



**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS, ST. LOUIS DISTRICT**  
1222 SPRUCE STREET  
ST. LOUIS, MISSOURI 63103-2833

REPLY TO  
ATTENTION OF:

November 3, 2022

Regulatory Branch  
File Number: MVS-2022-60

Mr. James Jontry  
Ameren Transmission Line Company of Illinois  
Sr. Project Manager  
1901 Chouteau Ave.  
St. Louis, Missouri 63166

Dear Mr. Jontry:

This correspondence concerns Ameren's *Limestone Ridge 138kV Transmission Line Project* within Perry and Cape Girardeau Counties, Missouri. The Project involves the construction of a new 15-mile-long, 138kV transmission line. The project will include ninety-four, 75 to 160-foot-tall steel monopole structures secured on concrete foundations. Pole structures are to be installed at a spacing no closer than 350 feet with the exceptions of spans into the substations with each pole structure supporting one circuit of 3-phase 1192 kcmil (54/19) "Grackle" ACSS and two DNO-11706 CC-68-508 72 Fiber OPGW. The structures will also be designed to support a future 345kV circuit; however, no wires for this circuit will be installed at this time. All Project activities occur within a new 125-foot-wide easement, portions of which will be collocated along an existing transmission line ROW, and along existing ROW access routes that will be expanded to a width of 30 feet. All impacts to Waters of the U.S. associated with project will be a result of construction access or minor impacts due to the installation of structure foundations. The majority of the impacts are associated with temporary stream or wetland crossings. Two emergent wetlands will be impacted from installation of structure foundations resulting in 0.001-acre impact each. No permanent impacts to waters of the U.S. will exceed the threshold for compensatory mitigation, therefore, no mitigation for permanent impacts is required. Best Management Practices to minimize/avoid water quality impacts to nearby waters due to stormwater run-off will be implemented during and post construction. All temporary matting used shall be removed upon completion of activities and the area will be allowed to return to pre-construction conditions and contours. The project is located from the proposed Wittenberg substation (approximate Lat/Long: 37.668464, -89.542503) in Perry County, south approximately 15 miles to the Whipple substation (approximate Lat/Long: 39.479758, -89.525914) in Cape Girardeau County.

The project area is approximately 293 acres in total. During the environmental review, the area was found to contain summer bat roost trees, which could provide potential habitat for the endangered Indiana Bat and the threatened Northern Long-eared Bat. Tree clearing will be completed within 123 acres of suitable bat habitat. 4.1 acres of the 123 acres of tree clearing is determined to be within USACE jurisdiction, and the remaining 118.9 acres are on privately owned lands or other non-federal properties. A total of 8 acres of suitable habitat will be avoided. Ameren intends to avoid tree clearing between April 1-October 31, avoiding the active season, incidental take, and loss of non-volant young. USFWS concurred with the likely to adversely affect determination for Indiana and Northern Long-eared Bats, and a biological opinion provides a statement of anticipated incidental take as a result of the project. Additionally, bat mitigation is

required for the project through the purchase of 184.5 credits from the South Fabius Conservation Bank.

The Corps of Engineers has determined that this activity is authorized under Section 404 of the Clean Water Act by an existing Department of the Army nationwide permit for *Electric Utility Line and Telecommunications Activities*, as described in the January 13, 2021, and December 27, 2021, Federal Register(s), Reissuance and Modification of Nationwide Permits; Notice (86 FR, 2865), Appendix A (B) (57). This verification is valid until March 14, 2026, unless the District Engineer modifies, suspends, or revokes the nationwide permit authorizations in accordance with 33 CFR 330.5(d). If you commence, or are under contract to commence, this activity before the nationwide permits expire, you will have 12 months after the date the nationwide permit expire or are modified, suspended, or revoked, to complete the activity under the present terms and conditions of these nationwide permit. Enclosed is a copy of the nationwide permit and conditions and management practices with which you must comply. **The District Engineer has further conditioned this verification to include the following special condition:**

1. **The Federally Endangered Indiana Bat (*Myotis sodalis*), Gray bat (*Myotis grisescens*) and the threatened Northern Long-eared Bat (*Myotis septentrionalis*) are found in forested areas and stream corridors and/or use these areas for foraging. To “not adversely affect” these listed species, Ameren should cut or clear trees during the April 1 – October 31 time period. If all tree felling activities cannot be completed prior to April 1, tree felling may continue until May 1 or be conducted after August 31, outside of the non-volant pup season.**
2. **Eight acres of suitable bat habitat within the Action Area shall be avoided and retained.**
3. **Indirect effects resulting in habitat loss shall be mitigated at a 1.5:1 ratio, per the USFWS Voluntary Compensatory Mitigation Options for the Indiana Bat and Northern Long-eared Bat in Missouri (USFWS 2018), equating to a mitigation offset of 123 acres. Therefore, 184.5 acres of bat habitat mitigation credits shall be purchased from the South Fabius Conservation Bank.**
4. **Project route/alignment has been selected to minimize tree clearing to the extent practicable and shall not be altered during construction.**
5. **Biological monitors shall mark potentially suitable maternity roosting trees prior to access road construction for avoidance purposes.**
6. **The Project construction ROW shall be clearly marked to help ensure that contractors do not accidentally remove more trees than necessary.**
7. **Water trucks shall be used to dampen disturbed soils to control fugitive dust when construction causes dust that affects forested areas when roosting bats may be present (most frequently in summer, but also in spring and autumn).**
8. **All known rock outcroppings and potential caves/karst areas near the Project shall be avoided.**
9. **As a part of revegetation efforts within the Project ROW, Ameren shall include various species of milkweed (*Asclepias* spp.) that occur within southeast Missouri and are known to be the monarch butterfly’s preferred food and reproductive source to create new habitat for this species.**

