

Boundary Amendment Application

**Osage Project
FERC No. 459**



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BOUNDARY AMENDMENT APPLICATION

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1.0 INTRODUCTION

On July 26, 2011 the Commission issued an order (“July 26 Order”)¹ approving and modifying Ameren Missouri’s proposed Shoreline Management Plan for Lake of the Ozarks. Ameren Missouri reviewed the order and on August 26, 2011 filed a request for rehearing of certain provisions related to nonconforming structures and encroachments. On November 10, 2011, the Commission issued its order on rehearing (“November Order”)². The November Order (attached as Appendix A) clarifies the Commission’s July 26 Order and requires Ameren Missouri to prepare a boundary amendment application for the Osage Project (Project) for Commission approval.

As discussed in greater detail below, Ameren Missouri proposes a comprehensive adjustment of the Project boundary to 662' elevation (Union Electric Datum) with additional adjustments for residential and commercial structures below elevation 662' where appropriate. The proposed boundary remains above elevation 662' where appropriate to encompass Project facilities, Project recreation sites, public access sites, historic properties, wetlands and Missouri State Parks.

In submitting this application to amend the Osage project boundary, Ameren Missouri is not proposing any changes to the current permit fee structure. No part of this application proposes or contemplates increased permitting fees, requirements for adjacent owners to lease Ameren Missouri shoreline lands for a fee, or any changes to the way Ameren Missouri handles permits for docks, seawalls, ramps and similar permitted facilities. These matters are addressed in the Shoreline Management Plan, Appendix B Lake of the Ozarks Permit Requirements A Reference Guide for Property Owners and Builders Contractors.

2.0 HISTORY OF THE OSAGE PROJECT BOUNDARY

The existing Project boundary follows a combination of contour elevations (including the 662' contour) and metes and bounds property descriptions. The use of both contour and metes and bounds to define the Project boundary line primarily results from how property rights were

¹ *Union Electric Company*, 136 FERC ¶ 62,070 (2011)

² *Union Electric Company*, 137 FERC ¶ 61,114 (2011)

obtained in the early 1930s. Property that was acquired in fee resulted in Project boundary areas described or delineated with contour elevations. Property where Ameren Missouri condemned or obtained flood easements resulted in Project boundary areas that are defined by metes and bounds. Understanding the history of the land transactions that took place during this period helps to support the revised Project boundary proposed in this amendment application.

Two companies were involved in the acquisition and conveyance of properties for the development of the Project and its subsequent early operations (Union Electric Land and Development Company (“UED”), and Union Electric Light & Power (“UEL”)). UED was the primary company responsible for securing the land rights necessary for the Project, while UEL was ultimately the utility company responsible for the operation of the Project under the Commission license. The land right acquisition activity can be separated into three categories: (1) fee acquisition; (2) condemnation; and (3) easement acquisition. Appendix B provides maps showing the original acquisition parcels and how Ameren Missouri currently holds those property interests within the existing and proposed Project boundaries.

2.1 Fee Acquisition

UED purchased entire tracts of undeveloped and predominantly agricultural property. As the Dam and reservoir construction were completed, UED conveyed its entire ownership interest in portions of the properties below various elevations to UEL for the operations of the Project. In this conveyance, UED also granted UEL flooding easement over the remainder of its retained property. Significantly, and subject to certain limitations, UED reserved an easement for the benefit of its successors and assigns to allow access and construction within the UEL Property or Project boundary. Under an order from the Securities & Exchange Commission, UED sold the remainder of the property outside of the project boundary to private owners (UED's successors in title) subject to the flooding easement granted to UEL and conveyed to those successors the rights retained to allow access and construction on the lands within the Project boundary; however, such uses are subordinate to Project purposes.

2.2 Condemnation Acquisition

UELP acquired property by condemnation for the operations of the Project. Those properties are described by a metes and bounds description to various elevations depending on the location within the Project.

2.3 Flood Easement Acquisition

UELP obtained flooding easements directly from private owners. In the majority of those cases, the flood easement was provided over the entire tract of land owned by the grantor even though typically only a small portion of the property would be impacted by the Osage Project. In most cases, the Project boundary followed the original tract owned by the grantor, even though not all of the land was needed for project purposes.

