

October 26, 2021

Ms. Tanowa Troupe, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3797

Re: Case No. 21-36-EL-BGN - In the Matter of the Application of Marion County Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Marion County, Ohio.

Second Supplemental Response to Third Data Request from Staff of the Ohio Power Siting Board

Dear Ms. Troupe:

Attached please find Marion County Solar Project, LLC's ("Applicant") Second Supplemental Response to the Third Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this supplemental response to OPSB Staff on October 26, 2021.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

(Counsel of Record)

William Vorys (0093479)

Matthew C. McDonnell (0090164)

DICKINSON WRIGHT PLLC

150 East Gay Street, Suite 2400

Columbus, Ohio 43215

(614) 591-5461

cpirik@dickinsonwright.com

wvorys@dickinsonwright.com

mmcdonnell@dickinson-wright.com

(Counsel is willing to accept service via email.)

Attorneys for Marion County Solar Project, LLC

Cc: Theresa White
Randall Schumacher
Jon Pawley

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 26th day of October, 2021.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

thomas.lindgren@OhioAGO.gov
amilam@ofbf.org
cendsley@ofbf.org
lcurtis@ofbf.org

Administrative Law Judge:

daniel.fullin@puco.ohio.gov

4843-8793-3427 v1 [88534-4]

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Marion County)
Solar Project, LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a Solar-) Case No: 21-36-EL-BGN
Powered Electric Generation Facility in Marion)
County, Ohio.)

MARION COUNTY SOLAR PROJECT, LLC 'S
SECOND SUPPLEMENTAL RESPONSE TO THE THIRD DATA REQUEST
FROM THE STAFF OF THE OHIO POWER SITING BOARD

On March 5, 2021, as amended on March 31, 2021, Marion County Solar Project, LLC (“Applicant”), filed an application (“Application”) with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Marion County, Ohio.

On July 7, 2021, the Staff of the OPSB (“OPSB Staff”) provided the Applicant with OPSB Staff’s Third Data Request. Now comes the Applicant providing the following Second Supplemental Response to Question 7 from the Third Data Request from the OPSB Staff.

7. Please provide an update of the archaeological surveys and historic/architectural surveys.

Response: Attached please find the response letter from the State Historic Preservation Office (“SHPO”) regarding the historic/architectural survey report that was filed in the docket as a response to the third data request on July 16, 2021.

Respectfully submitted,

/s/ Christine M.T. Pirik
Christine M.T. Pirik (0029759)
(Counsel of Record)
William Vorys (0093479)
Matthew C. McDonnell (0090164)
DICKINSON WRIGHT PLLC
150 East Gay Street, Suite 2400
Columbus, Ohio 43215
(614) 591-5461
cpirik@dickinsonwright.com
wvorys@dickinsonwright.com
mmcdonnell@dickinsonwright.com

Attorneys for Marion County Solar Project, LLC



In reply, please refer to:
2020-MAR-49369

October 6, 2021

Anne Lee
Commonwealth Heritage Group
4608 Indianola Avenue, Ste. C
Columbus, OH 43214

RE: Marion County Solar Project – Revised History-Architecture Reconnaissance Survey
Marion Township, Marion County, Ohio

Dear Ms. Lee:

This letter is in response to correspondence received on July 13, 2021, and additional information received on August 16 and September 9, 2021. The comments of the Ohio State Historic Preservation Office (SHPO) are made pursuant to Section 149.53 of the Ohio Revised Code and the Ohio Power Siting Board rules for siting this project (OAC 4906-4). The comments of the Ohio SHPO are also submitted in accordance with the provisions of Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108 [36 CFR 800]).

The following comments pertain to the *Phase I History/Architecture Reconnaissance Survey for the Marion County Solar Project, Marion Township, Marion County, Ohio* (Commonwealth, 2021), revised based on comments provided by the SHPO office on August 6 and 26, 2021. In the report, over three hundred (300) properties were surveyed with two hundred ninety-six (296) properties being newly surveyed. Of these properties, one (1) property is already listed in the National Register of Historic Places (NRHP), two (2) were previously determined eligible, four (4) were recommended as individually eligible for listing, and twenty-six (26) were recommended as contributing resources to an eligible Marion County Fairgrounds Historic District. Out of the eligible for listing and listed properties, it was recommended the project would have no adverse effect on them.

The SHPO agrees with these recommendations, except for survey number M0225 (OHI #MAR0034709, 2347 SR 423). This property was previously determined eligible for listing in the NRHP and the report recommended that it was still eligible. As of now, the limits of the project surround the property on three sides, which in our opinion is an adverse effect.

If no alternative locations can be found for the location of the panels, the applicant and the SHPO need to agree on appropriate mitigation for the construction of the solar facility. The process used to reach this decision and the mitigation will be memorialized in a Memorandum of Agreement. We recommend that you identify and contact interested consulting parties (i.e., Marion County

Historical Society, Heritage Ohio, Preservation Ohio, etc.) so that they may provide comments on options to avoid, minimize, or mitigate the adverse effect.

Please note that this determination of effects is for above ground resources only. The archaeological component of the project is being coordinated separately. Our office looks forward to additional coordination for the project with Marion County Solar Project, LLC, and Commonwealth Heritage Group, Inc.

If you have any questions, please contact me at kkoehlinger@ohiohistory.org or (614) 298-2000. Thank you for your cooperation.

Sincerely,



Diana Welling, Department Head & Deputy State Historic Preservation Officer for
Resource Protection and Review

"Please be advised that this is a Section 106 decision. This review decision may not extend to other SHPO programs."

RPR Serial No: 1090039

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

10/26/2021 11:25:24 AM

in

Case No(s). 21-0036-EL-BGN

Summary: Response - Second Supplemental Response to Third Data Request
from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik
on behalf of Marion County Solar Project, LLC