines on my property.

18 MR. KROSHUS: And then was it still a
19 turbine location consideration when they dropped to 30
20 years?

21 MR. PETERS: Yep. There was no talk of
22 power lines, transmission lines or anything online. They
23 wanted two towers in my north field and I really had to
24 be very diligent to try to get a map as to where they
25 wanted them. All they said is that they wanted to place

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1 turbines on my property. They wouldn't ever come out and
2 say where until I actually told them we're done talking
3 until I find where you want them and the exact spots
4 where you want them, and I want a map saying X here, X
5 here. It took forever to make them produce that.

6 MR. KROSHUS: Did they indicate what would
7 happen at the end of the, call it the 30 year option, or
8 the 20, I guess it's the same?

9 MR. PETERS: No, we never got that far
10 because at that point I was done with them and I didn't
11 want anything more to do with them.

12 MR. KROSHUS: Thank you. No other
13 questions.

14 MR. DAWSON: If there's no further
15 questions, you may step down.

16 MR. PETERS: Thank you.

17 MR. DAWSON: Any further testimony? Your
18 name?

19 MR. JACOBSON: Alan Jacobson.

20 MR. DAWSON: Did you sign in?

21 MR. JACOBSON: I just did.

22 MR. DAWSON: And where are you from?

23 MR. JACOBSON: Bowbells.

24 MR. DAWSON: And you were here for my
25 previous warnings on perjury?

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1 MR. JACOBSON: Yes.

2 MR. DAWSON: Do you understand what
3 perjury is in the penalties for it?

4 MR. JACOBSON: Yes.

5 MR. DAWSON: Understanding so, do you
6 promise or swear that the testimony that you're about to
7 give will be the truth, the whole truth and nothing but
8 the truth?

9 MR. JACOBSON: Yes.

10 MR. DAWSON: You may begin

11 MR. JACOBSON: Just as a side note to
12 this, and I don't think we need any more of those given
13 the length of time, I wish this much attention has been
14 placed upon the placement and destruction of involving
15 the Oil Industry in this state which the city has
16 embraced, and is far more detrimental than the tower
17 systems that we're talking about here this afternoon.
18 Morning, afternoon and evening and that instead, as a
19 broader note to a project such as this, there is a
20 global climate change that is upon us. It is the consent
21 of the scientific world with almost as close as people
22 can make it, 100% or thereabouts. The consensus is that
23 it is happening and it is real. Projects like this
24 address those issues. They are not going to solve those
25 issues. They are helping more to putting a damper on the

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1 issue. That is the main culprit for it, which is the
2 emissions of carbon and these are clean energy
3 production units. They will benefit the society of the
4 world and the world is not going to take a backseat to
5 energy production. We have a continued appetite for it
6 and these will fill a portion of it. Yes, they are not a
7 continuous system. They are however part of the larger
8 grid that feeds energy back and forth from one entity to
9 the other. It doesn't stay here. Some of it comes back
10 into North Dakota. It goes both ways. It is. It is a
11 managed system and it will be part of that system.

12 MR. DAWSON: Anything else?

13 MR. JACOBSON: I approve of the on basis
14 of it's just sound environmental policy is a good energy
15 production without the detrimental effects of burning
16 carbon based fuels.

17 MR. DAWSON: Could you spell your first
18 name again?

19 MR. JACOBSON: Alan, A-l-a-n.

20 MR. DAWSON: Any questions, Ms. Furey?

21 MS. FUREY: No questions. Thank you.

22 MR. DAWSON: Mr. Schmidt?

23 MR. SCHMIDT: No questions.

24 MR. DAWSON: Commissioner Fedorchak.

25 MS. FEDORCHAK: Thank you. Are you a

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1 project participant?

2 MR. JACOBSON: Initially I was in the
3 project boundaries but no longer, on the eastern
4 portion.

5 MS. FEDORCHAK: Okay. So Before it shrunk?

6 MR. JACOBSON: It was a 300 stage and now
7 a 200 stage.

8 MS. FEDORCHAK: Okay. But you still
9 support it?

10 MR. JACOBSON: Yes.

11 MS. FEDORCHAK: Okay. Thank you.

12 MR. DAWSON: Commissioner Kroshus.

13 MR. KROSHUS: No questions. Thank you.

14 MR. DAWSON: You may step down. Any
15 further testimony? Any further testimony? Your name?

16 MS. MILBERT: Coreen Milbert.

17 MR. DAWSON: Okay. And where are you from?

18 MS. MILBERT: Powers Lake.

19 MR. DAWSON: Did you sign in?

20 MS. MILBERT: No, sir, I didn't.

21 MR. DAWSON: Okay. And where are you from?

22 MS. MILBERT: Powers Lake, North Dakota.
23 That would be Burke County.

24 MR. DAWSON: And you were here for my
25 previous warnings on perjury?

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1 MS. MILBERT: Yes.

