FILED
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Ozaukee County, WI
Connie Mueller CoCC
2026CV000294

STATE OF WISCONSIN CIRCUIT COURT OZAUKEE COUNTY
BRANCH 2

SIERRA CLUB,

Petitioner,

v.

Case No. 2026CV0294

Administrative Agency Review: 30607

WISCONSIN DEPARTMENT
OF NATURAL RESOURCES,

Respondent,

VANTAGE DATA CENTERS
MANAGEMENT COMPANY,

Intervenor.

JOINT STIPULATION TO DISMISS WITH PREJUDICE

WHEREAS, on July 10, 2026, petitioner Sierra Club petitioned this Court for judicial review of respondent Wisconsin Department of Natural Resources' (DNR) June 12, 2026, decision to issue Final Air Pollution Control Construction Permit No. 25-MIN-094 and Operation Permit 24618528A-F01 (the Permits) to intervenor Vantage Data Centers Management Company (Vantage) for the Port Washington Lighthouse Data Center Campus Project (Doc. 2); and

WHEREAS, on July 10, 2026, Sierra Club filed a Petition for Contested Case Hearing petitioning DNR pursuant to Wis. Stats. §§ 285.81(2) and 227.42 for a contested case hearing regarding issuance of the Permits to Vantage; and

WHEREAS, on July 30, 2026, DNR granted Sierra Club's Petition for Contested Case pursuant to Wis. Stat. § 285.81(2) as to the following issue: Whether DNR violated Wis. Stat. § 1.11 and Wis. Adm. Code ch. NR 150 by issuing Permit 25-MIN-094 and Operation Permit 24618528A-F01 without preparing an Environmental Impact Statement; and

WHEREAS, on July 29, 2026, Respondent DNR filed its Statement of Position (Doc. 6); and

WHEREAS, on August 10, 2026, Vantage filed its Notice of Appearance and Statement of Position (Doc. 8); and

WHEREAS, on October 14, 2026, the Court granted Vantage's Motion to Intervene (Doc. 36); and

WHEREAS, Sierra Club, DNR, and Vantage (collectively, the "Parties") now wish to settle this case by agreement and avoid further litigation and therefore, enter into this Stipulation of Dismissal of the Petition for Judicial Review (Stipulation).

IT IS STIPULATED AND AGREED by Sierra Club, DNR, and Vantage that this case shall be dismissed, with prejudice, and without costs awarded to any party, on the following terms and conditions:

1. Strategic Analysis
    a. For purposes of this Stipulation, a "strategic analysis" means an environmental and alternatives analysis of an issue or policy conducted according to the procedures established in Wis. Adm. Code § NR 150.10.

b. By January 31, 2028, DNR shall complete a strategic analysis of artificial intelligence (AI) data centers in Wisconsin (Data Center Strategic Analysis) under Wis. Adm. Code § NR 150.10(1m)(c).

i. *Public scoping under Wis. Adm. Code § NR 150.10(2)(c).* At a minimum, DNR shall conduct a public comment period.

ii. *Public hearing under Wis. Adm. Code § NR 150.10(4)(d).* DNR shall hold one or more public hearings on the analysis.

iii. *Public Website.* DNR shall create and maintain a public-facing website containing notices, links, opportunities for public participation, and documents relevant to the Data Center Strategic Analysis.

iv. *Content.* The Data Center Strategic Analysis shall, at a minimum, address the following topics:

1. Base Case: Anticipated Build-out of AI Data Centers and Associated Energy Infrastructure under Current Plans and Projections
2. Existing Authorities (State, Local, Federal)
3. Alternative Courses of Action (to be determined through Public Scoping)
4. Direct, Indirect, and Cumulative Effects of Base Case and Alternative Courses of Action, including Mitigation:
    a. Aesthetics & Light

b. Agriculture

c. Air Quality

d. Climate

e. Cultural Resources

f. Economy

g. Energy Use

h. Greenhouse Gas Emissions

i. Land Use

j. Noise

k. Temperature

l. Water Quality

m. Water Use

n. Waterways

o. Wetlands

p. Wildlife

5. Summaries of other areas of public concern, including energy bills

c. Vantage shall provide funds to DNR for the full cost of the preparation of the Data Center Strategic Analysis. The full cost shall include the cost of DNR staff time, other participating or consulting agency staff time, consultant services, printing and postage, and any other costs incurred

by DNR or other participating or consulting Wisconsin state agencies in the preparation of the Data Center Strategic Analysis.

d. DNR shall invoice Vantage quarterly for reimbursement of costs incurred. Vantage shall make payments on invoices within 30 days of receipt of an invoice.

e. DNR retains sole responsibility and control over the process for developing the Data Center Strategic Analysis, including the scoping process and the selection and hiring of DNR staff, cooperators, and consultants. Authorship of the Data Center Strategic Analysis shall comply with Wis. Adm. Code § NR 150.10(3)(c). Vantage may not prepare any part of the Data Center Strategic Analysis, except that Vantage may provide relevant information to DNR. Nothing in this paragraph limits Vantage from participating to the same extent as other members of the public.

f. Nothing in this Stipulation precludes DNR from conducting an Environmental Impact Statement, Environmental Analysis, or any other type of environmental assessment pursuant to its legal authority and obligations, including but not limited to those under Wis. Stat. § 1.11 and Wis. Adm. Code ch. NR 150. DNR retains full authority to determine compliance with Wis. Stat. § 1.11 and Wis. Adm. Code ch. NR 150 for any future application or project.

2. Petition for Contested Case

    a. Not later than five days following the entry of the Order for Dismissal, Sierra Club shall withdraw its Petition for Contested Case Hearing filed with DNR on July 10, 2026, by sending an e-mail to Katherine Hanson at katherine.hanson@wisconsin.gov notifying DNR that Sierra Club withdraws its petition.

3. The Parties acknowledge and agree that Construction Permit No. 25-MIN-094, Operation Permit 24618528A-F01 issued for the Lighthouse Data Center Campus Project remain valid, effective, and enforceable as of the date of this stipulation and order. Nothing in this Stipulation constitutes a determination that additional environmental review is required for the issuance of those permits and approvals.
4. The Order for Dismissal will be a final and appealable Order. However, the Parties hereby waive their right to appeal the Order, without waiving any rights with respect to enforcing compliance with the Order.
5. DNR shall provide records responsive to Sierra Club's public records request dated July 13, 2026, numbered 26PRR12987, by November 30, 2026, in accordance with Wisconsin's public records law, provided that any dispute between DNR and Sierra Club relating to this provision shall have no impact on Construction Permit No. 25-MIN-094, Operation Permit 24618528A-F01 or the Lighthouse Data Center Campus Project.

Dated this 16th day of October, 2026.

Respectfully submitted,

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