

January 22, 2022

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

**Re: Case No. 20-417-EL-BGN**

In the Matter of the Application of Grover Hill Wind, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Wind-Powered Electric Generation Facility in Paulding County, Ohio.

**Third Supplement to Application – SHPO Memorandum of Understanding**

Dear Ms. Troupe:

On March 3, 2021, as supplemented on June 7 and December 21, 2021, Grover Hill Wind, LLC (“Applicant”) filed an application with the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need to Construct a Wind-Powered Electric Generation Facility in Paulding County, Ohio (“Application”).

Attached please find, as the Third Supplement to the Application, the Memorandum of Understanding between the Applicant, the Ohio State Historic Preservation Office, and the John Paulding Historical Society.

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)  
Terrence O’Donnell (0074213)  
William V. Vorys (0093479)  
Matthew C. McDonnell (0090164)  
Dickinson Wright PLLC  
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[mmcdonnell@dickinsonwright.com](mailto:mmcdonnell@dickinsonwright.com)  
*Attorneys for Grover Hill Wind, LLC*

Enclosure

CC: Jim O’Dell  
Theresa White  
Randall Schumacher  
Jon Pawley  
Grant Zeto

Ms. Tanowa Troupe  
Grover Hill Wind, LLC  
Case No. 20-417-EL-BGN  
Page 2

### 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 the 22<sup>nd</sup> day of January, 2022.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel via email:

[werner.margard@ohioattorneygeneral.gov](mailto:werner.margard@ohioattorneygeneral.gov)

Administrative Law Judges via email:

[greta.see@puco.ohio.gov](mailto:greta.see@puco.ohio.gov)

[david.hicks@puco.ohio.gov](mailto:david.hicks@puco.ohio.gov)

4864-6213-8635 v1 [73809-23]

**MEMORANDUM OF UNDERSTANDING  
BETWEEN GROVER HILL WIND, LLC  
THE OHIO STATE HISTORIC PRESERVATION OFFICE AND  
THE JOHN PAULDING HISTORICAL SOCIETY  
REGARDING THE GROVER HILL WIND PROJECT,  
PAULDING COUNTY, OHIO**

**WHEREAS**, on May 5, 2021, Grover Hill Wind, LLC (“GHW”) submitted an application for a Certificate of Environmental Compatibility and Public Need in Case No. 20-417-EL-BGN (“Certificate”) to the Ohio Power Siting Board (“OPSB”) and has plans to construct and operate the Grover Hill Wind Farm Project (“Project”), an up to 150-megawatt wind-powered generation facility to be located in Paulding County, Ohio (“Project”); and

**WHEREAS** the Project will be regulated by the OPSB under Chapter 4906 of the Ohio Revised Code (“R.C.”) and Chapter 4906 of the Ohio Administrative Code (“O.A.C.”); and

**WHEREAS**, pursuant to R.C. 149.53 and O.A.C. Rule 4906-4-08(D) applicants for wind farm projects are to identify cultural resources of archaeological and architectural significance (“Historic Landmarks”) within ten (10) miles of their project and assess the impacts posed by their projects on the preservation and continued meaningfulness of Historic Landmarks, and to develop plans in consultation with the Ohio State Historic Preservation Office (“SHPO”) to mitigate adverse impacts anticipated to Historic Landmarks; and

**WHEREAS**, a Phase I Archaeological Reconnaissance Survey and Report (“Archaeological Report”) and a Phase I History Architecture Reconnaissance Survey and Report (“Architectural Report”) were completed (collectively, the “Reports”); and

**WHEREAS**, the Project excavated six (6) turbine locations beginning back in 2017, in efforts to allow the Project to qualify for the Federal Production Tax Credits (“PTC”). Four (4) of these six (6) turbines holes were dug prior to commencement of cultural resource investigations; and **WHEREAS**, GHW and SHPO established an Area of Potential Effects (“APE”) (see **Appendix A**) for the surveys to include the area of potential ground disturbance and any property that may be physically altered or destroyed by the Project, as well as a visual radius around the Project for visual impacts; and

**WHEREAS**, the Reports identified Historic Landmarks of archaeological and architectural significance; and

**WHEREAS**, in reviewing the Archaeological Report, SHPO agreed that neither the two (2) previously identified archaeological sites located in the Project area nor the nineteen (19) new archaeological sites identified in the Archaeological Report are eligible for listing in the National



