

Federal Energy Regulatory Commission
Washington, DC 20426

August 3, 2007

To the Editor
Lake Sun Leader
918 N. State Highway 5
Camdenton, MO 65020

Dear Editor:

This letter is to clear up some of the confusion about our role and responsibility regarding shoreline development and management at the Lake of the Ozarks, part of Osage Project No. 459, which is licensed to AmerenUE.

The Federal Energy Regulatory Commission is responsible for issuing licenses to non-federal hydropower projects throughout the country. Our jurisdiction comes from the Federal Power Act. In addition to oversight over operation of dams for hydropower generation, the Commission is responsible for overseeing management of lake resources such as recreation, shoreline management and historic preservation. This oversight also involves reviewing uses of project lands and waters, including constructing marinas and boat docks. By law, the Commission must pursue a balance among the different resources.

The Commission reviews applications for shoreline development to determine the scope of development and whether the applications contain the necessary information. If warranted by our review of a proposal, we will issue a public notice that the application has been filed to obtain comments, and we may prepare an environmental assessment (EA) of it. This public comment process allows individuals or organizations to express any concerns they may have. Depending on the nature and scope of comments and any impacts identified in the environmental analysis, Commission staff may recommend modifications. These modifications could include reconfiguring the proposed development by shortening the docks or reducing the number of docks or slips. We also may recommend mitigation measures such as lighting on docks, placement of shoreline vegetation or fish enhancement measures, or additional erosion control measures. EAs also may be noticed for comments, which then will become part of the record on which the Commission makes its decision.

On May 31, 2007, AmerenUE filed an application for Commission approval to permit the construction of docks for the Atlantis Island Condominiums. Specifically, the application is for 17 docks with 374 slips to be located at the 3.5 mile marker on the Osage Arm of the Lake of the Ozarks. We promptly reviewed the application and issued a request for additional information on June 12, 2007. The next day, June 13, 2007, we issued a public notice of the application, in the Federal Register and in local newspapers.

This notice provided an opportunity for adjacent property owners, the public, and resource agencies to provide comments and recommendations for the proposal.

The Commission staff is preparing an assessment of the Atlantis proposal that will analyze the impacts of the proposed docks on environmental resources of the lake. This includes, but is not limited to, fisheries, wetlands, cultural resources, aesthetics, land use and recreation and navigation safety. Once these issues and comments are addressed, the Commission will issue a final decision.

Several articles in your paper have incorrectly stated that we have held up reviewing applications for the past 18 months and that there are 28 other applications pending before us. First, this issue has only been before the Commission for two months. And to date, no other related applications have been filed with the Commission. To minimize any delays in our review process, we have asked AmerenUE to ensure that these applications are complete prior to filing. We also encouraged AmerenUE to consult the Commission's guidelines for preparing shoreline development applications to ensure that they contain the information necessary for us to review them in a timely manner. The guidelines may be found at <http://www.ferc.gov/industries/hydropower/gen-info/guidelines/smpbrochure.pdf>.

On July 25, the Commission staff met with AmerenUE and marina developers at the Lake of the Ozarks. The discussion centered on AmerenUE's and FERC's roles in the permitting process for marina and boat dock applications at the Lake. We explained our role in overseeing the management of the lake, our jurisdiction pursuant to the Federal Power Act and our regulations.

For many years, the Commission staff has been reviewing marina and boat dock applications on other lakes, and these involve many of the same issues confronted at the Lake of the Ozarks. With the cooperation of our licensees, resource agencies, and stakeholders representing a variety of interests, the Commission has been able to accommodate shoreline development while preserving and protecting the environmental resources of the lakes for all to enjoy. We intend to do the same for the Lake of the Ozarks on as expeditious a schedule as possible.

I hope the above information is helpful in clearing up any misconceptions about our role and responsibility at the Lake of the Ozarks.

Sincerely,

Andrew J. Black
Director
Office of External Affairs