

RESOLUTION 2026-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, FORMALLY OPPOSING THE PROPOSED MARSHALL SPRINGS SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM PROJECT IN GILLESPIE COUNTY AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS IN SUPPORT OF THIS OPPOSITION, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the “City”) is a historic Texas city with a unique cultural, scenic, and economic character that contributes significantly to the quality of life of its residents, and the attraction of millions of visitors annually; and

WHEREAS, the proposed Marshall Springs Solar Farm and Battery Energy Storage System (the “Project”) is a large-scale industrial energy development—approximately 1,000 acres in size—located in unincorporated Gillespie County near the City; and

WHEREAS, the City Council has determined that the Project lies near residential neighborhoods and is visible from key scenic roadways and tourist corridors; and

WHEREAS, large-scale lithium-ion battery energy storage systems present inherent public safety risks, including thermal runaway, fire, explosion, and the release of toxic gases; and

WHEREAS, the Fredericksburg Fire Department, staffed predominantly by volunteers, is not adequately equipped, trained, nor funded to respond to such emergencies, and the nearest specialized hazardous materials response teams are located more than ninety (90) minutes away; and

WHEREAS, the Project site is located within the footprint of the Crabapple Fire of March 2025, reflecting the region’s heightened wildfire risk due to prevailing drought conditions; and

WHEREAS, the Project site impacts significant water resources, including Marshall Spring and Creek, which are vital to the health and welfare of local communities and depend on stable watershed conditions; and

WHEREAS, the City Council finds that the industrialization of a large portion of the scenic and rural landscape will have a detrimental impact on property values, community character, and the tourism economy upon which the City and region depend; and

WHEREAS, the City Council further finds that the developer, AMPYR Energy USA, LLC, lacks a record of accomplishment of constructing and safely operating comparable facilities in Texas or elsewhere in the United States, raising concerns about accountability and long-term safety; and

WHEREAS, the City Council has received significant public input from residents, landowners, and stakeholders expressing concern and opposition to the Project; and

WHEREAS, the City Council believes it is necessary and appropriate to formally oppose the Project and to request that AMPYR Energy USA, LLC and its affiliated entities abandon all plans for development of the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, THAT:

**SECTION 1.
FINDINGS ADOPTED**

The City Council hereby adopts the foregoing recitals and findings as the factual basis for this Resolution.

**SECTION 2.
FORMAL OPPOSITION**

The City Council hereby expresses its formal and unanimous opposition to the proposed Marshall Springs Solar Farm and Battery Energy Storage System project in Gillespie County, Texas.

**SECTION 3.
DIRECTION TO STAFF AND AUTHORIZED ACTIONS**

The City Council directs the City Manager and City Attorney to take all lawful and appropriate actions to support this opposition, including but not limited to:

- a. Providing this Resolution and related correspondence to AMPYR Energy USA, LLC, Marshall Springs Storage, LLC, and Marshall Springs Solar, LLC;
- b. Providing this Resolution to the Gillespie County Commissioners Court, state and federal representatives, and relevant state agencies;
- c. Participating in all lawful processes—including administrative hearings, permitting reviews, and litigation—necessary to prevent the siting and construction of the Project; and
- d. Supporting legislative efforts at the state level to ensure adequate local input and protection for rural Texas communities regarding industrial siting decisions.

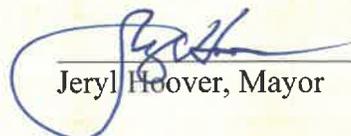
**SECTION 4.
WRITTEN RESPONSE REQUESTED**

The City Council requests that AMPYR Energy USA, LLC provide a written response within thirty (30) days of receipt, acknowledging receipt of this Resolution and confirming its intentions regarding the Project.

**SECTION 5.
EFFECTIVE DATE**

This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND APPROVED this 20th day of January, 2026.



Jeryl Hoover, Mayor

ATTEST:



Leticia Vacek, TRMC, CMC, MMC
City Secretary



APPROVED AS TO FORM:



William M. McKamie, City Attorney



January 22, 2026

AMPYR Energy USA, LLC

1185 Avenue of the Americas, 9th Floor

New York, NY 10036

c/o Registered Agent

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

211 E. 7th Street, Suite 620

Austin, Texas 78701

Marshall Springs Storage, LLC

111 W. Ocean Blvd., Suite 2425

Long Beach, CA 90802-9802

c/o Registered Agent

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

211 E. 7th Street, Suite 620

Austin, Texas 78701

Marshall Springs Solar, LLC

111 W. Ocean Blvd., Suite 2425

Long Beach, CA 90802-9802

c/o Registered Agent

Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company

211 E. 7th Street, Suite 620

Austin, Texas 78701

Re: Formal Opposition to Marshall Springs Solar Farm and Battery Energy Storage System Project

Ladies and Gentlemen:

The City Council of the City of Fredericksburg, Texas writes to formally and adamantly oppose the development of the proposed Marshall Springs Solar Farm and Battery Energy Storage System ("BESS") project (the "Project") in Gillespie County, Texas. This letter represents the

The City of Fredericksburg

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unanimous position of the Fredericksburg City Council, adopted by Resolution No. 2026-02 on January 20, 2026.

The City of Fredericksburg has a direct and substantial interest in this matter. The proposed 1,000-acre industrial energy development lies in close proximity to our historic city, borders residential neighborhoods that include Fredericksburg residents, and would impose significant burdens on the City's Fire and Emergency Medical Services Department in the event of a fire or other emergency at the facility.

