

NEW YORK STATE OFFICE OF
RENEWABLE ENERGY SITING

Application of Hecate Energy Columbia County
1, LLC for a Major Renewable Energy Facility
Siting Permit Pursuant to Article VIII of the
New York State Public Service Law

Matter No. 24-03041

Affirmation of Copake Town Supervisor Richard T. Wolf

EXHIBIT J

**New York State Senator Hinchey and
Assemblymember Barrett Letters in
Opposition to Shepherd's Run**

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THE SENATE
STATE OF NEW YORK



MICHELLE HINCHEY
Senator, 41ST District

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LEGISLATIVE COMMISSION ON
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SELECT MAJORITY TASK FORCE ON
MINORITY AND WOMEN-OWNED
BUSINESS ENTERPRISES
JOINT SENATE TASK FORCE ON
OPIOIDS, ADDICTION AND OVERDOSE
PREVENTION
SUBCOMMITTEE ON CANNABIS

January 15, 2026

Zeryai Hagos, Executive Director
New York State Office of Renewable Energy Siting (ORES)
Department of Public Service
1220 Washington Avenue
Albany, NY 12226

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

Dear Mr. Hagos,

As the State Senator representing Columbia County, I have consistently raised serious objections to Hecate Energy's proposed location for the Shepherd's Run Solar Facility in the Town of Copake. Those concerns remain unresolved, and I again urge the Office of Renewable Energy Siting and Electric Transmission (ORES) to reject Hecate's latest application.

This developer has repeatedly demonstrated an inability to engage honestly, act in good faith, and meet basic environmental and agricultural protections expected in the State of New York. That pattern of conduct has not changed with this application.

Furthermore, my office has been in direct conversation with the New York Power Authority (NYPA), and we have a firm commitment from the Authority that it is not involved in this project. As NYPA told my office directly:

"The New York Power Authority is not a development partner on Shepherd's Run Solar Farm and neither owns, nor has any agreement to purchase the project. In addition, as we emphasized during the meeting, NYPA will not be participating in the Shepherd's Run project and that will be reflected in new biennial Renewables Strategic Plan later this year."

That confirmation reinforces what my office and local residents have been saying all along: this specific proposal, as sited and designed, is not viable for Columbia County or for New York State. New York's clean energy goals are too imperative, and at this point, continuing to recycle the same failed application is a waste of public time and state resources. It is time to move on and focus our attention on renewable energy projects that are responsibly sited and are in a position to actually move forward.

New York must lead by example and with integrity by working with developers who take legitimate community concerns seriously. Hecate has time and again done the opposite, dismissing well-founded objections and treating local input as an obstacle to be overridden rather than a responsibility owed to the community in which it seeks to operate.

New York urgently needs to expand renewable energy, but that vital progress cannot come at the cost of sacrificing prime farmland, threatening drinking water sources, or damaging fragile ecosystems. The proposed project is sited within the Taghkanic Creek Watershed, which supplies drinking water to nearby communities, including the City of Hudson. These impacts are clear, foreseeable, and unacceptable. This sweeping preemption undermines local planning and sets a troubling precedent for rural and agricultural communities across New York State, which all too often bear a disproportionate share of large-scale development impacts without commensurate local benefit.

Despite these serious concerns, Hecate has failed to provide meaningful updates or address longstanding deficiencies. From the perspective of my office and that of the local community, this application process has been marked by persistent bad faith.

Every community in the State of New York, including Columbia County, deserves a clean energy future that's responsibly planned, environmentally sound, and grounded in genuine partnership. The PSC should be prioritizing obvious areas for solar development — parking lots, warehouses, state facilities, and state land, incorporating renewables into every state project, not wasting its resources and the resources of state legislative offices and municipal governments on previously denied projects. If the state is serious about meeting the goals of the CLCPA, change is drastically needed in this process, so we are not running on a hamster wheel of projects already deemed unfit just to satisfy private equity-owned developers with no care for our state or our communities. Approval of this draft permit would fail to meet that standard. For these reasons, ORES should deny Hecate's application once and for all.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michelle Hinchey". The signature is written in a cursive, flowing style.

