



Tuesday, September 16, 2025

Sent via electronic form

Bessemer Planning and Zoning Commission
1700 Third Avenue North
Bessemer, Alabama 35020

Re: Logistics Land Investments Data Center “Project Marvel” Opposition

On behalf of the Alabama State Conference of the NAACP, Metro Birmingham Branch of the NAACP, and the NAACP Center for Environmental and Climate Justice, we are writing to oppose the construction of the Logistic Land Investments data center known as Project Marvel. We also have serious concerns regarding the lack of notice to community members regarding when and how this Commission will gather additional information regarding the community’s thoughts for this data center. Out of an abundance of caution and concern regarding potential next steps and meetings, we are sharing our concerns today.

The impacts of the proposed data center in Bessemer harm the way of life, the environmental and financial interests of the people of Bessemer, the communities of Rock Mountain Lakes and Red Mountain Heights, and all citizens of Alabama. This land is the community’s heritage. The community lives and recreates in the area near where the data center is proposed to be built. The impacts of the data center do not justify its construction.

Bessemer, a 70% Black city,¹ sits in Jefferson County and is already home to some of the largest greenhouse gas emitters in the country.² Residents are fighting for cleaner air as these plants contribute significantly to the current climate crisis and health issues in the County.³ Just last year, the American Lung Association named the Birmingham metro area the 71st most polluted for ozone and

¹ U.S. Census Bureau, *Bessemer city, Alabama*, Explore Census Data, https://data.census.gov/profile/Bessemer_city,_Alabama?g=160XX00US0105980#race-and-ethnicity (last visited Sept. 13, 2025).

² Lee Hedgepeth, *An Alabama Coal Plant Once Again Nabs the Dubious Title of the Nation’s Worst Greenhouse Gas Polluter*, Oct. 29, 2023, Inside Climate News, <https://insideclimatenews.org/news/29102023/an-alabama-coal-plant-once-again-nabs-the-dubious-title-of-the-nations-worst-greenhouse-gas-polluter/> (last visited Sept. 13, 2025).

³ *Id.*

third worst in the Southeast.⁴ And the state has a long history of rescinding civil rights regarding environmental protections that can help protect residents in places like Bessemer.⁵ Siting a fossil-fuel polluting and energy depleting data center in an already overburdened majority Black community is unfortunately on par for many environmentally unjust decisions that impact places like Bessemer.⁶

In addition, the impact of fossil fuel to be used to power the facility is contrary to the NAACP's Frontline Framework Guiding Principles. The NAACP developed these principles in partnership with coalitions, activists, and organizers fighting to ensure comprehensive engagement regarding data centers across the country.⁷ This Commission, however, has an opportunity to create a new narrative by shutting down this current proposal. Below are our recommendations and requests for next steps.

Call to Full Transparency and Demand a Halt to Dangerous Data Center Approval Recommendations

We call for full transparency of the impacts of the data center on this community.

Produce a Complete Copy of any Non-Disclosure Agreement Signed or Proposed To Be Signed

We have strong concerns regarding the structure of signing non-disclosure agreements for community resources that utilize taxpayer dollars. The community should see complete copies of any non-disclosure agreements that the Council Members have signed or been asked to sign.

Revoke the Non-Disclosure Agreements that any Council Member Signed

Any non-disclosure agreements signed by the Council Members must be revoked. The non-disclosure agreements destroy the trust the community has in the Council and suggest that the Council Members are receiving personal benefit from the project. The Council and Logistic Land must immediately disclose whether this is the case.

Disclose the Number of Employees the Facility Will Have and the Training of the Employees

The number of job positions created by the facility will not outweigh the dramatic impacts on the community. Moreover, the promise of jobs is not an adequate response for building a polluting data center that will likely decrease the life expectancy and surely the quality of life for individuals in Bessemer. A just transition framework and community-centered renewable energy infrastructure is a stronger path to a sustainable future.

