

1 DIRECT EXAMINATION

2 BY MR. PEEPLES:

3 Q. Ms. Chaney, do you have in front of you Exhibit
4 No. 2.00 and the related attachments the Hearings Officer
5 just referred to?

6 A. Yes, I do.

7 Q. And that is your prefiled testimony?

8 A. Yes, it is.

9 Q. If I asked you the same questions in that document
10 and for those regarding those exhibits would your answers be
11 the same?

12 A. Yes, they would.

13 MR. PEEPLES: I move for admission of those
14 documents, Your Honor.

15 (Exhibit Nos. 2.00 through 2.03 offered into
16 evidence.)

17 JUDGE WALLIS: Is there objection?

18 Let the record show that there is no objection.
19 Those exhibits are received.

20 (Exhibit Nos. 2.00 through 2.03 admitted into
21 evidence.)

22 Is the witness available for cross-examination?

23 MR. PEEPLES: Yes, sir.

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25 ///

1 CROSS-EXAMINATION

2 BY MR. ARAMBURU:

3 Q. Ms. Chaney, I'm Richard Aramburu. We met yesterday
4 and I think we've met before in our respective history. Good
5 morning.

6 A. Good morning.

7 Q. Ms. Chaney, describe to me, if you would, what your
8 responsibility is with respect to this application.

9 A. I am the lead consultant. I work with the URS
10 Corporation, and I managed the preparation of the documents.
11 I managed the team of environmental scientists and
12 specialists in preparing the various technical sections, and
13 I was the overall technical editor for the document.

14 Q. So are you responsible for the actual text? When
15 you say the document you mean the application?

16 A. Yes, the application. I was the final editor of
17 the text, yes.

18 Q. I wanted to ask a couple questions about your
19 resume, if I may, which is Exhibit 2.01, and just a couple
20 questions if I may. On the first page of that document -- I
21 guess it is numbered -- it indicates you did environmental
22 due diligence for several Puget Sound Energy acquisitions of
23 wind projects; is that correct?

24 A. I was the principal in charge for URS for the due
25 diligence projects, yes.

1 Q. What did that due diligence consist of?

2 A. Review of previous studies, permits, compliance,
3 any kind of environmental documentation that's related to the
4 project, reviewing conditions that are required for various
5 conditions, for various permits to determine whether or not
6 the project had been constructed in compliance with those
7 depending on the status of the projects. Some of the
8 projects had not been built; some were in the middle of
9 construction.

10 Q. So as I understand it this was an actual
11 construction or management of an application for review of
12 ongoing work in anticipation of PSE's acquisition of those
13 projects?

14 A. Yes, it was primarily related to financial
15 transactions and purchasing of those projects.

16 Q. In the course of your work with PSE did you ever
17 have occasion to review PSE's proposal for the current
18 Whistling Ridge Project?

19 A. No, I did not.

20 Q. Turning to page 2 of your resume, Ms. Chaney, the
21 second item down is listing your project experience. It
22 indicates that you were involved in the Saddleback Mountain
23 Wind Project SEPA checklist and conditional use application.
24 Can you tell me what that was about?

25 A. Prior to the application to the Energy Facility

1 Site Evaluation Council the Applicant initiated proceedings
2 with Skamania County starting with a SEPA checklist and a
3 conditional use permit application for those portions of the
4 turbines that would require conditional use permit which is
5 primarily in the lower portion of the A-string.

6 Q. What was the time frame of that work?

7 A. Oh, I don't recall. Prior to 2008, maybe 2005,
8 maybe 2006.

9 Q. Was a complete SEPA checklist and conditional use
10 permit application prepared?

11 A. I know we had at least prepared a draft. I don't
12 recall if those documents were ever actually submitted to the
13 county.

14 Q. Did you consult with staff at Skamania County
15 concerning those projects?

16 A. I recall at least a pre-application process that
17 involved various departments at the county to determine what
18 they would want to see in the SEPA checklist and to get the
19 permit application for the conditional use permit.

20 Q. Did you recall meeting Ms. Witherspoon who is the
21 planning director for Skamania County?

22 A. Yes, at least in a pre-application conference, yes.

23 Q. How many pre-application conferences did you have?

24 A. I only recall one.

25 Q. At that time who were you working for?

1 A. SDS Lumber.

2 Q. At that time did you have any communications with
3 Puget Sound Energy regarding this project?

4 A. Not that I recall, no.

5 Q. Again, the time frame here is 2005 to 2006?

6 A. To the best of my recollection that was the time
7 frame.

8 Q. Can you tell me why the SEPA checklist and
9 conditional use permit application was not filed with
10 Skamania County?

