

Solar Update October 2021

You will recall that, in January 2020, when Hecate Energy first announced plans to construct Shepherd's Run in Craryville, it identified a 900 acre project area, inside of which was to be a 60 Megawatt, 500 acre utility-scale solar facility, with approximately 200,000 solar panels.

Hecate heard from this Town Board and from many Copakeans that its planned facility was much too large for our small, rural town, and that the proposed siting was exactly wrong because it would put most of the solar arrays, inverters, and other facility components along roads that are gateways to Copake hamlet and Copake Lake.

In response, Hecate returned to the drawing board and reduced the proposed 500-acre footprint several times to 255 acres. Then, as we reported last month, Hecate Energy revealed its latest plan, and it still fails to meet Copake's two principal objections: (1) size: it's still too big — the newest proposal is 245 acres, only 10 fewer acres than the previous proposal; and (2) siting: all of the solar panels across from the houses on County Route 7 remain exactly where they were, and the southern-most arrays have been moved further north, near Birch Hill Road.

Nonetheless, we continue to want to work with Hecate to fashion a better proposal. In a couple of weeks we will again meet with Hecate's project developer. We are expecting to review Hecate's visual simulations, which are supposed to show the visual impacts of the plan: how much of the facility will be visible, and from where. What would the facility look like from the homes on and/or near County Route 7? from Birch Hill Road? from various points along Route 23, etc.? The simulations also should present Hecate's plans for screening

the solar arrays from view. Among other things, we hope to learn whether Hecate intends to screen with mature trees, rather than with saplings.

Last week we received a decision in the Article 78 proceeding, which I've previously discussed, brought on behalf of Copake as lead petitioner, five other upstate rural towns and seven non-profit avian interest groups and community grass-roots organizations. The lawsuit is NOT against Hecate; the defendants are New York State and the Office of Renewable Energy Siting ("ORES"). Petitioners are challenging regulations written for ORES by an energy-industry consultant (which, incidentally has Hecate as one of its clients!) and promulgated by ORES. The regulations are designed to further speed up the siting approval process for large renewable energy facilities.

Copake and the other 12 petitioners argue that the regulations violate the State Environmental Quality Review Act ("SEQRA"), the State Administrative Procedure Act ("SAPA"). and the Homie Rule provisions of the State Constitution. The regulations would allow ORES to ignore Copake's zoning code and construct a much larger solar energy factory than our laws allow.

Unfortunately, the judge ruled against us. But his decision is only the first step in the litigation process. Our attorneys will be appealing to the Third Judicial Department where we are hopeful that the judge's decision will be reversed, and that ORES will be required to go back to the drawing board and re-draft regulations that balance the compelling need to address climate change with the concerns of small town, upstate, rural New York.

Let me remind you that Copake tax dollars are not funding this ORES lawsuit.

As you are doubtless aware, Hecate has not yet filed an application for siting approval from ORES. Before it is allowed to do is, Hecate is required to meet with Town government officials, and thereafter with the interested community

members. Following the community meeting, Hecate must wait 60 days before filing its application.

Throughout the siting application process, this Town Board will continue to advocate for what we believe to be in the best interests of Copake: a reasonably sized, appropriately-sited and effectively screened solar facility, consistent with the Town's commitment to working constructively to develop renewable energy solutions that demonstrate Copake's willingness to do its fair share to address climate change, even as we protect our precious rural environment.