

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Birch Solar)
1, LLC for a Certificate of Environmental)
Compatibility and Public Need to Construct a) Case No. 20-1605-EL-BGN
Solar-Powered Electric Generation Facility in)
Allen and Auglaize Counties, Ohio.)

DIRECT TESTIMONY OF

**Ryan J. Weller
Owner, Principal Investigator
Weller & Associates, Inc.**

**on behalf of
Birch Solar 1, LLC**

May 4, 2022

/s/ Christine M.T. Pirik
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1 **1. Please state your name, current title, and business address.**

2 My name is Ryan J. Weller. I am the Owner, Principal Investigator for Weller &
3 Associates, Inc. (“Weller”). My business address is 1395 West Fifth Avenue, Columbus,
4 Ohio 43212.

5
6 **2. Please summarize your educational background and professional experience.**

7 I obtained a Bachelor’s Degree from The Defiance College in 1990 in history and focused
8 on archaeology. I received my Master’s Degree from The Ohio State University in 1993 in
9 physical anthropology with a focus on archaeology. A copy of my resume is attached to
10 my testimony as Attachment RJW-1.

11
12 **3. On whose behalf are you offering testimony?**

13 I am testifying on behalf of Birch Solar 1, LLC (“Applicant” or “Birch Solar”), which is
14 seeking to develop the proposed Birch Solar facility (“Project”) in Allen and Auglaize
15 Counties, Ohio.

16
17 **4. What is the purpose of your testimony?**

18 The purpose of my testimony is to provide additional context, support, and clarification
19 regarding the following exhibits that are part of the Application for a Certificate of
20 Environmental Compatibility and Public Need (“Certificate”), filed by Birch Solar in Case
21 No. 20-1605-EL-BGN on February 12 and 17, 2021, as supplemented,¹ and further
22 supplemented by responses to data requests that were received from the Staff of the Ohio
23 Power Siting Board (“Board”) and filed in the docket (“Application”):

- 24
25 • Exhibit S – Cultural Resources Management Preliminary Review
26 • Exhibit T – Cultural Resources Work Plan
27 • Supplement to Application filed March 25, 2021 – History/Architecture
28 Reconnaissance Survey
29 • Response to Staff Condition 33 filed on December 30, 2021 - Phase 1

¹ The Application was initially filed on February 12 and 17, 2021, and subsequently supplemented on: March 25, 2021; March 31, 2021; April 5, 2021; October 5, 2021; February 9, 2022; February 17, 2022; and May 4, 2022.

1 Archaeological Survey Report

2
3 My testimony, together with the other witnesses for Birch Solar testifying in this case,
4 supports approval by the Board of Birch Solar's Application for a Certificate to construct
5 the Project.
6

7 **5. Please describe the history of your involvement with the Birch Solar Project?**

8 Weller was contracted for this Project in August 2020. The archaeological field
9 reconnaissance work was completed in December 2021. Weller conducted what is
10 consistent with Phase I archaeological surveys in Ohio. This involved surface collection,
11 shovel testing, and some metal detecting efforts to attempt to identify relative cultural
12 resources and especially any that might be regarded as significant pertaining to the National
13 Register of Historic Places. Weller's responsibilities for the Birch Solar Project included
14 archaeological investigations pertaining to the footprint of the proposed development and
15 a literature review for it and its study area. Weller engaged Kramb Consulting to conduct
16 the architectural work in December 2020 and that work was completed on February 23,
17 2021.
18

19 **6. Have you reviewed the Certificate conditions recommended by the Board's Staff on**
20 **pages 50 through 58 of their Report of Investigation issued on October 20, 2021**
21 **("Staff Report")?**

22 Yes I have.
23

24 **7. Are you aware that the Applicant has accepted the Certificate conditions**
25 **recommended by the Board's Staff in the Staff Report and has committed to comply**
26 **with those conditions as part of its Certificate issued in this case?**

27 Yes. That is my understanding.
28

29 **8. What is the Cultural Resources Management Preliminary Review contained in**
30 **Exhibit S to the Application?**

31 This is the preliminary cultural resources management review that was submitted prior to

1 the initiation of any field reconnaissance work to identify previously recorded cultural
2 resources relative to the Project.

3
4 **9. What is the Cultural Resources Work Plan contained in Exhibit T?**

5 This is the work plan that was proposed for the Birch Solar Project as it was submitted to
6 the State Historic Preservation Office (“SHPO”) for review and concurrence with the
7 methods for completion of the archaeological survey.