3.0 LANDS NECESSARY FOR PROJECT OPERATION AND MAINTENANCE

Commission regulations at 18 CFR § 4.41(h)(2) describe what lands should be included within the project boundary established for licensed hydroelectric projects. In general, the Commission requires that the project boundary include all project works and other features of the project described in Exhibit A of the license application, along with those additional lands necessary for operation and maintenance of the project. Section 4.41(h)(2) states, in part:

The boundary must enclose only those lands necessary for operation and maintenance of the project and for other project purposes, such as recreation, shoreline control, or protection of environmental resources (see paragraph (f) of this section (Exhibit E)). Existing residential, commercial, or other structures may be included within the boundary only to the extent that underlying lands are needed for project purposes (e.g., for flowage, public recreation, shoreline control, or protection of environmental resources).

The Commission provides additional guidance on defining the boundary in relation to the reservoir in these regulations at 18 CFR § 4.41(h)(2)(i)(a):

(B) The boundary must be located no more than 200 feet (horizontal measurement) from the exterior margin of the reservoir, defined by the normal maximum surface elevation, except where deviations may be necessary in describing the boundary according to the above methods or where additional lands are necessary for project purposes, such as public recreation, shoreline control, or protection of environmental resources.

As discussed above in the introduction, the current Osage Project boundary contains lands far in excess of what is required by these regulations. Table 1 summarizes how the Project boundary is currently defined at the Osage Project.

TABLE 1
SUMMARY OF HOW THE EXISTING COMMISSION BOUNDARY
IS DEFINED AT THE OSAGE PROJECT

Boundary Location	Length in Miles	Percentage (%)
662 Elevation	526.66	42.74
663 Elevation	27.75	2.25
664 Elevation	30.23	2.45
665 Elevation	133.81	10.86
666 Elevation	4.62	0.38
667 Elevation	17.70	1.44
668 Elevation	34.17	2.77
669 Elevation	8.10	0.66
670 Elevation	36.43	2.96
671 Elevation	4.38	0.36
672 Elevation	24.41	1.98
673 Elevation	28.69	2.33
674 Elevation	7.77	0.63
678 Elevation	0.13	0.01
Following Property Lines (Metes and Bounds)	347.29	28.19
Total	1,232.14	100

In this boundary amendment application, Ameren Missouri is proposing to establish the Project boundary at elevation 662' in most locations. This would remove excess lands acquired at the time of original construction of the Project and reset the boundary to encompass only those lands necessary for Project purposes. In discrete and limited locations, Ameren Missouri is proposing to lower the proposed boundary below elevation 662' (referred to in this application as a "carve out") to exclude any existing residential and commercial structures that are within the boundary. In these carve out locations, the boundary has been set two feet horizontally and outside and/or away from the walls of residential and commercial structures so that Ameren Missouri retains control of the shorelands necessary for project operation and excludes incompatible uses associated with habitable structures. In certain other areas, Ameren Missouri is proposing to leave the boundary at elevations higher than 662' within the current project boundary to encompass areas that are needed for Project purposes including:

- Project Recreation Sites;
- Public Access Sites;
- State Parks;
- Wetlands; and
- Historic Properties.

In no case does this boundary amendment application propose to extend the boundary beyond its current limits. As currently authorized by the Commission, the Osage Project boundary is already defined as the 662' contour for 527 miles (43 percent of the existing Project boundary). The only change to the Project boundary in these areas would be for carve outs of any residential or commercial structures built below the 662' elevation.

Twenty eight percent of the existing Project boundary is defined by metes and bounds and includes the large blocks of land that in most cases, are well beyond 200 feet from the normal maximum surface elevation of 660' at the Lake of the Ozarks. These metes and bounds areas are areas where Ameren Missouri only has flood easement rights but they encompass far more land than is necessary for Project purposes due to the flood easements having been applied to entire properties. This flood easement land encompasses approximately 30,000 acres of the 32,000

total acres in the current Project boundary above the 660' elevation. While flood easements may remain on the entire properties, the areas above the 662' contour do not serve Project purposes and should be removed from the Project boundary.