11 A. I don't know whether or not -- I don't recall
12 whether or not they were actually filed, but the Applicant
13 Jason Spadaro decided instead of going through the county
14 process to go through the EFSEC process.

15 Q. Did you advise him to make that change?

16 A. No, I did not.

17 Q. Now, Ms. Chaney, you've been sort of in charge of
18 managing the various consultants on this project as I
19 understand, and can you tell me what the fundamental basis
20 was for this review; that is, was it for fifty 1.5 megawatt
21 turbines?

22 A. As has been testified to previously yesterday and
23 today we looked at a range of between 1.2 and 2.5 megawatt
24 turbines. The limit was 75 megawatts so obviously if you
25 have a larger turbine, you just do the math and divide the

1 number of turbines into 75, and you're going to get a fewer
2 number. So in each case for each element of the environment
3 we kind of looked at the worst case. So if you had more
4 turbines but using the higher heights, we used the higher
5 heights and 50 turbines, and for each element in the
6 environment we tried to find what would be the maximum noise,
7 what would be the maximum size in order to have a full range
8 of impacts.

9 Q. Did you direct Mr. Meier the geologist as to what
10 he should be siting?

11 A. Mr. Meier is a professional engineer licensed in
12 the state of Oregon and Washington, and I advised him in
13 terms of my capacity as a manager, but I didn't direct his
14 technical work.

15 Q. Did you advise him to prepare his work on the
16 geologic impacts and foundations based upon a 1.5-megawatt
17 turbine?

18 A. Each of the technical specialists in this project
19 were given the project description which again is the range,
20 and we're asked to consider what would be the maximum case or
21 the worst case for the purpose of their analysis.

22 Q. Did you recall what you told Mr. Meier to model?

23 A. Mr. Meier was given the same information that all
24 the technical people were which I just described to you.

25 Q. Did you write the geology section of this

1 application?

2 A. No, Mr. Meier did.

3 Q. You provided some information in the application
4 regarding employment, numbers of people working on the
5 project. Do you recall that?

6 A. Could you direct me to the section and page you're
7 talking about this, please.

8 Q. Well, for example, at page 12 of the application
9 you were talking about the number of -- well, actually on
10 page 11 and 12 you're talking about construction jobs on the
11 project.

12 MR. KAHN: Testimony.

13 MR. ARAMBURU: I meant to say testimony.

14 JUDGE WALLIS: I don't know what the pages are,
15 Mr. Aramburu. Can you be more specific.

16 MR. ARAMBURU: I was referring to her prefiled
17 testimony at pages 11 and 12. Thank you.

18 BY MR. ARAMBURU:

19 Q. Have you provided estimates of the number of
20 construction workers on the project?

21 A. I don't believe I provided the number. We were
22 given a number of construction workers based upon similar
23 sized projects, and then we used those numbers to evaluate
24 the impacts of that number of workers.

25 Q. Have they provided any information to you?

1 A. The Applicant and we also did research on other
2 projects such as Kittitas Valley and other projects that have
3 been built in Washington.

4 Q. Was that information based upon fifty, 1.5-megawatt
5 turbines?

6 A. I believe what we did was we looked at other
7 projects, and then we looked at if they were relevant to this
8 project, and then based on our experience in doing estimates
9 of construction workers and then evaluating them after the
10 project were actually under construction, we ratcheted those
11 numbers up or down relative to the size of this project.

12 Q. When did you learn that the Applicant had decided
13 to stipulate to 2-megawatt turbines for this project?

14 A. Yesterday morning.

15 Q. So you weren't informed before that?

16 A. I heard it in this hearing.

17 Q. You weren't told beforehand?

18 A. No.

19 Q. Would it be your testimony that the number of
20 construction workers would be more or less if thirty-eight
21 2-megawatt turbines were constructed as opposed to fifty
22 1.5-megawatt turbines?

23 A. I'm sorry. Would you repeat the question.

24 MR. ARAMBURU: Can read you that back.

25 (Last question read back.)