2 MR. DAWSON: So you understand what
3 perjury is and the penalties for it?

4 MS. MILBERT: Yes, I do.

5 MR. DAWSON: Understanding so, do you
6 promise or swear that the testimony that you're about to
7 give will be the truth, the whole truth and nothing but
8 the truth?

9 MS. MILBERT: Yes, sir.

10 MR. DAWSON: You may begin, and I'll put
11 this up here and you sign it when you're done.

12 MS. MILBERT: Okay. I just feel the
13 biggest part of this whole issue was money. Um, because
14 if someone said what we'd like, is this something that
15 you'd like to do put these towers up all over the land
16 at no cost of any to you. I don't think there'd be too
17 many takers. We'd say no. But then but they'd say you'd
18 get vast amounts of money and then the whole picture
19 changes. I'm all about seeing others do well. Just the
20 other day we were talking to friends about the oil boom
21 that came with a lot of chaos, and into our peaceful
22 land. There's pros and cons to everything, and now
23 that's the main chaos of all this is that it's gone. But
24 it makes me smile when I go by and I see neighbors that,
25 and now have nice pickups and nice homes that we had

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1 nothing before. Because I am happy to see so many who
2 had so little enjoying life now. Oil that so many lives
3 around us and others are from profiting from, vast
4 profit turnaround, a full circuit circle. You know, oil
5 has made the whole US richer. North Dakota has produced
6 so much oil that has helped others that has produced
7 more things. The Wind Towers, are they going to do as
8 much? Probably not. The cost for one, will they ever pay
9 for themselves? Without government subsidies, they'd be
10 unable to operate those without us having to pay a
11 higher electric, electricity. It hasn't proven to be as
12 effective as we would like to see it. With all the, all
13 that's going on. And the possibility of government
14 subsidies ending as political parties come and go are
15 very likely to end. Someone could come in and put an end
16 to it. Then the whole thing would -- The technology as
17 it's -- it would just shut everything down. And with
18 technology changing as quickly as it does, could
19 something else come in, in the next year or two, and
20 produce, in a small unit, able to aggressively take a
21 hold and produce way more power from other sources and
22 other things? And leaving these towers obsolete, much
23 like the huge factories in our cities from years ago. No
24 one wants to claim them as it would now cost millions to
25 take them down so they stay as an eyesore. And they

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1 become a hazard to the environment. Years ago our
2 ancestors grabbed on of our mineral rights. Those of us
3 reaping the benefits are thankful. Not all benefit, but
4 they did make smart choices and that's why we all enjoy
5 the land we live up here on. Many of us have heard those
6 who have come and gone, while working the boom say you
7 have it so nice here. People are so happy. So cordial.
8 It wasn't that many years ago. People said, how can you
9 stand to live in North Dakota and so cold and icy and
10 there wasn't that many years ago they all thought we
11 were just cowboys and Indians up here. Well guess what?
12 We liked it. We liked that they didn't know how nice it
13 was up here because now they've come up and found the
14 beauty that we enjoy and we're not willing to just let
15 go of it. And people are happy and they're cordial and
16 they're down to earth. And as I followed the news and
17 listen uptown, I see and I hear things as our neighbors
18 start to stir and get unhappy with one another. Years
19 from now, are children are going to look back and say,
20 we're so thankful for the decisions our ancestors made?
21 Even though a lot of money had to maybe be passed up?
22 The land God has blessed us with is still so quiet,
23 beautiful answering or will there be nonworking,
24 obsolete towers everywhere as they slowly deteriorate?
25 And what do we do with them? As they drive along the

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1 road, will they be looking at yellow rusting towers that
2 offend that, rusting down, neglected turbines falling
3 along the wayside. Or will we be able to preserve what
4 we have and take care of what we have? If they were a
5 big moneymaker producing lots of electricity. But we
6 seem to have to keep our coal burning for the days the
7 wind doesn't blow so they can kind of help push this
8 plan along. Anyway, I'm sorry, I'm not good with words,
9 but I just would love to see our little world stay here.
10 Thank you.

11 MR. DAWSON: Any questions?

12 MS. FUREY: No questions.

13 MR. SCHMIDT: No questions.

14 MR. DAWSON: Commissioner Fedorchak.

15 MS. FEDORCHAK: Thank you for being here.

16 I do not have any questions either. If Randy was here he
17 would talk about the decommissioning plans and the bonds
18 that are required in advance and so they've, anyway, if
19 it is approved and for every other project that does
20 exist in North Dakota, they are not allowed to just
21 abandon them, and leave them up. There are actually
22 quite extensive plans for taking them down and financial
23 circumstances in place and the time to ensure that they
24 do come down. So that piece, um, don't worry about that
25 piece.

