

Solar Update
November 2023

On October 24th the New York State Office of Renewable Energy Siting (“ORES”) issued a draft siting permit for Hecate Energy to construct and operate a utility-scale, 267-acre solar energy factory in Craryville. If built, “Shepherd’s Run” would run mostly south of Route 23 along County Route 7, all the way down to Cambridge Road. Its almost 200,000 solar panels, inverters, transmission lines, other equipment, access roads, and laydown yards would be installed mostly on the east side of 7, and a substantial number also would be placed in the large field adjacent to the Taconic Hills School campus, west of 7, between Route 23 and Birch Hill Road.

Along with the draft permit, ORES issued a Notice of Availability of Draft Permit Conditions, Public Comment Period and in-person Public Comment Hearings, and Commencement of Issues Determination Procedure. You can read this Notice, the 92-page draft permit, and other documents, by Googling NYS DMM Shepherd’s Run, clicking on the “Filed Documents” tab, and opening Document 4.

This Notice contains big news. ORES will be conducting public hearings here, in Copake Town Hall, in this very room! An Administrative Law Judge (“ALJ”) from ORES will convene four in-person hearings: two on Tuesday, January 9th, at 1:30 PM and 6:00 PM, and two on Wednesday, January 10, also at 1:30 PM and 6:00 PM. (There also will be two virtual hearings on January 11th.) ORES wants to know what Copakeans think about the Shepherd’s Run proposal and about the draft permit, but ORES is not making it easy to participate. People wishing to speak must register in advance, by no later no later than 10 AM on Monday, January 8th. To register, you must send an email to hearings@ores.ny.gov or call (518) 473-4590; provide your first and last name, the organization you

represent if any, address, email address and phone number; reference “Shepherd’s Run public hearings” and the hearing session at which you’d like to speak. Our attorney will ask ORES to allow in-person, same-day signup.

This Notice apparently upset Hecate quite a bit. It actually asked ORES to *change the location* from Copake Town Hall to the Hillsdale Fire Department, claiming incorrectly that the Hillsdale Fire House is closer to the proposed project site than is Town Hall. But Hecate’s real concern was, and is, that Town Hall is not a neutral site, or as our attorney Ben Wisniewski told ORES, “Hecate thinks that holding the public hearing in Copake will result in too many negative comments about the project. This reasoning should be rejected as it is antithetical to fulsome public participation.” The ALJ agreed and rejected Hecate’s request, noting, “The Town Hall is ...a suitable venue. Hecate’s concern... about its suitability in light of the Town’s vocal opposition to the project...is unfounded. We expect all participants in the hearings to conduct themselves in a civil and respectful manner..., regardless of the hearing location.”

A recurring theme of mine has been Hecate’s longstanding unwillingness to communicate with us, Copake’s elected officials. I think this is for two reasons: (1) The 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, the siting process is governed not Copake’s laws, but by the ORES regulations, which were written by Hecate’s energy consultant, and unsurprising heavily favor developers over small, rural towns like Copake.

So Hecate largely ignores us, and then claims that it isn’t. In a story that aired last Friday on WAMC, Great Barrington’s public radio station, a

representative claimed Hecate has "had a tremendous amount of interaction with the town over the years going back to 2017. We have been attending *every single town board meeting* to receive constituent feedback and tried to incorporate it into the project". (Emphasis added.) This is untrue and Hecate knows it. When Supervisor Mettler and I met with the new Hecate representatives in September, it was our first meeting since January; before that, sitings of Hecate's former Project Developer at Town Board meetings were very rare occurrences. The September meeting happened only because I initiated it through two supporters of Shepherd's Run with whom Hecate was communicating. At the meeting, the Hecate folks apologized for their failure to communicate.

When it speaks of meetings, Hecate conflates the *ad hoc* Working Group with the Town of Copake. The Hecate representative told WAMC, "We met with working groups, landscaping architects multiple times, and we incorporated...some of their feedback into our landscaping plan... Hecate tried to incorporate as much as it could, while still making the project viable and helpful to achieve the state's clean energy goals."

It is unsurprising that Hecate would rather meet with the Working Group than with us. After all, the remaining Working Group members are supporters of the project who seem quite happy to accept whatever minor commitments Hecate is willing to make. They may disagree with my characterization of Hecate's "commitments" as "minor:" But to Hecate, project "viability" means maximizing profits, not investing to protect Copake's environment and character. Hecate's commitments, listed here, cost it very little:

- Determine the "continued feasibility" of a co-utilization plan;

- Provide landscaping plan updates (Note: which do not include planting mature trees rather than saplings to effectively shield the project from homes directly across County Route 7);

Identify opportunities for “Community Zones,” on land belonging to Project landowners but outside of the area required for the operation of the Project where future community uses may be developed by the Working Group in consultation with landowner;

Use wildlife friendly fencing (Note: previously agreed to in meeting with attorneys — not the Working Group);

Financial and other “coordination support” to the Harlem Valley Rail Trail;
“Formation support” for Community Choice Aggregation if Copake were to enact a CCA law (Note: a notion that met with considerable public opposition when presented);

“Create opportunity” for local hiring/procurement (Note: only one or two permanent jobs);

Local fire department support (Note: required by ORES);

Decommissioning security commitments (Note: required by ORES); and,

“Certain additional Project operations commitments,” such as providing an annual report to the Town regarding the operation of the Project.

I urge all interested Copakeans to attend the public hearings in January, and to let ORES know how you feel about Shepherd’s Run and the draft permit. ORES has until August, 2024 to decide whether to grant Hecate a final siting permit.

We continue to explore our options.

Rest assured, this is not over.

Thank you.

Richard Wolf
Copake Deputy Town Supervisor

