

# Across the River

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## Shawnee forest announces spring closure of Snake Road

HARRISBURG, Ill. — Temporary closure of Snake Road begins March 6 to ensure safe crossing for several species of snakes and amphibians during their bi-annual migration. The road will remain closed until May 15.

Every year, the 2.5-mile stretch of road is closed to allow species to move from their winter habitat in the limestone bluffs across the road to their summer habitat in LaRue Swamp.

The Forest Service says in its news release on the clo-

sure that while the road is closed to vehicles, it is open to people traveling on foot. Each year the gradual snake migration attracts visitors from across the country eager to observe the ecosystem's diversity.

"Visitors are encouraged

to familiarize themselves with the special regulations that apply to the area around Snake Road. LaRue-Pine Hills/Otter Pond is a federally designated Research Natural Area, and unauthorized collecting and handling of any of these species is pro-

hibited under federal and state law," the release read.

Visitors are also asked to keep a distance from the snakes to avoid disrupting their path and to keep to the gravel road.

For more information, visit [tinyurl.com/5x42uys9](https://tinyurl.com/5x42uys9).

## Public reaction delays Massac solar farm public hearing

BY TERRA TEMPLE | FOR THE SUN  
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MASSAC COUNTY — What residents thought would be a formal meeting providing information on an upcoming solar farm project and what those project representatives planned to be a more informal setting collided last week.

The public hearing, which is required by the Massac County solar ordinance, was Tuesday, Feb. 24, at the Metropolitan Elks Lodge.

While some 50 to 75 Massac County residents attended, many of them from the farming community, a contingent questioned why the hearing was "held in a bar" and not the courthouse, and why the meeting labeled as a public hearing wasn't a formal setting with representatives from SB Energy providing information on the Shawnee Energy Project, the solar farm to be located on the Massac-Johnson line, and the public being given a chance for a formal question-and-answer session.

With tempers rising, discussions were held between SB Energy representatives, Massac County commissioners Jeff Brugger and Jimmy Burnham and attorney Rick Abell on how to handle the situation. Burnham announced about 30 minutes into the event, "We're going to reschedule this and do it again. It will be at the courthouse. ... We're going to make it right, we're going to do it right."

During their meeting Tuesday, March 3, the commission discussed setting up the public hearing for possibly sometime in April in the Massac County Courthouse's large courtroom.

Attorney Rick Abell, with Kruger & Abell Law Firm, which is assisting the commission with applications for solar farm projects within the county, informed commissioners during their Tuesday, Feb. 3, meeting that SB Energy had gotten all of its documents completed and was ready to apply for its special use permit. A part of that process is conducting a public hearing, which allows the public to ask questions and voice their opinions about the project.

Abell defines the special use permit as a site permit that shows the developer has met the requirements to locate the project on the property. "If they have supplied everything the ordinance requires, state law says the commission has to give them the permit. To delay it, there has to be



Photos by TERRA TEMPLE | For The Sun

Massac County farmer Clint Smith points out his property as he talks with a SB Energy representative on Tuesday, Feb. 24, during a scheduled public hearing. Smith's property adjoins a portion of the proposed SB Energy Shawnee Energy Project. The solar farm encompassing 5,150 acres is to be located on the Massac-Johnson line. With the hearing's informal setting not to the liking of a contingent of those attending, a more formal hearing is being rescheduled.



The land makeup of the proposed SB Energy Shawnee Energy Project is shown in blue on a poster set up during the Feb. 24 public hearing. In Massac County, the project involves land owned by the three farms of West, Mathis and Main.

a legal basis," he said. "They still have to come back and file everything for a building permit."

SB Energy is proposing a 450-megawatt solar farm that will sit on approximately 5,150 acres total in Massac and Johnson counties on land owned by Terry West and Larry West; Robert and Judi Main; and Tony Mathis around Massac-Johnson line. Abell said this will be a utility scale solar project, meaning its generated power will either go directly to the grid or be sold on the grid or be sold to a utility.

Following the Feb. 3 discussion, the commission accepted the application from SB Energy and established a public hearing date of Tuesday, Feb. 24, from 6-8 p.m. with a location to be determined. At its Feb. 17 meeting, commission chairman Jayson Farmer announced the meeting would take place at the Metropolitan Elks Lodge.

The commissioners approved the county's ordinance regarding commercial solar power facilities during a May 25, 2023, special-called meeting.