1 A. I don't know that it would be that much difference
2 because a lot of the construction work from a project like
3 this is doing the access roads, laying the cables, building
4 the operation and maintenance facility, building the
5 substation. So there's a number of things that wouldn't
6 change. I don't know exactly, you know, changing the number
7 of turbines from, you know, by 12 how many construction
8 workers that would actually affect.

9 Q. But it would probably be less, would it not?

10 A. I don't know.

11 Q. I would understand that there would be if the
12 number of turbines is reduced by 12 the number of foundations
13 necessary for those turbines would be reduced by 12. Can we
14 agree on that?

15 A. Yes, however those foundations may be larger so it
16 may take more of a crew to build that one foundation that was
17 a larger size than it would take to build two smaller sizes.
18 I don't know how those numbers really compare.

19 Q. Then what do you understand the nature of these
20 foundations to be about their size?

21 A. I don't know.

22 Q. I think the application says there is 60 feet in --
23 there's a hunk of concrete 60 feet in diameter and 30 feet
24 deep. Is that your recollection?

25 A. If you could point me to that page. I don't

1 recall.

2 Q. You don't recall. Okay. So you don't think there
3 would be less jobs created by reducing the number of turbine
4 foundations?

5 A. I don't know.

6 Q. Have you had a chance to review the decision of the
7 Hearing Examiner of Skamania County and her decision to
8 require an environmental impact statement for the proposed
9 zoning ordinance?

10 A. Was this one of the documents that you submitted
11 yesterday?

12 Q. Actually I submitted it sometime ago, but it's
13 Exhibit 1.17. I guess my question is have you ever had an
14 opportunity to review that before?

15 A. If it was in that package that you provided
16 yesterday, I did read through pretty quickly last night.

17 Q. Ms. Chaney, you provided some testimony regarding
18 the proposed zoning ordinance of the proposed changes to the
19 Skamania County zoning ordinance. Did you have any hand in
20 either writing or commenting on those changes?

21 A. No, I did not.

22 Q. Look at page 5 of your testimony, please, near the
23 bottom in your first bullet point at the bottom. I am going
24 to pause for a second and let the Council Members catch up
25 here. Page 5 of your testimony near the bottom of the first

1 two bullet points which says that this project meets siting
2 criteria of EFSEC because it is a commercially viable wind
3 renewable resource. Do you have that?

4 A. Yes, I do.

5 Q. What was the source of your information that it was
6 commercially viable wind resource?

7 A. The Applicant.

8 Q. Mr. Spadaro?

9 A. Yes.

10 Q. Anyone else?

11 A. No.

12 Q. Did you talk to Mr. Nierenberg, the wind person?

13 A. No, I did not.

14 Q. Have you ever talked to Mr. Nierenberg?

15 A. No, I have not met him.

16 Q. So the number of construction workers that you've
17 described in the application can you tell us what process you
18 went through to derive that number?

19 A. I believe I already answered that question. We
20 obtained information from the Applicant. We looked at other
21 similar projects to see how many construction workers and the
22 type of construction workers that were required.

23 Q. What were these other projects that you looked at?

24 A. Kittitas Valley, Desert Claim, Wild Horse, all of
25 the projects that have gone through EFSEC have that

1 information in their application, and it's all on the EFSEC
2 website so we looked at publicly available information.

3 Q. So you looked at application materials then.

4 A. Yes.

5 Q. Okay. And what Mr. Spadaro said.

6 A. Yes.

7 Q. What did Mr. Spadaro tell you about the number of
8 construction workers?

9 A. I don't recall. That was very early information
10 that we used and then we looked at these other things to kind
11 of come up with a number and then went back and said this is
12 what our best estimate is and he agreed with it.

13 Q. Looking at page 12 of your testimony, the first
14 question on the page which asks you where the construction
15 workers are expected to come from, and you indicate there
16 that 65 percent to 70 percent of the construction workforce
17 is likely to be hired from the Portland-Vancouver area. What
18 is your source for that information?

19 A. Actually my testimony is that it's an estimated 65
20 to 75 percent of the labor force. Partly that was in
21 discussion with Allen Barkley who was also working as a
22 consultant on the project.

23 Q. And who's Mr. Barkley?

24 A. Mr. Barkley is a consultant who's worked on
25 development of other wind projects.

1 Q. Then you say the remainder of the workers would be
2 residents from the three county areas; is that correct?

3 A. Yes.

4 Q. Did you reach any conclusions as to how many
5 workers would come from each of these counties?

6 A. You mean did we divide up among the three counties?

7 Q. Yes.

8 A. No, we did not.

9 Q. Would it be fair to divide up that workforce based
10 upon the population of each of these counties?

11 A. No, you'd have to look at what kind of labor force
12 was available to each one of those areas and what the
13 technical skills were.

