

## Solar Update July 2023

On June 27th, Hecate Energy filed updated materials in response to the NYS Office of Renewable Energy's ("ORES") third Notice of Incomplete Application ("NOIA") regarding Hecate's proposed 60 Megawatt "Shepherd's Run" solar factory. ORES' regulations require that it determine within 60 days whether the application is now "complete". If it finds that the latest submission is inadequate, it could issue a fourth NOIA and send Hecate back to the drawing board. By the end of August, we should learn where things stand. If ORES determines that the application is complete, it then would have one year to determine whether to issue a siting permit for Shepherd's Run.

Our attorney and environmental engineers are reviewing Hecate's latest submission. But even before they complete their review, we know that Hecate's plan remains essentially the same: 60 MW capacity; 267 acres would house the facility or be "disturbed" by the project, and 217 of those acres are Prime farmland, Prime farmland if drained, or farmland of statewide importance; the proposed location is unchanged, adjacent to the Taconic Hills Central School campus and along County Route 7, south from State Route 23 to Cambridge Road (the gateway to Copake Hamlet and Copake Lake and a popular bicycling route); no plans to significantly increase landscaping to shield nearby homes from many thousands of solar panels; and, no change in plans to cut down 40 acres of trees and shrubs.

Hecate continues to ask ORES to waive many of our Town's local laws, claiming that they are "unduly burdensome" because if Hecate were required to obey Copake's zoning code and solar law, it would be unable to build a large enough factory to meet its contractual obligations to the State. Think about that: the first thing Hecate did was to enter into a contract with the State, *before* bothering to research the land where it wants to put almost 200,000 solar panels. Be-

cause the proposed site has wetlands, prime soil, Taghkanic Creek, forest areas, and is adjacent to the Taconic Hills campus, Hecate chose a completely inappropriate site on which it couldn't possibly construct a solar factory without running roughshod over many local laws! It is using a bootstrap argument to try to convince ORES to grant a siting permit, saying, "We cannot meet our contractual obligations unless you allow us to ignore Copake's 2011 Comprehensive Plan, its 2014 Farmland Protection Plan, its 2017 and 2020 Solar Laws, and many Zoning Code provisions." In other words ORES, if you don't waive all of these local laws, we (Hecate) will be forced to breach our contract with New York State!

The principals at Hecate are not naive businesspeople. The most likely conclusion to draw is that they knew full well what they were doing when they selected a totally unsuitable site upon which to build Shepherd's Run. They have been assuming, and continue to assume, that ORES will grant the waivers and ignore Copake's longstanding efforts to be effective stewards of its lands.

Most disingenuously, Hecate continues to assert that we have refused to provide our position on the issue of compliance with local laws. This is nonsense: our attorneys has consistently demanded that any project must comply with all local laws.

In its latest submission, Hecate claims that all information about the Mohican Occupation at Niver Farm (now the Rasweiler farm) is confidential, and refuses to let the public know about the proposed project's adverse impacts to this historic land.

Hecate continues to withhold some information from us, claiming that Copake has an "adverse business interest". It seems Hecate thinks Copake is a competing business, rather than a town with legislative and police powers.

Recently, Hecate sent a letter to us and to ORES asking that its intention to increase the size of the lands to be "disturbed" by the project by two acres not be

treated as a major amendment to its application. This is outrageous. It has not properly served its request on the parties or filed it so the public could see what it wants to do, presumably because this would further delay Hecate's quest for a siting permit. Unfortunately, two days ago ORES staff issued a decision supporting Hecate's position.

Concern about the inappropriateness of the proposed site for Shepherd's Run continues to grow. Last Saturday, our State Senator, Michelle Hinchey, came to Town Hall and met with Jeanne and me. We discussed our concerns about the proposed size and location of Shepherd's Run, and then toured the site with Senator Hinchey and her staff. Altogether we met for more than an hour. When we finished, Senator Hinchey expressed her view that the location was all wrong, noting in particular her concern for the loss of prime farmland. I have forwarded to her information from Hecate's most recent submission: more than 81% of the "to-be-disturbed" land is designated as prime farmland.

I don't believe in reinventing the wheel, so I will conclude by reading an excellent summary that goes to the heart of Senator Hinchey's concerns, and ours. Sensible Solar compiled these words from an exhibit submitted by Hecate to ORES:

To comply with ...local law, the Applicant would need to completely redesign the Project layout to avoid prime soils ... The Applicant sought to avoid prime farmland... by first seeking to locate Project Components in areas that are "Not Prime Farmland" ..... Of the 393 acres of "Not Prime Farmland" that exist within the Project Area, only approximately 70 acres exist that do not overlap with delineated wetlands or regulated 100-foot adjacent areas, streams and associated stream buffers, forested land cover, or the Town's setback requirements. This 70-acre area is not sufficient to site the Project.

These are Hecate's own words. Hecate has never intended to be a "community partner". They know they've picked the wrong site, and they don't care. They're hoping that ORES won't care either.

Thank you.

Richard Wolf  
Deputy Town Supervisor