

BEFORE THE HENRY COUNTY PLANNING COMMISSION

In the Matter of the Application of)
Big Blue River Wind Farm, LLC for)
Commission Approved Use Permit Application)

AFFIDAVIT OF Nicholas Freeland

I, Nicholas Freeland, am over the age of eighteen (18) and have personal knowledge of the facts stated herein. I suffer from no disabilities that would render my testimony incompetent.

1. I am employed at Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., as a Senior Cultural Resources Specialist with more than eight years of experience in cultural resource management. I am a Registered Professional Archaeologist (RPA) who meets and exceeds the qualifications specified in the Secretary of the Interior’s Standards for Archaeology (36 CFR 61).
2. Big Blue River Wind Farm, LLC (Applicant), a wholly owned subsidiary of Calpine Corporation, is proposing to construct the Big Blue River Wind Farm (Project), a wind-powered electric generation facility in Henry County, Indiana. The Project is subject to review and approval by the Henry County Planning Commission under Henry County Code (Ordinance Number 2018-(03) 08-22), Title 5 – Utilities, Section 9.0 Zoning: Wind Energy Conversion Systems (Ordinance). The Ordinance requires that the Applicant for any proposed wind project file a Wind Energy Conversion System (WECS) Commission Approved Use (CAU) permit (WECS CAU Application) for approval prior to constructing a wind project.
3. Section 9.6(A)(1)(d) of the Ordinance requires the Applicant to prepare a Project Site Plan that includes recognized historic or heritage sites as noted by the Division of Historic Preservation and Archaeology of the Indiana Department of Natural Resources. The Project Site Plan is a component of the aforementioned WECS CAU Application (item #2, above).
4. In the course of my employment, and in connection with this matter, I agreed to the Terms and Conditions contained within the 2014 *Indiana State Historic Architectural and Archaeological Research Database (SHAARD): Qualified Professional Archaeologist User Guide* in order to review archaeological data within the vicinity of the Project contained within the SHAARD website. The Terms and Conditions state that the locations of archaeological sites are confidential and may not be included in publicly available documents. This

was confirmed by a telephone conversation on February 27, 2019 and email correspondence on March 4, 2019 with Cathy Draeger-Williams, Archaeologist with the Division for Historic Preservation and Archaeology (see attached). Therefore, desktop-verified archaeological site locations within the vicinity of the Project are not being included in the WECS CAU Application for the Project in order to maintain compliance with the SHAARD requirements referred to above.

5. Based on EDR's review of SHAARD, six previously recorded archaeological resources (HN-0054, HN-0098, HN-0099, HN-0324, HN-0413, and HN-0414) occur wholly or partially within the vicinity of the Project.
6. EDR has provided the Applicant with the locations of the previously recorded archaeological resources noted above for the purpose of using those data in Project design to avoid impacts to archaeological resources. The currently proposed Project infrastructure does not impact any of the six previously recorded archaeological sites described above. It is my understanding that the Applicant intends to continue to consult with the Indiana Division for Historic Preservation and Archaeology to ensure that the Project does not physically impact any eligible or potentially eligible archaeological sites. It is also my understanding that the Applicant intends to avoid the demolition or physical alteration of any buildings or other potential historic resources during the construction of the Project.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

Dated: April 19, 2019



Signed

Nicholas Freeland

Printed Name

Nick Freeland

From: Draeger-Williams, Cathy <CDraeger-Williams@dnr.in.gov>
Sent: Monday, March 4, 2019 12:17 PM
To: Nick Freeland
Subject: RE: Henry County Wind Project

I don't see anything wrong with EDR's letter to the county. Site locations/information are provided to qualified archaeologists, land owners, and developers/consultants working on behalf of the land owner for the specific project. Usually are language reads close to the following: "archaeological site locations are not publically disclosed."

From: Nick Freeland [mailto:nfreeland@edrdpc.com]
Sent: Monday, March 04, 2019 2:01 PM
To: Draeger-Williams, Cathy <CDraeger-Williams@dnr.in.gov>
Subject: RE: Henry County Wind Project

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Great, thank you Cathy. I actually do have one more question: per our conversations, can you confirm that it's acceptable to the Division for Historic Preservation if we provide an affidavit to Henry County stating that archaeological site locations are confidential and that is why we're not including them in the site plan we're submitting to the County? The affidavit will be signed by someone from EDR (most likely me) and basically is just a way of explaining to the County, within the permitting record, why we're not including archaeological sites on the site plan we're providing them.

Thanks!

Nick Freeland
Senior Cultural Resources Specialist
Environmental Design & Research,
Landscape Architecture, Engineering & Environmental Services, D.P.C.
C. 307.349.0417
E. nfreeland@edrdpc.com

From: Draeger-Williams, Cathy <CDraeger-Williams@dnr.in.gov>
Sent: Monday, March 4, 2019 11:05 AM
To: Nick Freeland <nfreeland@edrdpc.com>
Subject: RE: Henry County Wind Project

You are correct. That is what we discussed. If there are any questions, please let us know.

From: Nick Freeland [mailto:nfreeland@edrdpc.com]
Sent: Monday, March 04, 2019 12:34 PM
To: Draeger-Williams, Cathy <CDraeger-Williams@dnr.in.gov>
Subject: Henry County Wind Project

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Hi Cathy,

I just wanted to send a quick note to thank you for taking the time to talk with me last week, it was extremely helpful. I was also hoping you could confirm a couple of the points we discussed, just to make sure I understand them correctly. Feel free to make corrections if I'm mistaken about any of these points. Thanks!

- The Indiana Division of Historic Preservation and Archaeology considers archaeological site locations to be confidential and they should not be shown on publicly available documents, such as site plans.
- If Section 106 of the National Historic Preservation Act is triggered by a federal permitting nexus (e.g., USACE, Endangered Species Act, etc.), then the Division of Historic Preservation and Archaeology would require a complete archaeological survey of the limits of disturbance for the proposed wind farm. Also if portions of the project are proposed on state or federal lands that would trigger archaeological survey. If not state or federal lands are involved, and if no federal permits are required, then Section 106 would not be triggered. However, even in the absence of Section 106, there is a state regulation that requires a work stoppage in the event of any unanticipated archaeological discoveries. This same regulation also prohibits knowingly impacting a previously recorded archaeological site that is eligible or unevaluated for the National Register of Historic Places.

Nick Freeland

Senior Cultural Resources Specialist

Environmental Design & Research,

Landscape Architecture, Engineering & Environmental Services, D.P.C.

PO Box 1087, Lander, WY 82520

C. 307.349.0417

E. nfreeland@edrdpc.com :: www.edrdpc.com

EDR is a certified Woman Owned Business. Ask us about our [federal and state certifications](#).

Check out what we're up to on [Facebook](#) and [LinkedIn](#).