14 Q. You made no inquiry in that regard?

15 A. No.

16 Q. You indicate also on page 12 of your testimony at
17 lines 18 to 20 that the total payroll cost for construction
18 in overhead would be 18 million dollars; is that correct?

19 A. Yes.

20 Q. What did you use as the average wage level for
21 those workers?

22 A. I think what we did was we looked at the total
23 cost, and I would remind the Council that the total costs are
24 not just the wages that are paid to the particular worker,
25 but they include all the fringe benefits, like your sick

1 leave, vacation, if there is any retirement, social security,
2 other things. So we looked at what the costs were on other
3 projects, looked at similar sized projects, and again went
4 over the numbers with Mr. Barkley and also with Mr. Spadaro.

5 Q. But did you estimate hourly wages?

6 A. No.

7 Q. So on page 13 of your testimony talks about the
8 permanent employment of the project, page 13, lines 7 through
9 15. Do you see that?

10 A. Yes.

11 Q. Who gave you the estimate for eight to nine
12 permanent workers?

13 A. Again, I think we developed that based on
14 information from Mr. Spadaro, Mr. Barkley, and then also
15 looking at similar sized projects and looked at current
16 information in terms of how many workers it was taking to run
17 projects such as wild horse and other projects in Washington.

18 Q. Is the number of operation workers proportional to
19 the size of the project?

20 A. Not necessarily.

21 Q. What would the variable be?

22 A. It still takes a certain number of personnel to run
23 an operation, to do maintenance. In some cases the
24 maintenance work is provided by temporary or kind of on-call
25 workers so you wouldn't have those on the permanent

1 workforce. I believe we factored in a number of part-time
2 workers, but it's still we have a minimum staffing to operate
3 a project 24 hours a day.

4 Q. So would it be fair to say your eight to nine is
5 FTEs, full-time equivalent?

6 A. Yes.

7 Q. Do you know where these eight to nine FTEs are
8 going to live?

9 A. We did discuss in the socioeconomic section, and we
10 anticipated that the full-time workers would live probably
11 within the three-county area, at most maybe would commute
12 from Washougal just to the west.

13 Q. So those are the individual decisions for workers?

14 A. Yes, they would.

15 Q. Did you explore the opportunity that the project
16 applicant may have to remotely monitor wind turbines?

17 A. No, did not.

18 Q. You have provided this Appendix E to your
19 testimony, the proposed zoning ordinance of Skamania County;
20 is that correct?

21 A. I don't see that attachment to my testimony. Are
22 you referring to the appendix to the application?

23 Q. I believe I was, yes, Appendix E.

24 A. I don't have a copy of that with me.

25 Q. Let me ask you about it. I don't know if you need

1 to look at a copy. Is it your understanding that that
2 ordinance has been adopted by Skamania County?

3 A. No.

4 Q. Can you tell me why it has not been adopted?

5 A. I only have peripheral information on that, but my
6 understanding is that the county was told that they needed to
7 prepare an environmental impact statement prior to the
8 adoption of that ordinance, and they have not done so yet.

9 Q. Do you know if that environmental impact statement
10 is in preparation by Skamania County?

11 A. I don't know.

12 MR. ARAMBURU: Thank you, Ms. Chaney. Those are
13 the questions that I have.

14 JUDGE WALLIS: Mr. Kahn.

15 CROSS-EXAMINATION

16 BY MR. KAHN:

17 Q. Ms. Chaney, could you turn to Exhibit 2.03 that was
18 attached to your testimony.

19 A. Yes, I have it.

20 Q. Can you identify that for us and tell us what it
21 is.

22 A. This is Resolution 2009-54, Certification of Land
23 Use Consistency Review for the amended application of
24 Whistling Ridge Wind Energy Project. This resolution appeals
25 Resolution 2009-22 in its entirety.

1 Q. Can you turn to the second page. You're aware I
2 assume that the Board of County Commissioners in Skamania
3 County adopted this certificate as a staff report to EFSEC
4 and not as a decision; is that correct?

5 A. Yes.

6 Q. At page 8 of your testimony you stated that
7 Skamania County had submitted a certificate of consistency
8 for this project; is that correct?