NYS Senator Michelle Hinchey

CHAIR
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September 18, 2025

Zeryai Hagos, Executive Director
New York State Office of Renewable Energy Siting (ORES)
Department of Public Service
1220 Washington Avenue
Albany, NY 12226

Dear Mr. Hagos,

I am writing to urge ORES to reject Hecate Energy's most recent application for the Shepherd's Run solar project in Copake, Columbia County. Hecate has not provided any meaningful updates since its last application this past spring. Worse, we have learned two new pieces of information that give us pause and should trouble ORES as well: the company is now in a legal dispute with its lenders and is also ignoring a state agency's determination. In my view, Hecate has demonstrated bad faith throughout the entire application process, and ORES should move to deny its proposal once and for all.

I have written to ORES on several occasions, most recently in February, to express several serious concerns about the Shepherd's Run project. I continue to have these same concerns as Hecate has made no meaningful amendments to their proposal and has refused to address them in any serious way. The fact remains that this project was denied on the merits just a year and a half ago. I fail to see how this project could possibly be approved when the facts, and the proposal itself, have not meaningfully changed; in fact, they have gotten worse.

In addition to the existing reasons clearly demonstrating the project's unsuitability, Hecate is now embroiled in a lawsuit that calls into serious question the company's financial stability and practices. In August, we learned that two of its lenders have filed a motion against Hecate stating that it is in default under their loan agreements. Hecate's lenders allege that the company is insolvent and unable to pay debts. If Hecate is experiencing these financial difficulties now, what happens once the Shepherd's Run project is underway?

In another worrisome development, one of New York State's own agencies has stated that the project will be detrimental to preserving some of our state's history and is a bad idea. The New York State Historic Preservation Office (SHPO) has determined that Shepherd's Run would have a significant negative impact on

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five National Registry-eligible properties in the Copake area. While only SHPO can make the determination for National Register eligibility, "integrity of location" is one of the key criteria in evaluating a historic property for National Register designation. Thus, if Shepherd's Run goes forward, it would severely compromise the natural and agricultural "setting" and hamlet, all but guaranteeing that these five locations would no longer be considered for historic status. This would remove a potential tourism draw, close avenues to grants and tax incentives, and limit the upside growth of property values. We understand that SHPO contacted Hecate directly about this issue, but its outreach was ignored, providing yet another example of how Hecate has disregarded not just the prospective host community, but the State of New York overall.

As I have stated consistently, I struggle to understand why this project is still under active discussion, even as the reasons to reject it continue to multiply. I strongly urge you to take this new information into account, and to heed the warnings of town officials, local residents, and your partner agencies, who all continue to voice significant and valid concerns. No amount of time, review, or consideration will ever make Shepherd's Run good for the Copake community or the Hudson Valley, and you should reject its application. Should any further information be required, please do not hesitate to contact me or my District Director, Elisabeth Tavarez, at tavarez@nysenate.gov or 845-331-3810.

Sincerely,

Michelle Hinchey

New York State Senate, District 41



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February 12, 2025

Zeryai Hagos, Executive Director
New York State Office of Renewable Energy Siting (ORES)
Empire State Plaza, P-1 South, J Dock
Albany, NY 12242

Dear Mr. Hagos,

I am writing to you regarding Hecate Energy's Shepherd's Run solar project situated in my Senate district in Copake, Columbia County. ORES has already denied this project once with good cause, so it is perplexing to see it being considered again when it has been re-submitted with only nominal changes. I have followed this issue closely over the past few years, and not only does this project pose significant risks to our environment and water supply, I believe Hecate has acted in bad faith throughout the process.

