



Sensible Solar for Rural New York
P.O. Box 305
Craryville, NY 12526

Via Email (res@nyserda.ny.gov)

March 1, 2024

NYSERDA
Attn: RSRFP3201 Designated Contacts
17 Columbia Circle
Albany, NY 12203-6399

**RE: RESRFT23-1 – Sensible Solar Opposition to
Hecate Energy Columbia County 1 LLC bid
for proposed 42 MW Shepherd’s Run Solar Project**

Dear RESRFP23-1 Designated Contacts:

We understand that Hecate Energy Columbia County 1 LLC (“Hecate”) has submitted a Step Two proposal with NYSERDA on January 31, 2024 to qualify for Tier 1 Renewable Energy Certificates for a 42 MW Shepherd’s Run solar project in Copake, NY. The Step One Eligibility Application was submitted, according to Hecate, in December 2023.

This submission should be rejected by NYSERDA.

Hecate’s previous permit application was denied. During the last four years, Hecate had applied for a 60 MW solar project in Copake, first through the Article 10 process, later through the Rule 94-C permitting process. This application, Permit Application Number 21-02553, was denied by the NYS Office of Renewable Energy Siting (“ORES”) on February 6, 2024.

Hecate currently has no permit application in progress. As of this date, Hecate has no pending application in progress with ORES For this site or for any 42 MW project in Copake, NY. Hecate does not meet the NYSERDA criteria for participation in this round of Renewable Energy Certificates.

Hecate is unlikely to have a permit granted in 12 months. NYSERDA's RFP states "If the Bid Facility is not fully permitted, *the Proposer must demonstrate that the Bid Facility can be fully*

permitted within a 12-month timeline." It is difficult to imagine how Hecate can accomplish this. In its PIP it states that it will apply for an ORES permit in May, 2024, and the permitting process can be expected to take 12 to 18 months. Even this timeline appears optimistic given the difficulties Hecate has encountered so far in trying to obtain a permit at Shepherds Run for a 60MW facility and in maintaining control of the land it needs for the facility. Thus, it will clearly be more than 12 months after April, 2024 before Hecate has an ORES permit, and most likely many, many months longer than that.

Hecate has not consulted with the Host Community. Hecate has not met with the Town of Copake to discuss a 42 MW project, nor has it provided any information regarding its proposed layout or plans. According to the Public Involvement Program (PIP) which Hecate filed with NYSERDA this month, February 2024, Hecate last met with Town over one year ago, January 11, 2023, regarding the permit application 21-02553 which has now been denied. This inaccurate PIP also contains listings of local contacts who are no longer in office or deceased. This list includes Taconic Hills Central School Superintendent, Copake Town Board members, Copake Planning Board members, and others.

Hecate filed false and misleading documents with ORES in its prior application. Hecate continued to assert in ORES filings between October 2023 and January 2024 that it had full control over the site proposed for its now denied 60 MW facility, despite losing control of over 25% of the site in September 2023. In December 2023, Hecate mailed a misleading and inaccurate brochure (see attached) to residents of the area showing a site plan and configuration for which it did not have legal control. Hecate also falsely claimed to have integrated a local Working Group landscaping plan into its project, but did not.

Hecate intentionally withheld critical information from the Town of Copake in defiance of an Administrative Law Judge's (ALJ) order. In its prior permit application, for 9 months from March 2023 until January 2024, Hecate withheld GIS shape files and other engineering planning files that were critical for the Town's engineers and consultants to evaluate Hecate's plans and their impact on local laws. Hecate defied the ALJ's order, and intentionally withheld critical information, displaying bad corporate character.

Hecate stated in previous filings that a 42 MW facility at this site was infeasible. In Exhibit 24 of its filings for its now denied 60 MW facility on this site, Hecate stated to ORES that a project smaller than 60 MW was not possible:

"Further reducing the size of the Project to avoid soils classified as prime farmland ... would ... render the Project impossible." [Exhibit 24, p. 51]

"Further reducing the size of the Project to avoid grading more than twenty (20) cubic yards of earth materials would render the Project – or any large-scale renewable energy project -- infeasible" [Exhibit 24, p. 45]

"Any further sizing down of the Project because of increased setback requirements beyond what is required by the Office and its regulations would make the Project impossible and effectively prohibit its construction." [Exhibit 24, p. 30].


Hecate is not prepared to deal with likely results of climate change. NYSERDA has recently begun to consider climate resiliency in evaluating projects. Hecate appears to have done little to address potential threats related to climate change. At Shepherd's Run one could foresee serious hail, extreme rainfall, and brush and forest fires. Rain and flooding would seem to be a significant risk, exacerbated by the fact that Hecate is being allowed to ignore the town's requirement that development be 100 feet away from a wetland, and that the fact that the project occupies a FEMA-mapped 100-year flood zone. Brushfires are common in the Northeast, and probably increasingly so. Fire protection in Copake is provided by a small volunteer fire department, that gets a little tax money but also raises funds through raffles and chicken barbecues. We are not aware of any special efforts Hecate may have made to anticipate how its facility would be protected in the event of a brushfire or other climate related problems.

Hecate's previous project proposed for this site has been publicly opposed by elected officials and local governments. State Senator Michelle Hinchey, State Senator Harckham, State Assembly Member Didi Barrett, and Congressman Marc Molinaro have all objected to the location of this project in public statements. The Columbia County Board of Supervisors passed a resolution opposing this project. The City of Hudson and the Town governments of Copake, Hillsdale, Ancram, Livingston, Taghkanic, and Claverack have all passed resolutions opposing a project on this site.

For the foregoing reasons, we urge NYSERDA to reject Hecate's submission to be awarded Tier 1 Renewable Energy Certificates in its current round.

Sincerely,

SENSIBLE SOLAR FOR RURAL NEW YORK

By: 
Linda Senk