9 A. Yes.

10 Q. Specifically you referred to a letter dated May 4,
11 2009 from Karen Witherspoon?

12 A. Yes.

13 Q. That letter is in the record.

14 A. I believe it is attached to my testimony.

15 Q. Can you find it for me because I couldn't.

16 A. I believe it's what's labeled 2.02 of the
17 Resolution 2009-22, the attachment for that is a staff
18 report.

19 Q. You indicated there was a letter from Karen
20 Witherspoon. I don't see any letter from Karen Witherspoon
21 there. Am I missing something?

22 A. Let me check and see what I have. I have a copy of
23 a letter dated May 4, 2009 to Allen Fiksdal who was then the
24 manager of EFSEC.

25 Q. That's in the record?

1 A. Yes, it would be in EFSEC's records. It's a cover
2 to Resolution 2009-22.

3 Q. But that wasn't submitted as part of your exhibits
4 to your prefiled testimony; is that correct?

5 A. No, it was submitted as part of the land use
6 consistency hearing.

7 Q. So it's not in the record for this adjudication; is
8 that correct?

9 MR. McMAHAN: Your Honor, I would object to that.
10 I think that the Council is to determine whether or not the
11 land use consistency hearing is or is not part of this
12 record. That's a legal opinion that Ms. Chaney is asked to
13 make.

14 MR. KAHN: I believe the Council has already made
15 that determination; that the land use proceeding is not part
16 of this because you required us to try to resubmit all the
17 evidence that we submitted to that. I'm just trying to find
18 out if this is in the record to this proceeding.

19 JUDGE WALLIS: This is in the land use consistency
20 hearing record which will be considered by the Council in
21 making a decision in this matter.

22 MR. KAHN: Then may I ask then why in a previous
23 prehearing conference you indicated that documents submitted
24 at that hearing were not part of this record and that if we
25 wanted it to be considered, if we wanted those documents to

1 be considered by this Council in the adjudication, we need
2 to submit them separately? I would like to know which way
3 it is because we spent a lot of time trying to get those
4 exhibits in the record. If they already were we've wasted
5 that. So can you tell me if the documents that were
6 submitted to the record in the land use proceeding are part
7 of this adjudication record?

8 JUDGE WALLIS: My understanding is that they are
9 not a part of this adjudication record; however, they are
10 materials that will be considered by the Council in making
11 its final determination.

12 MR. KAHN: As part of the adjudication?

13 JUDGE WALLIS: The Council makes a decision on
14 whether or not to recommend a project to the Governor, and
15 in doing so it considers the adjudicative record, it
16 considers the land use consistency proceeding record, and it
17 considers the SEPA record.

18 MR. KAHN: This isn't a question. I'm just trying
19 to get it straight so we know what to do. If there's been a
20 document submitted at the land use hearing a year and a half
21 ago that is not submitted as part of this adjudication this
22 week and next week are we permitted to address that in our
23 post-hearing briefing?

24 JUDGE WALLIS: We have not determined the process
25 for post-record briefing, but my understanding is that the

1 Council wishes all parties the opportunity ultimately to
2 comment on and thereby address the final environmental
3 impact statement on the land use consistency determination
4 and the adjudicative record.

5 MR. KAHN: Okay. Maybe I'm being dense this
6 morning, but does that mean we can cite to documents in the
7 land use record that have not been submitted into this
8 record? I'm just trying to get it clarified.

9 JUDGE WALLIS: As part of the overall
10 determination, yes, it can be cited.

11 MR. KAHN: Okay. Thank you. Back to Ms. Chaney
12 now.

13 BY MR. KAHN:

14 Q. The May 4 letter that you referred to -- let me
15 withdraw that.

16 There were two Skamania County resolutions
17 pertaining to the consistency of this project with county
18 code; is that correct.

19 A. Yes.

20 Q. The May 4 letter that you referred to wasn't that
21 in connection with the first certificate?

22 A. Yes.

23 Q. Doesn't the second resolution specifically void the
24 first resolution?

25 A. It voids the resolution, yes.

1 Q. Do you have the rebuttal exhibits in front of you,
2 the ones from yesterday?

3 A. I do.

4 Q. Can you turn to 1.14c, please.

5 A. Sorry. They aren't immediately indexed so it is
6 going to take me a few minutes unless you have it.

7 Q. Would you like me to just give you a copy of that?

8 A. That would be great.

9 Q. It is much easier.

10 A. Thank you.

11 Q. Have you seen this document?

12 A. I saw it yesterday.

13 MR. McMAHAN: I'm sorry, Your Honor, just for a
14 second. We didn't get those nice cleaned up notebooks that
15 you have. Could you tell us what document that is.

