

CITIZENS TO PRESERVE OVERTON PARK

618 S. COX • MEMPHIS, TN 38104

March 12, 2010

Ms. Cynthia Buchanan
Director of Park Services, City of Memphis
2599 Avery Ave.
Memphis, TN 38112

Mr. George Little
Chief Administrative Officer, City of Memphis
125 N. Main St., Room 308
Memphis, TN 38103

Dear Ms. Buchanan and Mr. Little:

When our group met with you on February 25, we were not aware that the City of Memphis had attached the enclosed fiscal note to Senate Bill 2415. We were never contacted by any of the City employees who prepared this fiscal note. It would have been helpful if you had contacted us in advance of filing the fiscal note or, at the very least, if you had shared this information during our meeting.

There are five assumptions in this fiscal note. We must dispute all five.

- 1) In the past year, the City's engineering division has informally proposed at least four different flood control structures in Overton Park. These proposals have met with citizen objections due to their severe impact on the park's open recreational spaces. The City has not applied for State permits for any of these proposals. Consequently, TDEC's Water Pollution Control section and Natural Heritage staff have not expressed any opinions regarding the use of "natural overflow" as a flood control improvement in Lick Creek. There is nothing in the Natural Areas Preservation Act (T.C.A. 11-14-101) or the applicable regulations (enclosed) that would prohibit the City's current informal proposal, and there is nothing in the law or regulations that would require underground storage of floodwater. This assumption is incorrect and should be retracted by the City.
- 2) If the City wished to supply signs and boundary markers for the proposed Old Forest State Natural Area, they could do so. However, this is not mandated by the law or regulations. According to our personal knowledge, TDEC has in recent years provided signage and boundary markers for the Lucius Burch State Natural Area (owned by Shelby County), the Riverwoods State Natural Area (owned by the Memphis Garden Club), the William B. Clark State Natural Area (owned by the Nature Conservancy of Tennessee) and the Ghost River State Natural Area (owned by TDEC) at no cost to the landowners. This assumption is incorrect and should be retracted by the City.

- 3) We have explicitly stated to the City, in person and in writing, that our group does not wish to limit any of the normal public uses that are currently allowed by the City at Overton Park. There is nothing in the law or regulations that would require the City to remove or relocate any recreation facility within the proposed boundaries of the Old Forest State Natural Area. This assumption is incorrect and should be retracted by the City.
- 4) The Memphis Zoo has proposed a low-impact boardwalk trail located within the proposed Old Forest State Natural Area. The Zoo is currently advertising this project using images of a 1,600-foot boardwalk that was built by the Nature Conservancy of Tennessee at the William B. Clark State Natural Area in 2001. Attached are photographs of a boardwalk under construction in 2003 at the Ghost River State Natural Area; this boardwalk was built by TDEC. Obviously boardwalks are considered to be an appropriate feature in a State Natural Area. There is nothing in the law or regulations that would prohibit the Zoo's proposed boardwalk. This assumption is incorrect and should be retracted by the City.
- 5) If the City chose to allocate \$126,000 in recurring operational expenditures, that would no doubt be a good thing for the Old Forest. However, it would be a voluntary expenditure. Nothing in the law or regulations requires this. The Lucius Burch State Natural Area, for example, has never incurred any operational expenses specific to its designation as a State Natural Area (as opposed to its previous designation as unprotected public parkland). If the City is proposing a yearly budget for the Old Forest State Natural Area, we would like a detailed description of how that money would be spent. If this information cannot be supplied, this assumption is incorrect and should be retracted by the City.

As we said in our previous letter to you, we are always happy to talk with the City and any other interested parties. We expect that you will take immediate steps to remedy the spurious assumptions in the enclosed fiscal note. Please keep us informed on this matter.

Thank you for your time and consideration.

Sincerely yours,

Naomi Van Tol
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cc: Mayor AC Wharton
Rep. Jeanne Richardson
Sen. Beverly Marrero