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NYS ORES TO HOLD FINAL PUBLIC HEARING, VIRTUALLY, ON SHEPHERD'S RUN DRAFT PERMIT, JAN 27; DEMOCRAT AND REPUBLICAN ELECTED OFFICIALS OPPOSED; CRITICS SAY CONTROVERSIAL SOLAR PROJECT POSES FIRE RISK TO SCHOOL

The New York State Office of Renewable Energy Siting and Electric Transmission (ORES) will hold its final hearing on its Draft Permit for the controversial 42MW, 215-acre Hecate Shepherd's Run solar facility on Tuesday, January 27. The public hearing, with sessions starting at 2 and 6 PM, will be virtual, with access by computer and phone.

Several hundred people turned out in bitter cold last week to attend ORES' in person hearings on January 21 and 22 in rural Copake, NY where the project is proposed. State Senator Michelle Hinchey, Assemblymember Didi Barrett, Copake Town Supervisor Richard Wolf, the Chair of the Columbia County Board of Supervisors Matt Murrell, Columbia County Clerk Holly Tanner, and ten Town Supervisors from all parts of the County voiced opposition. Altogether more than 100 people made statements, the vast majority against the project, including many farmers opposed to loss of prime farmland.

Speakers disagreed about whether fire drills could protect students at the adjacent Taconic Hills Central School in the event of a brush or equipment fire in the Shepherd's Run solar panels.

Sensible Solar for Rural New York (SSRNY), which has long opposed the project, questioned Hecate's financial stability given its default on an $82 million loan and the rejection of a co-development proposal to the New York Power Authority. SSRNY maintains that the projects' minuscule real world power production (four hundredths of a percent of NYS electric output) does not justify the risks and negative impact.

"We are asking ORES whether once, just once, they can deny a permit based on the overwhelming evidence that it creates unacceptable safety risks and environmental losses," states Sara Traberman of SSRNY. ORES, whose decisions supersede all state and town laws and regulations, has so far never denied a permit to a renewable energy developer.

Fire and Smoke Risk to Taconic School

Among the most controversial topics at the hearings is the risk that a brush and equipment fire at the Shepherd's Run project poses to the 1000 plus students at the adjoining K-12 Taconic Hills Central School. The School serves much of southern Columbia and parts of Dutchess Counties. William Murphy, retired FDNY Battalion Chief and 9-11 veteran, called the ORES Draft Permit "reckless."

Supporters of Shepherd's Run stated that fire drills, required by law, will protect the Taconic Hills school children from any fire and smoke hazard.

Murphy disagrees. "Fire drills won't solve the problem. Fire drills are designed to get kids rapidly outside when there is a fire *inside* a school building. However, faced with a fire *outside* at the adjoining Shepherd's Run solar arrays, sending kids outside could make matters worse, putting them in the thick of the smoke."

Murphy says, "I am concerned that the local 15-person volunteer fire department lacks the equipment and manpower needed to fight a solar facility fire, where panels will remain live as long as the sun is out. There are no fire hydrants. In my view, evacuating 1000 kids and teachers from the school quickly enough to avoid toxic smoke is not possible. I know first handed how damaging toxic smoke can be to health decades later. It is reckless for NYS ORES to consider approving a large area of solar arrays directly adjacent to the school. The permit should be denied."

Hecate's Financial Situation

Sara Traberman of SSRNY, a retired banker, expressed concern to ORES about whether Hecate, the Shepherd's Run developer, is financially stable. She pointed out that one of Hecate's lenders, NEC, has gone to court in Delaware alleging that Hecate is in default on an $82 million loan and refuses to turn over promised collateral. Another lender, LCM has joined the case, alleging that Hecate is in forbearance on a $250 million loan from LCM and that LCM has first rights to the collateral NEC is seeking. "ORES should not grant a permit to a company experiencing this kind of financial difficulty," Traberman says.

Hecate recently sought financial assistance from the New York Power Authority(NYPA) but that has been denied. Both Senator Hinchey and Assemblymember Barrett indicated that NYPA, which in December was considering co-developing Shepherd's Run with Hecate, has decided to withdraw from the project. NYPA stated in an email "The New York Power Authority…will not be participating in the Shepherd's Run project and that will be reflected in the new biennial Renewables Strategic Plan later this year."

Hecate in a press release last week said it plans to merge with NASDAQ-listed EGH Acquisitions Corp, which could allow it to sell stock. Hecate's target date for closing the deal is third quarter 2026. However the merger is subject to review by the Securities and Exchange Commission which typically takes many months and has no certain outcome.

Town Supervisors Oppose

Ten Town Supervisors from Columbia County, both Democrat and Republican, in a rare show of bipartisanship, opposed the Draft Permit at the in person hearings. All had concerns about the loss of home rule, which empowers towns to create zoning laws, maintain roads, and collect taxes. The ORES Draft Permit for Shepherd's Run overrules 16 local Town of Copake laws on the grounds that they will be "unduly burdensome" to the developer. Town Supervisors from New Lebanon and elsewhere say the Copake permit would set a precedent that renders existing land use planning meaningless, and makes comprehensive planning for their towns, in some cases funded by NYS Department of Environmental Conservation, pointless.

Shepherd's Run Output is Minuscule

Paul Parzuchowski, Copake resident, at the in person public hearing, pointed out that the real world output from the very small Shepherd's Run project will be even smaller than the stated 42MW and a "drop in the bucket" compared to NYS energy needs.

New York, unlike sunnier states, is not a great location for solar energy. According to the NY Independent System Operator, which operates the NY power grid, NYS industrial solar facilities, taking into account nighttime, cloudy days, snow cover and other difficulties, on average generate just 18% of nameplate capacity. Thus the 42 MW Shepherd's Run facility in reality can be expected to contribute just 7.5 MW to the New York power grid. "This comes out to four hundredths of one percent of NY's electrical output," Parzuchowski, says. "It is barely producing anything. The negative impact on Copake cannot be justified."