The remaining 29 percent of the existing Project boundary is contour-based at elevations above the proposed 662' elevation, ranging from 663' to 678'. With this boundary amendment application, Ameren Missouri is proposing to amend the remaining 29 percent of the current contour-based elevation to primarily follow the contour elevation of 662'. This boundary amendment proposal results in a total of 28,251 acres of land not needed for project purposes being removed from the project boundary.

3.1 Justification for Proposed Project Boundary

Lake of the Ozarks is a unique man-made body of water that, in addition to supporting hydroelectric power generation, provides a wide range of benefits to visitors and residents. The lands surrounding the lake are prized and highly valued for the lake access and quality of life they offer in this part of the country. The current balance between shoreline management, recreational access, environmental protection, power generation, and other project purposes has developed over the past nine decades, a longstanding history that should be reflected in the implementation of the current shoreline management policies at the Project.

As evidenced by the multi-billion dollar tourism and recreation industry around the Lake of the Ozarks, the various State and local entities associated with economic development, recreation, and environmental protection have influenced the proper balance between these project purposes for this reservoir. The Lake of the Ozarks has proven to be very successful in all aspects of project purposes with the current balance established. The Lake supports a huge recreation industry and the shoreline development provides for a large part of the economic development in Central Missouri. At the same time, environmental protection is evidenced by the large fish population that the Lake supports. The Lake of the Ozarks is considered a premier fishing locations in mid-America, hosting over 400 fishing tournaments each year, evidence of the strong fish population that exists in the Lake. The Lake of the Ozarks is also one of the premier

locations in mid-America for non-fishing recreation, which demonstrates a successful commitment to public access and use. Based on the development that has already occurred within the project boundary, the reduction in project boundary proposed in this application will have minimal if any impact on the successful balance of project purposes currently enjoyed at the Lake of the Ozarks.

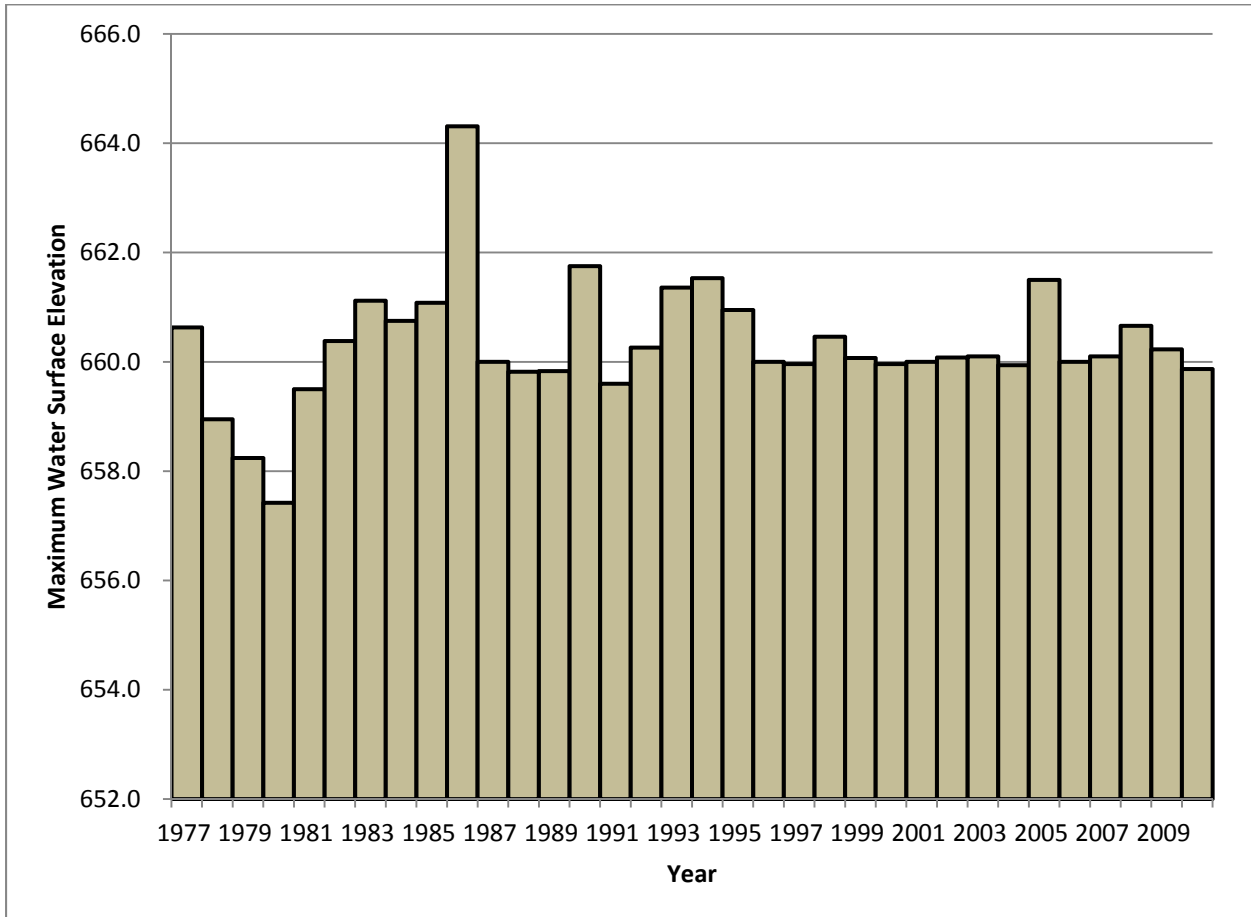
Many comments submitted on the draft amendment application have requested that the boundary be defined at contour elevation 660'. However, Ameren Missouri believes that setting the project boundary to contour elevation 662' properly encompasses those lands necessary for project operation and maintenance based on the following three considerations:

