

November 28, 2022

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

Re: Case No. 21-1231-EL-BGN - In the Matter of the Application of Fountain Point Solar Energy LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Logan County, Ohio.

Supplemental Response to Ninth Data Request from Staff of the Ohio Power Siting Board – SHPO Concurrence to Phase I Archaeological Report

Dear Ms. Troupe:

Attached please find Fountain Point Solar Energy LLC's ("Applicant") Supplemental Response to the Ninth Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff").

Attached please find the concurrence letter from the Ohio State Historic Preservation Office responding to the archeology report. The Applicant provided this supplemental response to OPSB Staff on November 28, 2022.

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)

Matthew C. McDonnell (0090164)

Dickinson Wright PLLC

180 East Broad Street, Suite 3400

Columbus, Ohio 43215

(614) 591-5461

cpirik@dickinsonwright.com

mmcdonnell@dickinsonwright.com

Attorneys for Fountain Point Solar Energy LLC

Cc: Theresa White
Randall Schumacher
Jon Pawley
Grant Zeto
Jess Stottsberry

Ms. Tanowa Troupe
Fountain Point Solar Energy LLC
Case No. 21-1231-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 28th day of November, 2022.

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

Counsel and Intervenor Movants:

Via Email:

jodi.bair@OhioAGO.gov
shaun.lyons@OhioAGO.gov
scorchedtrumpet@gmail.com
estewart@logancountyohio.gov
ls lone@mdllp.net
kdd@planklaw.com
dw@planklaw.com
cendsley@ofbf.org
lcurtis@ofbf.org

Via First Class Mail:

Kara Slonecker
922 Township Road 132
West Mansfield, OH 43358

Jeny Hammer
2532 State Route 292
West Mansfield, OH 43358

Jocelyn Kavanagh
2339 CR 8
West Mansfield, OH 43358

Administrative Law Judges:
greta.see@puco.ohio.gov
jacqueline.St.John@puco.ohio.gov

4882-9940-9984 v1 [39579-58]



In replies, please use
2021-LOG-52509

November 22, 2022

Ryan Peterson
Cardno, now Stantec
3901 Industrial Boulevard
Indianapolis, IN 46254

Dear Mr. Peterson:

RE: Section 106 review-- Fountain Point Solar Energy Project in Bokes Creek, Rush Creek, and Perry Townships, Logan County, Ohio

This is in response to the receipt, on November 11, 2022, of the submission related to the Fountain Point Solar Energy Project in Bokes Creek, Rush Creek, and Perry Townships, Logan County, Ohio. The report was submitted by Cardno, now Stantec, on behalf of Fountain Point Solar Energy, LLC (Fountain Point). 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 4906-5). 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 Addendum Phase I Cultural Resources Investigation for the Proposed Fountain Point Solar Energy Project in Bokes Creek, Rush Creek, and Perry Townships, Logan County, Ohio* (Cardno, now Stantec: Settle et al. 2022) submitted to the SHPO office for review.

The project involves the proposed development of an energy project consisting of ground mounted photovoltaic arrays and associated infrastructure. The project area (PA) measures approximately 1,374 hectares (ha) (3,396 acres [ac]) and consists of agricultural fields, fallow grasslands, portions of residential and farmstead parcels, and remnant woodlots. The results of the initial Phase I archaeological survey was submitted in March 2022, and coordinated with SHPO in April 2022. The remaining project areas were subjected to a Phase I archaeological survey in the Spring of 2022.

The report details the Phase I survey methods, which included surface collection of agricultural field, visual inspection and shovel test pit excavations in area where surface visibility was not conducive to surface collection. A detailed literature review and examination of historic cartographic resources were conducted for the proposed project. In addition, a comprehensive review of land ownership was completed for all post-contact sites that were identified as a result of the Phase I survey.

As a result of the archaeological survey conducted in the Spring of 2022, 141 previously undocumented sites were identified (33LO830-33LO969). Eighty-seven (87) sites are identified as precontact isolated finds; 44 are described as low to medium density prehistoric scatters; one (1) post-contact artifact scatter, and nine (9)



multicomponent sites. Two previously documented sites were relocated, and one site documented in the initial survey was further examined.

Cardno, now Stantec recommends that 131 newly identified sites are not eligible for inclusion in the National Register of Historic Places. These sites are not likely to yield additional information about Ohio prehistory in the region or the historical development of this area. The SHPO office concurs with this recommendation. Cardno, now Stantec recommend that previously identified site 33LO225 and 33LO806 are not eligible for inclusion in the NRHP, and no further work is recommended at these sites. The SHPO office concurs with this recommendation.

Cardo, now Stantac recommends the following actions be taken:

- Precontact artifact scatters, 33LO921, 33LO922, 33LO928 and 33LO966, have been recommended for further archaeological investigation or avoidance by Project activities.
- Post-contact artifact scatter (33LO964) dating from the nineteenth through the early twentieth centuries, is recommended for further archaeological work or avoidance by Project activities, as it may offer information important to the history of the region.
- The post-contact component of five multicomponent scatters (33LO225, 33LO916, 33LO920, 33LO929, and 33LO965) are recommended for further archaeological work or avoidance by Project activities. The post-contact components of these sites may offer information important to the history of the region.

Based on the artifacts recovered (diagnostic materials and the size of the assemblage at each site), the SHPO office agrees that avoidance or further work is recommended for precontact artifact scatters, 33LO921, 33LO922, 33LO928 and 33LO96; post-contact artifact scatter, 33LO964; and the post contact component of 33LO225, 33LO916, 33LO920, 33LO929, and 33LO965. The sites have the potential to yield additional information that can contribute to Ohio prehistory and history of Logan County.

If avoidance of these sites is not feasible, then Phase II work plan including research design should be developed for each site and submitted to our office prior to the commencement of field work. Cardno, now Stantec, recommends geophysical survey at all precontact sites, in addition to traditional site assessment methods. The SHPO office agrees that a geophysical survey should be conducted, if possible, at these sites as a tool for identifying intact subsurface features.

If any of the sites are to be avoided, then the SHPO requests that a Memorandum of Understanding (MOU) be drafted that will outline the final design plan of the solar facility and appropriate mitigation and avoidance plans for the sites. The avoidance plan should include a minimum 50-ft buffer around the established site boundary to ensure that no incidental impacts occur during construction. The buffer should be clearly marked in the field (e.g., silt fence) to help minimize the impacts.



If you have any questions, please contact me by email at dgagliano@ohiohistory.org. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Dawn Walter Gagliano".

Dawn Walter Gagliano, Project Reviews Manager
Resource Protection and Review

Ser. No. 1095698

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

11/28/2022 8:35:31 AM

in

Case No(s). 21-1231-EL-BGN

Summary: Response Supplement to the 9th Data Request from the Ohio Power
Siting Board Staff SHPO concurrence letter. electronically filed by Christine M.T.
Pirik on behalf of Fountain Point Solar Energy LLC