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August 18, 2023

Mr. Houtan Moaveni
Executive Director
New York State Office of Renewable Energy Siting
Albany, NY 12242

Re: Matter #21 02553, Application of Hecate Energy Columbia County 1, LLC

Dear Mr. Moaveni,

We write to you to express our strong concerns regarding Hecate Energy LLC's application to build a solar development facility in Craryville, New York, a hamlet in the Town of Copake in State Senate District 41. This proposal aims to site a solar facility on land of both agricultural and environmental importance in Columbia County and fails to abide by the standards established by ORES' to "avoid, minimize or mitigate potential adverse environmental impacts from the siting, design, construction and operation of a major renewable energy facility." Hecate Energy has submitted three previous applications for this site, all of which have received Notices of Incomplete Application. Given the negative impacts of siting solar projects on ecologically sensitive areas, including farmland and wetlands, the previously rejected incomplete applications, and concerns voiced by the town's elected officials and residents, we strongly urge your office to work with Hecate and local stakeholders to find a more suitable location for this project.

Hecate Energy's proposal raises major issues with the current Article 94-C siting standards. At this year's budget hearing, you testified to ORES' commitment to minimizing the impacts of renewable energy development on agricultural land. In contrast, this proposed project, rather than minimizing impacts to agricultural land, makes no effort toward mitigation. Under the current project proposal, 140 acres of prime farmland and 76 acres of farmland of statewide importance will be rendered *unusable* because of the solar array being constructed on it. This is being proposed at a time when our farmland is already at risk: According to American Farmland Trust, New York is among the states with the highest farmland conversion threat in the nation. Losing more than 200 acres is the antithesis of protecting our food production.

The proposed facility is also sited on a FEMA mapped 100-year floodplain and the current plan does not adequately address this. Local flood damage prevention law requires that facilities are designed and/or located in places where water will not be able to accumulate during flooding conditions, but Hecate has not demonstrated that they will be able to comply with this provision of local law when combined with other local laws regarding solar height requirements. Essentially, they have not shown that *when* flooding occurs, their facility will be able to adequately mitigate the damage.

Their plan includes clear cutting 40 acres of forest and encroaching on Class 1 wetlands by clearing 0.84 acres directly from them. In its application, the company claims that it will take steps to mitigate these impacts, and yet they have provided no scientific literature, studies or proposals to support this claim.

Beyond the clear cutting of forestlands, this project is sited on a total of 21 wetlands, 9 protected streams and the source of drinking water for the nearby City of Hudson, which poses a significant threat to water quality throughout the surrounding area. Finally, the proposed site borders State Route 23 and County Route 7A, major thoroughfares in Columbia County. In a recent visit to this site, it was clear to us that a project at this location would forever change the rural landscape and contradict our state's goals of conserving ecologically valuable land.

While we understand the necessity and support the practice of building renewable energy projects to meet the needs of our state, we cannot exchange an energy crisis for a food crisis, a water crisis, or a conservation crisis. For the compelling reasons mentioned in this letter, we strongly urge the Office of Renewable Energy Siting (ORES) and Hecate Energy to work with the Town of Copake to ensure this and any future project appropriately balances the need for renewable energy development and protecting our finite resources. Our constituents would be disappointed by anything short of such collaboration to mitigate adverse impacts to agricultural and environmental areas in the siting process.

Thank you for your consideration of this important matter.

Respectfully submitted,



Senator Michelle Hinchey
Senate District 41
Chair, NYS Senate Committee on Agriculture



Senator Peter B. Harckham
Senate District 40
Chair, NYS Senate Committee on
Environmental Conservation

CC: The Honorable Kathy Hochul, Governor of New York State
Doreen M. Harris, President and CEO, NYSERDA