

Solar Update
May 2023

Last month I reported that on March 28th, the NYS Office of Renewable Siting (“ORES”) told Hecate Energy Columbia County that the siting application for its proposed Shepherd’s Run Solar Facility project remained “incomplete”. This was ORES’ third Notice of Incomplete Application (“NOIA”) to Hecate. Hecate must return again to the drawing board and provide responses to the 20 pages of additional requests for information ORES is seeking. Hecate has 90 days to respond.

Hecate first announced its intention to build a 60 Megawatt, 255-acre solar factory in Craryville in January, 2020, so its continuing inability to file an application with all of the information required for ORES to make a completeness determination must be frustrating to the multinational, Chicago-based energy company. But Hecate is apparently not alone in its frustration.

In an April 27th editorial, the Columbia Paper revealed frustration of its own, and a remarkable lack of understanding of the State’s siting permit application process. Perhaps you read the editorial, entitled “Is there a way?” Supervisor Mettler’s response to the editorial should be in this week’s Columbia Paper. Here is my take on it.

The editorial reported that solar facilities have “blossomed” in a few Columbia County communities. This is true. But the critical point is that these installations are much smaller than Shepherd’s Run would be, and each was reviewed and then authorized by the town where it is located. Shepherd’s Run is much, much larger, so under State law, Hecate can bypass Copake’s Zoning Code and Planning Board procedures and seek approval directly from ORES.

The editorial failed to demonstrate even a basic understanding of what ORES is supposed to do, or what it does when it kicks back Hecate’s repeated attempts to file its application. It asserts that “ORES has a year to issue each permit” and because it hasn’t done so with the Shepherd’s Run proposal, “it’s as if the agency is toothless.” ORES is anything but toothless. It has the extraordinary power to force a town to accept the presence of a gigantic solar factory; it can waive any local law or procedure it deems “unduly burdensome” to the State’s ability to reach its carbon-reduction goals — Copake’s Zoning, Planning, Comprehensive Plan, and Agricultural Protection Plan to name a few. And it operates under regulations written for it by Hecate’s own energy consultant — regulations that tilt the playing field in favor of the developers and against small, rural towns like Copake. That is why with other small, upstate towns we have sued to overturn the ORES regulations — to make the process fair, and not, as the editorial claims, “to block the Hecate project.”

But I digress: the reason un-“toothless” ORES keeps issuing Hecate NOIAs is because ORES is supposed to evaluate a siting application objectively. It should be trying to determine how the project would affect Copake’s farmland, wetlands, the Tagkhanic Creek, and historic sites. It can’t even pretend to do so without all the facts. Perhaps the editorial writer doesn’t care about these things; we live here, and we do.

If and when Hecate files all the information ORES needs, ORES will then have a year to make a decision on the application.

And the editorial declares, “It’s no longer a matter of whose property value is most at risk...” Easy to say when you live nowhere near Craryville. Tell that to the people who live directly across the road from many of the almost 200,000 solar panel Hecate wants to deposit along the gateway to Copake Lake and the hamlet of Copake.

“Find a compromise”, the editorial commands. Here’s the problem with that idea: Hecate has refused to compromise. The project is too big; it’s poorly sited; it would be poorly screened. We’ve said this for three years. But Hecate won’t budge. Make no mistake: Hecate is in it for the money. And changes cost money.

There is a lot of misinformation floating around about the Hecate proposal, and the editorial only adds to it.

We all need accurate information, and we’re trying to get it. At our request, an administrative law judge ordered Hecate to give us shape files containing data that may help answer questions about the likely environmental impacts of Shepherd’s Run. We’re analyzing the files now. Everyone should want to know how the project would affect the local environment, including the water supply. Even if you don’t live here.

Thank you.

Richard Wolf
Copake Deputy Town Supervisor