

March 6, 2013

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.

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 a Non-Governmental Organization.

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 the study area of this project. The two recorded easement deeds show that 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.

In consultation with its Office of General Counsel, USDA-NRCS has determined it critical to note the 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.

12-0598 · Paula Hingson, Assistant State Conservationist, USDA-NRCS