8
9 **10. What is the History/Architecture Reconnaissance Survey?**

10 Ohio Administrative Code (“O.A.C.”) Rule 4906-04-08(D) and the Board require that
11 applicants such as Birch Solar evaluate all cultural resources located within the “Study
12 Area.” The Study Area for these investigations is determined in coordination with SHPO
13 and the Board as it relates to the Project, its type, and area of potential effects (“APE”).
14 The APE for an architectural survey is considerate of viewshed/indirect effects, as well as
15 direct effects to architectural resources.

16
17 **11. What known historic/architectural cultural resources were identified within the
18 Study Area?**

19 There were seven previously recorded and determined significant resources located in the
20 study area as determined during the literature review including:

- 21 ○ AUG-01724-03 (AL 65) Determination of Eligibility (“DOE”) 12513 Ritchie Road
- 22 ○ AUG-01708-02 (AL 118) Fort Amanda Toilet Building
- 23 ○ AUG-01709-02 (AL 119) Fort Amanda Grill Shelter
- 24 ○ AUG-01707-02 (AL 120) Fort Amanda Large Picnic Shelter
- 25 ○ Fort Amanda Cemetery-OGS #777 (AL 121)
- 26 ○ AUG-01710-02 (AL 122) Fort Amanda Monument; and
- 27 ○ Fort Amanda NR #70000484 (AL 123).

28
29 **12. Please summarize the findings of the History/Architecture Reconnaissance Survey.**

30 The history/architectural survey identified 486 architectural locations within what was
31 determined to be the APE. Most of them were not regarded as significant. There were eight

1 resources that were regarded as significant. There were also seven architectural resources
2 that were previously recorded and determined significant resources within the APE. The
3 survey also identified one potential historic district within the APE considered basically as
4 the community of Hume.

5
6 **13. What direct impact, if any, will the Project have on known architectural cultural**
7 **resources?**

8 None.

9
10 **14. What is the Phase I Archaeological Survey Report?**

11 O.A.C. Rule 4906-04-08(D) and the Board require that applicants such as Birch Solar shall
12 indicate, on a map of at least 1:24,000 scale, any formally adopted land and water recreation
13 areas, recreational trails, scenic rivers, scenic routes or byways, and registered landmarks
14 of historic, religious, archaeological, scenic, natural, or other cultural significance.
15 However, the APE (area of potential effect) is considerate of the project area and its
16 possible impacts. Most often for the archaeological component of the work, this pertains
17 to the limits of disturbance as proposed by the construction plans. Because the
18 archaeological component of the work is less pertinent to a viewshed, it is concerned with
19 project ‘footprint’ design (direct APE) as this is typically the only way an archaeological
20 site can be impacted or affected by a project.

21
22 **15. What known archaeological cultural resources were identified within the direct APE?**

23 There were 22 archaeological sites identified in the direct APE. These include prehistoric
24 period components and one historic period site identified. These are common site types
25 and are not considered to be significant.

26
27 **16. Please summarize the findings of the Phase I Archaeological Survey Report.**

28 We identified 22 previously unrecorded archaeological sites. The types of sites that were
29 encountered are commonly identified types in this region and are not the types of
30 archaeological deposits that are considered to be significant resources or landmarks.

31

1 **17. What direct impact, if any, will the Project have on known archaeological cultural**
2 **resources?**

3 The Project plans will have no direct impact on any significant archaeological resources.
4

5 **18. Based upon the architectural and archaeological studies performed for the Birch**
6 **Solar Project, is it possible to determine the nature of the probable environmental**
7 **impact of the facility on those resources?**

8 Yes
9

10 **19. Based upon the commitments Birch Solar has made regarding any mitigation for**
11 **architectural and archaeological resources, together with the conditions in the Staff**
12 **Report, does the facility represent the minimum adverse environmental impact on**
13 **those resources considering the state of available technology and the nature and**
14 **economics of the various alternatives, and other pertinent considerations?**

15 Yes.
16

17 **20. Are your opinions and conclusions in your testimony made with a reasonable degree**
18 **of professional certainty?**

19 Yes.
20

21 **21. Does this conclude your testimony?**

22 Yes. However, I reserve the right to update my testimony to respond to any further
23 testimony, reports, and/or evidence submitted in this case.

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 4th day of May, 2022.

/s/ Christine M.T. Pirik _____

Christine M.T. Pirik (0029759)

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Birch Solar 1, LLC
Case No. 20-1605-EL-BGN

Attachment RJW-1
Ryan J. Weller
Resume

Vitae for Ryan J. Weller, M.A.

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Email: rweller@wellercrm.com

Cultural Resource Management Work History and Qualifications

Weller has been working for American Electric Power (AEP) for several years and has maintained previous blanket contracts. There have been over 500 projects in which Weller has been contracted by AEP for cultural resource management work and over 400 of these projects have been completed and cleared through the state/federal agencies, when applicable.

