

# The Columbia Paper

## Hecate plan still waits on state

February 16, 2023 by DIANE VALDEN

COPAKE—The town still sees big flaws in the proposed Shepherd's Run solar project, but it's not yet clear what the state will or will not permit.

On January 27, Hecate Energy filed its response to the second notice of incompleteness issued by the New York State Office of Renewable Energy Siting (ORES) on Hecate's Shepherd's Run Solar project application back in September.

Hecate Energy, a Chicago-based developer of solar and wind facilities and energy storage projects, has applied to construct a 60 MW solar facility east of the Taconic Hills School District and north of Copake Lake in and around the Copake hamlet of Craryville. The solar panels would be erected on 228 acres of an 880-acre total project area. Much of the acreage is prime agricultural land. A school district campus and residential areas border the property.

The industrial-scale project is not permitted under Copake Zoning Law, yet it is moving forward because Hecate has bypassed local law and is seeking site approval from ORES under the state's new streamlined siting process for renewable energy projects, known as 94-c.

Following Hecate's recent submission to ORES, individuals and organizations on all sides of the controversial project have issued statements or written letters about various aspects of the ongoing process.

At the February 9 Town Board meeting, Copake Councilmember Richard Wolf explained in his monthly Shepherd's Run update that ORES has 60 days to deem Hecate's newest application submission complete—in which case Hecate would receive a draft siting permit—or incomplete, which could trigger a third Notice of Incomplete Application from ORES. If ORES fails to reach a determination within 60 days, the ORES regulations deem the application complete by default, and Hecate would receive a draft permit.

Sensible Solar for Rural New York (SSRNY) which opposes the Shepherd's Run project has started its preliminary review of Hecate's updated application materials and issued a February 5 letter presented to both ORES and the U.S. Environmental Protection Agency about some concerns Sensible Solar has identified. Among their concerns are: planned tree cutting near state regulated wetlands; planned siting of buried collection lines in violation of Copake's setback requirements from wetlands and water bodies; Hecate's minimizing the project's risks of potential visual impacts on recognized historical properties; intrusion of the project on wildlife habitats; and, Hecate's failure to respond to either the Taghkanic Headwaters Conservation Plan or Town Historian Howard Blue's January 10 letter regarding the 1859 occupation of the Niver Farm by members of the Stockbridge-Munsee Community Band of Mohican Indians. Part of the SSNY letter was read by Lindsay LeBrecht at the February 9 meeting.

The SSNY letter also refers to the apparent failure of Hecate to incorporate any of the substantive recommendations by the Copake Solar Working Group into the Shepherd's Run application. "The Working Group was made up of citizens of Copake who joined with experts to draft informed recommendations that attempted to make this project better for our community. But Hecate has ignored the substantive recommendations because they would have increased their costs which in turn would diminish their profits..." says the SSNY letter.

Councilmember Wolf also talked about the absence of Working Group recommendations in the updated application noting, "one of the Working Group's key recommendations was the creation of a 300-acre green space, which would run south with the project along County Route 7, and have bike paths, hiking trails, and nature walks. Not only did this concept have the potential to turn the proposed project from an eyesore into a tourist attraction, it also would effectively have screened the solar arrays from the homes across the road. Well, we can see what became of the green space idea."

In the February 9 issue of The Columbia Paper the Friends of Copake Solar, a group which supports the Shepherd's Run project, ran a full back page ad also referring to the Working Group. "Using the Working Group recommendations as a basis for discussion, we urge Hecate...and the Town of Copake to negotiate in good faith

with compromise on both sides...We urge the Copake Town Board and Hecate to negotiate a binding agreement that is good for Copake, good for the planet.”

Contacted for comment this week about recent developments, Hecate Project Developer Alex Campbell, said by phone and email that Hecate wanted to enter a mutually agreeable binding document about Working Group recommendations that would be incorporated as conditions into Hecate’s permit. He said the recommendations or a “co-utilization strategy” is not submitted in an application, but is part of the permit conditions, which will be the result of a 12-month negotiation process.

Further, he said efforts to get the town, since the Working Group is not an authorized entity, to sign a binding agreement regarding the Working Group recommendations were refused.

In a follow-up email, Mr. Campbell wrote, “The project will have a co-utilization strategy as a condition to a draft permit. Since last year, the project has worked with the Working Group to establish the basis of what that co-utilization strategy would look like. A co-utilization strategy is not a few bullet points: it’s a comprehensive plan that effectively creates a farming operation within a renewable power project.

“The project has worked in earnest with the Working Group over the past 6 to 9 months to address each of their recommendations. The Working Group was unwilling to sign this term sheet of recommendations and so those discussions went stale in mid-January. In the June 9, 2022 Town Board meeting, Richard Wolf stated that, ‘Supervisor Mettler states that to be clear the Town Board supports the Working Group’s recommendations.’ In the July 14, 2022 Town Board meeting, Richard Wolf stated that, ‘This Board commends the Working Group for its efforts, supports its recommendations, and urges Hecate to adopt them all.’ So, the goal of the project was to address and adopt the recommendations which was the basis of the term sheet that the Working Group and project exchanged,” Mr. Campbell wrote.

As one of the final points in his monthly update Mr. Wolf said in connection with Hecate’s updated application, “whatever happened to ‘agrivoltaics?’ Hecate had been touting a plan to graze sheep (hence the name Shepherd’s Run) and plant crops under solar panels on at least 10 acres of Shepherd’s Run. And, if successful, farmed acreage could be increased. So why does the following statement appear in Hecate’s updated submission? ‘There are 197.69 acres of active agricultural land in the Project Footprint...no active agricultural practices will occur within the fenced area containing the solar arrays during the operation of the project.’”

The answer can be found in Mr. Campbell’s review of “the good things” or project changes Hecate has made in response to local project concerns.

“The project reduced the footprint by around 50% of the original size. The project removed a battery storage component. The project integrated wildlife-friendly fencing based on the Working Group recommendation into its design. Because of the wildlife-friendly fencing, sheep grazing is not prudent because coyotes can get through the fencing and to the sheep. The project committed to pollinator species plantings throughout the project site and included 800 mature trees and 800 shrubs within its extensive draft landscaping plan. The project also updated the landscaping plan to integrate the Working Group’s landscape architect’s recommendations and committed to working with them on the final plan and installation.”

*To contact Diane Valden email [dvalden@columbiapaper.com](mailto:dvalden@columbiapaper.com)*

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