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Local Regulation of and Opposition to Datacenters

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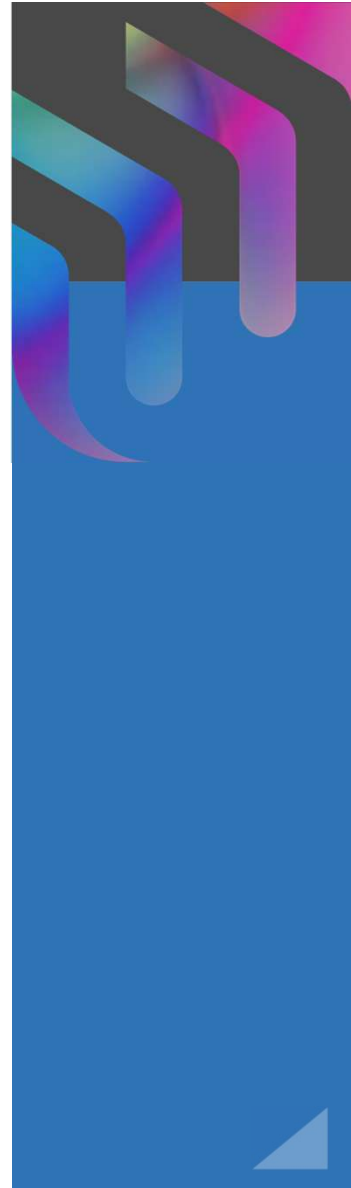
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- 20 years of experience in land use regulation and disputes
- Focus on controversial infrastructure and adjacent projects
- Michigan datacenters small and large (Fortune 20)

Discussion Roadmap

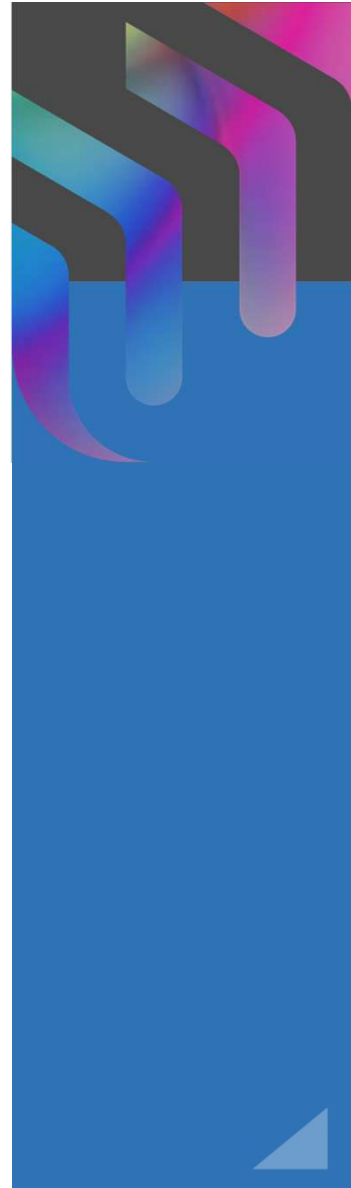
- Problem: misinformation, fear, institutional distrust
- Solutions: education and project information
- Moratoriums: purposes and limitations
- Communication as rules and designs evolve
- Legal, technical, and governmental roles



Good Governance in a Hostile Atmosphere

- ❖ Some concerns are legitimate; not every site is appropriate.
- ❖ Scale and unfamiliarity can make familiar land-use impacts seem unprecedented.
- ❖ Existing environmental protections and land-use authority are often misunderstood.
- ❖ Information gaps invite fear, misinformation, and distrust—of both the developer and local government.
- ❖ Professionalism and process may be perceived as collusion and bias. NDA's don't help.
- ❖ Solution: information, education, and orderly public participation process.

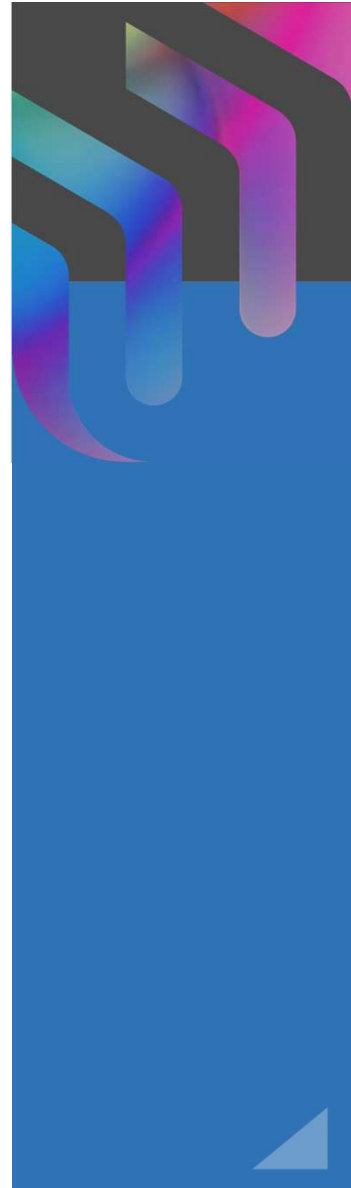
Public discourse is the solution, not the problem, but only if it is orderly and civil.