- Normal and flood operation levels at the Osage Project;
- Retention of shoreline buffers around the reservoir for resource protection purposes; and
- Shoreline control.

These considerations are discussed in more detail below.

Under Article 407 of the current FERC license, the high-level limit at Lake of the Ozarks is elevation 660' and one-foot flood storage pool is between elevation 660' and 661'. From this perspective, resetting the boundary at elevation 660' as requested by some commenters creates the potential for the boundary to be *below* the surface of the impoundment during normal operations anytime the project operates above the high-level limit elevation. Under such circumstances, flooding would occur along lower lying shoreline areas. Figure 1 presents the maximum water surface elevations from 1979 through 2010.

FIGURE 1
MAXIMUM WATER SURFACE ELEVATIONS AT THE OSAGE PROJECT



The maximum water levels at Lake of the Ozarks have exceeded elevation 662 only once since 1977 (when Truman Dam commenced operation), during a single significant flood event which occurred in 1986.

Ameren Missouri’s proposal to reset the boundary at elevation 662’ provides a shoreline buffer around the reservoir consistent with over 500 miles of existing boundary controlled at 662, and conforms with FERC policy on defining adequate project boundaries at hydropower projects. This proposed shoreline buffer helps protect water quality at the Lake of the Ozarks as well as providing riparian habitat for terrestrial and aquatic wildlife. Riparian zones provide many functions and values to society, including flood control, groundwater recharge and discharge, water quality improvement, shoreline stabilization, fish and wildlife habitat, recreational and educational opportunities, and aesthetic values.

Establishing the boundary at elevation 662' also allows control over activities and construction that could negatively affect the safe operation of the project and the shoreline buffer zone discussed in the previous paragraph. Maintaining adequate control over activities within the shoreline buffer on properties owned and/or controlled by Ameren Missouri is critical for managing potential impacts from project operations, and protecting water quality and other sensitive environmental resources at Lake of the Ozarks.

Ameren Missouri owns in fee approximately 70 percent of the land within the proposed project boundary of elevation 662' and retains flowage easements over the remaining 30 percent. These property interests ensure Ameren Missouri's ability to manage the shoreline under the Lake of the Ozarks Shoreline Management Plan, Historic Properties Management Plan, Recreation Enhancement Plan, and Stormwater Pollution Prevention Plan. All four of these plans have been approved by FERC and are being implemented under the Osage FERC license. The proposed amendment of the project boundary to elevation 662' is consistent with these approved management plans and does not impede Ameren Missouri's ability to manage these resources at Lake of the Ozarks.

Many of the encroachments on the current project boundary were the result of development which occurred prior to the requirements for shoreline management that began in the 1980's. As discussed in previous FERC orders on this subject, a considerable number of residences have been built on Ameren Missouri owned property within the current project boundary. The identification of these encroachments creates impediments to a fully functioning real estate market. The proposed boundary amendment is a key component in reducing such impediments. Approval of the project boundary application, will enable Ameren Missouri to develop a comprehensive plan to address individual homeowner concerns regarding marketability of title.

