

February 17, 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. 20-1605-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.**

**Fifth Supplement to Application and Response to Staff Report of Investigation  
Condition 33 – Archaeological State Historic Preservation Office Concurrence Letter**

Dear Ms. Troupe:

On February 12, 2021, as supplemented on March 25, March 31, April 5, and October 5, 2021, Birch Solar 1, LLC, 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 purpose of this Fifth Supplement to the Application and response to Condition 33 of the Board Staff’s Report of Investigation is to submit the concurrence letter from the State Historic Preservation Office (“SHPO”) regarding the Archaeological Survey Report.

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)

Terrence O’Donnell (0074213)

Matthew C. McDonnell (0090164)

Dickinson Wright PLLC

150 East Gay Street, Suite 2400

Columbus, Ohio 43215

Phone: (614) 591-5461

Email: [cpirik@dickinsonwright.com](mailto:cpirik@dickinsonwright.com)

[todonnell@dickinsonwright.com](mailto:todonnell@dickinsonwright.com)

[mmcdonnell@dickinsonwright.com](mailto:mmcdonnell@dickinsonwright.com)

Cc: James O’Dell  
Theresa White  
Randall Schumacher  
Jon Pawley  
Grant Zeto

Ms. Tanowa Troupe  
Birch Solar 1, LLC  
Case No. 20-1605-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 this 17<sup>th</sup> day of February 2022.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

[jodi.bair@OhioAGO.gov](mailto:jodi.bair@OhioAGO.gov)  
[Kyle.Kern@OhioAGO.gov](mailto:Kyle.Kern@OhioAGO.gov)  
[epierce@auglaizecounty.org](mailto:epierce@auglaizecounty.org)  
[RDove@keglerbrown.com](mailto:RDove@keglerbrown.com)  
[EChristensen@bdlaw.com](mailto:EChristensen@bdlaw.com)  
[jlandfried@bdlaw.com](mailto:jlandfried@bdlaw.com)  
[HJacobs@bdlaw.com](mailto:HJacobs@bdlaw.com)  
[JReagan@bdlaw.com](mailto:JReagan@bdlaw.com)  
[amilam@ofbf.org](mailto:amilam@ofbf.org)  
[cendsley@ofbf.org](mailto:cendsley@ofbf.org)  
[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  
[clay@cbalyeat.com](mailto:clay@cbalyeat.com)  
[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)  
[rmkalnins@gmail.com](mailto:rmkalnins@gmail.com)

Administrative Law Judges:

[Michael.Williams@puco.ohio.gov](mailto:Michael.Williams@puco.ohio.gov)  
[Jesse.Davis@puco.ohio.gov](mailto:Jesse.Davis@puco.ohio.gov)

4866-1040-4879 v1 [92234-1]



In reply, refer to  
2020-ALL-49242

February 10, 2022

Ryan Weller  
Weller & Associates, Inc.  
1395 W. Fifth Ave.  
Columbus, OH 43212  
[rweller@wellercrm.com](mailto:rweller@wellercrm.com)

**RE: Birch Lima Solar Panel Farm Project, Allen and Auglaize Counties, Ohio**

Dear Mr. Weller:

This letter is in response to the correspondence received January 5, 2022, and the additional information provided to our office on February 3, 2022, regarding the proposed Birch Lima Solar Panel Farm Project, Allen and Auglaize Counties, 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 570.8 ha (1,410.5 ac) Birch Solar Project in Shawnee Township, Allen County and Logan Township, Auglaize County, Ohio* by Ryan J. Weller (Weller & Associates, Inc. 2021).

A literature review, visual inspection, surface collection, metal detection, shovel probe, and shovel test unit excavation was completed as part of the investigations. No previously identified archaeological sites are located within the project area. Twenty-two (22) new archaeological sites were identified during survey, including Ohio Archaeological Inventory (OAI)# 33AU0380-33AU0387, 33AL0245-33AL0256, and 33AL0260-33AL0261. None of the sites are recommended eligible for listing in the National Register of Historic Places (NRHP). Our office agrees with this recommendation and no additional archaeology survey is needed. It should be noted, if additional areas aside from those investigated during this survey are added to the project area, and any level of temporary or permanent development and/or ground disturbance is planned for those areas, additional archaeological survey will need to take place and coordinated with our office.

A coordination letter was issued by our office on May 13, 2021 regarding architectural properties adversely effected by the proposed project. Our office received a draft Memorandum of Understanding (MOU) on February 1, 2022 regarding these properties. Our office will continue working with Stantec on this agreement document. If you have any questions, please contact me at (614) 298-2022, or by e-mail at [khorrocks@ohiohistory.org](mailto:khorrocks@ohiohistory.org), or Kristen Koehlinger at [kkoehlinger@ohiohistory.org](mailto:kkoehlinger@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

RPR Serial No: 1091507

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

**2/17/2022 2:15:27 PM**

**in**

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

Summary: Response - Fifth Supplement to Application and Response to Staff  
Report of Investigation Condition 33 – Archaeological State Historic Preservation  
Office Concurrence Letter electronically filed by Christine M.T. Pirik on behalf of  
Birch Solar 1, LLC