Demystify the Project and the Law

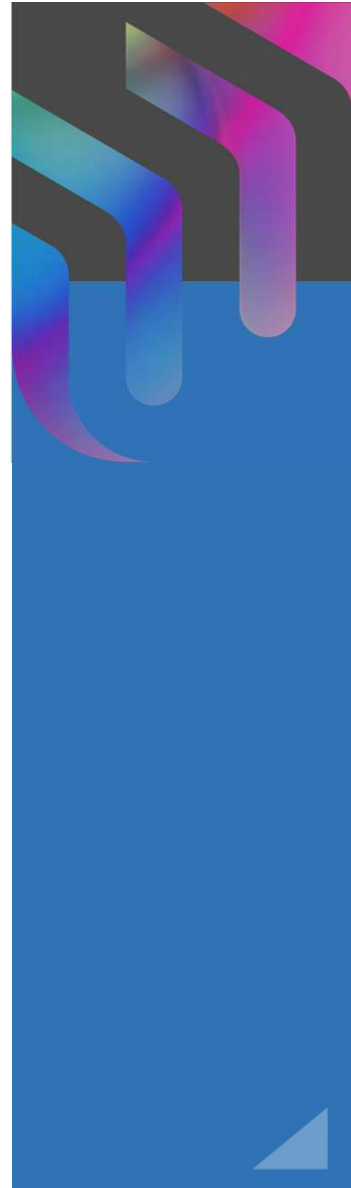
- What will this facility do?
- What is already regulated?
- Is there a genuine gap?

E.g., HB 5846: New authority—or familiar tools in a new package?



Moratoriums: A Pause Is Not a Plan

- Provides delay—not information, standards, or public trust.
- Before enactment, consider an agreed pause with developer-funded, independent municipal review.
- Moratorium not always the best political or financial solution.

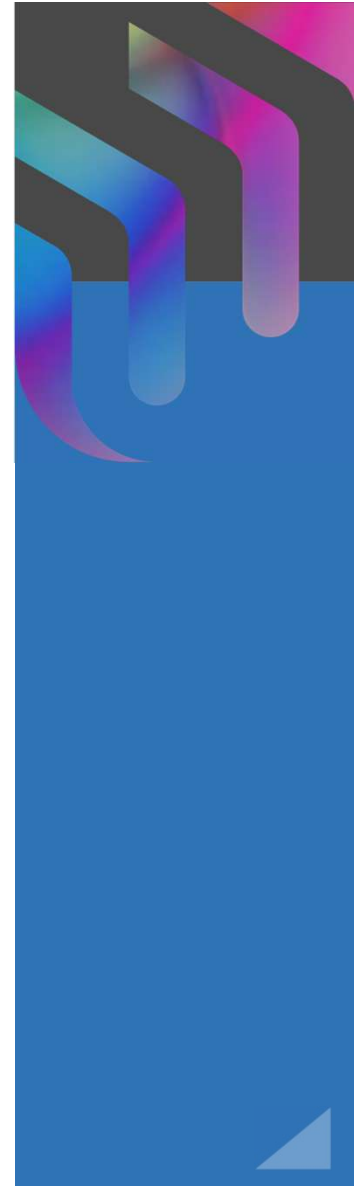


Open Communication While Rules and Designs Evolve

Rules shape design ↔ Project information shapes rules

Participant	Information needed
Local officials	Defined project and credible maximum impacts
Developer and technical team	Known standards and workable flexibility
Counsel	Supportable commitments and enforceable conditions

Structured, transparent communication keeps the approval envelope aligned as both evolve.

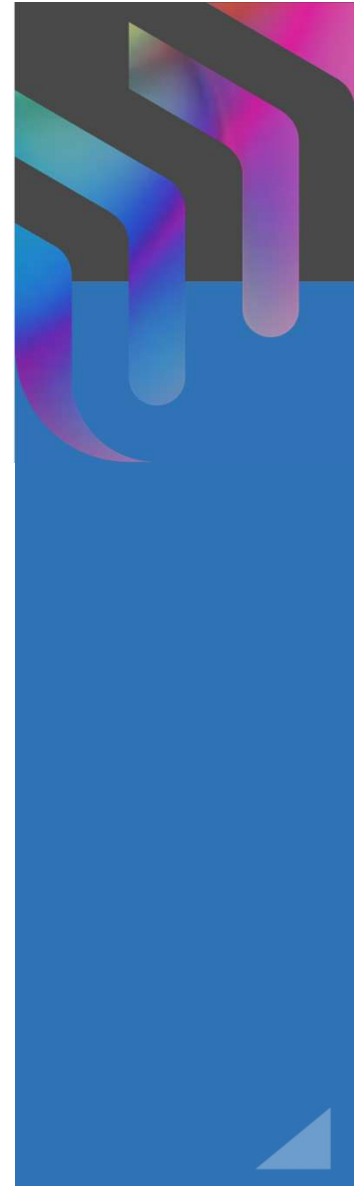


Professional Boundaries in a Coordinated Process

Participant	Principal role
Local officials	Appropriate locations and acceptable impacts
Developer	Project definition and compliance commitments
Engineers and consultants	Impact analysis and technical solutions
Environmental agencies	Statutory permitting
Land-use counsel	Process and <u>workable</u> rules and conditions (enforceable, predictable, practical)

Counsel connects the work; counsel does not replace the experts.

The right lawyer knows when an answer is legal—and when it requires an engineer.





Questions?

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