An additional consideration is the level of development that exists between the higher density found at the lower end of the lake in Osage and Camden Counties as compared to lesser development at the upper end of the lake near Warsaw, Missouri. Landowners around the upper end of the lake have anticipated eventually realizing the potential value of their property through development. Although limited by access to transportation networks, public facilities, and other

services necessary to promote development, there is an expectation that the project boundary should be consistent in these areas as well. In preparing this boundary amendment application, Ameren Missouri believes that a consistent elevation based Project boundary for property owners abutting the Project’s shoreline should be uniform and is proposing a revised Project boundary that will provide an appropriate balance of the Project purposes at the Lake of the Ozarks.

3.2 Identification of Various Buffer Widths Around the Reservoir

The proposed boundary within the Osage Project boundary is approximately 1,105 miles long and the proposed boundary provides varying shoreline buffer widths, as depicted in Table 2.

TABLE 2
SUMMARY OF SHORELINE BUFFERS PROVIDED
BY THE PROPOSED PROJECT BOUNDARY

Buffer Width	Length in Miles	Percentage (%)
Less than 25 feet	599.6	54.28
25-100 feet	285.1	25.81
100-200 feet	60.2	5.45
Greater than 200 feet	159.8	14.46
Total	1,104.7	100

3.3 Land Rights Held by Ameren Missouri or by Others

As discussed above in Section 2.0, lands within the current and proposed Project boundaries fall into one of the following ownership classifications:

- Lands owned in fee by Ameren Missouri that were obtained by acquisition;
- Lands owned in fee by Ameren Missouri that were obtained through condemnation; and
- Lands owned by others over which Ameren Missouri holds easement rights for project purposes only.

For the lands owned in fee by Ameren Missouri not obtained through condemnation, these parcels were conveyed with reserve easements granted by UED that authorizes the use of the

surface of the parcels of land owned by Ameren Missouri subject to conformance with Project purposes³. Reducing the amount of land within the current Project boundary to include just those lands needed for Project operation and maintenance, as discussed above in Section 3.0, will address many of the outstanding complaints from property owners regarding regulatory concerns associated with the Project boundary.

Maps showing property interests within the existing and proposed Project boundaries are attached in Appendix B.

3.4 Locations of Structures Within The Existing And Proposed Boundary

Appendix B provides maps showing the location of parcels within the existing and proposed boundary that include residential and commercial structures. Appendix C provides maps showing the location of residential and commercial structures within the proposed 662' contour elevation with index sheets supporting the reasoning for “carve outs” to the proposed Project boundary designed to remove those structures from the Project.

3.5 Description of How Wetlands and Other Sensitive Areas Will Be Retained In the Revised Boundary

Appendix C also displays lands above the predominant 662' boundary contour elevation proposed to be maintained within the Project boundary. These are areas within the existing boundary that Ameren Missouri is proposing be kept within the Osage Project boundary because they are needed for Project purposes. These resource areas include the following:

- Project Recreation Sites;
- Public Access Sites;
- State Parks;
- Wetlands;
- Historic Properties.

³ On lands obtained through condemnation, no reserve easements were granted and Ameren Missouri holds full interest in these lands.

Maps showing the location of the proposed boundary in relation to recreation sites are included in Appendix B and Detail Maps showing the location of the boundary in relation to wetlands are included in Appendix C. Maps showing the location of the boundary in relation to known historic properties are included in Appendix D but filed with the Commission as “Privileged” to protect site locations from public disclosure.

3.6 Impacts of Removal of Lands from Project Boundary

Ameren Missouri is proposing that lands located above the proposed 662’ contour-based boundary elevation be excluded from the Project boundary. These lands have various amounts of development, are not integral to the Project itself, and will not affect the ability of Ameren Missouri to operate the Project. The majority of the lands proposed to be removed are separated spatially from the Project by a broad strip of commercial and residential development. For this reason and as described more fully below, these lands do not serve or support Project purposes.

