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THE SENATE
STATE OF NEW YORK



MICHELLE HINCHEY
Senator, 41ST District

ALBANY OFFICE:
902 LEGISLATIVE OFFICE BLDG.
ALBANY, NEW YORK 12247
PHONE: (518) 455-2350
FAX: (518) 426-6751

DISTRICT OFFICE:
721 BROADWAY, STE. 150
KINGSTON, NEW YORK 12401
PHONE: (845) 331-3810
FAX: (845) 331-2083

E-MAIL ADDRESS:
HINCHEY@NYSenate.GOV

February 12, 2025

Zeryai Hagos, Executive Director
New York State Office of Renewable Energy Siting (ORES)
Empire State Plaza, P-1 South, J Dock
Albany, NY 12242

Dear Mr. Hagos,

I am writing to you regarding Hecate Energy's Shepherd's Run solar project situated in my Senate district in Copake, Columbia County. ORES has already denied this project once with good cause, so it is perplexing to see it being considered again when it has been re-submitted with only nominal changes. I have followed this issue closely over the past few years, and not only does this project pose significant risks to our environment and water supply, I believe Hecate has acted in bad faith throughout the process.

It is hard for me to understand why ORES is still going through the review process with a proposal it has already found to be flawed and worthy of dismissal. I have expressed my concerns to ORES previously (see attached letters from August 2023 and November 2023). Hecate has now returned with a nearly identical plan, with the primary difference being the removal of some acreage, resulting in a slightly smaller project and; therefore, also farther away from the State's energy goals. It bears mentioning that the only reason this acreage was removed from the scope of Hecate's project is not because Hecate did the right thing by downsizing their farmland impact but because local neighbors pooled resources and purchased the land in question from the original seller in order to remove it from this ill-conceived proposal. What has not changed is that this project would still render prime farmland unusable, destroy 40 acres of woodlands, intrude on Class 1 wetlands, and risk flooding and fire while decreasing land value for local homeowners.

I find it especially worrisome that 100% of the City of Hudson's water supply comes from the Taghkanic Creek Watershed and is therefore threatened by Shepherd's Run. The proposed solar project is sited right on the Taghkanic Creek and several of its tributary streams, 15 miles above the Hudson water intake point. Referencing these concerns, the City of Hudson's Common Council passed a unanimous resolution in October opposing the proposed siting of this solar project until Hecate can demonstrate that the watershed will be protected. The city's Mayor has also spoken out against this project.

Another important point is that Hecate's application for Shepherd's Run seeks more waivers from local laws than any other application currently pending at ORES. As one of the smallest facilities under review, it is seeking 16 waivers, a shockingly high number. I believe this is a key indicator of the project's unsuitability as a state-supported solar development. It should raise alarm bells with ORES, as well.

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In addition, Hecate's lack of adequate notice related to its intention to reapply for a permit is unacceptable. The short notice and the timing right before the Christmas holiday seemed designed to give our community the run around, evade close review, and prevent community members from seeking state resources needed to fully participate in the public comment process.

I urge you to listen to town officials and local residents who have raised significant concerns about the proposal and reject this project. If it wasn't good for us or up to standard two years ago, it's still not good for us now. Should any further information be required, please do not hesitate to contact me or my District Director, Elisabeth Tavaréz, at tavaréz@nysenate.gov or 845-331-3810.

Sincerely,

A handwritten signature in black ink that reads "Michelle Hinchey".

New York State Senate, District 41

Enclosures