

Solar Update  
March 2022

On Tuesday, Hecate filed with the State's Office of Renewable Energy Siting ("ORES") an application for a siting permit for the Shepherd's Run — five years after Hecate first approached the Town Board about building a solar facility on the Rasweiler farm in Craryville, along County Route 7, south of State Route 23.

And it's been more than two years since Hecate unveiled its proposal for Shepherd's Run, so named because Hecate envisioned sheep grazing under approximately 200,000 solar panels. In January, 2020, its representatives said they intended to place the panels, inverters, transmission lines, access roads, and possibly battery storage facilities across 500 acres within an 800 acre Project Area, much of it prime farmland. And they made it clear that they had no intention of complying with Copake's zoning regulations or presenting its proposal to the Town's Planning Board for site plan review — because they didn't have to. Instead, Hecate let us know it would apply to the State's Article 10 Siting Board for approval, overriding local laws. The crumbs offered to the Town by the Article 10 process were that two of the seven Siting Board members would be nominated by Copake. "Crumbs" because the other five members were high-ranking State officials who were appointed by the Governor and rubber-stamped their approval of all siting applications.

But this wasn't good enough for the developers. They complained that the Article 10 process was too slow, and towns actually had an opportunity to adjudicate issues and concerns before the Siting Board's administrative law judges. So...the State passed a *new* law, Section 94-c of the Executive Law, creating a much faster-track to State approval through ORES...and no more Town representation on the site approving body.

At Board meetings and elsewhere, for more than a year we have repeated that we support the State's ambitious climate goals and want to do our fair share to reduce reliance on fossil fuels. But we have been advocating for a solar project that is

appropriately-sized for our small, rural town, and sited in locations that are effectively shielded from nearby homes.

We urged Hecate to find a way to significantly reduce the project's planned 500 acres "inside the fence". And it did so! But, the proposal still calls for 228 acres inside the fence. It is still too big.

We urged Hecate *not* to use chain-link fencing around and throughout the project. Instead, we proposed more "wildlife friendly" fencing, akin to that used by some area tree farms. And Hecate agreed!

We urged Hecate *not* to use saplings and non-native trees for screening. We proposed the use of mature trees, planted in staggered rows to better "hide" the thousands and thousands of solar panels and equipment.

We urged Hecate to provide compensation to project-adjacent homeowners.

We have repeatedly urged Hecate to work with us to develop a project template that respects Home Rule, follows local laws, and thereby preserves rural and small town environments. We've said that if Hecate were to become true community partners, we would even "go on the road" with them and advocate for such projects throughout the State. We envisioned a win-win situation — actually a triple-win situation, benefitting Copake, Hecate and New York State's efforts to reach its climate targets.

As you probably know, supporters and opponents of the Hecate proposal met as a Working Group and made a series of recommendations to improve Shepherd's Run. Last week, 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)

We haven't yet had a chance to review the massive application and exhibits, so it is impossible to assess the accuracy of this claim. But information currently available on the Shepherd's Run website regarding three important recommendations from both the Town and the Working Group is not encouraging:

Landscaping/screening: During the permitting process, "Hecate will work with the Working Group...to incorporate the Working Group's design suggestions with Hecate's

schedule, budget and other business objectives.” I read this to mean, “Trust us. We’ll see what we can do — now that we’ve filed our application!”

Compensation to project-adjacent homeowners: “Hecate has created site specific buffers for families that are uniquely impacted. Hecate has also implemented setbacks in accordance with the Copake town law and the 94-c Regulations.” This is NOT compensation. It is cold comfort to these homeowners whose property values — for many, their life savings — will drop significantly when they have to look across the road at solar fields. Only in for-profit corporate-speak could Hecate’s language be interpreted to mean “compensation”.

Do not clear-cut 40 acres of existing forested land: Rather than relocate the panels slated to replace forested land, “Hecate has committed to include approximately 800 trees and 800 scrubs in the Project’s landscaping plan. Hecate will perform a detailed greenhouse gas calculation to show the net benefit of installing the Project and how long it will take to negate the loss...” of the forested area. In other words, Hecate, while it claims to be working to save the planet, is nonetheless willing to lose the carbon-capturing benefits of 40 acres of forested land *rather than move the panels or slightly reduce the size (and the profitability) of Shepherd’s Run.*

Our solar attorney and environmental engineering firm will review the application carefully to see which, if any, additional improvements to the project Hecate has included in the application.

In the meantime, here’s where things stand.

1. Our solar attorney will apply to 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.

2. Copake continues as lead petitioner (now appellant) in the lawsuit challenging the ORES-promulgated regulations under which Hecate is proceeding. Copake is not paying for this litigation.

3. Supervisor Mettler has written to Governor Hochul urging her to get involved in helping to fashion a win-win solution, and to see for herself the Working Group's on-line presentation. She wrote, "ORES should not deem the Hecate application complete until Hecate has fully adopted or at a minimum has demonstrated why they cannot adopt each of the proposals." By the way, the ORES Acting Director is appointed by the Governor. You can find the letter on the Town website.

The next step for us is a full review of the application and supporting exhibits.

Richard Wolf,  
Copake Deputy Town Supervisor