

SENSIBLE SOLAR FOR RURAL NEW YORK

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HECATE REQUESTS EXEMPTION FROM COPAKE FLOODPLAIN CODE; THREATENS TOWN'S ACCESS TO FEDERAL FLOOD INSURANCE

Hecate, the developer of the controversial 42 MW Shepherd's Run solar project in Copake NY has requested a change in the NYS Draft Permit for the project that would exempt it from the Town of Copake's Floodplain Code.

In a statement today, project opponents expressed outrage that Hecate would seek an exemption from the Floodplain Code. "If granted, not only could flood risks increase, but the Town's participation in the federal Flood Insurance Program would be jeopardized, and the entire town would potentially be unable to get flood insurance," says Sara Traberman of Sensible Solar for Rural New York (SSRNY), a citizen group opposed to the project.

The Town of Copake in a brief filed February 18 expresses similar concerns and argues that because the Town Floodplain Code is a federal requirement, it cannot be preempted by a NY State agency.

NY Public Service Commission Administrative Law Judge Maureen Leary is currently reviewing Hecate's petition. The Public Service Commission (PSC) oversees the Office of Renewable Energy Siting and Electric Transmission (ORES), which issued the Shepherd's Run Draft Permit.

If Hecate's petition is denied, Hecate would have to obtain approval from the Town of Copake under the Floodplain Code for Shepherd's Run before starting construction.

Broad Opposition to Shepherd's Run Continues

At hearings on the Draft Permit at the end of January, State Senator Michelle Hinchey, Assemblymember Didi Barrett, Copake Town Supervisor Richard Wolf, ten other Columbia County Town Supervisors both Democrat and Republican, and more than a hundred citizens voiced opposition to the project. Hundreds more opposed in written comments.

"The Draft Permit for Shepherd's Run fails the public in so many ways, failing to protect the safety of the Taconic Hills School from fire, failing to protect wetlands and failing to protect prime agricultural land. But the Draft

Permit did protect the floodplain by requiring Hecate to observe the Town Floodplain Code. We hope Judge Leary will deny Hecate's petition and that the Floodplain Code clause now in the Draft Permit will stand," Traberman says.

Copake Floodplain Approval Process

If the Floodplain Code clause stays in the ORES permit, then Hecate will have to obtain approval from the Town of Copake under its Floodplain Code before starting construction. Significant portions of the proposed 215-acre Shepherd's Run solar project lie within the 100 year floodplain.

The federal Flood Insurance Program requires participating towns to enforce codes that prevent flood risks from getting worse. The goal is to both protect the area in the floodplain and control the cost of the federal insurance program. The Town of Copake has had a Floodplain Code since 1985.

"Copake's Floodplain Code was adopted to satisfy mandatory requirements of the National Flood Insurance Program ("NFIP")" states Traberman. "Failure to enforce the Code with regard to Shepherd's Run would result in loss of access to affordable flood insurance for residents and businesses, and loss of eligibility for certain forms of federal disaster assistance," explains Traberman. "The ORES Draft Permit appropriately states that Hecate must adhere to this Code and that should not change," says Traberman.

Attachments:

Hecate petition to PSC Judge Leery for exemption from Copake Floodplain Code

Town of Copake brief to PSC Judge Leery responding to Hecate Floodplain Code exemption request

SSRNY brief to PSC Judge Leery responding to Hecate Floodplain Code exemption request