3.6.1 Rare, Threatened and Endangered Species

Amending the Project boundary as proposed will not adversely affect sensitive resources. With regard to bald eagles, no foraging habitat would be affected as prey resources and shoreline roost trees will remain within the Project boundary contour elevations, and would continue to be afforded the same protection that currently exists. The Missouri Department of Conservation’s (“MDC”) Natural Features Inventory and Heritage Database identified 11 nests associated with the lake and the lower Osage River; four nests were located on the lake and seven were located downstream. Yet, only one potential eagle nest was observed during field studies conducted by Zambrana Engineering, Inc. (“ZEI 2002”). Bald eagle nests, individuals, and eggs are all protected under the federal Bald and Golden Eagle Protection Act. Additionally, Missouri state rule 3 CSR 10-4.111 extends special protection to the bald eagle as an endangered species. The lands being proposed for removal will continue to be protected under the federal Bald and Golden Eagle Protection Act as well as the Missouri state rule.

The U.S. Fish and Wildlife Service (“USFWS”) and MDC have confirmed the presence of a gray bat maternity colony in a cave that is within the Project boundary. The cave is located along a stretch of the shoreline that is not being proposed for removal; therefore, the proposed changes in the Project boundary do not impact this cave. In addition, the cave opening is several feet above pool high-water mark and is not impacted by Project operations (ZEI 2002). Furthermore, the bat colony will continue to receive protection under Missouri state rule 3 CSR 10-4.111, which extends special protection to the gray bat as an endangered species; this includes protection of any bat maternity cave.

3.6.2 Terrestrial Resources

General wildlife habitat and wetlands on removed lands could be affected as a result of the proposed change in the Project boundary. It is important to note that the Commission has stated in the Project EA (FERC 2006) that revision of the Project boundary to the 662.0-foot contour would not have a significant effect on wetlands or wildlife. “The most significant lakeshore areas with respect to wetlands and wildlife habitat are primarily below the 662.0-foot contour” (FERC 2006, page 13). In preparing this proposed boundary amendment, Ameren Missouri is proposing to retain existing project lands inland of contour 662’ to retain wetlands located on property owned in fee by Ameren Missouri, which are depicted on the Detail Maps attached as Appendix C. With regard to wildlife on removed lands, potential effects would primarily be habitat loss and fragmentation as a result of continued development. However, much of the landscape surrounding the Project is already fragmented due to past development, and current habitat value for general wildlife species has been impacted. Wetland habitat will continue to be provided protection pursuant to the Clean Water Act.

3.6.3 Cultural Resources

A sample lakeshore survey, sample riverbank survey, cultural resources overview, and selective historic architectural survey were performed in 2002 and 2003. Survey methodology was developed in consultation with the Missouri State Historic Planning Officer and members of the Cultural Resources Subcommittee. In general, opportunistic sample surveys of high-potential

shoreline areas were selected as the most appropriate survey strategy. Much of the land around the lake was eliminated from the survey area of interest due to topography of the shoreline and the incidence of heavy development (Ensor et al. 2003).

None of the historic properties identified in the relicensing surveys are located within the parcels proposed for removal from the Project boundary. As noted above, the upland parcels proposed for removal from the Project boundary were all eliminated from the study scope developed in consultation during relicensing due to topography and the amount of existing development in these upland areas. If these private lands are to be further developed in the future, the land owner will be required to proceed in accordance with local and state regulations regarding cultural resource protection in effect at that time. Additionally, Ameren Missouri is implementing the Osage Historic Properties Management Plan that was approved by FERC on June 12, 2009⁴ which provides a process for the identification, protection and preservation of historic properties at the Project, and establishes a decision-making process with consultation procedures to consider potential Project effects on historic properties.

3.6.4 Recreation

The proposed Project boundary will not affect recreational facilities associated with the Osage Project. Ameren Missouri is not proposing to remove any lands containing State Parks from the Project boundary and is proposing to retain existing project lands inland of contour 662' to maintain existing Project related recreational facilities and public access points within the Project. In some cases, these areas are owned by the State of Missouri and incorporated within the boundaries of the adjacent state parks (approximately 1,493 acres). These lands are protected from development by the state as part of the Missouri state park system and Ameren Missouri is not proposing to remove any of these state park lands from the Osage Project.

