



June 5, 2012

Ameren UE

Docket No. P-459-313

Frequently Asked Questions

Why did FERC approve a 662 foot elevation?

Ameren UE proposed this boundary. The order concludes that approving the proposal, as modified, will eliminate excess land not needed for project purposes while retaining the lands necessary for environmental, recreational, historic preservation and energy production.

As proposed by Ameren and approved in today's order, the project boundary generally tracks the 662 foot elevation because the area below that level will be frequently inundated by the project, according to historic data. It is important to note that changes made to the project boundary have not altered the property rights regarding the underlying land. Any disputes over ownership must be resolved by the appropriate court.

Will the 662 foot elevation allow the public to camp and picnic on my privately owned land?

No, unless Ameren has a reserved right to allow public access to the land.

Will the 662 foot elevation limit public access to public camping and picnic grounds and reduce access to the shoreline?

No. The public will continue to have the right to access the shoreline within the project boundary on lands owned or controlled by Ameren. The Commission modified Ameren's proposal to ensure Ameren would provide adequate public access to existing public and state parks.

How many houses/structures will remain in the boundary?

Zero. All private residences and commercial structures will now be outside the project boundary and FERC will have no jurisdiction over them.

What happens to any remaining structures such as gazebos, piers and boat docks?

Ameren has stated that it intends to work with structure owners to determine which were constructed pursuant to a permit, and which conform to Ameren's permitting guidelines so that they can be grandfathered by Ameren.

For all other gazebos, piers or boat docks, Ameren will work with owners of these types of structures to determine which structures can be permitted under the approved SMP. Ameren will file a report with FERC within one year of the issuance of today's decision addressing how it proposes to remedy each encroaching structure.

Will FERC be taking away my property rights?

No. Nothing in Ameren's Shoreline Management Plan, the July 26 order, the Nov. 10 order or this decision has any effect on property rights. Whatever rights landowners have in lands within the boundaries of the Osage Project -

whether conferred by deed, lease, easement or other conveyance - have not been and will not be altered by FERC's actions.

The inclusion of lands within a project boundary serves the function of indicating that the lands are used in some manner for project purposes. However, the mere inclusion of lands within a project boundary will not restrict landowner uses, since such inclusion does not itself create or alter property rights.

What is a Shoreline Management Plan (SMP)?

A Shoreline Management Plan (SMP) is essentially a land use plan, in which a licensee, in consultation with stakeholders and subject to Commission approval, determines what types of development and environmental protection are appropriate on the licensee's shoreline lands. Typically, certain areas are reserved for public recreation, in others, certain uses consistent with residential and commercial development on adjacent, non-project lands are permitted, and some are restricted in order to protect environmental values. Many SMPs include buffer zones immediately adjacent to the shoreline, where land-disturbing activities are significantly restricted in order to protect the environmental and public access. Not all projects require SMPs; these plans are generally required where it appears that the project's shoreline may be subject to competing developmental pressures such that public access or environmental resources are at risk. An SMP is only applicable to lands owned or controlled by a licensee, and has no effect on areas in which a licensee has no interest.

Who is responsible for enforcing the SMP at the Lake of the Ozarks?

Ameren, the licensee for the project, is responsible for enforcing the SMP. Ameren enforces the SMP by overseeing shoreline activities and taking actions to prevent unauthorized uses of its own lands or lands over which it has easements to fulfill project purposes. Ameren must ensure that proposed uses of its shoreline lands are consistent with the purposes of protecting and enhancing the environmental values of the project while safely operating and maintaining the project.