

## **Solar Project Update**

Chicago-based energy developer Hecate Energy has indicated that it will continue to seek State approval for a solar facility in Copake, under a law known as Article 10, which allows developers to largely circumvent local zoning laws and approval processes.

Hecate's plan is for an industrial-size solar energy facility, called "Shepherd's Run" ; it has identified a 900-acre project area, most of which extends south from the intersection of State Route 23 and County Route 7. The plan calls for the installation of 200,000 solar panels to generate 60 megawatts of electrical power and may also include a group of 53'-long shipping containers housing lithium ion batteries to store electricity.

Hecate, pursuant to Article 10 requirements, filed a Public Involvement Program ("PIP") in which it told NY State that it would hold two "open house" meetings before filing a "Preliminary Scoping Statement" ("PSS") to answer questions about the proposal from Copake residents and address their concerns.

However, due to the pandemic, gatherings of more than ten people are currently prohibited. Consequently, in-person open houses cannot occur at this time.

Nonetheless, within a few weeks, Hecate intends to file its PSS, which may provide information about exactly where, within the project area, the solar panels and other equipment will be placed, and, perhaps, how Hecate will attempt to limit the adverse environmental impacts of the project on wetlands, wildlife, and the view shed. The problem is, that without benefit of input from Town residents, Hecate's PSS will lack the very information its Public Involvement Program plan was designed to obtain to help inform the Scoping Statement.

So, Hecate has changed its approach. Instead of in-person open houses, it is mailing a postcard to many, but not all, Town residents - only those with an address that is not more than 2 1/2 miles from the project area boundaries. Recipients will be directed to a website where they can learn about the project, ask questions, and submit comments. Hecate will be doing this as a substitute for actual open houses at which Town residents would be able to hear one another's questions and comments, and Hecate's responses. The website will contain photos and information that would have been posted at an in-person open house. A limited number of hardcopy sets of these materials will be made available for townspeople to pick up at Town Hall.

Hecate told the State this approach constitutes a supplement to its once-revised PIP. However, it will eliminate the very group interaction an in-person open house is designed to ensure.

The Copake Town attorney wrote to Hecate (and the letter has been filed with the State) demanding that the mailing be sent to all Copake residents. He also demanded that Hecate refrain from filing its Preliminary Scoping Statement until 150 days after it filed its “supplemental” PIP with the State, June 4th, as Article 10 requires.

It is the Town’s position that Hecate should not be allowed to use the pandemic as an excuse to forego the public participation requirements of Article 10. Hecate should wait until gathering restrictions are eased and Copake residents are able to safely meet with Hecate at in-person open houses, as Hecate promised the State, and represented to the Town of Copake.

*Councilperson Richard Wolf has been providing information and updates on the Solar Project.*