

Solar Update April 2022

Last month I reported that on March 8th, Hecate filed with the NYS office of Renewable Energy Siting (ORES) an application for a siting permit that, if approved, would authorize Hecate to construct its 228-acre “inside-the-fence” Shepherd’s Run utility-scale solar installation in Craryville.

This Board’s position has been consistent: Copake is ready to do its fair share to combat climate change and support New York State in its efforts to reach its laudable carbon-reduction goals. But, as proposed, Shepherd’s Run is too big for our small, rural town, and its proposed location, largely running from State Route 23 south along County Route 7, is very, very poorly sited.

Beginning when Hecate filed its first Public Information Program plan in January, 2020, we’ve offered to work with Hecate to come up with a proposal that would be a win-win-win: good for Copake, good for Hecate, and good for New York State. We’ve wanted to develop a template for developers to bring large-scale solar to towns throughout upstate, and offered to “go on the road” with Hecate to promote it. But Hecate has, time and time again, demonstrated by its actions that it is uninterested in working with the Town Board, or, for that matter, with the *ad hoc* Working Group that made a series of smart, environmentally-sound recommendations to improve the Shepherd’s Run proposal. Indeed, one fact is now beyond debate: Hecate is motivated by corporate profits alone — not by “saving the planet”, or partnering with local communities, or preserving prime farmland and forests.

Here’s the proof:

As most of you are by now aware, the Working Group is comprised of both supporters and opponents of Hecate’s proposal, public interest groups Columbia Land Conservancy and Scenic Hudson, volunteer landscape architects and people from Cornell University. Together, they made a series of recommendations to improve Shepherd’s Run and presented them to Hecate. In response, Hecate’s Project Director told The

Columbia Paper, “The vast majority of the Working Group’s suggestions were integrated into the Project’s application/design.” (The Columbia Paper, March 3, 2022, p. 3) Now I reported at the March Town Board meeting that, although we had not yet had the opportunity to carefully review Hecate’s massive application submission, we suspected that the Hecate statement was untrue. Well, our suspicions were correct: the Hecate statement is demonstrably false.

Today our solar attorney filed the proof with ORES, in the form of a chart — “Working Group Recommendation Status Table”. The chart summarizes our attorney’s comprehensive review of the application. It presents each of the Working Group’s recommendations and whether or not each was incorporated into Hecate’s application. Here’s what we found:

The Group’s proposals include the creation of a 300-acre community-accessible green space, community gardens in buffer zones, a spur from the Rail Trail to Rheinstrom Hill, and new walking trails. Hecate commits to none of these in its application.

A proposal to compensate adjacent homeowners whose property values will plummet thanks to the thousands of solar panels Hecate intends to install directly across the road is ignored.

A proposal that Hecate not clear-cut 40 acres of trees and shrubs is ignored. This is particularly galling because forested lands capture carbon!

These are just some of the many examples demonstrating Hecate’s disdain for the extensive, all-volunteer collaborative efforts of the Working Group: efforts to turn the Shepherd’s Run eyesore into an asset — an attraction that the Working Group is convinced the Copake community would come to embrace.

You can and should read the analysis we filed with ORES today. It can be accessed through the following link (which will be posted on the Town’s website):

<https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=21-02553&CaseSearch=Search>

By the way, our filing is consistent with what the independent Working Group has found in its review of Hecate’s application.

ORES will soon make a determination as to whether Hecate's application is "complete". We are urging ORES to refrain from certifying its completeness unless and until Hecate incorporates all of the recommendations into the application.

On another note: Hecate is demonstrating its lack of transparency once again. It is refusing to disclose to our attorney Shepherd's Run capital, workforce and project costs, including estimated wages to local workers should Shepherd's Run become operational. It is unwilling to provide estimated Payments in Lieu of Taxes or Host Community Agreement payments to the taxing jurisdictions (Copake, Columbia County and the Taconic Hills School District). One wonders why Hecate is unwilling to disclose what it claims will be the important economic benefits to the area...

Separately: we have filed with ORES for funding available to Copake to proceed with the 94-c process. If granted, these funds will help defray legal and environmental engineering expenses incurred by the Town as we address Hecate's application.

Also: papers in the appeal in the litigation in which Copake is lead petitioner challenging ORES' regulations will be filed in the next few weeks.

Finally, as we await next steps in the streamlined 94-c application process, we are extremely disappointed to have heard nothing but deafening silence from Albany. There has been no response to Supervisor Mettler's letter last month to Governor Hochul imploring her to intercede in the process by supporting Home Rule and helping to fashion a solution that meets climate change challenges while protecting agriculture and rural upstate towns.