Disclose the Full Tax Impacts of the Facility

⁴ American Lung Association, *New Report: Birmingham Ranked 71st Most Polluted City in Nation for Ozone Pollution, Third Worst in the Southeast*, press releases (Jan. 24, 2024), <https://www.lung.org/media/press-releases/birmingham-sota-2024> (last visited Sept. 13, 2025).

⁵ Cade Kistler, *Alabama's Legacy of Environmental Injustice*, Mobile Baykeeper (summer ed.), <https://mobilebaykeeper.org/blog/alabamas-legacy-of-environmental-justice/> (last visited Sept. 13, 2025).

⁶ Lara J. Cushing, Shonkoff Li, Brian B. Steiger et al., Historical Red-lining Is Associated with Fossil Fuel Power Plant Siting and Present-Day Inequalities in Air Pollutant Emissions, 8 *Nat. Energy* 52 (2023), <https://doi.org/10.1038/s41560-022-01162-y>.

⁷ NAACP, *Frontline Framework Community Guiding Principles*, Community Resources, <https://naacp.org/resources/frontline-framework-community-guiding-principles> (last visited Sept. 13, 2025).

The community must be informed of the true tax impacts of the data center. The Council and Logistic Land must disclose any tax breaks that it will receive. The Council must also disclose the likely increases in taxes that will occur for the infrastructure and servicing such as roads and fire prevention that will be borne by taxpayers. We have read that there may be a tax abatement under the economic development law could amount to a tax cut of more than \$500 million.⁸ The Council and Logistic Land must disclose the full impacts of this facility on the taxes of the residents of Bessemer and this Commission should not make any recommendations without clarity of these impacts.

Disclose the Analysis of the Amount of Water the Data Center Will Require on an Annual Basis

The daily water use requested by the developers from Warrior River Water Authority is estimated to be at least 2 million gallons a day. The Commission, nor the City Council, has disclosed how that amount is calculated to know whether it is accurate. There has been no disclosure of how the withdrawal of that water will harm aquatic life of the Warrior River and the river ecosystem. Moreover, the Council and Logistic Land must disclose all analyses of the water used so they can be properly reviewed. If this information is unknown, the Commission must analyze prior to sending back to the City Council. Lastly, the Commission must develop a clear and comprehensive plan to ensure that residents are not without the potential of lack of water⁹ due to negligent and speedy deals to bring a data center to this community.

Disclose How Water Used By the Facility Will Be Treated and Disposed

We understand that up to 50% of the water used for cooling will become contaminated in the system. The Commission must highlight and the Council and Logistic Land must disclose how water used by the cooling system will be discharged. They must also disclose how contaminated water will be treated and managed, and the costs of that. The residents of Bessemer must not bear any costs of operating the facility. In many other communities where data centers contaminate water, the residents are left to bear the brunt of water issues that arise once it is built.¹⁰ This Commission has an obligation to ensure that safe, drinking water is the priority for residents.

Disclose the Analysis of the Impact of the Removal of Forest

We understand that the City of Bessemer is considering rezoning 700 acres of forest land. The deforestation and rezoning of that land will have a significant impact on the surrounding community. This 4.5 million square foot proposal could use at least 100 acres that would be permanently cleared just for construction. The current absorbing vegetation is planned to be replaced with 18 buildings, each larger than the average Walmart Supercenter. The overall construction of this gigantic facility will mean that the land that now absorbs significant rain events will be impervious and distribute the water elsewhere. This will change surface water run-off patterns and leading to further destruction of the

⁸ Lee Hedgepeth and Lanier Isom, *Fact-Checking Claims About a Proposed Hyperscale Data Center*, Inside Climate News, July 25, 2025, available at <https://insideclimatenews.org/news/25072025/alabama-proposed-hyperscale-data-center-impacts/>.

⁹ Eli Tan, *Their Water Taps Ran Dry When Meta Built Next Door*, The New York Times, July 16, 2025, available at <https://www.nytimes.com/2025/07/14/technology/meta-data-center-water.html>.

