

Solar Update

The questions people are asking about the status of Hecate Energy's application for a siting permit to construct its proposed Shepherd's Run utility-scale solar facility in Craryville reveal understandable confusion. Here's how things currently stand.

First, ORES determined that Hecate's application was "complete" in September 2025. This triggered a one-year time frame for the ORES Executive Director to issue a final determination on a project permit. I reported last month that we are seeking from ORES dismissal of Hecate's application or, at a minimum, "party status." Our attorney filed a 76-page Issues Statement and my 23-page Affirmation explaining that Copake needs party status to be able to present evidence and testimony before a judge concerning important, unresolved issues.

Hecate filed its own Issues Statement. It challenged one of the conditions in the draft permit ORES had issued. ORES had required that Hecate obtain from Copake a permit indicating that the developer complies with our Town Code provision concerning Flood Damage Protection. Here's why that matters: portions of the proposed Shepherd's Run site are within the 100-year floodplain. The federal government long has had a flood insurance program. In 1987, Copake adopted its floodplain code to comply with the federal program, which both protects floodplain areas and makes it possible for the entire town to get flood insurance. Hecate's wants ORES to determine that state law preempts Copake's floodplain code, just as it preempts our solar law, Comprehensive Plan, and Farmland Protection Plan. Our response is that if our flood protection code is not in force, we could lose access to flood insurance, because Copake would be unable to comply with requirements of the Federal Flood Insurance Program.

Why is this issue so important to Hecate? They may be concerned that the town's permitting process might slow down their efforts to steamroll its way to a final approval from ORES, or maybe Hecate doesn't think it can comply with our code provisions.

This remains a major point of contention. Hecate asked for an additional two weeks to respond to questions posed by the Administrative Law Judges (ALJs) about the flood protection issue. The request was granted, making the due date for Hecate's response March 10. Our response to Hecate's submission is due on March 30. Sometime after that, the ALJs will issue a decision. They will rule on whether we are granted party status.

ORES never has granted party status to a town targeted for a utility-scale solar factory. This time may be different. We've raised several issues that we believe merit a hearing and the flood prevention issue just may be the unique one that even ORES believes requires an adjudicatory hearing to resolve. If so, Copake would be the first "host community" ever to be granted party status by ORES. We may know before the April 9 town board meeting.

Finally, to answer the question everyone is asking: when will ORES make a final decision on Hecate's permit application? We can expect a decision from ORES' executive director no later than October 8, 2026.

Richard Wolf
Supervisor