

**TOWN OF LEMONWEIR
INFORMATION REQUEST RESOLUTION
REGARDING POTENTIAL, UTILITY-SCALE SOLAR POWER PLANT DEVELOPMENT**

WHEREAS, a developer, EDP Renewables (EDP), a Wisconsin-designated "merchant," utility and power plant builder based in Madrid, Spain recently notified the Town of Lemonweir of interest in building a utility-scale solar power plant in the Town's jurisdiction;

WHEREAS, Juneau County Land Records indicate that starting in or before 2020, EDP privately contacted individual constituents and landowners in our Town in regard to signing land use contracts greater than 15 years in duration for the purposes of operating of an utility-scale solar power plant in the Town's jurisdiction;

WHEREAS, Article 1, *Declaration of Rights*, Section 14 of the Wisconsin Constitution voids feudal land ownership by granting Wisconsin persons allodial land rights including the right to hold and control land in absolute ownership, sell, lease, exchange and pass ownership to heirs;

WHEREAS, the same passage in the Constitution observes that land leases longer than 15 years in duration are prone to conflict with these acquired land ownership rights and were, thus, voided;

WHEREAS, the Public Service Commission of Wisconsin (PSCW) and the Wisconsin Department of Revenue expect a merchant utility to "work with" local governments concerning siting details of their power plant proposals and to provide information required by local governments in order to provide recommendations to the merchant utility prior to the utility's application to the PSC;

WHEREAS, the Town of Lemonweir is charged with protecting and enhancing the Town's public safety and natural assets which could be adversely affected by utility infrastructure in the Town's jurisdiction;

WHEREAS, under state law, applications for power plant construction made by merchant utilities are typically exempted from demonstrating need, estimating impacts on electric bills, assessing alternatives and from conducting a full, Environmental Impact Statement even when many square miles of land are directly impacted;

WHEREAS, there are lower cost and less land impactful alternatives for meeting additional need for electric power in our Township including conservation, energy efficiency, customer-side load management, energy improvements to dwellings and distributed renewable generation;

WHEREAS, EDP has estimated capital and land use expenses of its considered power plant to be in excess of \$400 Million and these costs are usually "recovered" or paid for by electric customers over time;

WHEREAS, public records of the Public Service Commission of Wisconsin contain no documentation from prior EDP power plant proposals that the Town could, otherwise, access for example;

WHEREAS, the Town of Lemonweir is without sufficient means to evaluate and make informed recommendations concerning the power plant EDP has expressed interest in building;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lemonweir requests the below information, in writing, no more than 28 days after the adoption date of this resolution.

1. Please provide to-scale, detailed maps, including all roads, dwellings, streams, bodies of water, wetlands and the company's preferred and alternative locations of all Juneau Solar Park infrastructure including: solar array modules, fences, inverters, access roads, connection lines, battery storage, operation and maintenance buildings, project substation, generation link lines, interconnection switchyards and lay down yards. storage locations. Please provide all maps in matching-scale, *.pdf* formats.
2. Please explain the number of years, from minimum to maximum, that the Juneau Solar Park facility could remain in operation including options for repowering, and all means of extending the time durations of land leases.
3. Please provide documentation demonstrating that the Juneau Solar Park facility would not be sold, in part or whole, to other merchant or public utilities at any time.
4. Please provide documentation demonstrating that EDP, or its successors, would be prohibited from purchase and ownership of land used for solar modules and connection lines.
5. Please describe how topsoil would be graded, handled and stored during power plant construction processes.
6. Please describe how the stored topsoil would be re-distributed over the land from which it was removed;
7. Please provide documentation demonstrating that EDP or its successors would be prohibited from leaving abandoned project infrastructure on lands within our town.
8. Please provide, exact wording samples of the land use contract types that EDP has used in gaining site control of lands within the Town of Lemonweir to date.
9. Please provide, exact wording samples of "Good Neighbor" agreements that EDP has used with constituents of the Town of Lemonweir.
10. Please provide documentation demonstrating the time period during which project lands under lease would begin transitioning back to agricultural use.
11. Please provide document demonstrating the minimum distances, in feet, that EDP plans to position solar modules from an occupied residence or workplace in the Town of Lemonweir for both participating and non-participating landowners.
12. Please list and describe the permitted uses of the non-utilized, land use agreements that would remain under control of EDP after the Juneau Park Solar facility has been granted a CPCN by the Public Service Commission of Wisconsin.
13. Please describe, in detail, with estimated dates, defined areas and defined recipient interests, EDP's public notification plan for its proposed Juneau Park Solar facility. Include in this description, the scope of the materials that will be sent with each notice, and EDP's intent to notify landowners in the watersheds of the five streams whose headwaters exist in the project area.

AND, BE IT FURTHER RESOLVED, that Town of Lemonweir hereby approves the resolution ADOPTED this 15th day of August, 2024 and grants that it be immediately issued to agents of EDP.

Submitted by the Town of Lemonweir Board,

Adopted by the Town of Lemonweir Board on August 15, 2024.

Attested by: Caren J. Leach, Town Administrator

