

Solar Update October 2023

Last month I reported that on August 25th the New York State Office of Renewable Energy Siting (“ORES”) had concluded that Hecate Energy’s application to site a 60 megawatt utility-scale solar factory in Craryville was “complete”. This meant ORES had 60 days to either issue a draft siting permit or to deny Hecate permission to build Shepherd’s Run on 267 acres of mostly prime agricultural land. So, before the end of October, we should know whether Hecate will be allowed to build a second substation, and install almost 200,000 solar panels, transmission lines, inverters, and other equipment, lay-down areas, and access roads along County Route 7 from State Route 23 south to Cambridge Road.

I checked the DMM Shepherd’s Run website a couple of hours ago. ORES has not yet issued a decision.

Hecate has targeted Copake since 2017. By the time they met with Supervisor Mettler, Planning Board Chair Bob Haight and me on January 23, 2020, the developer had already entered into options to lease land from several mostly absentee landowners just south of the substation on Route 23. They had already entered into a contract with NYSERDA (NYS Energy Research and Development Authority) to receive \$42 million in renewable energy credits to build and operate Shepherd’s Run. And just one week after our meeting, Hecate unveiled its Public Involvement Program Plan (24 pages, plus maps, extensive contact lists, and other information), and claimed it would work with us as a “community partner.” However, except for attorney-attorney matters, communications with Hecate have been sporadic at best.

Most recently, we had not heard from Hecate since last January, until we met with Hecate's new Project Manager and Project Analyst on September 7th. We told them that should ORES grant Hecate a siting permit — a very big “if” — Hecate should construct the 300-acre “Green Space” proposed by the *ad hoc* Working Group. I told them — as I've repeatedly said at Town Board meetings — that with hiking, bicycling and nature trails, the Green Space could make Shepherd's Run (if built) “a tourist attraction rather than an eyesore”, and would effectively screen the facility from the most vulnerable homes across County Route 7. The representatives assured us that they would bring this recommendation back to Hecate's decision-makers, and that they also would provide us with a list of measures Hecate had already agreed to implement. However, no list has been forthcoming.

I think Hecate's infrequent communications with Copake are attributable to two factors: (1) This Town Board has been unanimous in reflecting the views of the vast majority of Copakeans and, Hecate just doesn't want to hear what we've been saying all along: the proposed project is too big for our small town and is very poorly sited. (2) Hecate is convinced it doesn't have to deal with us. It need not worry about what Copake thinks, only what ORES thinks. After all, what governs the siting process are not Copake's local laws, but rather the ORES regulations, which were written by Hecate's energy consultant and unsurprisingly heavily favor developers over small, rural towns like Copake (euphemistically referred to as “host communities”).

And an update: In the lawsuit challenging the ORES regulations, the Appellate Division Third Department justices denied the plaintiffs' request to reargue the case. The attorneys representing Copake and other upstate rural towns and non-profits are considering possible next steps. Keep in mind: this litigation has not been funded with any Copake tax dollars.

Should ORES decide to grant Hecate a siting permit, we will continue to vigorously work to protect Copake's interests, and to press the developer to be the "community partner" it claims to be. At a very bare minimum, this means: properly screening the facility, by planting large, mature trees rather than saplings; avoiding the planned clear-cutting of 40 acres of trees and shrubs; providing appropriate training for all area fire companies; and, compensating adjacent homeowners.

We will continue to report on developments as they occur.

Thank you.

Richard Wolf
Copake Deputy Town Supervisor