Ameren Missouri is implementing the Osage Recreation Enhancement Plan (“REP”) that was approved by FERC on May 14, 2009 which identifies 23 existing recreation sites (including two State Parks) and four sites for potential future development for public recreation access and use

⁴ 127 FERC ¶ 62,206

at the Project. The REP includes a program to evaluate existing facilities at the project, in consultation with appropriate agencies, to ensure that they meet existing and future public recreation needs. The REP may be modified to address any identified changes in recreation need. Therefore, public access to the reservoir will not be affected by the proposed boundary amendment.

3.6.5 Soils

Soils were identified in the Commission EA as a potentially sensitive resource on lands proposed for removal from the Project boundary. Highly erodible soils may become vulnerable if exposed as a result of development. However, lands proposed for removal are mostly privately owned, and much of these areas have already been developed in areas closest to the Project reservoir. In most cases, lands developed around the lake have included riprap or seawalls to protect against soil erosion. In addition, any ground disturbance of an acre or more requires a Missouri State Operating Permit that specifically identifies the Project prior to the removal of any site vegetation or disturbance of the site (10 CSR 20-6.200 (1) (B)). This applies to all lands both inside and outside the Project.

3.6.6 Water Quality

New development on removed lands may have indirect effects on water quality due to erosion, non-point source pollution, and additional wastewater discharge. However, the lands proposed for removal from the Project boundary are mostly privately owned and are already developed in most cases. Ameren Missouri has no control over what happens on these privately-owned lands. Any new development on removed lands must address local and state policies regarding erosion, sediment control, stormwater, flood plain development, and wastewater management practices, thus addressing the potential impacts of any new development on the lands proposed for removal from the Project boundary.

3.6.7 Aquatic Resources

The Commission stated in its draft EA that Ameren Missouri’s proposal to revise the Project boundary would have no significant impact on aquatic resource habitat (FERC 2006, page 96). Ameren Missouri agrees with this assessment. No spatial changes to aquatic habitats are being proposed, and the Project’s resources will be retained within the amended Project boundary. In the EA, the Commission has suggested that aquatic resources may be affected indirectly by the amended boundary if wetlands or shoreline buffers are altered. “Indirect effects could include decreased ability to filter and moderate run-off or a localized decrease in macroinvertebrate production” (FERC 2006, page 96). Implementation of any new development on removed lands must address local and state policies concerning wetland protection, erosion and sediment control, stormwater management, and wastewater management practices.

3.7 Identification of Lands Needed for Flowage at the Osage Project

Ameren Missouri will retain flood easements over all the privately held land located within the proposed Project boundary. On lands proposed for removal from the Project boundary, Ameren Missouri’s flood easements will continue; but this will be outside the Commission’s jurisdiction. Ameren Missouri is proposing to establish the contour-based boundary at elevation 662’, which is two feet above the normal maximum full pool elevation of 660’ and one foot above the flood storage pool elevation of 661’.

3.8 Identification of the Total Cumulative Acreage Proposed for Removal

The revised Project boundary proposed in this amendment application removes 28,251 acres from the Osage Project. These 28,251 acres are not needed for project purposes. As requested by the Commission, Ameren Missouri has included closed-polygon GIS shapefiles of the existing and proposed boundary in the boundary amendment application eFiled with the Commission to allow the acreage proposed for removal to be confirmed.

3.9 Structures Remaining within the Proposed Project Boundary that will Need to be Addressed After the Commission Issuance of Boundary Amendment Order

This amendment application proposes a boundary that removes residential and commercial structures from the Project but leaves the ancillary structures that remain below elevation 662' within the proposed boundary. These structures include decks, gazebos, boat houses, patios, and other structures that can be permitted under Ameren Missouri's approved Shoreline Management Plan. As directed by the amended ordering paragraph (E)(2) of the Commission's November Order, Ameren Missouri will address these remaining structures within one year of the Commission order addressing this proposed boundary amendment.

4.0 EXHIBIT G MAPS

Exhibit G maps showing the proposed Project boundary are attached to this filing as Appendix E.