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1 MS. MILBERT: The whole day has been a
2 very learning experience and I do appreciate that input
3 as well.

4 MR. DAWSON: Commissioner Kroshus.

5 MR. KROSHUS: No questions. Thank you.

6 MR. DAWSON: You may step down. I've just
7 been informed that we'll be stranded here unless we go
8 soon. Okay.

9 MS. CHREST: My name is Jean Chrest, the
10 toothpaste with an H.

11 MR. DAWSON: Where are you from?

12 MS. CHREST: I'm from Clayton Township
13 rural.

14 MR. DAWSON: And understanding the
15 penalties for perjury, do you promise or swear that the
16 testimony that you're about to give will be the truth,
17 the whole truth and nothing but the truth?

18 MS. CHREST: Yes.

19 MR. DAWSON: You may begin.

20 MS. CHREST: Okay. I need to know. I want
21 to know. I don't know the answer to this question.
22 Anybody that is holding a contract in our area, see I'm
23 in Clayton Township okay? Clayton, Lucy, and Diamond,
24 they took the turbines out of those townships, right?
25 Can you tell me, are you going to release the people

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1 that are holding, that signed easements or contracts
2 with your company? Are you going to have you released
3 them from those contracts?

4 MS. FEDORCHAK: I can't speak to that. I
5 would know that those are private agreements between two
6 parties, and so that's really outside the scope of --

7 MR. DAWSON: You can ask the question
8 after the hearing if you like, ma'am.

9 MS. CHREST: Oh, I can't --

10 MR. DAWSON: It's outside the scope of
11 this hearing, so you can come talk to someone after the
12 hearing.

13 MS. CHREST: Because there would be, if
14 they have not released, we have a county commissioner
15 that is contract --

16 MR. DAWSON: Any questions?

17 MS. FUREY: No questions

18 MR. SCHMIDT: No questions.

19 MR. DAWSON: Well, I'm going to close off
20 testimony at this time. Now it's time for closing
21 remarks, Ms. Furey?

22 MS. FUREY: Your Honor, I just pass along
23 to Mr. Schmidt a copy of a letter that Burke Wind would
24 like to introduce as an exhibit. I apologize, out of all
25 the materials that I got today, I only happen to bring

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1 two copies of this. So why don't you go do you and maybe
2 Brian, share his copy to review. This is a letter dated
3 October 31, 2018. It's a letter that was sent to
4 landowners informing them of the reduction in the
5 project size. And I would like to note that Clay
6 Cameron, the project manager, he actually read this
7 letter out loud for the planning and zoning commission,
8 on December 20, 2018. So I want to introduce it as an
9 exhibit.

10 MR. DAWSON: Any objection? What's the
11 next number? I'll enter it in as the next number,
12 whatever it is. Any closing remarks, Commissioner
13 Fedorchak.

14 MS. FEDORCHAK: You did break the record.
15 Congratulations this is the longest hearing since I've
16 been here, well, six years. It's been a great day. Thank
17 you everybody for your politeness. I know this is an
18 emotional issue and I hear the passion is testifying in
19 favor and opposed it is tough issue for communities. I
20 can't really make it any easier, but I can assure you we
21 will be looking very closely at the record and the
22 requirements under the law and evaluating the project
23 based on that and based on all the information that was
24 provided today. So thank you for spending the day with
25 us.

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1 MR. DAWSON: Commissioner Kroshus.

2 MR. KROSHUS: Well, congratulations it's
3 been the longest farm hearing. Think of it this way, we
4 had three commissioners sitting here. Today was
5 incredibly helpful, obviously it's about gathering as
6 much evidence as we can in the process so we can make a
7 good decision. The reality is regardless of the outcome,
8 I believe some people are going to be happy, some people
9 are going to be unhappy. But we've got a lot of work to
10 do and quite a lot of evidence was entered in today , so
11 one thing I will say, this is changing a lot, in
12 comparison, I think when the first oil farm went in it
13 was more an object of curiosity. What's this all about?
14 And a lot more questions are being asked, and that's a
15 good thing. Public input is a very good thing. Whether
16 you're for a project or against it really helps form the
17 basis for the decision that we end up making. It's a
18 huge decision and I just want you to know -- you're
19 basically saying it's time to go?

20 (This hearing concluded at 10:00 p.m.)

21

22

23

24

25

1 REPORTER'S CERTIFICATE

2
3 I, Kayla A. Richmond, a general shorthand reporter,
4 51 Broadway, Fargo, North Dakota, do hereby certify that
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