Public Safety Concerns

The City Council's opposition is grounded primarily in serious and well-documented public safety concerns. Large-scale lithium-ion battery energy storage systems present inherent risks of thermal runaway, fire, explosion, and the release of toxic gases, including hydrogen fluoride. These risks are not speculative; they have been demonstrated repeatedly at BESS facilities across the United States, including catastrophic incidents at Moss Landing, California (January 2025), Gateway Energy Storage in Otay Mesa, California (May 2024), and the McMicken facility in Surprise, Arizona (April 2019).

The Fredericksburg Fire Department, staffed predominantly by dedicated volunteers, would be among the first responders to any emergency at the Marshall Springs site. Our department is not equipped, trained, nor resourced to respond to lithium-ion battery fires, which cannot be extinguished using conventional firefighting methods and require specialized hazardous materials response capabilities. The nearest hazmat teams capable of responding to such incidents are located more than ninety (90) minutes away in either San Antonio or Austin. This response gap would place our firefighters, our residents, and visitors to our community at unacceptable risk.

Heightened Wildfire Risk

The Marshall Springs Project site is located within the footprint of the Crabapple Fire of March 2025, which burned 10,000 acres, destroyed nine homes and numerous structures, and required massive state and federal resources to contain. The Texas Hill Country regularly experiences extreme drought conditions and elevated wildfire danger. Siting a facility containing hundreds of lithium-ion battery containers—which are notoriously difficult to extinguish once ignited—in this fire-prone landscape demonstrates a disregard for the safety of our community.

A BESS fire occurring during wildfire conditions would create a catastrophic, multi-hazard emergency that would overwhelm local and regional emergency response capabilities and potentially result in loss of life.

Threat to Water Resources

The Project site affects four watersheds and streams, including Marshall Spring and Creek, which have historical and environmental significance to our region. The City of Fredericksburg and surrounding communities depend on these water resources. Development of over 800 acres

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with solar panels and battery storage infrastructure will dramatically alter stormwater runoff patterns and poses a significant risk of contamination to surface water and groundwater resources in the event of a fire or chemical release.

Impact on Community Character and Economy

Fredericksburg is one of the premier tourism destinations in Texas, welcoming millions of visitors annually who come to experience our historic German heritage, renowned wineries, and the natural beauty of the Texas Hill Country. The Marshall Springs Project would industrialize a sizable portion of our scenic landscape, visible from area roadways and neighboring properties, fundamentally altering the rural character that defines our community and drives our tourism economy.

The Project site borders family ranches, residential neighborhoods, and local wineries. Property values in the surrounding area would be substantially and permanently impaired. The economic harm to our community would far exceed any marginal benefit from a facility that will generate power for export to distant markets while leaving local residents to bear the risks and burdens.

Developer Experience and Accountability

The City Council notes with concern that AMPYR Energy USA is a foreign-controlled joint venture with no history of completing a BESS project in Texas or anywhere in the United States. AMPYR's parent entities are headquartered in Singapore and New York. The lack of operational experience in this country, combined with the complexity of large-scale battery storage operations, raises fundamental questions about the developer's ability to safely construct, operate, maintain, and respond to emergencies at this facility over its projected lifespan.

Demand

For these reasons, the Fredericksburg City Council respectfully demands that AMPYR Energy and its affiliated entities immediately and permanently abandon all plans to develop the Marshall Springs Solar Farm and Battery Energy Storage System in Gillespie County. This Project is incompatible with the health, safety, and welfare of our community and should not proceed under any circumstances.

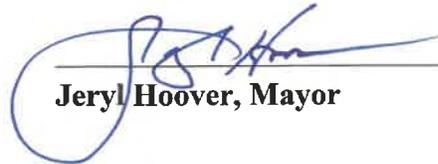
The City of Fredericksburg stands with Gillespie County, our neighboring residents, and the many citizens who have voiced their opposition to this ill-conceived Project. We will support all lawful efforts to prevent its development, including administrative actions, litigation, and advocacy for state legislation to protect rural Texas communities from the siting of dangerous industrial facilities without adequate local input and control.

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This letter constitutes the official position of the City of Fredericksburg. We expect a written response acknowledging receipt and confirming AMPYR Energy's intentions regarding this project within thirty (30) days of receipt of this communication.

Respectfully,



Jeryl Hoover, Mayor

ATTEST:



City Secretary

APPROVED AND ADOPTED BY THE FREDERICKSBURG CITY COUNCIL:

Council Member/Mayor Pro Tem Emily Kirchner

Council Member Todd Eidson

Council Member Tony Klein

Council Member Bobby Watson

Resolution No.: 2026-02

Date Adopted: January 20, 2026

cc: County Judge Daniel Jones
Gillespie County Commissioners Court
101 West Main Street, Mail Unit #9, Room 101
Fredericksburg, Texas 78624-3700

The Honorable Chip Roy
U.S. House of Representatives - Austin District Office
5900 Southwest Parkway, Bldg 5, Suite 520
Austin, Texas 78735

The Honorable Pete Flores
Texas State Senate – Highland Lakes District Office
500 W. Young, Suite D
Llano, Texas 78643

The Honorable Ellen Troxclair
Texas House of Representatives – District Office
624 N. Main Street, Suite 102
Boerne, Texas 78006

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