5.0 CONSULTATION

In conjunction with preparing this boundary amendment application, Ameren Missouri both participated in and sponsored public meetings to present its proposal and to gather public comment on the proposed boundary amendment. Nearly 1,000 lake residents, stakeholders, agencies, and government representatives attended the four public forums. Pre-filing meetings were held as follows:

- November 19th – Camdenton Town Hall Meeting
- December 7th – Warsaw Town Hall Meeting

Ameren Missouri distributed a draft of this amendment application for state agency and public review on December 15, 2011 for 30 day review and comment, which ended on January 15, 2012. The distribution letter is included in Appendix F, Public meetings, to present Ameren Missouri's boundary amendment proposal were held as follows:

- January 3rd – Osage Beach - Inn at the Grand Glaize – 6 to 8pm
- January 5th –Sunrise Beach - Lake West Christian Academy – 6 to 8pm

Poster boards presented at these meetings summarizing the proposed boundary amendment are included at the beginning of the consultation record attached to this amendment application as Appendix F. Ameren Missouri posted the draft boundary amendment application online for review and comment and provided interested parties with several options for submitting comments, including:

- Submittal of comments online using a form-based system on Ameren Missouri’s website;
- Submittal of comments to Ameren Missouri via email or by letter;
- Submittal of comments using commenting forms at the public meeting; and
- Submittal of comments to FERC that were subsequently posted on the Osage Project docket on FERC’s eLibrary system.

During the 30-day consultation period, Ameren Missouri received numerous inquiries that led to further and repeated distribution of information about the draft amendment application. These responses to requests for information resulted in some people receiving information from Ameren Missouri about the draft amendment application even as the comment period came to a close.

In all, over 400 comments were filed on the Draft Amendment Application and are addressed in the comment summary table included in Appendix F. Of these comments, approximately 23 percent supported the proposed boundary amendment. However, many of the commenters misunderstood certain critical aspects of the draft amendment application. The following is a summary of these larger misunderstandings that Ameren Missouri addressed in its response to comments:

- Misunderstanding that the current FERC boundary is established at elevation 660’ and that the proposed boundary is somehow adding property to the project. The FERC

boundary has never been set at elevation 660' and the boundary amendment application proposes to remove 28,251 acres of land from FERC jurisdiction.

- Misunderstanding that the reason behind the amendment application is to allow for an increase in fees to landowners with property remaining within the proposed boundary. No part of this application proposes or contemplates increased permitting fees, requirements for adjacent owners to lease Ameren Missouri shoreline lands for a fee, or any changes to the way Ameren Missouri handles permits for docks, seawalls, ramps and similar permitted facilities.
- Misunderstanding that the amendment application is an attempt by Ameren Missouri to seize private property and / or alter existing parcel lines. Parcel lines and property rights will not change under this boundary amendment proposal, which is simply designed to remove excess lands not needed for project operation from FERC jurisdiction.
- Misunderstanding that the amendment application proposes boundary changes needed to increase the water levels and the operating regime of the Osage Project. Ameren Missouri is not proposing any changes to project operation, water levels, or the existing guide curve at Lake of the Ozarks as part of this amendment application.
- Misunderstanding that the amendment application will result in unfettered public access to private property within the FERC boundary. All Lake front properties have an Ameren Missouri controlled strip of land adjacent to the lake that is project land and accessible from the reservoir by the public. The proposed boundary amendment does not change the currently defined access to project lands that the public and adjacent owners have always enjoyed.

All written comments received through January 18, 2012 along with Ameren Missouri's responses are presented in Appendix F.

APPENDICES

APPENDIX A

**ORDER ON REHEARING AND
AMENDING SHORELINE MANAGEMENT PLAN**

APPENDIX B
INDEX MAPS TO THE DETAIL MAPS IN APPENDIX C

APPENDIX C
DETAIL MAPS SHOWING DEVIATIONS
FROM PROPOSED 662' BOUNDARY

APPENDIX D
MAPS SHOWING HISTORIC PROPERTIES
IN RELATION TO PROPOSED BOUNDARY

APPENDIX D
MAPS SHOWING HISTORIC PROPERTIES
IN RELATION TO PROPOSED BOUNDARY

Maps showing the location of known historic properties in relation to the proposed Project boundary have been filed with FERC as “Privileged” to protect archeological site locations from public disclosure.

APPENDIX E
REVISED EXHIBIT G MAPS

APPENDIX F
CONSULTATION RECORD