10. Once tree clearing has been completed, the applicant shall contact this office so that we can be notified USFWS that tree clearing activities are complete.
11. All Conservation Measures identified in the Biological Assessment (BA) and discussed in USFWS's Biological Opinion shall be implemented. (Ameren must implement the Conservation Measures as described in the BO Section I – Description of the Proposed Action.)
12. Ameren shall immediately contact the Service's Missouri Ecological Services Field Office at (573) 476-9136 to report direct encounters between listed species and Project workers and their equipment whereby incidental take in the form of harm, injury, or death occurs. If the encounter occurs after normal working hours, the Applicant shall contact the Missouri Ecological Services Field Office at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the USACE shall follow the steps outlined in special condition 5.
13. Injured listed species must be cared for by a licensed veterinarian or other qualified persons. Dead individuals must be sealed in a resealable plastic bag containing a paper with the date and time when the animal was found, the location where it was found, and the name of the person who found it, and the bag containing the specimen frozen in a freezer located in a secure site, until instructions are received from the Service regarding the disposition of the dead specimen.
14. Report to the Service when tree clearing is completed.
  - a. The USACE should contact Kathryn Bulliner of our office at [Kathryn\\_Bulliner@fws.gov](mailto:Kathryn_Bulliner@fws.gov) (573-476-9136) when the USACE permits have been issued to Ameren.
  - b. Ameren or HDR should contact Kathryn Bulliner of our office at [Kathryn\\_Bulliner@fws.gov](mailto:Kathryn_Bulliner@fws.gov) (573-476-9136) once all tree clearing has taken place.
  - c. Ameren or HDR should contact Kathryn Bulliner of our office at [Kathryn\\_Bulliner@fws.gov](mailto:Kathryn_Bulliner@fws.gov) (573-476-9136) once all of the remaining project activities have been completed.
15. A Phase I Cultural Resource Survey was completed for the project. The survey identified three sites considered unevaluated. The sites were identified as 23CG1328, 23CG1329, and 23CG1330. All three shall be avoided to comply with Section 106 of the NHPA. If the sites cannot be avoided, Phase 2 testing shall be required, and the Section 404 authorization will be withdrawn until it is determined that the sites will not be affected by the Limestone Ridge Project and the work is in compliance with Section 106 of NHPA.
16. Temporary construction access, structures or fills within jurisdictional waters shall be removed once the activity is complete and the site shall be restored to pre-project conditions.

In accordance with General Condition number 30 of the Nationwide Permit, a compliance certification (Attachment A of this package) must be completed within 30 days of project completion, or the permit issuance may be revoked and considered null and void.

The Missouri Department of Natural Resources Water Protection Program (MDNR/WPP) has conditionally issued general Section 401 Water Quality Certification for this nationwide permit. If you have any questions regarding the water quality certification conditions, you may call Mr. Billy Hackett, MDNR/WPP, at 573-522-1131 or [Billy.Hackett@dnr.mo.gov](mailto:Billy.Hackett@dnr.mo.gov).

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other federal, state, or local approvals before beginning work. This permit verification does not convey property rights, nor authorize any injury to property or invasion of other rights.

You are reminded that the permit is based on submitted plans. Variations from these plans shall constitute a violation of Federal law and may result in the revocation of the permit. If this nationwide permit is modified, reissued, or revoked during this period, the provisions described at 33 CFR 330.6(b) will apply.

If you have any questions, please contact me at (314) 331-8579. Please refer to file number **MVS-2022-60**. I am forwarding a copy of this letter, without enclosures, to Mr. Billy Hackett, MDNR-WPP; Ms. Amy Rubingh, MDNR-SHPO; Ms. Kathryn Bulliner, USFWS; Mr. Justin Kesinger, USEPA and Mr. Matt Vitello, MDC. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to go to our Customer Service Survey found on our web site at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

Tyson Zobrist  
Regulatory Project Manager  
Regulatory Branch

**Enclosures**

Nationwide Permit Conditions

Copy Furnished (electronically):  
Michael Bell, HDR, Inc.

**ATTACHMENT A**

**COMPLETED WORK CERTIFICATION**

Date of Issuance: November 3, 2022

File Number: MVS-2022-60

Name of Permittee: Ameren Transmission Line Company of Illinois

Name of Project: Limestone Ridge 138kV Transmission Line Project

River Basin/County/State: Mississippi / Perry & Cape Girardeau / Missouri

Project Manager: T. Zobrist

Upon completion of this activity authorized by this permit and any mitigation required by the permit, sign this certification, and return it to the following address:

U.S. Army Corps of Engineers  
Attn: Regulatory Branch (OD-F)  
1222 Spruce Street  
St. Louis, Missouri 63103-2833

(Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.)

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date