It is hard for me to understand why ORES is still going through the review process with a proposal it has already found to be flawed and worthy of dismissal. I have expressed my concerns to ORES previously (see attached letters from August 2023 and November 2023). Hecate has now returned with a nearly identical plan, with the primary difference being the removal of some acreage, resulting in a slightly smaller project and; therefore, also farther away from the State's energy goals. It bears mentioning that the only reason this acreage was removed from the scope of Hecate's project is not because Hecate did the right thing by downsizing their farmland impact but because local neighbors pooled resources and purchased the land in question from the original seller in order to remove it from this ill-conceived proposal. What has not changed is that this project would still render prime farmland unusable, destroy 40 acres of woodlands, intrude on Class 1 wetlands, and risk flooding and fire while decreasing land value for local homeowners.

I find it especially worrisome that 100% of the City of Hudson's water supply comes from the Taghkanic Creek Watershed and is therefore threatened by Shepherd's Run. The proposed solar project is sited right on the Taghkanic Creek and several of its tributary streams, 15 miles above the Hudson water intake point. Referencing these concerns, the City of Hudson's Common Council passed a unanimous resolution in October opposing the proposed siting of this solar project until Hecate can demonstrate that the watershed will be protected. The city's Mayor has also spoken out against this project.

Another important point is that Hecate's application for Shepherd's Run seeks more waivers from local laws than any other application currently pending at ORES. As one of the smallest facilities under review, it is seeking 16 waivers, a shockingly high number. I believe this is a key indicator of the project's unsuitability as a state-supported solar development. It should raise alarm bells with ORES, as well.

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In addition, Hecate's lack of adequate notice related to its intention to reapply for a permit is unacceptable. The short notice and the timing right before the Christmas holiday seemed designed to give our community the run around, evade close review, and prevent community members from seeking state resources needed to fully participate in the public comment process.

I urge you to listen to town officials and local residents who have raised significant concerns about the proposal and reject this project. If it wasn't good for us or up to standard two years ago, it's still not good for us now. Should any further information be required, please do not hesitate to contact me or my District Director, Elisabeth Tavaréz, at tavarez@nysenate.gov or 845-331-3810.

Sincerely,

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

New York State Senate, District 41

Enclosures



Didi Barrett

Assemblymember 106th District
Columbia County
Dutchess County

THE ASSEMBLY
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Sports Development

February 5, 2025

Hon. Kathy Hochul
Governor
State of New York
Executive Chamber
Albany, NY 12248

Re: Matter #24-00103, Application of Hecate Energy Columbia County 1, LLC

Dear Governor Hochul,

I write today to convey my serious concerns and those of many of my constituents, including the Town of Copake leadership, about the siting of the 42 MW Shepherd's Run solar project proposed by Hecate Energy LLC in Copake, NY. Since this project was first proposed by Hecate Energy in 2019, my office has worked closely with local officials and residents to relay their questions and concerns about its siting and scale, and the impact it would have on the regional economy. In fact, this is my third letter to you since you became our Governor in 2021 — a testament to the community's overwhelming concern about the Shepherd's Run Solar Project.

After significant public input and several incomplete permit applications, the Office of Renewable Energy Siting (ORES) made the unprecedented decision last year to reject Hecate Energy's application. This decision was a relief to many Copake residents and provided an opportunity to reset the conversation and allow for stakeholders to work together in good faith to develop a project consistent with the scale of the community.

Instead, Hecate has re-applied with a similar proposal that simply removes a 60-acre parcel of land that has since been purchased and is no longer in the scope of the project — a transaction that in part led to Hecate's last application being rejected — even reusing outdated information by displaying posters that included the now eliminated 60 acres of land at their public meetings last year.