Weller & Associates, Inc. has been conducting prehistoric and historic period archaeological surveys as well as architectural surveys since 1993. The owner, Ryan J Weller, is a former employee of the Ohio Department of Transportation, Office of Environmental Services (Archaeological Division). Ryan is certified by the Ohio Historic Preservation Office (OHPO) and is pre-qualified by the Ohio Department of Transportation, Office of Environmental Services (ODOT-OES) to conduct archaeological surveys. Weller was awarded the ODOT Task Order (Statewide Programmatic for cultural resources investigations), a two-year contract to conduct archaeological/architectural work throughout the State of Ohio for Federal Highways Administration. Ryan J. Weller meets the requirements to be considered as a Principal Investigator as he meets the qualification standards of the U.S. Secretary of the Interior.

Ryan J. Weller has been completing CRM projects for a period of 27 years and has unparalleled experience writing reports that meet or exceed the involved State and Federal guidelines. Staff members include academically qualified individuals that are capable of performing the field investigations as well as report preparation, artifact curation, and office management. Weller has a vast network of professional colleagues that can be utilized to assist with any project as needed and has completed nearly 2,900 projects since the company's inception.

Ryan Weller is a certified or accepted Principal Investigator in: Ohio, Pennsylvania, West Virginia, Kentucky, Indiana, Michigan, Missouri (may need updated), Virginia, Maryland, New Jersey, Delaware, North Carolina (may need updated), South Carolina (may need updated).

Academics

1990 B. A. Degree in History/Archaeology from The Defiance College. Randall L. Buchman, Advisor.

1993 M. A. Degree in Physical Anthropology/Archaeology from The Ohio State University (OSU), Dr. Richard Yerkes, Advisor.

My academic focus as an undergraduate was in Ohio history and archaeology with some emphasis on South American prehistory. My graduate work continued to be oriented with Ohio archaeology and osteological work. I worked periodically for five years at the Ohio Department of Transportation, Office of Environmental Services (1988-1993) performing CRM field surveys, report writing, and literature reviews as an intern/coop student. My company (formerly APPLIED Archaeological Services, Inc.) was started in 1993 when I graduated from The OSU with a MA degree and I was qualified/certified to do prehistoric and historic period archaeology in Ohio (ca. 1993). Certification in Ohio requires that I meet the Secretary of the Interior's guidelines and qualifications. Since becoming a Principal Investigator, I have written or co-authored over 1,000 CRM reports including many Phase I reports, Phase II assessment surveys, and Phase III data recoveries. I am on the list of qualified consultants to do work in North Carolina, South Carolina, West Virginia, Indiana, Michigan, Pennsylvania, and Ohio.

Academic Training and Classes

Museology: Artifact preparation, inventory methods, and creation of a cataloguing system for museum collections. Professor Randy L. Buchman, MA, The Defiance College.

Archaeology Laboratory Class: Taught archaeological field methods, how to record sites, prepare collections for storage, artifact inventory, prehistoric ceramic assemblage, field survey to identify and record prehistoric sites. Professor Randy L. Buchman, MA, The Defiance College.

Human Osteology: Graduate class and laboratory work. Identification of human remains, prehistoric human bone analyses, and variation. Professor Dr. Paul Sciulli, The Ohio State University.

Archaeological Field Methods: Class focused on the various types of approaches and field methods used in archaeology including their strengths and weaknesses. Professor Dr. William Dancey, The Ohio State University.

Hopewell Archaeology: Graduate seminar class focused on the Middle Woodland Hopewell Culture of Ohio and the Midwest. Class taught by Dr. N'omi Greber at The Ohio State University.

Hunter-Gatherer Societies: Graduate seminar class directed at understanding and identifying various world hunter-gatherer societies, socio-political organization, hierarchy, and cultural adaptations. Professor Dr. Richard Yerkes, The Ohio State University.

Agricultural Societies: Graduate seminar class directed and understanding and exploring the beginnings of agriculture and its role in human societal development. Professor Dr. Richard Yerkes, The Ohio State University.

Ethnobotany: Graduate class on the utilization and propagation of plant foods and plant uses in the Midwest and eastern United States. Professor Dr. Kristen Gremillion, The Ohio State University.

Field Schools and Archaeology Work/Training

Summer Internship: 1988, 3 mos, Ohio Department of Transportation, Office of Environmental Affairs. Fieldwork, literature reviews, report compilation, and figure development under the supervision of several staff Principal investigators including Stan Baker, Harry Murphy, and James Addington.

Summer Internship: 1989, 3 mos, Ohio Department of Transportation, Office of Environmental Affairs. Fieldwork, literature reviews, report compilation, and figure development under the supervision of several staff Principal investigators including Stan Baker, Harry Murphy, and James Addington.