16 MR. KAHN: It's an e-mail from Jessica Davenport.
17 I think it was number R from what we did yesterday.

18 Do you have it?

19 BY MR. KAHN:

20 Q. Can you read that, please.

21 A. You want me to read the text of the e-mail?

22 Q. The text not the to and from.

23 A. It's an e-mail to Nathan Baker from Jessica
24 Davenport who's the associate planner at Skamania County. It
25 says, "Nathan, attached is your latest request for public

1 information. I did double check with Karen regarding the
2 certificate of land use consistency referred to in Resolution
3 2009-54. It should have referred to the staff report. There
4 is not an additional document called the certificate of land
5 use consistency."

6 Q. So are you disagreeing then in your testimony on
7 page 8 when you were asked: "Has Skamania County provided a
8 certificate of land use consistency to EFSEC?" You answered:
9 "Yes." Are you disagreeing with Skamania County?

10 MR. McMAHAN: Your Honor, I'm going to object to
11 this. I have absolutely no idea what the nature of the
12 inquiry was that Ms. Davenport, an associate planner, was
13 responding to. This is not any communication from the Board
14 of County Commissioners. Mr. Pearce, the county commission,
15 adopted both resolutions at issue here. I just question the
16 relevance of this and it's activity not putting the whole
17 chain of correspondence before you.

18 MR. KAHN: Ms. Chaney testified that there was a
19 certificate of land use consistency. This is an e-mail that
20 say there isn't. It's from an official of Skamania County.
21 She's the assistant planner, and that's all I'm seeking to
22 introduce it for.

23 MS. DRUMMOND: Susan Drummond for Skamania County.
24 I am going to object as well because you can't tell what the
25 request is for the same reason Mr. McMahan states. There's

1 no way to tell what this response e-mail is to.

2 MR. KAHN: It's very clear. It says, "I did
3 double check with Karen" -- that's Ms. Witherspoon, the
4 planning director -- "regarding the certificate of land use
5 consistency referred to in Resolution 2009-54. There is not
6 an additional document called the certificate of land use
7 consistency." The history, whatever the e-mail string is,
8 is completely irrelevant. That's the only point that I'm
9 trying that make. This is completely relevant to the land
10 use portion of this proceeding.

11 JUDGE WALLIS: I'm going to allow the question.

12 MR. KAHN: Thank you, Your Honor.

13 BY MR. KAHN:

14 Q. So, Ms. Chaney, in light of this exhibit do you
15 contend that Skamania County is wrong when it says there is
16 not an additional document called a certificate of land use
17 consistency?

18 A. The way I read this e-mail -- again I didn't see
19 what the beginning correspondence was -- asked the question
20 of Karen Witherspoon that the certificate of land use
21 consistency referred to in Resolution 2009-54 was in fact an
22 additional certificate of land use or there was a staff
23 report. If you look at my attachment to Exhibit 2.03 to my
24 testimony, there's Resolution 2009-54 which is entitled
25 certification of land use consistency review for the amended

1 application for the Whistling Ridge Energy Project. This
2 resolution repeals Resolution 2009-22 in its entirety. So
3 the resolution is a certificate of land use and attached to
4 that is the staff report, and I think that's all that Jessica
5 Davenport was trying to clarify in her e-mail to Nathan
6 Baker.

7 Q. If I recall correctly your testimony, you indicated
8 that land use portions of the application were predominantly
9 your responsibility?

10 A. That is correct.

11 Q. So I assume you have some level of experience in
12 land use matters?

13 A. I do.

14 Q. Would you in your opinion would a certificate of
15 land use consistency be a decision of the body issuing it?

16 A. No.

17 Q. No, okay.

18 MR. KAHN: Your Honor, I have no further
19 questions, but I'd ask that Exhibit 114c be admitted.

20 JUDGE WALLIS: Is there objection?

21 MR. McMAHAN: The objection has previously been
22 stated, Your Honor.

23 JUDGE WALLIS: Very well. The exhibit is
24 received.

25 (Exhibit No. 1.14c admitted into evidence.)