

Solar Update May 2022

I'd like to begin this report with a glimmer of good news:

You will recall that on March 8th, Hecate Energy filed with the State's Office of Renewable Energy Siting ("ORES") an application to site Shepherd's Run, a 60 Megawatt, 228-acre "inside-the-fence" utility-scale solar plant, in Craryville. State law gives ORES 60 days to determine whether an application is "complete".

On May 2nd, the *ad hoc* "Working Group" pointed out to ORES that Hecate's application was missing lots of important, required information. As you are aware, the Working Group is made up 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. The Group worked very hard, made a series of smart, forward-thinking recommendations to improve Shepherd's Run.

Two days after the Working Group's notification to ORES, Hecate responded by submitting 84 additional items to be filed with the application.

Nonetheless on Monday, May 9th, ORES issued Hecate a "Notice of Incomplete Application", and presented the developer with a 20-page list of additional information Hecate must submit for ORES' review before it determines whether the Shepherd's Run application is "complete".

So, this certainly qualifies as "good news" to all who are working to promote a careful and comprehensive review of the solar plant proposal, and who are seeking to ensure that as we all work to reach NYS's climate goals, Hecate collaborates with Copake and the Working Group to protect our local environment, community character and affected homeowners — the "win-win" that we all talk about.

There are two other recent developments. First, regarding taxing large renewable energy facilities. You will recall that we passed a local law opting out of the automatic tax exemption otherwise granted to developers of large-scale renewable energy projects by Section 487 of the Real Property Tax Law. That is, we voted to fully tax Shepherd's

Run, in the same way that homeowners are taxed on the combined value of their land and home. Next thing we knew: developers had persuaded Albany to develop a uniform statewide assessment model specially created for large energy facilities. Assessment authority was to be taken away from local assessors, and a much more favorable-to-developers Model Formula was to be imposed, meaning much lower tax revenues for local taxing jurisdictions.

Towns who already have large facilities sued, claiming that the lower rates for power plants would mean higher taxes for everyone else.

Recently, a State Supreme Court judge issued a temporary restraining order, noting that the towns were likely to win, and stopping the Model Formula in its tracks — for now.

It remains to be seen what steps the developers and the State take next.

The other recent development has to do with the inconsistent way that ORES deals with comments submitted for filing. The approach seems to be: heed developers; others, not so much.

Hecate had publicly claimed that it had incorporated into its siting application most of the Working Group's recommendations to improve Shepherd's Run.

On April 14th, our attorney submitted a letter to ORES, presenting our analysis and findings that Hecate in fact had *not* included the proposed improvements into the Shepherd's Run application it filed with ORES. We urged ORES to *not* consider Hecate's application "complete" until it included them.

On April 21st, Hecate's lawyers submitted a letter to ORES, urging it to "disregard" our letter (and also one submitted by the Working Group) because the ORES regulations *don't specifically provide for comments regarding the completeness of a siting application*.

Here's what ORES did with the letters:

It refused to include our letter (or the Working Group's) in the "Filed Documents" section of the official record. Instead, it buried our analysis deep in the middle of the "Public Comments" that ORES "accepts", but may not even review.

BUT...ORES included Hecate's letter with the case's "Filed Documents"....

Two letters on the same subject: Hecate's letter commenting on our letter: in!
Copake's letter — the one Hecate was commenting on —out!

With actions like these, ORES creates the appearance of pro-developer, anti-town bias.

Richard Wolf

Deputy Town Supervisor