

RESOLUTION 2025-7

A RESOLUTION OF THE CITY OF MOUNT PLEASANT, TENNESSEE
IN OPPOSITION TO HOUSE BILL NO. 0895 AND SENATE BILL NO. 0725

WHEREAS, House Bill No. 0895 and Senate Bill No. 0725 (Proposed Legislation) has been filed in the Tennessee State Legislature; and

WHEREAS, the Proposed Legislation seeks to amend certain parts of Tennessee Code to remove the two-mile buffer between Class II scenic rivers for new and expanded landfills; and

WHEREAS, the Scenic Rivers Act of 1968 was passed by the Tennessee State Legislature to preserve selected rivers in their free-flowing natural or scenic condition and protect their water quality and adjacent lands because of the scenic, recreational, geological, fish wildlife, botanical, historical archaeological and other scientific and cultural values of great present and future benefit to the citizens of the State of Tennessee; and

WHEREAS, Class II Pastoral River Areas are described as follows: “[t]hose free-flowing rivers or sections of rivers the lands adjacent to which are partially or predominantly used for agriculture and other dispersed human activities which do not substantially interfere with public use and enjoyment of the rivers and their shores. Waters would be kept unpolluted. Lands adjacent to any such river would remain primarily in the type of use existing at the time of designation as a state scenic river or else be allowed to revert to natural conditions. Scenic values should be preserved by acquisition of conservation easements, zoning and similar means, and by acquisition of fee title of areas set aside for access, camping and recreation. Acquisition of fee title or other areas would not be precluded, particularly where the cost of alternative methods of land use control is comparable to the cost of acquiring the fee with lease-back or other similar arrangements”; and

WHEREAS, there are eight (8) river segments that are designated as a Class II Pastoral River as follows:

- a. Blackburn Fork – That segment downstream from a point one and one-half (1½) miles downstream from the county road at Cummings Mill to its confluence with Roaring River.
- b. Buffalo River – The entire river, except that portion which lies within Wayne, Perry, Humphreys and Lewis counties.
- c. Collins River – That segment which lies within the Savage Gulf natural-scientific area.
- d. Duck River – That segment of the Duck River beginning at Iron Bridge Road at river mile 136.4 extending continuously to a point upstream to the boundary of Marshall County at river mile 173.7.
- e. Duck River – That segment of the Duck River beginning at Industrial Park Road approximately at river mile 128 extending continuously to a point downstream to the boundary of Hickman County at approximately river mile 98 downstream from the Natchez Trace River Bridge.
- f. Harpeth River – The entire river except that segment lying north of Highway 100 and south of Interstate 40 in Davidson County; and except those segments located in Cheatham, Dickson and Williamson counties.
- g. Roaring River – That segment downstream from a point two (2) miles downstream from State Route 136, to its confluence with the Cordell Hull Lake.
- h. Spring Creek – That segment between State Highway 136 and Waterloo Mill, and that segment downstream from Overton-Jackson county line to its confluence with Roaring River; and

WHEREAS, the Tennessee State Legislature has tasked the administration of the scenic river system with the department of environment and conservation in cooperation with the wildlife resources agency which includes following the criteria for Class II Pastoral Rivers as follows:

Class II scenic river areas should be managed in a manner which would best maintain and enhance the scenic values of the river and the adjacent lands while at the same time preserving the right of riparian landowners to use the river for customary agricultural and other rural purposes; and

WHEREAS, Tennessee Code Annotated Section 11-13-111 (b)(1) states that “[n]o landfill for the disposal of solid or hazardous wastes shall be permitted within two (2) miles from the center of a Class II river on each side nor within two (2) miles of the center of such river on each side in any county which is adjacent to such Class II river, notwithstanding the fact that the river is not designated as a scenic river in such adjacent county, if the river in such adjacent county flows into the county in which such river is designated as a Class II river”; and

WHEREAS, in addition to the protections prescribed by the Tennessee State Legislature, Governor Bill Lee by Executive Order No. 108 recognized the importance of the Duck River to the State of Tennessee and the necessity of protecting its habitats, endangered species; and

WHEREAS, Executive Order 108 specifically requested a Habitat Conservation Plan for the Duck River Watershed to ensure compliance with the Endangered Species Act of 1973, to improve responsible and sustainable recreational access and use of the Duck River; and

WHEREAS, the Proposed Legislation fails to meet the requisites and legislative intent of the Scenic Rivers Act of 1968; and

WHEREAS, the Legislative Body for the City of Mount Pleasant, Tennessee opposes the Proposed Legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That by the Legislative Body for the City of Mount Pleasant, Tennessee that it opposes the passage of House Bill No. 0895 and Senate Bill No. 0725 and direct the Mayor and the City Manager to forward this resolution to the Governor, its State Senator, its State Representatives and other State officials.

Section 2. If any one or more of the provisions of this Resolution, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Resolution, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 3. This Resolution shall take effect immediately.

Approved and adopted this _____ day of _____, 2025.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPHRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY