

## Texas Parks and Wildlife Department Fairfield Lake State Park Timeline

### 1970s

- In 1971, Texas Parks and Wildlife Department leased 1,821 acres from what was then Big Brown Power Company LLC., for the purpose of establishing a state park.
- Big Brown Power Plant was a coal-fired power plant located northeast of Fairfield in Freestone County. It operated from 1971 until Feb. 12, 2018.
- Named after the 2,400-acre Fairfield Lake, the 1,821-acre state park opened to the public in 1976.
- The Park is known for activities such as public hunting, horseback riding, swimming, paddling, fishing, camping, hiking and more. The park also includes infrastructure including buildings, barns, residences, roads, utilities and a boat ramp, with an estimated replacement cost of approximately \$80 million.

### 2018

- Luminant, Inc., (now managed by Vistra) ceased operations of the Big Brown power plant complex on Feb. 12, 2018, and initiated decommissioning of the plant.
- On Sept. 27, 2018, Vistra notified Texas Parks and Wildlife Department (TPWD) that it would terminate the current lease of the park property effective Oct. 1, 2020, as provided under the terms of the existing lease.
- Beginning in 2018, there were multiple conversations and meetings between Vistra and TPWD representatives, including the TPWD Executive Director and TPWD State Parks Director, to discuss the status of the property and what would happen with the state park lease and/or the possibility of TPWD purchasing the state park acreage. For over a year, Vistra representatives indicated the decision about their plans for divestiture, inclusive of the state park site, was under evaluation by their Board, and they did not know what those plans might be or whether they would consider selling TPWD the state park.

### 2020

- In March 2020, a TPWD team traveled to Dallas to meet with Vistra. At that time, Vistra made it clear that their board had elected to sell the entire property to maximize monetization of the property and would not entertain a partial sale of the state park property to TPWD, nor commit to requiring the state park lease to be extended with a new buyer.

## 2021

- In Oct. 2021, TPWD staff saw an online brokerage advertisement listing the Vistra property for sale with Hortenstine Ranch Company as the broker. Vistra had not shared that information with TPWD staff.
- In late 2021 and early 2022, in a private/public partnership, Conservation Equity Management put forward an offer to Vistra for the entire 5,025-acre property, with the intent to hold the state park acreage until TPWD could assemble the necessary funding necessary to keep the park whole. TPWD staff actively collaborated with Conservation Equity Management on plans for the offer and the take-out of the state park acreage. Their offer was not accepted by Vistra, who indicated they wanted more money for their property.

## 2022

- In FY 2022 Fairfield Lake State Park welcomed more than 80,000 visitors a year.
- Fairfield Lake produced 38 ShareLunkers of all size categories (largemouth bass 8+ pounds or 24+ inches long) - third most in the state - and the most for a state park. It has produced 69 ShareLunkers since 2020, making it one of the most productive fisheries maintained by TPWD.
- In May 2022, TPWD staff learned that Vistra had put the property under contract to another buyer. For months, and despite repeated requests from TPWD, Vistra would not share who the prospective buyer was, nor what their plans for the property might be.
- TPWD continued to work with Vistra and entered into an agreement on Aug. 30, 2022, to amend the lease to extend park operations through Dec. 31, 2022, with a 120-day termination notice.
- In late summer 2022, TPWD was informed that the buyer would not extend the lease contract for the park. TPWD requested a meeting between the TPWD executive director and the Vistra CEO. Vistra representatives declined that request for a meeting with their CEO but arranged for a meeting with their Head of Divestiture, Matt Goehring. Mr. Goehring confirmed the property was under contract and that the prospective buyer wanted to terminate the state park lease and continue to remain anonymous.
- After a legislative hearing held in Sept. of 2022 by Chairman Ken King, and following continued requests by TPWD and others, Vistra shared with TPWD Chairman Aplin the name of the prospective buyer, Todd Interests.
- TPWD leadership has had numerous meetings with Vistra and the buyer, Todd Interests, regarding the future of Fairfield Lake State Park, including making multiple proposals by the TPW Chairman about how TPWD might purchase all of the Vistra property through a combination of cash and non-cash financial incentives. Mr. Todd

has declined all such proposals, but instead has countered that he would consider working with TPWD in two different ways: 1) Receiving \$50 million in cash from the state on top of the purchase price, keeping 250-acres of land, and keeping all of the rights to sell the water in the lake; and 2) Selling some portion of the State Park acreage to TPWD for \$60 million, less the rights to the water in the lake, and less some undefined acreage in the park, all of which he would retain. TPW Chairman Aplin declined those offers.

## **2023**

- On Feb. 13, 2023, Todd Interests directed Vistra to issue a termination notice of the state park lease and triggered the 120-day notice to vacate the park. Vistra's letter requested TPWD to keep that information confidential.
- On Feb. 28, 2023, TPWD closed Fairfield Lake State Park to public use.
- On March 13, TPWD temporarily reopened the park for public day use.
- On May 25, TPW Commission unanimously voted to authorize Texas Parks and Wildlife Department's (TPWD) executive director to take all necessary steps to purchase approximately 5,000 acres in Freestone County including Fairfield Lake State Park.
- On June 4, the park closes again to decommission for June 13 ownership transfer.
- On June 10, TPW Commission filing of a petition for condemnation and to pursue acquisition at fair market value of approximately 5,000 acres in Freestone County to preserve Fairfield Lake State Park and Fairfield Lake for public use.
- On September 1, TPWD files for condemnation.

## **Other Important Information**

- In the 2021-2022 Biennium, resulting from the constitutional dedication of Sporting Goods Sales Tax, TPWD received the first state land acquisition funding in over two decades, in the amount of \$3.5 million, and this amount increased to \$7 million in the 2022-2023 Biennium.
- In Sept. 2022, TPWD submitted its Legislative Appropriations Request to include a significant increase in land acquisition funding.
- In Jan. 2023, the introduced versions of both the Senate and House Appropriations bills included a total of \$125 million for state park land acquisition, inclusive of \$100 million in the supplemental budget.
- Private/NGO/public partnerships continue to be an option. Resources are available to purchase the property.
- In Jan. 2019, TPWD was contacted by a major U.S. residential developer to inform the department that they had submitted a bid for Vistra's assets at the Big Brown power

plant complex as well as Monticello. The developer indicated to TPWD the possibility that they would donate the Fairfield State Park acreage to TPWD if they were they successful bidder.