Register of Historic Places (“NRHP”); and

**WHEREAS**, the Architectural Report recommended that twenty-one (21) architectural resources within the APE are considered potentially eligible for listing in the NRHP, SHPO agreed and found that existing wind turbines are visible from most locations within the APE and that the existing visibility of wind turbines does not impact the significance and integrity of these properties, therefore, the GHW turbines should not have an adverse effect on historic properties; and

**WHEREAS**, GHW has committed to the avoidance of significant archaeological sites identified through completed and ongoing archaeological surveys; and

**WHEREAS**, GHW must obtain concurrence from the SHPO that the Project has been mitigated for any potential adverse effects to historic properties; and

**WHEREAS**, because visual impacts to Historic Landmarks are anticipated as a result of changes to historic settings, GHW has consulted with the John Paulding Historic Society (“JPHS”) to identify potential measures to mitigate effects to Historic Landmarks related to the Project; and

**WHEREAS**, the effects and mitigation measures for the foregoing resources are addressed in letters received from SHPO and attached hereto as **Appendix B**.

**NOW, THEREFORE**, GHW, JPHS, and the SHPO agree to cooperate so that the Project is implemented in accordance with the following stipulations to mitigate potential adverse effects anticipated to Historic Landmarks, and to address the preservation and continued meaningfulness of Historic Landmarks as follows:

## **I. RECITALS**

The recitals set forth above are incorporated into and are made part of this Memorandum of Understanding (“MOU”).

## **II. STIPULATIONS**

- A. SHPO agrees that the provisions of **Appendices A** and **B** specific to the foregoing identified resources and the associated resource specific mitigation measures adequately address the impacts to the resources identified in the recitals to this MOU.



- B. GHW and JPHS agree that, if the Project is constructed, the Project shall be implemented in accordance with the following stipulations to account for the potential effect of the Project on historic resources.
1. GHW will contribute financial support to the JPHS museum located at 600 Fairground Dr. Pauling, Ohio for the projects identified in **Appendix C**.
    - a. JPHS will be responsible for allocating the contribution from GHW in accordance with **Appendix C**.
    - b. GHW will contribute a [REDACTED] [REDACTED] payable no later than sixty (60) days after this MOU is executed and approved by SHPO.
  2. GHW will contribute financial support to the on-going efforts by the JPHS to ensure funding for its annual operating budget.
    - a. GHW will fund JPHS' [REDACTED]  
[REDACTED]
    - b. GHW will contribute [REDACTED]  
[REDACTED]. A contribution in the [REDACTED] will be payable at the end of January during the first three (3) years following the Project's date of commercial operations.

### III. DURATION

This MOU will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, GHW, JPHS, and SHPO may consult to reconsider the terms of the MOU.

### IV. POST-REVIEW DISCOVERIES

- A. In the event that GHW discovers a previously unidentified site within the APE that may be eligible for listing in the NRHP that would be affected by the Project, GHW shall promptly stop work in the immediate area of the unidentified site and notify the SHPO within forty-eight (48) hours of the discovery. If GHW and the SHPO concur that the discovered resource is eligible for listing in the NRHP, GHW will consult with the SHPO to evaluate measures that will avoid, minimize, and/or

mitigate adverse effects. Upon agreement between GHW and the SHPO regarding such measures, GHW shall implement the measures and notify the OPSB through its Staff of the implementation of the measures.

- B. If GHW discovers any human or burial remains during implementation of the Project, GHW shall cease work immediately in the surrounding area, notify local law enforcement and/or the County Coroner, the SHPO and the OPSB's Staff and adhere to applicable state and federal laws regarding the treatment of human or burial remains. Temporary respectful protection of the exposed remains from looting or other natural disturbances will be provided.
- C. GHW shall ensure that all construction contractors are made aware of the requirements of this stipulation.

## **V. MONITORING AND REPORTING**

Following the execution of this MOU until it expires or is terminated, GHW shall provide the SHPO with an annual summary report no later than the end of the first calendar quarter of each following year detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in GHW's efforts to carry out the terms of this MOU.