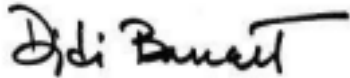
It has been my experience that from the outset, Hecate has failed to act in good faith, neither communicated with or addressed the concerns of the Town leadership and community as a whole. As an example, the newest application still does not reflect the recommendations of the community-wide Craryville Gateway Working Group, which I served on for several years. The application also fails to take into consideration the Department of Environmental Conservation's newly enacted wetland regulations. These regulations expand

the DEC's authority to regulate wetlands of any size that have an 'unusual importance,' and extend their regulation to include more of the adjacent area around a wetland. Furthermore, the developer of this 42 megawatt project has also requested to override a staggering 16 local laws, more than any other application before ORES.

When we passed the Climate Leadership and Community Protection Act (CLCPA) in 2019, we committed to putting New York at the forefront of combating climate change while at the same time protecting communities in every corner of the state. Since then, we have seen first-hand the challenges associated with striking the necessary balance between these two priorities. In your 2023 veto message of A.7764/S.6218-A, you rightfully summarized this by saying "*It is incumbent on renewable energy developers to cultivate and maintain strong ties to their host communities throughout the planning, siting, and operation of all large-scale projects.*" I share your commitment to promoting renewable energy development while at the same time protecting our constituents from bad actors.

I urge you to fully consider the concerns raised in this letter and throughout this process. I look forward to continuing to engage in discussions with you and your office. Please don't hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read "Didi Barrett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Didi Barrett
Member of Assembly, 106th District



Didi Barrett

Assemblymember 106th District
Columbia County
Dutchess County

**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

CHAIR
Energy

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December 4, 2023

Houtan Moaveni, Executive Director
NYS Office of Renewable Energy Siting
Empire State Plaza
240 State Street
P-1 South, J Dock
Albany, NY 12242

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

Dear Mr. Moaveni,

I write today to convey my serious concerns, and those of many of my constituents including the Town of Copake leadership, about the siting and size of the 60 MW Shepherd's Run solar project proposed by Hecate Energy LLC in Copake, NY, the application of which has been deemed completed and was issued a draft permit on October 24, 2023.

The current 267 acre proposed footprint would result in the clear-cutting of 40 acres of woodlands; disrupt more than 200 acres of valuable farmland; impact rural viewsheds; threaten historic properties; risk the health and safety of residents of the Towns of Taghkanic, Hillsdale, Claverack, Copake, and the City of Hudson who receive their drinking water from the Taghkanic Creek; intrude on 21 wetlands and 9 protected streams; and overlap with the FEMA-mapped 100-year flood zone. These serious threats to our farmland, natural resources, and surrounding communities have never been addressed by Hecate, the developer.

It has been my great privilege to represent the beautiful 106th Assembly District for more than a decade. This historic Hudson Valley district, which includes the Town of Copake, was known as the breadbasket of the young nation at the time of the American Revolution. It is blessed with world class soils, abundant water and small and mid-sized family farms that have fed New Yorkers for centuries. Beginning in 1970 the pressure to "get big or get out" led to the closing of dozens of local dairy farms and the businesses that supported them, creating decades of economic distress. It is only recently that the local economy has begun to turn the corner with the popularity of farm-to-table agriculture, the expansion of the Harlem Valley Rail Trail and the growth of the local craft beverage industry.

My concerns about the size and siting of Shepherd's Run are not new. As you may recall, we first invited you, other agency representatives, and members of the Department of Public Service Siting Board for a driving tour of the proposed site on May 21, 2021. Indeed, since the

project was first announced in February 2020, I personally have participated in dozens of stakeholder meetings, town halls and discussions with individual constituents including immediate neighbors of the proposed site; written more than a dozen letters to state leaders and relevant stakeholders, and participated in many visits to the proposed location including a recent in-person tour of the site with ORES staff on August 31, 2023.

It has been my experience that from the outset, Hecate has not acted in good faith, communicated, or addressed the concerns of the Town leadership and community as a whole. As an example, my office and I actively participated in the Craryville Gateway Working Group, representing stakeholders from both sides of this issue, to make recommendations that the Town of Copake and community at-large could support. Hecate failed to respond to outreach from this thoughtful group and incorporated very few recommendations into the final application.