The ordinance lays out: the specification for the special use permit application; the permit's stipulated conditions and restrictions; the design and installation of the facility; requirements for an annual operation and maintenance report; liability insurance and indemnification; the decommissioning and site reclamation plan; and the fee schedule and permitting processes.

During an interview with the Metropolitan Planet on Wednesday, Feb. 25, Abell noted that Massac County's ordinance does not require how a solar facility spe-

cial use permit public hearing is held, where it is held or that a certain amount of public notice be given prior to the hearing.

Kruger & Abell is assisting commissions around Southern Illinois with solar farm project applications.

"We're just hired to be a facilitator. The law says you're supposed to have a facilitator — that's just a moderator to kick it off, and if people don't ask questions, we'll usually ask just to get it started," Abell said.

He explained that just as ordinances differ between counties, so do the public hearings. His experience has shown that the more informal hearing works well for a group of 15 or less. The more formal is better for larger groups. And, he's been at hearings that are a mix — that begin formally and after questions seem to stop, are opened up for one-on-one discussions. Abell said Massac County's informal setting was at the request of SB Energy.

"They wanted to provide drinks and snacks for people who wanted to come in and talk," he said, noting the Elks seemed the most conducive for that, especially since the Metropolitan Community Center is booked on Tuesday nights.

With the site of SB Energy's next public hearing being the courthouse's large courtroom, Abell emphasized attendees will "have to sit and listen and let people take turns" talking because there is no freestanding speaker system.

A total of five SB Energy representatives flew in from California and Colorado for the Feb. 24 hearing. They were three engineers, a developer who works with land owners



Some 50 to 75 Massac County residents attended a public hearing held Tuesday, Feb. 24, concerning the Shawnee Energy Project by SB Energy. While representatives were on hand to discuss the project informally with attendees, many objected to its being held at the Metropolitan Elks Lodge and not a more formal setting. It is being rescheduled for sometime in April.

and an environmental engineer. Five project posters were set up at the entrance allowing attendees to read about the project. Several of those present took the opportunity to learn more about the project from the representatives who filtered around the room questions.

Abell said he heard attendees pose questions to SB Energy representatives about:

- The solar project underway in Pulaske County. Abell said the two have nothing to do with each other. SB Energy's Shawnee Energy Project is totally separate. Abell said he heard the SB Energy representatives ask what problems the public is seeing with that project and what SB Energy can do better with the Shawnee Energy Project. Those replies revolved around road conditions and traffic problems.

- Field tile destruction. Abell said one agreement developers have to sign is an Agriculture Impact Mitigation Agreement [AIMA] with the Illinois Department of Agriculture. "It has very specific standards and requirements that the developer has to replace and repair any field tiles that are damaged in the construction," he said.

- Tornado damage or company failure. Companies like SB Energy have to carry insurance

and have a decommissioning bond for each of their sites. Abell explained the reclamation bond, which is spelled out by the state law and the AIMA, "covers what it takes to remove all this stuff and restore the ground if it ceases to operate for a period of 12 months or when the lease is up. The company has an obligation. That bond is held and is in favor of Massac County. The bond amount is determined by an engineer's estimate of what the cost of removal and restoration would be. That estimate is given before building starts. The state phased the bond in — when construction starts, it's around 10% of the cost to decommission; at year six, it's 50%; by year 11, it's 100%. At year 11, there's reassessment, and the county can get its own engineer to perform its own assessment. Every five years after that, the county can have that [assessment] updated." Abell noted that Massac County's ordinance does not allow the developer to factor in salvage value into the bond. "Whatever that recommission cost is, the bond has to equal that, so we get 100% of the reclamation cost."

In the various hearings he's taken part in around Southern Illinois, one comment Abell has heard is that

solar farms take cropland out of production.

"Maybe it does, but what I've seen is most of these are multi-generational farms that've been passed down from great-grandpa. In some parts, they're running out of somebody to pass it on to. So, you have a clash between multi-generational farmers whose kids and grandkids are going to continue and don't want this [solar farm] stuff, but over here, you have those with land whose kids have moved elsewhere and aren't interested in farming," he said.

He noted those who have nowhere to pass on the farming heritage have three choices: they can sell or lease to a neighboring farmer; they can put it into something like solar farms; or they continue farming.

"Most are looking at this [solar farms] as a way where their future generations can get something out of it down the road," Abell said. "It still boils back to 'it's my land, I paid for it, I have a right to do as I see fit.' ... I think what it comes down to is change, and most people are resistant to change, particularly change they don't necessarily fully understand or agree with. But at the end of the day, the guy who owns the land wants to be able to do what he can legally do with his land."

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