

## OVERVIEW OF HECATE'S PROPOSED "SHEPHERD'S RUN" SOLAR PROJECT

Copake Town Board Public Informational Meeting (Zoom)  
July 30, 2020 7:00 p.m.

I have been reporting at Town Board meetings since March on Chicago-based developer Hecate's proposal to site a 60 Mw utility-size solar energy facility in Copake. The facility is deemed "utility size" because to generate 60 Mws, it will require approximately 200,000 solar panels. The facility's footprint would take up approximately 500 acres within a 900-acre "project area" in Craryville. The proposed site is located near the intersection of State Route 23 and County Route 7, with most of the area located south of 23. And there also may be a series of 53'-long shipping containers housing lithium ion batteries to store electricity. If Hecate includes these in its final plan, they would be fixed onto concrete foundation pads, likely situated directly east of the existing NYSEG Craryville substation along Route 23.

For those of you who have been attending recent Town Board meetings, or have read our monthly solar updates in Board minutes or in The Copake Connection, or have seen press reports about the proposed "Shepherd's Run" project in the Columbia Paper or the Register Star, bear with me as I repeat some of the information. Some people who are here, virtually, tonight, will be hearing about Hecate's proposal for the first time. And everyone who would be affected by the construction and operation of this massive project needs to know what Hecate has proposed.

Unbeknownst to us, Hecate had been planning this since 2017. By the time its representatives met with us in late January, they already had entered into, or were in the process of finalizing, lease agreements with local landowners. They already had obtained financial incentives from a State agency, the NYS Energy Research and Development Authority (NYSERDA), called "renewable energy credits" to help defray their costs.

It is our understanding that the electricity generated by new facility would feed into NYSEG's distribution network and that Hecate has entered into, or will enter into, Power Purchase Agreements with NYSEG to buy the electricity.

Almost three years ago, the Town Board enacted Copake's solar law, which is incorporated into Copake's Zoning Law. As you will hear in greater detail this evening from our solar attorney, Ben Wisniewski, Copake's law limits the size of solar energy facilities to no more than 10 acres. So Hecate's project would be 50 times the maximum size allowed in Copake.

Shepherd's Run would be a very, very large industrial project for our small town and for the area.

Ben will tell you about New York State's ambitious, laudable goals to reduce carbon emissions. But he also will discuss a State law, called Article 10, which enables developers seeking to build large-capacity solar facilities to circumvent most local Town laws and procedures, and instead to obtain approval from a State Siting Board.

To be able to use Article 10's procedures, a developer's project must have a capacity of at least 25 Mw. So Article 10 encourages developers to "think big" so they can take advantage of the speedier and less cumbersome State approval process.

Another thing about Article 10: it establishes procedures a developer is supposed to follow to obtain information and input from residents of the affected town. This is why, on January 31st, Hecate filed with the State its required "Public Involvement Program" ("PIP") plan, in which Hecate told New York State it would conduct several "open house" meetings with local residents. Two were supposed to happen before the filing of a second document, called a "Preliminary Scoping Statement". The idea was that residents would learn about the proposal, ask questions, make comments, and express their concerns, and Hecate would use the information it obtained from local open houses to help shape its plans for the project, and presumably, to modify its plans where necessary to deal with issues raised by participants.

But the promised open houses never happened. Instead, citing the Covid pandemic and State restrictions on group gatherings, Hecate went back to the State and got permission to renege on its promise to hold in-person open houses, and to instead mail postcards to people living within 2 1/2 miles of Hecate's "project area" boundaries. The postcards invited recipients to visit a website to attend a "virtual open house", where people could ask questions and express their views about the proposal. Hecate said it would post the questions and comments, together with its responses.

But many local residents who live very near the project area boundaries never received postcards. As a result, residents have been unable, and continue to be unable, to meet with Hecate as a group and consider its proposal together, and to learn what their friends and neighbors are thinking. In fact, if you go to the website, you will see a list of a grand total of seven questions and responses. That's it!