## **VI. DISPUTE RESOLUTION**

SHPO and GHW will each make a good faith effort to resolve any disputes between them. However, if they are unable to resolve a dispute and have reached an impasse, both parties commit to contact the Ohio Commission on Dispute Resolution and Conflict Management (the "Commission"). Either party may initiate the contact with the Commission with forth-five (45) days of the impasse to engage in a mediation process sanctioned by, and under the auspices of, the Commission. GHW agrees to pay the standard Commission fee if necessary.

## **VII. AMENDMENTS**

This MOU may be amended when such an amendment is agreed to in writing by the signatories. The amendment will be effective on the date a copy signed by the signatories.

Execution of this MOU by GHW, JPHS, and the SHPO and implementation of its terms evidence that GHW has developed acceptable plans to support the continued meaningfulness of important cultural resources and to mitigate adverse impacts anticipated to Historic Landmarks from the Project.

## VIII. EXECUTION IN COUNTERPARTS

This MOU may be executed in counterparts, with a separate page for each signatory, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

### SIGNATORIES:

#### Grover Hill Wind, LLC

By: Himanshu Saxena

1/13/2022  
Date

**Name:** Himanshu Saxena

**Its:** Chief Executive Officer

#### **Contact:**

Grover Hill Wind, LLC

5 Greenwich Office Park

Greenwich, CT 06831

[ADaberko@Starwood.com](mailto:ADaberko@Starwood.com)

(440) 289-9103



## Ohio State Historic Preservation Office

By: **Diana Welling**  
Digitally signed by Diana Welling  
DN: cn=Diana Welling, o=Ohio History  
Connection, ou=State Historic Preservation Office,  
email=dwelling@ohiohistory.org, c=US  
Date: 2022.01.19 08:31:51 -05'00'

1/19/2022

Date

**Name:** Diana Welling

**Its:** Deputy State Historic Preservation Officer for Resource Protection & Review

**Contact:**

Ohio State Historic Preservation Office

Ohio History Connection

800 E. 17<sup>th</sup> Ave.

Columbus, OH 43211

[dwelling@ohiohistory.org](mailto:dwelling@ohiohistory.org)

(614) 298-2000

**John Paulding Historical Society, Inc.**

By: Kim K. Sutton

1/11/2022  
Date

**Name:** Kim K. Sutton  
**Its:** President

**Contact:**

John Paulding Historical Society  
600 Fairground Drive  
P.O. Box ~~45879~~ 93  
Paulding, OH 45879  
[Jphs45879@yahoo.com](mailto:Jphs45879@yahoo.com)  
(419) 399-8218

