

## Solar Farm Update

On January 23, Supervisor Jeanne Mettler, Planning Board Chair Bob Haight and Councilperson Richard Wolf met with several representatives of Hecate Energy, a Chicago-based energy company. They stated that they intend to build a 60 Megawatt solar facility in Copake and that to generate 60 Megawatts, the facility will require close to 200,000 solar panels. The facility's footprint would take up almost 500 acres within a 900-acre area.

Hecate has been planning this since sometime in 2017. By the time Hecate representatives met with Copake representatives, they already had entered into, or were in the process of finalizing lease agreements with local landowners. They already had obtained from a State agency (NYS Energy Research and Development Authority) unspecified credits to help defray their costs.

It is thought that the electricity generated by new facility would feed into NYSEG's distribution network.

Hecate calls the project "Shepherd's Run" because of its stated intention to have sheep graze under the solar panels to keep down the grass and other vegetation.

Hecate already is conducting required testing of the affected area. You may have seen microphones set up in the fields adjacent to County Route 7 and on the north side of State Route 23. A Hecate representative said the microphones were measuring noise levels, and also reported that team of biologists has been making observations of the project area, documenting bird flight patterns and nesting areas, seeking to determine the likely and potential impacts of the project on area wildlife.

So, the project, although in its early stages, is well underway.

New York State has one of the country's most ambitious carbon emissions reduction plans, seeking to obtain 70% of the State's electricity from renewable sources by 2030. Current State law ("Article 10") allows developers seeking to build solar facilities with generating capacities of 25 Megawatts or more, to circumvent most local Town laws and procedures, and instead to obtain approval from a State Siting Board, the "State Board of Electric Generation Siting and the Environment". Thus Article 10 encourages developers to "think big" and thereby avail themselves of the speedier and less cumbersome State approval process.

The Article 10 process allows for some Town participation in the siting and review process. Supervisor Mettler and the Chief Executive of Columbia County will propose nominees to the State Siting Board; up to two members of the seven-member Siting Board would represent local interests. Also, limited “intervenor funds” are to be made available by Hecate to Copake and other “interested parties” to pay for legal counsel and studies of the potential impacts of Shepherd’s Run on Copake and the surrounding area.

On January 31, Hecate formally began the State’s approval process, by filing its proposed “Public Involvement Program” (“PIP”) plan with the State Siting Board. The proposed PIP presents a broad description of the project, identifies “interested parties”, describes a plan for public participation (including open houses and other meetings) and the eliciting of comments, provides Hecate contact information, and lays out a preliminary project schedule. Hecate hopes that Shepherd’s Run will begin commercial operations sometime in the third quarter of 2022.

The next Article 10 process milestone could occur as soon as the end of June, when Hecate could file its “Preliminary Scoping Statement” (“PSS”). This is when more details must be provided, including the location of the project: where within the 900-acre area the solar arrays would be placed. Among other things, Article 10 requires that the PSS identify significant, adverse environment impacts, together with studies Hecate will conduct to evaluate potential impacts, and measures Hecate will take to avoid or mitigate these impacts. Copake will be able to meet with Hecate to discuss the methodology and scope of impact studies, although, as noted above, Hecate already has initiated some impact studies.

Article 10 would be superseded if the Governor’s proposed budget amendment is enacted. The “Accelerated Renewable Emergency Growth and Benefit Act” would create a new State office, the Office of Renewable Energy Siting, which would drastically reduce Copake’s already limited opportunity to comment upon — and hopefully affect — the siting and size of the Shepherd’s Run solar project. Uniform standards and conditions would be set for the siting, design, construction and operation of large renewable energy facilities. When reviewing applications, the new office would consider site-specific potential adverse impacts and require mitigation or, in lieu of mitigation, payment into an endangered and threatened species fund. Details regarding all of this will presumably be fleshed out in rules and regulations.

The proposed act would dramatically speed up the permitting approval process. During a comment period, Copake would submit a statement indicating whether the proposed facility is “designed to operate in compliance with applicable local laws and regulations.” The answer is clear, and the answer is no. Shepherd’s Run, with a 500-acre footprint, would be fifty times the size allowable under Copake’s Solar Law.

But this may not matter because the proposed act contains a strong local override, which reads, "...the office may elect not to apply, in whole or in part, any local law or ordinance which would otherwise be applicable if it finds that, as applied to the proposed major renewable energy facility, it is unreasonably burdensome in view of the CLCPA ("Climate Leadership and Community Protection Act") targets (70% by 2030) and the environmental benefits of the proposed major renewable energy facility."

Under the proposed act, a siting permit decision must be issued by the new Office within one year from the date the application is deemed "complete".

Regardless of whether the proposed act passes, and regardless of whether Hecate proceeds under Article 10 or new, as yet established procedures, the Town Board is moving aggressively to protect Copake's interests. The Board has interviewed two law firms with considerable energy and environmental law experience and will soon retain counsel. It also intend to hire an engineering consultant to study potential adverse environmental impacts of a large-scale solar project. Board members have met with with Assembly Member Didi Barrett and will be meeting with State Senator Daphne Jordan. Both strongly oppose the proposed budget amendment as a further erosion of Home Rule. At our March meeting, the Copake Town Board adopted a resolution opposing the proposed budget amendment.

As soon as knowledgeable legal counsel is hired, the Town Board will convene a public information meeting at which citizens can express their thoughts about the Shepherd's Run project, pose questions and get accurate answers. They will learn what the Board know about the project and the Board will learn how Copake citizens feel about it.