



July 21, 2023

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David Yoskowitz, Ph.D.  
Executive Director

The Honorable Judge Linda Grant  
The Honorable Andy Bonner  
The Honorable Will McSwane  
The Honorable Lloyd Lane  
The Honorable Clyde Ridge  
118 E. Commerce, Room 203  
Fairfield, Texas 75840  
Court.assistant@co.freestone.tx.us

*Via email and mail*

Dear Judge Grant and Commissioners Bonner, McSwane, Lane, and Ridge:

I received your June 21<sup>st</sup> letter opposing Texas Parks and Wildlife Department's (TPWD) decision to authorize the use of eminent domain to save Fairfield Lake State Park. I am grateful for our many years of working together to provide outdoor recreation and joyous memories to your community. TPWD is happy to meet with you to hear your concerns directly and discuss how best to serve the people of Freestone County and the State of Texas.

After months of outspoken support from Freestone County officials for the state park and specifically the use of eminent domain to save it, your letter was a surprise and a disappointment, and it has taken me some time to consider how to respond to such a dramatic change in position.

Throughout the 88<sup>th</sup> legislative session, at multiple committee hearings, and during multiple Texas Parks and Wildlife (TPW) Commission open meetings, county officials testified or submitted comment letters expressing support for the state park and the use of eminent domain if needed to save it. TPW Commission Chairman Arch "Beaver" Aplin, III was gratified to read a letter of support from the county into the record during the June 10<sup>th</sup> special commission meeting where the TPW Commission authorized the use of eminent domain to save the park. The support of local officials and the people of Fairfield and Freestone County was a factor in the decision to authorize the use of eminent domain. We heard loud and clear the community's love for the state park and the generations of fond memories, along with the economic activity visitors to the park provided to local businesses for over 50 years. TPWD takes seriously the opinions of the local community affected by our decisions.

Freestone County did not express any concerns about the use of eminent domain to TPWD prior to the June 21<sup>st</sup> letter, did not request a meeting with TPWD to discuss its concerns, did not invite TPWD to the Commissioners Court open meeting on June 21<sup>st</sup>, and has not reached out to TPWD since. That said, TPWD and its Commissioners appreciate your concerns about the use of eminent domain and the potential tax revenue provided by a private country club and golf course.

TPWD works diligently to maintain the trust of Texans who rely on the people of our agency to steward critical natural resources and outdoor recreation spaces. While your TPW Commissioners voted unanimously to preserve Fairfield Lake State Park, they did so reluctantly, knowing that these types of actions should be used sparingly. That is why they have instructed me to develop a policy by August 2023 that will restrict the agency's use of eminent domain to extraordinary and unusual situations like Fairfield Lake State Park, where taxpayers have already made a significant investment in the property and the public has enjoyed access for many years. This policy will make clear that TPWD will not use the power of eminent domain to take homes, farms, or ranches.

Upon learning of the potential sale of the property, TPWD moved quickly to negotiate a strategy to acquire the park and preserve public use of the park. Despite limited funding and authority, multiple conversations were conducted with both the previous owner, Vistra, as well as the current owner to negotiate purchase options amenable to all parties. The Legislature and state leadership have shown their support for saving the park by enacting Senate Bill 30, the supplemental appropriations bill, which appropriates \$125 million dollars to TPWD for park acquisition. To date, our negotiations with the property owners have not been successful, but we remain willing to negotiate with the new property owner and optimistic for a mutually beneficial outcome. TPWD has not yet initiated condemnation proceedings, and there is still a window of opportunity for a win-win for the people of Freestone County.

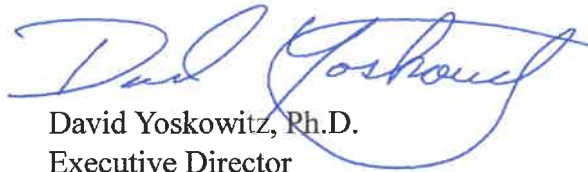
In the case of Fairfield Lake State Park, we seek guidance from our mission statement. The park has served Texans for five decades, attracting more than 80,000 visitors each year to fish, swim, boat, camp, ride horses, and enjoy the natural beauty of Fairfield Lake State Park. Fairfield Lake, too, is a beloved resource providing extraordinary public fishing for Texans. It is one of the state's premier bass fishing locations. Although TPWD also operates the Richland Creek Wildlife Management Area in Freestone County, it provides different public recreational opportunities than a state park. Wildlife management areas focus on public hunting, research, and land-use practice demonstrations to assist private landowners rather

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than the park activities like swimming, hiking, biking, horseback riding, and camping.

Therefore, our mission calls on us to act, and in this case, preserve a treasured jewel that serves a quickly developing corridor of Texas. It would be an unfortunate outcome for the county to lose this jewel of a park and, from TPWD's perspective, the community relationship we have built together over 50 years. I look forward to meeting with you and hearing about your concerns more directly.

Sincerely,

A handwritten signature in blue ink that reads "David Yoskowitz". The signature is fluid and cursive, with the first name "David" and last name "Yoskowitz" clearly legible.

David Yoskowitz, Ph.D.  
Executive Director

DY:dh

cc: TPW Commissioners