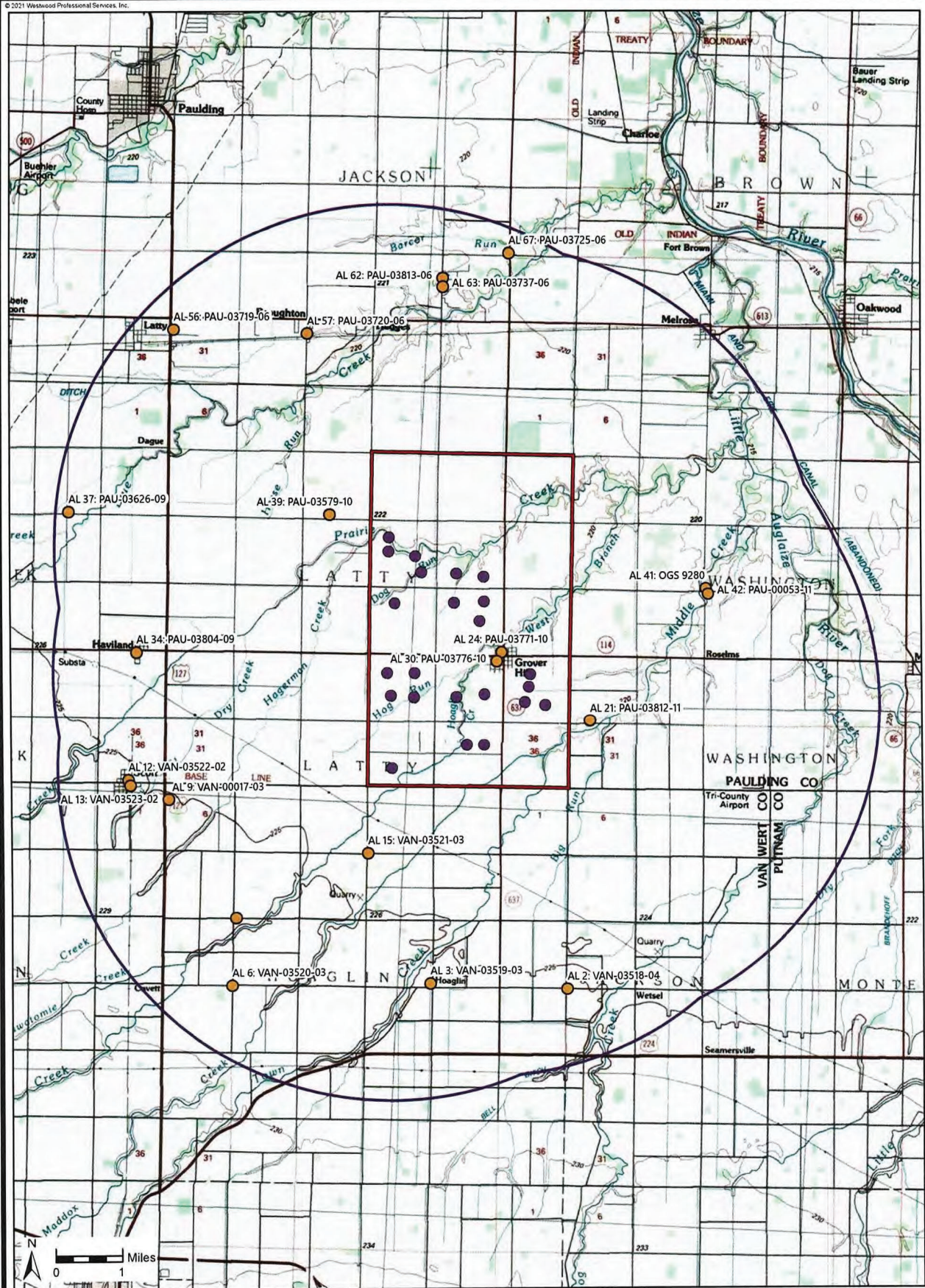
**COPY PROVIDED TO:**

**Ohio Power Siting Board**

**Date:** \_\_\_\_\_



**APPENDIX A**  
**Area of Potential Effects (“APE”)**







## Grover Hill Wind Project

Paulding County, Ohio

## Architecture/History

April 12, 2021

### Legend

-  Project Boundary (Maximum Construction Area)
-  APE for Visual Effects (5 miles)
-  Proposed Turbine Location
-  Potentially Eligible Architectural Locations

## Westwood

Phone (952) 937-5350 17701 Whitewater Drive, Suite #100  
Fax (952) 937-5672 Minneapolis, MN 55441  
Toll Free (888) 937-5350 [meshmoldings.com](http://meshmoldings.com)  
Wystwood Professional Services, Inc.

**APPENDIX B**  
**Effects and Mitigation Measures**





In reply, refer to  
2020-PAU-47772

June 4, 2021

Ryan Grohnke  
Westwood  
12701 Whitewater Drive, Suite 300  
Minnetonka, MN 55343  
[Ryan.Grohnke@westwoodps.com](mailto:Ryan.Grohnke@westwoodps.com)

**RE: Grover Hill Wind Farm, Latty Township, Paulding County, Ohio**

Dear Mr. Grohnke:

This letter is in response to the correspondence received May 12, 2021 regarding the proposed Grover Hill Wind Farm, Latty Township, Paulding County, Ohio. We appreciate the opportunity to comment on this project. 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 and 4906-5). 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 Archaeological Investigations for the 701.4 ha (1,733.2 ac) Grover Hill Wind Farm in Latty Township, Paulding County, Ohio* by Weller & Associates, Inc. (2021).

A literature review, visual inspection, surface collection, shovel probe, and shovel test unit excavation was completed as part of the investigations. Two (2) previously identified archaeological site is located within in the project area. Ohio Archaeological Inventory (OAI) #33PA0291 was originally recorded in 2013 and was not reidentified during this survey. OAI#33PA0051 was originally recorded in 1976 and was reidentified during this survey. Neither site is recommended eligible for listing in the National Register of Historic Places (NRHP). Our office agrees with this recommendation. Nineteen (19) new archaeological sites were identified during survey. OAI#33PA0355-33PA0373 are all recommended not eligible for listing in the NRHP. Our office also agrees with this recommendation and no future archaeological survey work is recommended.

