

July 27, 2026

VIA EMAIL AND CERTIFIED MAIL

Lowndes County Commission
Kimberly McGrew-West, County Administrator
205 A East Tuskeena Street
P.O. Box 65
Hayneville, AL 36040
kwest@lowndes-al.gov

RE: Records Request for Documents related to Project Red Clay Data Center

Dear Ms. West,

The Southern Environmental Law Center (“SELC”) and the Natural Resources Defense Council (“NRDC”), on behalf of the Alabama Rivers Alliance¹ and Protect Lowndes County,² pursuant to Ala. Code 1975 § 36-12-40, requests to inspect and make a copy of the following documents in the possession of the Lowndes County Commission (“LCC”) related to the Cloverleaf Infrastructure data center development known as “Project Red Clay” (“the Project”).

Responsive documents shall include documents referencing Cloverleaf Infrastructure; Project Red Clay; any proposed data center in Lowndes County; any proposed data center near Burkeville; any project involving the Highway 80/Highway 21 site; and any unnamed data-center prospect matching the project description. References to the Lowndes County Economic Development Commission (“LCEDC”) shall include any existing economic development authority of Lowndes County, including the Lowndes County Economic Development Commission and/or the Third Industrial Development Board of Lowndes County. Communications shall mean all communications by and between the Project sponsors, LCEDC, and/or LCC, regarding all categories of information being requested to in emails; text messages; Signal messages; WhatsApp messages; Microsoft Teams communications; calendar entries;

¹ Alabama Rivers Alliance (“ARA”) is a statewide network of groups working to protect and restore all of Alabama’s water resources through building partnerships, empowering citizens, and advocating for sound water policy and its enforcement. Since ARA’s founding in 1997, it has helped build, support and lead a network of more than 100 community and watershed-based organizations working for clean water for people and nature.

² Protect Lowndes County is a group of concerned residents and citizens of Lowndes County working to protect the rural character of the County, ensure the protection of the environment for all residents, and promote responsible economic development.

meeting invitations; meeting notes; and communications among Commissioners, LCEDC personnel, Cloverleaf representatives, consultants, and utility representatives.

Specifically, Alabama Rivers Alliance and Protect Lowndes County request to inspect and make a copy of the following:

1. Documents reflecting any Confidentiality Agreements or non-disclosure agreements between the County, LCEDC and/or the Project sponsors, including but not limited to:
 - a. all confidentiality agreements (whether formal or informal);
 - b. non-disclosure agreements (same);
 - c. confidentiality provisions in any Memorandums of Understanding, option agreements, or letters of intent;
 - d. communications regarding execution or negotiation of confidentiality obligations; and
 - e. documents identifying the parties bound by those agreements.
2. Documents reflecting any economic development and site-selection records, including but not limited to:
 - a. project summaries;
 - b. prospect memoranda;
 - c. site-selection analyses;
 - d. feasibility studies;
 - e. consultant reports;
 - f. marketing materials;
 - g. presentations to County or LCEDC officials; and
 - h. due-diligence materials.
3. Documents reflecting any utility and infrastructure planning, including but not limited to:
 - a. communications with Alabama Power;
 - b. communications with the Alabama Public Service Commission;
 - c. communications with utility consultants;
 - d. load studies;
 - e. transmission or substation analyses;
 - f. water-supply analyses;
 - g. wastewater studies;
 - h. infrastructure-capacity studies;
 - i. infrastructure funding proposals; and
 - j. discussions concerning road improvements or transportation infrastructure.
4. Documents reflecting any incentives and financial assistance, including but not limited to:
 - a. tax-abatement discussions;
 - b. incentive applications;
 - c. incentive agreements;
 - d. grant applications;
 - e. infrastructure funding requests;
 - f. economic-impact analyses;
 - g. PILOT discussions;
 - h. state economic-development communications; and

- i. communications with state-development entities.
5. Documents reflecting the status of the Lowndes County Economic Development Corporation and/or its relationship with the County, including but not limited to:
 - a. all agreements between the County and the LCEDC;
 - b. funding agreements;
 - c. board-member appointment records;
 - d. board rosters;
 - e. annual reports; and
 - f. records reflecting county control or oversight of the LCEDC.
6. Documents reflecting any property purchases, leases, transfers, or conveyances related to the proposed Project.
7. Documents reflecting environmental, noise, or health studies, related to the proposed Project.
8. Documents reflecting any permit applications submitted by any representative of Cloverleaf to the County and/or County Commission.
9. Permits issued by the County and/or County Commission related to the Project.
10. Minutes of any Commission and/or County meetings where the proposed Project was discussed.

The Alabama Open Records Act provides that “[e]very resident has a right to inspect and take a copy of any public record of this state.” Ala. Code § 36-12-40 (1975). The Act has been construed liberally and in favor of public disclosure of public writings and records. *See, e.g., Chambers v. Birmingham News Co.*, 552 So. 2d 854, 856 (Ala. 1989). This presumption fulfills the law’s purpose of ensuring open government for the citizens of the state. *Id.* at 857.

Please provide a written response to us concerning this request within ten (10) working days of receipt of this letter. Ala. Code § 36-12-44(a)(3). Either hard or digital copies of the above referenced documents are sufficient for this request, and we are prepared to pay reasonable costs. If an on-site visit is the most efficient and cost-effective way of fulfilling this request, we would be happy to have someone come to your office. In addition, we would ask that, as responsive documents are determined, you produce them on a continuing or rolling basis.

Should you deny any part of this request, please let us know the specific grounds for each denial and the administrative appeal rights available to us. Please identify any withheld records and the reason for withholding. Last, we remind the LCC of its obligation to preserve all the records requested herein while this request is pending. Accordingly, please immediately advise custodians of potentially responsive records that the above records have been requested under the Open Records Act and therefore may not be destroyed.

We look forward to working with the Lowndes County Commission on this request and thank you for your prompt attention to this matter. Please contact Ryan Anderson at randerson@selc.org or 205-745-3060 with any questions.

Sincerely,

s/Ryan Anderson

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s/Todd Gleason

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