

Solar Update June 2023

The next step in Hecate Energy's ongoing effort get the NYS Office of Renewable Energy ("ORES") to deem its application to build a 60 MW solar factory in Craryville "complete" should happen near the end of this month. That is when Hecate's response to ORES' third "Notice of Incomplete Application" is due, unless the developer seeks an extension and ORES agrees. In any event, once Hecate's response is filed, ORES has 60 days to make a completeness determination. So, if these time frames are followed, we may have a better idea where things stand by late September.

Should the application be deemed complete, ORES would have one year to grant a siting permit for Shepherd's Run or to decide to deny Hecate its permit.

One thing is clear: we have gotten ORES' attention. Among the many deficiencies ORES directed Hecate to address in its upcoming fourth submission, are these:

- * the Taghkanic Headwaters Conservation Plan — how would a 265 acre solar factory affect the Conservation Plans goals to "protect forests for clean water and wildlife while meeting the needs of local communities and landowners"? And what could Hecate do to mitigate the damage Shepherd's Run might cause?

- * something I have been speaking out about month after month: the proposed screening is inadequate — improve it!; ORES made specific reference to "routes commonly used by bicyclists, "both local and bicycle tourists visiting the town",

- * ORES demands information about the history of the Rasweiler farm (formerly Niver farm); presumably pertaining to the presence of Native Americans on the farm.

ORES also wants more specificity from Hecate on other areas of concern:

- * it is inadequate to offer conclusory statements that Hecate's consultants have determined that proposed access roads comply with Town Code requirements — Hecate must present evidence to prove it

- * same demand regarding proving compliance with the "substantive requirements of Chapter 135 (including applicable requirements for elevation and floodproofing), of the Copake Code while meeting Town solar law height requirements and other applicable local law requirements"

- * details about proximity to wetlands and potential impacts
- * impacts of taking almost 200 acres of land used in agricultural production for Shepherd's Run; and many, many questions about Hecate's requests for waivers of local laws.

So Hecate has its work cut out for it, again.

You probably know that Copake, five other upstate, rural towns, and seven not-for-profits recently learned that our appeal in a lawsuit challenging the ORES regulations was denied. No Town funds were used in our effort to get the regulations, which were written by Hecate's consultant, tossed out.

One last thing: we've heard through the grapevine that Hecate's project manager for the Shepherd's Run proposal has been replaced. It's another indication of Hecate's unwillingness to engage with the Town that the new project manager has not reached out to us.

Hecate is not the community partner it claimed it would be.

Thank you.

Richard Wolf
Copake Deputy Supervisor