Field School: 1989 and 1990 excavations at Fort Defiance, OH: an Indian Wars era (1790s) fort with a prehistoric component under the supervision of Randy Buchman, MA at The Defiance College. These field schools involved survey and mapping methods, excavations, history, journal preparation, and artifact drawing. A preparatory laboratory and archaeology class was required prior to survey that was a month long. The fieldwork was conducted for two 2-week sessions during the summers of each year.

Summer Internship: 1990, 3 mos, Ohio Department of Transportation, Office of Environmental Affairs. Fieldwork, literature reviews, report compilation, and figure development under the supervision of several staff Principal investigators including Stan Baker, Harry Murphy, Marilyn Orr, MA, and James Addington.

Field School: 1990 field survey and excavations at a Civil War camp/fort near Nogales, Az. under the supervision of Randy Buchman, MA at The Defiance College. Responsibilities included note management, field excavations, artifact preparation, and one month of class/laboratory work. A one-month long laboratory/history/archaeology class was required for this class.

College Co-op: 1991, part-time labor, Ohio Department of Transportation, Office of Environmental Affairs. Office and fieldwork conducted on a year-round basis for an average of 35 hours a week and 40 hours during the summer. Responsibilities involved writing sections of reports, report preparation, literature reviews, data entry, artifact analysis, artifact inventory, and site mapping. Stan Baker, Dr. Bruce Aument, Marilyn Orr, MA, and James Addington supervised the work.

College Co-op: 1992, part-time labor, Ohio Department of Transportation, Office of Environmental Affairs. Office and fieldwork conducted on a year-round basis for an average of 35 hours a week and 40 hours during the summer. Responsibilities involved writing sections of reports, report preparation, literature reviews, data entry, artifact analysis, artifact inventory, and site mapping. Stan Baker, Dr. Bruce Aument, Marilyn Orr, MA, and James Addington supervised the work.

Field Work (academic): 1992, 1993, 1994 Work at the Peters Site, a Late Archaic cemetery in Pickaway County, Ohio. This involved mapping and excavation of artifacts and prehistoric human osteological remains dating from around 2,600 BC. The field and lab work were under the supervision of Dr. Paul Sciulli. Laboratory work involved assembling skeletal remains for statistical analysis. The lab work was conducted periodically between classes at OSU and the fieldwork was most Saturdays during the summer of the aforementioned years.

College Co-op: 1993 (January to May only), part-time labor, Ohio Department of Transportation, Office of Environmental Affairs. Office and fieldwork conducted on a year-round basis for an average of 35 hours a week and 40 hours during the summer. Responsibilities involved writing sections of reports, report preparation, literature reviews, data entry, artifact analysis, artifact inventory, and site mapping. I was put in charge of several projects at this time and was writing large sections to entire reports. Stan Baker, Dr. Bruce Aument, Marilyn Orr, MA, and Paul Graham, MA supervised the work.

Corporate Work: January 1993 to January 2001, Co-owner of APPLIED Archaeological Services, Inc. and Principal Investigator. Managed some projects, but was mostly responsible for conducting fieldwork, writing reports, artifact inventory, and field supervisor. At APPLIED, I was the Principal Investigator for over 450 projects mostly ranging from Phase I and Phase II surveys.

Corporate Work: January 2001 to present, owner/operator/owner/operator/Principal Investigator of Weller & Associates, Inc. Ryan is in charge of project management, field investigation, report writing, proposal writing, artifact inventory, business meetings. Weller has currently completed or been contracted for about 2,900 CRM projects including literature reviews, Phase I, Phase II (assessment), and Phase III (data recovery) surveys. I have been the Principal Investigator for more than 75 percent of these projects as well as most associated with APPLIED Archaeological from 1993-2001.

Sample CRM Projects

Field Work: Initial excavations and testing at the Adena Estate (Thomas Worthington), National Register historic site, in Ross County Ohio.

Field Investigations and Report: Data Recovery excavations at sites 33DL275 in Delaware County, Ohio.

Field Investigations and Report: Data Recovery excavations at prehistoric sites 33DL1448 and 33DL1450 in Delaware County, Ohio.

Field Investigations and Report: Data Recovery excavations of features and a partial human burial at 33CS468 in Coshocton County, Ohio.

Field Investigations and Report: Phase I-Phase III Data Recovery at 33FR561, an Early and Middle Woodland occupation in Franklin County, Ohio.

Field Investigations and Report: Phase I-Phase III Data Recovery at 33FR2665, a primarily Terminal Archaic and Early Woodland occupation that includes one human internment.

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Summary: Testimony - Direct Testimony of Ryan J. Weller electronically filed by
Christine M.T. Pirik on behalf of Birch Solar 1, LLC