

## SEPTEMBER SOLAR UPDATE

Richard T. Wolf

At our August Town Board meeting, I reported that Hecate Energy Columbia County had filed its Preliminary Scoping Statement (“PSS”) with the New York State Energy Siting Board. Since then, 192 people have submitted comments on the PSS to the Siting Board. The comments are overwhelmingly in opposition to Hecate’s proposal to construct a 500-acre industrial-size solar facility in Craryville. People have written that they support renewable energy, including solar, but they nonetheless oppose the Hecate project, called Shepherd’s Run, because it is simply too large for our small, rural town.

Incidentally, if you would like to read the comments, or any of the documents that have been filed in the case, here is how you access them on-line:

1. Google “NYS Siting Board”.
2. Click on “Projects Under Review”.
3. Next, click on “Step 2: Preliminary Scoping Statement Submittals”.
4. Next, click on “Case # 20-F-0048”, which is the first case listed on the page. This takes you to the Shepherd’s Run case page containing several tabs. Two are “Filed Documents” and “Public Comments”. Clicking on the “Filed Documents” tab will take you to Hecate’s Public Information Program plan (its “PIP”) and its “Preliminary Scoping Statement”. You’ll also see the comments on the PSS that were submitted on behalf of Copake by our solar attorney, Ben Wisniewski. Attached to Ben’s submission are comments by our environmental engineering firm, LaBella Associates.

You may also want to read the comments submitted by two non-profits, the Columbia Land Conservancy and Scenic Hudson.

One, the Columbia Land Conservancy, notes that it “work(s) with the community to conserve the farmland, forests, wildlife, and rural character of Columbia County”...and “Recognizing that agriculture plays a central role in the character and economy of Columbia County, CLC is actively engaged in farmland conservation and farmland access.” CLC supports renewable energy projects, but warns that “a project at the scale of the Hecate proposal has the potential for numerous significant adverse impacts on ecological, natural and scenic resources.” CLC agrees with Copake that the Preliminary Scoping Statement is incomplete because it fails to present a detailed site plan. Hecate still has not said where its 200,000 solar panels and other equipment will be placed within the Project Area’s 900 acres, and CLC notes that the Project Area “includes extensive farmland, wetlands, streams, and forests.” Among its concerns, CLC cites potential impact on Taghkanic Creek, which is the source for Hudson’s drinking water. CLC also observes that the Project Area is “along two scenic roadways that are important local traffic arteries, and thus frequently used and highly recognized by residents and visitors to the area. The

agricultural lands surround the hamlet (Craryville) and the roadways and the views from them are integral to the character of the community.” Until Hecate reveals where it would site its solar arrays, it is impossible to know exactly how they will mar the area’s views and overall character, and what Hecate might be able to do to minimize the negative impacts of an industrial-size power plant. Hecate’s unwillingness to reveal where it intends to site the arrays is troubling. After all, it has been thinking about this project since early 2017.

The Siting Board’s case page also provides access to comments from State agencies. One, from the staff of the Department of Agriculture and Markets, concludes, “the Department is concerned about the long-term viability of agriculture in the proposed Project Area due to the agricultural land and farmland soils being converted to a nonagricultural land use in conjunction with solar energy production,” and urges Hecate to determine whether “alternatives exist which would minimize or avoid the adverse impact on agriculture to sustain a viable farm enterprise...within the project study area.”

If you’d like to read what your neighbors think about the Shepherd’s Run proposal, click on the “Public Comments” tab on the Shepherd’s Run case page.

On September 4th, Ben submitted to the Siting Board the Town’s request for what are called “Intervenor Funds”. Article 10, the State law under which Hecate is seeking approval to build Shepherd’s Run, requires a developer, for the pre-application phase of the process, to put up \$350 for each Megawatt of capacity it wants to build. Here, this means Hecate is required to provide \$21,000 to help Copake (and other Intervenors, if others apply) pay legal and environmental engineering expenses we incur responding to the PSS and dealing with issues that arise during the Article 10 process until Hecate files its formal application to the Siting Board seeking approval to build Shepherd’s Run. Under the law, Copake should be entitled to at least 50% of the Intervenor Funds as the “host community”. If there are no other Intervenor requests, Copake may receive all \$21,000. As of this evening, no other Intervenor request has been posted on the case page.

You can read the Town’s request for intervenor funds. It is listed under “Filed Documents” on the case page. A hearing on our funds request is scheduled for September 17th.

Here are some other developments:

For those of you who were unable to attend the public hearing earlier this evening, the Town Board is considering a proposal to revise the solar provisions of Copake’s Zoning Law to better align it with State regulations, to make even clearer the importance of protecting and preserving the unique resources and characteristics that make Copake Copake, and to establish regulations governing battery energy storage facilities, which Hecate has indicated it may seek to build as part of its Shepherd’s Run project.

One other thing: we had previously announced our intention to hold a large, in-person informational meeting on October 3rd. However, given ongoing Covid restrictions, the logistics involved in doing this have proved too daunting, even if we held an outdoor meeting — and it could rain...Furthermore, the strong interest that was generated by the Zoom informational meeting we held on July 30th — at which more than 155 people attended — has convinced us that, until health and safety concerns are no longer a problem, Zoom is the way to go. We thus have decided that our next informational meeting will be held on Zoom, and we've scheduled it for 7 p.m. on October 28th.