

February 9, 2022

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

Re: Case No. 20-1605-EL-BGN

In the Matter of the Application of Birch Solar 1, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Allen and Auglaize Counties, Ohio.

Updated Second Supplement to Application – Programmatic Agreement with State Historic Preservation Office

Dear Ms. Troupe:

On February 12, 2021, as supplemented, Birch Solar 1, LLC (“Applicant”), filed an application with the Ohio Power Siting Board (“Board”) for a certificate of environmental compatibility and public need to construct a solar-powered electric generation facility in Allen and Auglaize Counties, Ohio (“Application”).

The March 32, 2021 supplement to the Application, provided the executed programmatic Agreement entered into by the Applicant and the State Historic Preservation Office (“SHPO”). The purpose of this Update to the Second Supplement to the Application is to provide the attached extend and executed Programmatic Agreement entered into by the Applicant and SHPO.

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)

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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 9th day of February, 2021.

/s/ Christine M.T. Pirik
Christine M.T. Pirik (0029759)

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4882-8925-8509 v1 [92234-1]

**AMENDMENT TO
PROGRAMMATIC AGREEMENT
BETWEEN
BIRCH SOLAR 1, LLC
AND
THE OHIO STATE HISTORIC PRESERVATION OFFICE
FOR THE ADMINISTRATION OF
A SOLAR ENERGY PROJECT IN
AUGLAIZE AND ALLEN COUNTIES, OHIO**

WHEREAS, The Programmatic Agreement (“PA”) between Birch Solar 1, LLC (“Applicant”) and the Ohio State Historic Preservation Office (“SHPO”) was executed on February 22, 2021 (Ohio Power Siting Board [“OPSB”] Case No. 20-1605-EL-BGN); and

WHEREAS, An extension of the PA to February 1, 2023 is needed (“amendment”); and

WHEREAS, OPSB is coordinating with the SHPO pursuant to Ohio Revised Code (“ORC”) Section 149.53 and Applicant is working with SHPO to fulfill its duties under the Ohio Administrative Code (“OAC”) as a certificate applicant to provide plans to avoid, minimize, or mitigate any adverse effects of the Project on cultural resources, including “landmarks” under the OAC.

NOW, THEREFORE, In accordance with Stipulation VII of the PA, SHPO and Applicant agree to amend the PA as follows:

1. Amend Stipulation VII so it reads as follows:

VII. Duration, Amendment, and Effect

This PA, as amended, will continue in full force until February 1, 2023, provided that its cessation shall not affect the continued application of the measures outlined in Section V of this PA. At the request of any signatory, this PA may be reviewed for amendments at any time. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is submitted to SHPO. Execution of this PA by Applicant and SHPO constitutes final concurrence by SHPO for purposes of OPSB review of the Project’s certificate application and implementation of this PA’s terms is evidence that Applicant has fulfilled its duties as an applicant with respect to cultural resources under the ORC and OAC.

SIGNATORIES:

Ohio Historic Preservation Office

Diana Welling

Digitally signed by Diana Welling
DN: cn=Diana Welling, o=Ohio History Connection,
ou=State Historic Preservation Office,
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February 7, 2022

Diana Welling

Date

Department Head & Ohio Deputy State Historic Preservation Officer for
Resource Protection & Review
Ohio State Historic Preservation Office

Contact Information

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Birch Solar 1, LLC



2/8/2022

Kevin Smith, Chief Executive Officer, Americas
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Date

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4882-5677-2108 v1 [92234-1]

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in

Case No(s). 20-1605-EL-BGN

Summary: Notice - Updated Second Supplement to Application – Programmatic Agreement with State Historic Preservation Office electronically filed by Christine M.T. Pirik on behalf of Birch Solar 1, LLC