The History/Architecture Reconnaissance Survey was submitted to our office on April 12, 2021 and a coordination letter was issued from our office on May 12, 2021 determining twenty-one (21) NRHP-eligible properties are located within the Area of Potential Effect (APE) and the proposed project would have no adverse effect on those properties.

Based on the information provided, we agree that the project as proposed will have no adverse effect on historic properties. No further coordination with this office is necessary, unless the project changes or unless new or additional historic properties are discovered during implementation of this project. In such a situation, this office should be contacted. If you have any questions, please contact me at (614) 298-2022, or by e-mail at [khorricks@ohiohistory.org](mailto:khorricks@ohiohistory.org). Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Krista Horrocks".

Krista Horrocks, Project Reviews Manager  
Resource Protection and Review

cc: Ryan Weller, Weller & Associates, Inc. ([rweller@wellercrm.com](mailto:rweller@wellercrm.com))

RPR Serial No: 1088563



In reply, refer to  
2020-PAU-47772

December 7, 2021

Dean Sather  
Westwood  
12701 Whitewater Drive, Suite 300  
Minnetonka, MN 55343  
[dean.sather@westwoodps.com](mailto:dean.sather@westwoodps.com)

**RE: Grover Hill Wind Farm, Latty Township, Paulding County, Ohio (Case No. 20-417-EL-BGN)**

Dear Mr. Sather:

This letter is in response to the correspondence received on November 17, 2021 regarding the Grover Hill Wind Farm, Latty Township, Paulding County, Ohio. 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 and 4906-5). 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]).

On October 26, 2021, our office sent a request to Westwood regarding new information our office obtaining regarding the excavation of multiple turbine holes throughout the Grover Hill Wind Farm project area. Westwood provided a document addressing our question on November 17, 2021. Based on the information provided in this document, it is our understanding that six (6) turbine locations were excavated, beginning back in 2017, in efforts to allow the project to qualify for the Federal Production Tax Credits (PTC). It is also our understanding four (4) of these six (6) turbine holes were dug prior to commencement of cultural resource investigations. It is also our understanding that one (1) of these turbine locations is located outside of what was identified as the Area of Potential Affect (APE) for the project and that turbine location is now no longer under consideration for the project.

As construction activities took place in these locations, by the digging of the turbine holes, before cultural resource investigations could take place, it is unknown if significant archaeological resources may have been disturbed. As the disturbance in these areas were extensive, there is now no way for archaeologists to know if significant resources were disturbed by these activities. Per our office's *Archaeology Guidelines* (SHPO 1994), field investigations should have taken place before any ground disturbing activities began.

Our office can no longer agree with our original effect determination of "no adverse effect on historic properties" because of the ground disturbing activities that took place for the Grover Hill Wind Farm project before final cultural resource investigation and coordination activities could be completed. Our office recommends Grover Hill Wind, LLC mitigate for the potential adverse effect to significant cultural resources through the memorialization of a Memorandum of Understanding (MOU) with our office. We recommend outreach to local historic preservation organizations to consider any local needs of the community regarding mitigation efforts that could benefit historic preservation efforts. The draft MOU and proposed mitigation efforts should be coordinated with our office for review.

We look forward to additional coordination regarding the Grover Hill Wind Farm project. If you have any questions, please contact me at (614) 298-2022, or by e-mail at [khorrocks@ohiohistory.org](mailto:khorrocks@ohiohistory.org). Thank you for your cooperation.

