United States Department of Agriculture

NRCS

Natural Resources Conservation Service
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Champaign, IL 61821-2986
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www.il.nrcs.usda.gov

CERTIFIED MAIL - RETURN RECIEPT REQUESTED

February 27, 2013

Ameren Transmission Company of Illinois
Ameren Corporate Headquarters
Attn: Edward C. Fitzhenry, Ameren Services Company
One Ameren Plaza
1901 Chouteau Ave.
St. Louis, MO 63166

To Whom It May Concern:

The United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) has identified two conservation easements that would be directly impacted by the **PRIMARY** route of Ameren Transmission Company of Illinois' proposed Illinois Rivers Transmission project. The proposal is to construct a 345,000-volt transmission from Palmyra, Missouri, to Sugar Creek, Indiana, including an approximately 41-mile line between Meredosia and Ipava and an isolated approximately 28-mile long line linking the Rising and Sidney substations in the Champaign area.

Specifically, the USDA-NRCS has identified a Wetlands Reserve Program (WRP) easement in Brown County, Illinois that would be bisected on the western edge of the WRP easement by the primary route. This WRP easement property is currently owned by The Nature Conservancy.

An Emergency Watershed Protection Program – Floodplain Easement (EWPP-FPE) located in eastern Clark County has also been identified as being directly impacted by the proposed primary route. This EWPP-FPE easement property is privately owned. It is also important to note that immediately north and south of this EWPP-FPE easement are two other EWPP-FPE conservation easements that would be considered in your study area. (Copies of the recorded Warranty Easement Deeds to the United States are included.) As the two recorded easement deeds show, the WRP easement located in Brown County and the EWPP-FPE easement located in Clark County were acquired by USDA-NRCS pursuant to laws enacted by Congress.

USDA-NRCS policy regarding infrastructure projects clearly states it is the project proponent's responsibility to prove to USDA-NRCS that impacts to the WRP conservation easement cannot be avoided. The authority to modify a WRP easement is very limited. EWPP-FPE easements must be avoided as USDA-NRCS has no authority under this program to modify the terms of the conservation easement. NRCS asserts that the rights the USDA acquired under these two easements programs are superior to rights that Ameren Transmission Company of Illinois might acquire to construct the proposed transmission line.

The USDA-NRCS has consulted with its Office of General Counsel as well as our National Headquarters. The Illinois Commerce Commission (ICC) has been informed of our concerns. USDA-NRCS has also posted a public comment to the ICC website in regards to the project.

Should you have any questions regarding this matter, please contact Paula Hingson, Assistant State Conservationist for Easement Programs at (217) 353-6602.

IVAN N. DOZIER
State Conservationist

Enclosures: Warranty Easement Deeds

cc:
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