

CHAIR
AGRICULTURE

COMMITTEES
CULTURAL AFFAIRS, TOURISM,
PARKS AND RECREATION
ENERGY AND TELECOMMUNICATIONS
ENVIRONMENTAL CONSERVATION
FINANCE
INTERNET AND TECHNOLOGY
TRANSPORTATION

THE SENATE
STATE OF NEW YORK



MICHELLE HINCHEY
Senator, 41ST District

MEMBER
LEGISLATIVE WOMEN'S CAUCUS
LEGISLATIVE COMMISSION ON
RURAL RESOURCES
SELECT MAJORITY TASK FORCE ON
MINORITY AND WOMEN-OWNED
BUSINESS ENTERPRISES
SUBCOMMITTEE ON CANNABIS

September 9, 2026

Jason Zehr, Interim Executive Director
New York State Office of Renewable Energy Siting (ORES)
c/o: OGS Mailroom, Empire State Plaza, P-1 South, J Dock
Albany, NY 12242

RE: Matter Number 24-03041 Application of Hecate Energy Columbia County 1, LLC

Dear Interim Executive Director Zehr:

I am writing to express my continued opposition to the proposed Hecate Shepherd's Run project in Copake, New York. I have previously written to the Office of Renewable Energy Siting (ORES, or "the Office") regarding potential negative impacts on farmlands and forests, water supply, and tourism, as well as the developer's potentially insecure financing as reported in the press and legal filings.

Throughout this process, Hecate has consistently failed to engage with the local government and stakeholders and to meet requirements except when explicitly pushed to do so. This developer has repeatedly submitted, with only minimal changes, the same proposals previously found wanting. With this history in mind, I write today specifically in regard to Hecate's failure to meet wetlands mapping requirements as noted by the reviewing Administrative Law Judges (ALJ.)

Further, I just learned that the Department of Public Service (DPS)/ORES failed to notify the Department of Environmental Conservation (DEC) of the hearing schedule, leaving the expert environmental agency unable to sufficiently review and present on this issue. Continuing to move this application toward approval without a wetlands plan, while the lead agency for this topic has not even been included in the review process, is unacceptable.

ORES' Interim Decision of the Executive Director, dated August 13, 2026, highlights shortcomings which merit denial of the application. Specifically, the ALJ review found that the applicant "did not identify or delineate wetlands of unusual importance in its application despite determining that the mapping of such wetlands is a legal requirement precedent to a comprehensive evaluation of impacts and mitigation."

ALBANY OFFICE: 315 LEGISLATIVE OFFICE BLDG., ALBANY, NEW YORK 12247 **PHONE:** (518) 455-2350
DISTRICT OFFICE: 721 BROADWAY, STE. 150, KINGSTON, NEW YORK 12401 **PHONE:** (845) 331-3810
SATELLITE OFFICE: 160 FAIRVIEW AVE., STE. 92, HUDSON, NEW YORK 12534 **PHONE:** (518) 660-7190
E-MAIL ADDRESS: HINCHEY@NYSENATE.GOV



CHAIR
AGRICULTURE

COMMITTEES
CULTURAL AFFAIRS, TOURISM,
PARKS AND RECREATION
ENERGY AND TELECOMMUNICATIONS
ENVIRONMENTAL CONSERVATION
FINANCE
INTERNET AND TECHNOLOGY
TRANSPORTATION

THE SENATE
STATE OF NEW YORK



MICHELLE HINCHEY
Senator, 41ST District

MEMBER
LEGISLATIVE WOMEN'S CAUCUS
LEGISLATIVE COMMISSION ON
RURAL RESOURCES
SELECT MAJORITY TASK FORCE ON
MINORITY AND WOMEN-OWNED
BUSINESS ENTERPRISES
SUBCOMMITTEE ON CANNABIS

However, in response, the Office's August 14 Revised Draft Permit would allow the outstanding wetlands issue to be addressed in the compliance phase - in other words, *after the issuance of a permit*. As the Interim Decision itself says, the required information could necessitate revision or even denial of the permit. How is it reasonable to allow resolution of a missing legal requirement only after a permit has already been granted? Consideration of issues of this significance should be resolved before any permitting decision, not after.

The absence of up-to-date wetland documentation was raised as early as February 2026 in communications between ALJ Leary and the applicant, and was cited again with extensive discussion in the June 25, 2026, decision by multiple ALJs. Despite these repeated flags, the applicant has not submitted anything to remedy these deficiencies in the past six months. Allowing them to resolve this matter after receiving a permit is rewarding bad behavior and sets a terrible precedent that future applicants can ignore major problems and outstanding process requirements until the compliance phase.

The wetlands issue cannot be resolved, regardless of actions by the applicant, without adequate review and consideration by DEC. They have requested an adjournment of hearings pending time for them to perform their role in this process, but my understanding is that DPS has opposed such a delay. This lack of coordination between agencies harms the Town of Copake's ability to navigate the process among inter-agency conflicts. It also directly undermines a State Agency's specific authority and expertise - the DEC has direct authority over wetlands management. To ignore this role is to willfully ignore regulations and State authority.

I strongly disagreed with the Office's previous decision to declare Hecate's application complete, and with the draft permit issued last November. I also testified against this approval in January this year. I continue to strongly oppose this application, and urge the Office to ensure the sanctity of the review process by denying the application on grounds of the continued missing information and the State's failure to coordinate the necessary review.

Thank you for your review and consideration.

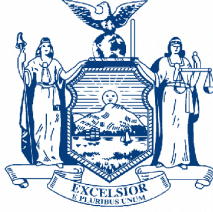
Sincerely,

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

Michelle Hinchey
New York State Senator, District 41

ALBANY OFFICE: 315 LEGISLATIVE OFFICE BLDG., ALBANY, NEW YORK 12247 **PHONE:** (518) 455-2350
DISTRICT OFFICE: 721 BROADWAY, STE. 150, KINGSTON, NEW YORK 12401 **PHONE:** (845) 331-3810
SATELLITE OFFICE: 160 FAIRVIEW AVE., STE. 92, HUDSON, NEW YORK 12534 **PHONE:** (518) 660-7190
E-MAIL ADDRESS: HINCHEY@NYSENATE.GOV



<u>CHAIR</u> AGRICULTURE <u>COMMITTEES</u> CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION ENERGY AND TELECOMMUNICATIONS ENVIRONMENTAL CONSERVATION FINANCE INTERNET AND TECHNOLOGY TRANSPORTATION	THE SENATE STATE OF NEW YORK  MICHELLE HINCHEY Senator, 41ST District	<u>MEMBER</u> LEGISLATIVE WOMEN'S CAUCUS LEGISLATIVE COMMISSION ON RURAL RESOURCES SELECT MAJORITY TASK FORCE ON MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES SUBCOMMITTEE ON CANNABIS
---	--	---

CC:

Rory M. Christian, Chair and CEO, New York State Department of Public Service

Amanda Lefton, Commissioner, New York State Department of Environmental Conservation

ALBANY OFFICE: 315 LEGISLATIVE OFFICE BLDG., ALBANY, NEW YORK 12247 **PHONE:** (518) 455-2350
DISTRICT OFFICE: 721 BROADWAY, STE. 150, KINGSTON, NEW YORK 12401 **PHONE:** (845) 331-3810
SATELLITE OFFICE: 160 FAIRVIEW AVE., STE. 92, HUDSON, NEW YORK 12534 **PHONE:** (518) 660-7190
E-MAIL ADDRESS: HINCHEY@NYSENATE.GOV

