

Solar Update August 2023

Two and one-half weeks after our State Senator, Michelle Hinchey, met with Jeanne and me to discuss Hecate Energy's proposed 60 Megawatt solar factory, she returned to Copake, joined by State Senator Peter Parckham, chair of the Senate's Environmental Conservation Committee. After our meeting at Town Hall, we brought the Senators for an inspection of the 267-acre Craryville site targeted to house almost 200,000 solar panels, and inverters, connection cables, access roads and security fencing.

The Senators and their staff members spoke with several Craryville residents whose homes are directly across County Route 7 from the proposed site. The homeowners told them about the wetlands, Taghkanic Creek, and many streams within the proposed site. They showed pictures of flooding coming across 7 onto the the edge of their properties. Both Senators, before they left, expressed their views that the proposed location is totally inappropriate; each expressed particular concern that, despite ORES' representation that it would not site utility-scale solar facilities on prime farmland, Hecate itself acknowledges that 81% of the planned "disturbed acreage" is prime soil, prime soil if drained, or soil of statewide importance.

All who met the Senators were very appreciative of their interest and concern. We remain in contact with their staffs and look forward to learning what the Senators can do to address the many issues we raised with them.

As you know, ORES is currently reviewing Hecate's most recent filings — responses to the third "Notice of Incomplete Application". We should know by the end of the month whether ORES is sufficiently satisfied with the developer's submission to declare the application "complete". If so, ORES would have one year to issue a siting permit or to reject Hecate's application, in which case ORES

would likely issue a fourth “Notice of Incomplete Application” and invite Hecate to cure whatever deficiencies ORES identifies.

There are many omissions and inappropriate redactions in Hecate’s filings. Some do not provide direct responses to ORES’ concerns. Others are so blacked out as to prevent us and you from reading the developer’s responses and assessing their adequacy. Our attorney met yesterday to discuss the over-redactions with Hecate’s attorney who agreed to provide minimally-redacted documents for public disclosure. However he said it would take some time to review the documents; we are unlikely to see the un-redacted or reduced-redacted documents until *after* ORES’ upcoming “completeness” determination.

Our attorney recently filed a motion to reargue the appeal of an adverse decision in the ORES regulations lawsuit. That case, brought by Copake, five other small, upstate towns, and seven non-profits, seeks to overturn the regulations under which ORES operates — regulations that were written by Hecate’s own energy consultant! Under these regulations, ORES has been able to deny towns — “host communities” — a seat at the table when siting decisions *for their towns* are made. Copake would be precluded from directly participating in the siting decision-making process, decisions that would have profound impacts on Copake’s local environment, character, and economy. As I’ve reported, no taxpayer dollars have been spent on this litigation; we await a decision on our motion.

I mentioned last month that the Shepherd’s Run project director had left, but I did not know who, if anyone, had replaced him. I’ve recently learned that there *is* a new project director, that his name is Matt Levine, and I’m told that he lives in Chicago. Mr. Levine is not listed on the Shepherd’s Run website as the contact person for the project. However, he has been to Copake — not to introduce himself and meet with Town officials, but to consult with some of the project’s vocal supporters who endorse both its size and location. I asked those supporters to urge

Mr. Levine to contact me. I want to meet with him, and I want to introduce him to those Copakeans who would be most adversely affected by having many tens of thousands of solar panels sitting directly across from their homes. I've not heard from him.

This is part of Hecate's game plan — to be anything but the “community partner” it claims to be: conceal information behind redactions; don't speak to officials of the “host community” (us!); and, charge ahead, even though it knows that the Craryville site, with its prime farmland, Taghkanic Creek, wetlands, and streams is a terribly inappropriate location for a utility-scale solar factory.

I will continue to report on developments as they occur.

Thank you.

Richard Wolf
Deputy Town Supervisor