¹⁰ Michelle Fleury & Nathalie Jimenez, *I can't drink the water' - life next to a US data centre*, BBC, July 10, 2025, available at <https://www.bbc.com/news/articles/cy8gy7lv448o>.

land surrounding the facility. There is significant potential for flooding of the homes in the area. This is particularly true as weather events become more and more extreme and with the well-documented decrease in FEMA resources to help communities under the Trump Administration,¹¹ recommending this plan is irresponsible to the impacted residents. The destruction of forest means the local climate will change and ambient heat will rise. The Council and Logistic Land must disclose any analysis of the impacts of this deforestation. More immediately, this Commission must share any analysis with the public for further review.

Disclose the Full Plan for Powering the Facility and the Impact on Utility Rates for the Citizens of Bessemer

We understand that the Bessemer data center is projected to consume around 1,200 megawatts of energy and could feasibly consume around 10.5 million megawatt hours per year. That's more than 90 times the amount of energy used by all residents in Bessemer and more than 10 times the amount of energy used by all residents in Birmingham annually. Current estimates highlight that nearly 760,000 Alabama residents could utilize the energy needed to power this one data center. These types of facilities tend to create higher utility bills for residents and can create energy load concerns. The Council and Logistic Land must disclose the plans for providing power to the facility, identify the sources of that power, and provide guarantees that no resident of Bessemer will suffer increased utility costs. Thus, this Commission must highlight this information prior to any City Council meeting for a comprehensive review.

Disclose the Disaster Management Plans

The data center will be full of highly toxic materials. Particularly it seems likely that batteries made of highly toxic lithium will be used, which pose an extreme risk of fire. All the equipment in the facility will likely be made of highly toxic materials. If a fire or explosion occurs, it will spread toxic materials throughout the community leading to dramatic health impacts for the residents of Bessemer. The Council and Logistic Land must disclose all disaster management plans, including the analysis of the amount of water or other mechanisms for controlling of fire and explosion. Just recently in the Eaton Fire in California, the community did not have the water necessary to suppress the fire and the fire destroyed dozens of homes, leading to lawsuits against the city.

As the City and this Commission grapples with the full impact of this data center, consider whether it makes sense to build this data center in an overly burdened community that faces high concentrations of pollution in the first place. At the very least, the data center cannot be built without full analysis of these impacts, and full disclosure to the community of the risk and a true opportunity for community-centered decision making for next steps. This Commission should not make any recommendations to the City Council without much more review and public input.

¹¹ Thomas Frank, *No alternative funding sources': Trump's stifling of disaster aid leaves cities adrift*, Politico, June 30, 2025, available at <https://www.politico.com/news/2025/06/30/cities-lose-hope-restarting-disaster-projects-killed-by-trump-00414928>.

As for this Commission, we have had a hard time finding any agenda information regarding meetings and any advance notice that is easily discernable to the public for input. Therefore, we are requesting the following:

Please provide us with copies of the records specified below. Each lettered or numbered paragraph should be considered a separate request under the Alabama Open Records Act. For each set of records produced, please identify the paragraph to which these records are intended to respond.

1. All written communications¹² that discuss policies, practices, and procedures regarding the following items from September 1, 2023 through September 15, 2025:
 - a. Logistics Land Investments Data Center
 - b. Project Marvel
2. All documents establishing agreements or informal arrangements that the City Council or any members of the City Council have entered into regarding Logistics Land Investments Data Center or "Project Marvel".
3. All written communications that discuss public meetings regarding Logistics Land Investments Data Center or "Project Marvel" from September 1, 2023 through September 15, 2025.

Because the NAACP is a nonprofit organization, we request that you waive any fees that would be normally applicable to a public record request. Should you be unable to do so, please immediately let us know if the direct costs associated with reproducing the documents requested herein will exceed one hundred dollars (\$100) prior to incurring such costs.

We thank you in advance for providing us with the records we have requested and for your attention to this matter. Please provide all responsive documents to us electronically at: president@alnaacp.org and dorothea_crosby@yahoo.com.

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¹² The term "communications" refers to all written correspondence, including but not limited to all text and electronic messages from the specified individuals. This should also include those that have been deleted or recovered.

CC: Wanda Taylor, CERA, CMC, City Clerk
Bessemer City Council