

Solar Update March 2023

The County Board of Supervisors' unanimous vote last night to join Copake, Hillsdale, Taghkanic, Claverack, and Hudson in urging the NYS Office of Renewable Energy Siting ("ORES") to continue to deem Hecate's Shepherd's Run siting application incomplete unless and until Hecate can provide evidence that the construction and operation of the utility-scale solar facility will not negatively impact water quality or the Taghkanic Creek Watershed, comes not a moment too soon. ORES is expected to determine the "completeness" of Hecate's application before the end of this month. Jeanne deserves great credit for "shepherding" through this bi-partisan expression of Columbia County's support for our position, as well as garnering the support of our neighboring towns. Hopefully, Jeanne's efforts will impact ORES' decision.

Our efforts are continuing to reach out to elected officials. On Monday, Jeanne and I met with Representative Molinaro's District Director and discussed the Town's concerns about the proposed project, noting two areas of potential federal government interest: the water issues and the significance of the former Niver Farm (now the Rasweiler property) to local Native American history. Then on Monday evening, Lindsay LeBrecht and several Copakeans presented information directly to Representative Molinaro at his Town Hall meeting in Claverack. We are continuing efforts to arrange for State Senator Hinchey to tour the proposed site and meet Town officials and concerned community members. Townspeople recently discussed concerns about the proposed Craryville solar project with Senator Hinchey's constituent services staff at the Hudson library.

By the way, I should mention that, following Hudson's adoption of its Resolution, on February 24th a welcome editorial appeared in the Register-Star. It stated, "The Copake Town Board and now the Hudson Common Council say the state should not grant approval of the company's application or grade it complete until Hecate can give iron-clad assurances that the solar installation will not do harm to the water from the

Taghkanic Creek...The people of Copake still have many questions. We think it's time Hecate provides the answers." So do we!

I want to thank our Assemblymember Didi Barrett for her February 28th letter to the ORES Executive Director, passing along complaints from Sensible Solar, and asking for responses, regarding ORES' "questionable practices" (several of which I've noted in earlier updates) including: selective and untimely posting of critical documents; ex parte, undisclosed communications with Hecate, including providing advice and guidance Hecate, an apparent conflict of interest "with a private corporation which has a permit matter pending before the State"; unilaterally allowing Hecate to extend a missed deadline for its most recent application submission; and, the Administrative Law Judge ruling I reported on last month, which appears to show a lack of impartiality, and potential conflict of interest. As of late this morning, Didi has not received a response to her letter.

As to whether ORES should consider Hecate's application "complete", there's this: two days ago, the *ad hoc* Copake Solar Working Group sent to ORES a list of "site-specific permit conditions" it wants ORES to include in a permit for Shepherd's Run, if a permit is granted. This is the Working Group's wish-list; despite what one vocal Hecate supporter is claiming, the company has NOT agreed to these items. Some include: an agricultural co-utilization plan (sheep grazing, with sheep dogs and "other guard animals" — remember that Hecate says that in agreeing to use wildlife-friendly fencing, it eliminated all agricultural practices, worrying that coyotes could get in and kill the sheep); more and expanded landscaping requirements; community zones (presumably the 300 acre green space); assistance with Rail Trail expansion; no cutting down 25 acres of trees on the hill on the east side of County Route 7; and, compensation to adjacent homeowners (although the Working Group has scaled back this "condition" so that it will not come near making there homeowners whole for the decrease in their property values). This writing to ORES confirms what we've known all along: Hecate has no interest in being a "community partner", as it claims. The only way these items, and others, become permit conditions, are if ORES forces Hecate to accept them.

Finally, on the very day that ORES may render a “completeness” decision, our attorneys will be in court in Albany. At 1 p.m. on March 27th, a Third Department panel of justices will hear our appeal in the case Copake has brought, together with five other upstate, rural towns and seven non-profits, challenging and seeking to overturn the regulations under which ORES operates — regulations that were written by an energy industry consultant which has Hecate as one of its clients, regulations that tilt the playing field in favor of developers and against “host communities”.

We will continue to report as developments warrant.

Thank you.