In 2019, I was proud to vote for the Climate Leadership and Community Protection Act (CLCPA), which in its very name recognizes the importance of striking the necessary balance between achieving our nation-leading climate goals and protecting communities by ensuring them a seat at the table. As Governor Kathy Hochul recently stated, “It is incumbent on renewable energy developers to cultivate and maintain strong ties to their host communities throughout the planning, siting, and operation of all large-scale projects.”

I urge you to fully consider the issues raised in this letter and throughout this process and the impact that this proposed project will have on our community, our farmland, and the local economy. I look forward to continuing to engage in discussions with you and your office. Please don’t hesitate to reach out.

Sincerely,



Didi Barrett
Member of Assembly, 106th District

cc: Joseph Foskett, Legislative and External Affairs Manager, NYS Office of
Renewable Energy Siting
John O’Leary, Deputy Secretary for Energy & Environment, NYS Executive Chamber

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BUSINESS ENTERPRISES

January 8, 2024

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

Re: Matter No. 21-02553

Dear Mr. Moaveni,

A week ago, we learned that Hecate Energy's initial proposal for the Shepherd's Run solar project is no longer feasible due to the loss of 59.77 acres. It would be counterproductive to proceed with the scheduled public statement hearings as the current proposal is now moot. Instead, Hecate has an important opportunity to introduce a revised plan, choosing a safer and more suitable location for Shepherd's Run. At which point, I believe ORES should schedule new hearings to gather community input. For these reasons, I believe the public commenting periods scheduled from January 9th through the 11th should be postponed and rescheduled if and when a new plan comes forward.

Respectfully submitted,

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

Michelle Hinchey
New York State Senator, District 41

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

November 9, 2023

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

Dear Mr. Moaveni,

I am writing to address my deep concerns about the proposed location for a 60-megawatt solar facility by Hecate Energy LLC in the Town of Copake, situated within my Senate District in Columbia County. The urgency for more renewable energy is indisputable, but it is equally vital to select ecologically sound locations for these projects. The proposed siting of the Shepherd's Run facility falls short of meeting this requirement due to the fact that it is sited directly on significant agricultural and environmentally sensitive lands. I urge the Office of Renewable Energy Siting (ORES) to recognize the elements at stake here in Copake and adhere to its own standards in mitigating adverse environmental and agricultural impacts in its own siting process by finding a more suitable location for the Shephard's Run project.

As it stands, the proposed site for Hecate Energy's project would result in 216 acres of valuable New York farmland rendered *unusable*, the clear-cutting of 40 acres of woodlands, intrusion into Class 1 wetlands, and a risk to the drinking water of the City of Hudson residents. Situated on 21 wetlands and 9 protected streams, the project also occupies a FEMA-mapped 100-year flood zone, lacking a clear mitigation plan for impending flood damage. These outcomes undoubtedly constitute adverse impacts.

Our food and water supplies, along with our protected streams, wetlands, forests, and natural habitats, are in danger due to this suggested location — a location that goes against the very laws guiding ORES' siting decisions in New York State, specifically N.Y. Exec. Law § 94-C 3 (b), emphasizing the need to "*avoid, minimize or mitigate potential adverse environmental impacts from the siting, design, construction, and operation of a major renewable energy facility.*"

New York must lead the way forward with renewable energy. We must create the clean energy security we need to protect our communities while giving ourselves a fighting chance to combat the increasingly dire impacts of the Climate Crisis. However, we must do this without subsequently causing a food crisis, a water crisis, or a conservation crisis. These are the very elements at risk here in Copake, and it is why I emphasize once again the need for your office to work with Hecate and local stakeholders to identify a safer, more suitable location for the Shephard's run project.

My office is always available should you wish to engage in further discussions on this matter. I look forward to working together for the well-being of Columbia County and our state. Thank you for your thoughtful consideration of this important matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Michelle Hinchey". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Michelle Hinchey
New York State Senator, District 41

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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