The opportunity for area residents to consider Hecate's proposal as a group, to learn what their friends and neighbors are thinking — the very objective of an in-person meeting with Hecate's representatives — has been eliminated. Instead, Hecate has set up a procedure allowing it to go one-on-one with those area residents with whom it chooses to engage. Why? And to quote Hecate's project developer, to meet the state's "aggressive renewables development mandates, projects need to find ways to continue development during these uncertain times." Well, as I've repeatedly asked at Town Board meetings, what's the rush?

After all, we know the State has been easing group meeting restrictions. The trajectory we seem to be on would suggest that soon it will be possible to have safe, in-person group gatherings with appropriate social distancing, mask-wearing, and expanded State-mandated capacity limits. But in the meantime, here's a suggestion from the July Town Board meeting: if Hecate really wants local input, if it really cares about the concerns of area residents, it could host a series of small discussion groups, with appropriate social distancing: mini, in-person, backyard "open houses" to both give information and get feedback about its proposal.

Some residents are uncomfortable attending online meetings (like this one); others have poor internet access, or none at all. Hecate should be reaching out to these folks — to everyone.

It is not unreasonable to expect Hecate to make more of an effort at outreach. Hecate should wait until area residents are able to safely meet with the developer at in-person open houses, as it promised the State, and represented to the Town of Copake, would happen.

Once again I ask, what's the rush?

Hecate recently filed a "Notice of Submission of Preliminary Scoping Statement", in which it said it would file the Scoping Statement "on or about July 22, 2020". So, we expect to see it any day now. This means it will have been prepared with almost no local input. When that happens, Hecate will be flagrantly disregarding the representations it made in official filings to the State. And it will send a strong signal that the Chicago-based developer isn't interested in what we Copake residents and neighbors think or what we want.

Hecate's representative was quoted in the Columbia Paper, as saying, "Hecate doesn't do projects that don't include local input...we encourage and look for local input...it's just a good way to do business."

Unfortunately, however, inaction has been speaking much louder than words. And Hecate's behavior thus far does not inspire confidence that it is dealing with us in good faith. Here's an example: Hecate's representative was asked at the July Town Board meeting about the negative impact of very large solar facilities on the property values of adjacent and nearby landowners, and others whose pastoral views would be replaced by thousands upon thousands of solar panels. His response was telling. He challenged the assumption, and said he knew of no studies that showed decreased property values.

So, let me bring you up to date on what the Town Board has been doing.

In February, we began speaking with attorneys who specialize in representing municipalities (euphemistically referred to as "host communities") in which developers attempt to site utility-size solar facilities. We conducted interviews and negotiations in March, and hired Ben Wisniewski, from the Zoghlin Group in Rochester, on April 2nd.

We've presented status reports at each Board meeting since March, with "solar updates" posted on the Town's website each month. We've written about the Shepherd's Run proposal in the Copake Connection. We've provided information to the newspapers, and the Columbia Paper in particular has covered the issue extensively.

Earlier this week, the Town Board interviewed environmental engineering firms to assist us in reviewing Hecate's soon-to-be received Scoping Statement, and to identify potential environmental impacts of the project on wetlands, wildlife, the view shed, and other concerns.

This evening, I am pleased to announce that we have agreed to retain LaBella Associates, a very highly-regarded firm that has collaborated on other matters with our solar attorney. Incidentally — but importantly — in the near future, and as soon as Article 10 procedures allow, we will be applying for what are called “Intervenor Funds” — monies that the Law requires be put up by solar developers — to help us defray the costs of professional assistance to protect Copake's interests.

As Ben will explain, we are in only the very earliest stages of what is certain to be a long, challenging process. As more and more concerned townspeople and neighbors become aware of extraordinary size of the proposed solar utility facility, they are getting involved — particularly on social media — asking questions, and raising issues and concerns.

The Board is planning to hold a second, large, hopefully in-person meeting on Saturday morning, October 3rd, at the Taconic Hills Performing Arts Center. In the meantime, we will continue to report at monthly Town Board meetings, and use the Copake Connection and social media platforms to keep everyone abreast of developments as they occur. After all, we still don't know exactly where Hecate wants to put all of those solar panels, or whether it will formally propose to construct a battery storage facility on the north side of County Route 23.

As soon as we know, everyone will know.

Thanks for being here tonight and for listening.

And now, let me turn the meeting over to our attorney, Ben Wisniewski.