Sincerely,

Krista Horrocks, Project Reviews Manager  
Resource Protection and Review

cc: Jim O'Dell, OPSB ([james.o'dell@puco.ohio.gov](mailto:james.o'dell@puco.ohio.gov))

RPR Serial No: 1090905





May 12, 2021

In reply, please refer to:  
2020-PAU-47772

Amy Kramb  
Kramb Consulting  
7511 Riverside Drive  
Dublin, Ohio 43016

RE: History/Architecture Reconnaissance Survey for the Grover Hill Wind Farm  
Latty Township, Paulding County, Ohio

Dear Ms. Kramb:

This letter is in response to information received on April 12, 2021. The comments of Ohio's State Historic Preservation Office (SHPO) are submitted in accordance with provisions of Ohio Revised Code 149.53 requesting cooperation among state agencies in the preservation of historic properties, Ohio Administrative Code Chapters 4906-1 to 4906-17, and with provisions of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

The project includes the construction of a wind farm consisting of twenty-three (23) wind turbines erected within an area approximately three miles east-west by four miles north-south. The overall total height of each wind turbine will range from approximately 572 feet to 656 feet. A permanent gravel bed approximately fifty feet in diameter will be installed at the base of each wind turbine. No fencing surrounds the turbines. The following review and comments pertain only to the *History/Architecture Reconnaissance Survey for the Grover Hill Wind Farm in Latty Township, Paulding County, Ohio* by Kramb Consulting (Kramb, 2021). The archaeological component has been submitted in a stand-alone report, therefore the review will be under a separate cover.

A literature review and field survey were completed as part of the investigations. A total of sixty-nine (69) architectural resources fifty years of age or older were identified within the Area of Potential Effects. Kramb recommends that twenty-one (21) are considered potentially eligible for listing in the National Register of Historic Places. Our office agrees with Kramb's recommendations of eligibility.

Existing wind turbines are visible from most locations within the APE, which is generally flat and devoid of trees. The existing visibility of wind turbines does not impact the significance and integrity of these properties in a way that would alter their potential National Register eligibility. Therefore, additional visibility of new turbines should not have an adverse effect on historic properties. No further coordination in regards to history/architecture properties are required for this project unless the scope of work changes.

If you have any questions, please do not hesitate to contact me at [jwilliams@ohiohistory.org](mailto:jwilliams@ohiohistory.org).  
Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Joy Williams".

Joy Williams, Project Reviews Manager  
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: 1088165

800 E. 17th Ave., Columbus, OH 43211-2474 • 614.297.2300 • [ohiohistory.org](http://ohiohistory.org)



**APPENDIX C**  
**Letter from John Paulding Historic Society, Inc.**



## *John Paulding Historical Society, Inc.*

600 Fairground Drive • P.O. Box 93  
Paulding, OH 45879  
419-399-8218 or 419-399-3667  
E-mail: [jphs45879@yahoo.com](mailto:jphs45879@yahoo.com)  
Find us on Facebook

Dear Mr. Norden and Mr. Adum:

The John Paulding Historical Society is seeking funding for the following upcoming project at our museum located at 600 Fairgrounds Drive in Paulding, Ohio. We are a non-profit 501c3 established in 1977. Our mission statement is "Preserving the Past for Future Generations". We tell the story of the pioneers who settled the Great Black Swamp and the history of Paulding County and northwest Ohio.

Our current projects include the following:

Replace lighting in the main museum and Barn One  
With LED lights

(LED lighting would be much better as far cost savings on the electric bill but also better for the artifacts housed in the museum) This cost would be much higher, but we have an electrician who is willing to volunteer his time to replace these lights.

Replace mannequins in the main museum

(The museum's current mannequins were donated to us by stores who went out of business. They are over 40 years old and are in dire need for replacement. This is a project that has always been pushed to the back burner because our funds are so limited we always have more pressing needs...)

Professional cleaning of the dining hall floor

(We not only use this area for our fundraising events throughout the year, but we also rent it out to the public which helps bring in revenue for our operating expenses.)

Thank you for your kind consideration in these matters.

Very truly yours,

A handwritten signature in cursive script that reads "Kim K. Sutton".

Kim K. Sutton, President  
John Paulding Historical Society  
600 Fairgrounds Drive  
P.O. Box 93  
Paulding, OH 45879

Home ph: 419 399 2388  
Home email: [dkmax@windstream.net](mailto:dkmax@windstream.net)

### **Museum Hours:**

Every Tuesday 10-4  
First Saturday (February through November) 10-3

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

**1/22/2022 5:08:46 PM**

**in**

**Case No(s). 20-0417-EL-BGN**

Summary: Notice Third Supplement to Application - SHPO Memorandum of  
Understanding electronically filed by Christine M.T. Pirik on behalf of Grover Hill  
Wind, LLC