EXHIBIT B

Federal Permitting Records and Related Correspondence for the Millcreek BESS Site

File No. EA-2026-0183

No.	Date	Document
B-1	July 20, 2026	Request for Approved Jurisdictional Determination and Authorization under Nationwide Permit 14, Millcreek BESS Project (U.S. Army Corps of Engineers File No. MVS-2026-426), pages 1-2
B-2	Sept. 22, 2026	Ameren Missouri letter to U.S. Army Corps of Engineers supplementing the Pre-Construction Notification
B-3	Sept. 10, 2026	Drawing C-507, WOTUS Crossing Exhibit, Millcreek BESS Pre-Construction Package
B-4	Sept. 21, 2026	U.S. Army Corps of Engineers Approved Jurisdictional Determination letter and memorandum excerpt
B-5	Sept. 18, 2026	U.S. Fish and Wildlife Service species list excerpt (bald and golden eagles), Project Code 2026-0108346
B-6	Sept. 18, 2026	U.S. Fish and Wildlife Service concurrence letter (bat species)
B-7	Date not shown	Missouri State Historic Preservation Office Review and Compliance Information Form, Millcreek BESS, pages 1-2
B-8	Nov. 6, 2026	Email from U.S. Army Corps of Engineers project manager to Samantha Capstick
B-9	Sept. 4, 2026	Email from Nathan Giessmann, Ameren Missouri, to Presiding Commissioner Joseph Kaimann, produced under the Missouri Sunshine Law
B-10	Nov. 17 and Nov. 19, 2026	Email thread from Chad LaMontagne, U.S. Army Corps of Engineers project manager, to Mary E. Geeding and Samantha Capstick, including his response to photographs of site work
B-11	Nov. 16, 2026	Email from Sarah Wright, General Permits, MS4 and 401 Unit Supervisor, Missouri Department of Natural Resources, to Mary E. Geeding

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Civil & Environmental Consultants, Inc.

July 20, 2026

(b) (6)
Ameren Missouri
1901 Chouteau Avenue
St. Louis, Missouri 63166

Subject: Request for an Approved Jurisdictional Determination and Authorization under Nationwide Permit 14
Millcreek BESS Project
Lincoln County, Missouri
CEC Project 354-818

Dear (b) (6)

Pleased see the enclosed Approved Jurisdictional Determination (AJD) Request and Nationwide Permit Pre-Construction Notification (PCN) to request authorization from the U.S. Army Corps of Engineers (USACE) under Nationwide Permit (NWP) 14 (Attachment A). The proposed Millcreek Battery Energy Storage System (BESS) project is located in Lincoln County, Missouri (39.1664, -90.9812; Figure 1).

The project will help meet growing customer electricity demand and support reliable electric service. Battery storage facilities store electricity and deliver it back to the grid when it is needed most, including during extreme weather. NWP 14 is applicable for providing an access road to the BESS Project.

1.0 WATERS DELINEATION

A waters delineation of a 328-acre area of interest (AOI) was completed in December 2025. The AOI was delineated to aid in Ameren's proposed layout design for the BESS facility to avoid and minimize impacts to potential waters of the United States (WOTUS). The waters delineation report is included as Attachment B. In total, two (2) wetlands, fourteen (14) streams, and two (2) open waters were identified within the AOI. The USACE aquatic resources ORM upload form is included as Attachment C.

2.0 AJD REQUEST

It is CEC's opinion that Stream 19D and Stream 25B would be considered WOTUS and that Stream 26A and Open Water 17 would not be considered WOTUS. An AJD is being requested for the following features:

- Stream 19D – Intermittent, relatively permanent water (RPW)
- Stream 25B – Intermittent, RPW
- Stream 26A – Ephemeral, non-RPW
- Open Water 17 – Constructed in uplands, no connection with a WOTUS resource

3.0 PROJECT IMPACTS

The project area is approximately 34 acres (Figure 2). The Preliminary Plan is included in Attachment D. Three (3) streams and one (1) open water feature will be permanently impacted by the proposed project. The permanent impacts include the installation of culverts and riprap within the three (3) streams for the construction of an access road to the BESS project area as well as the grading and filling of one (1) open water for the BESS project footprint. The proposed WOTUS and likely non-WOTUS impacts are detailed below.

- Stream 19D – WOTUS (See Appendix D – sheet C-402 – culvert plan)
  - Cumulative: 127 linear feet (LF) – 6 feet ordinary high water mark (OHWM) / 762 square feet (sqft) / 0.018 acre
    - Riprap: 57 LF, 342 sqft, 0.008 acre
    - Culvert: 70 LF, 420 sqft, 0.010 acre
- Stream 25B – WOTUS (See Appendix D – sheet C-403 – culvert plan)
  - Cumulative: 197 LF – 5 feet OHWM / 985 sqft / 0.023 acre
    - Riprap: 61 LF, 305 sqft, 0.007 acre
    - Culvert: 136 LF, 680 sqft, 0.016 acre
- Stream 26A – non-WOTUS (See Appendix D – sheet C-401 – culvert plan)
  - Culvert/Riprap: 107 LF – 3 feet OHWM / 321 sqft / 0.007 acre
- Open Water 17 – non-WOTUS
  - Grading/Fill: 0.16 acre

A fourth culvert will be installed immediately southeast of the culvert on Stream 25B along an upland drainage feature which had no defined bed or bank and did not meet the criteria of a wetland (See Appendix D – sheet C-404). The remaining wetlands, streams, and open waters within the AOI, outside of the project area, will be avoided by the proposed project. Proposed waters impacts and avoidances are illustrated on the Preliminary Plan included in Attachment D and Figure 2.

Best management practices (BMPs) will be used throughout the project to minimize land disturbance and potential impacts to wetlands and/or streams.

4.0 MITIGATION

For linear projects, the impact resulting from the crossing of an individual WOTUS at each location is evaluated independently. Therefore, compensatory mitigation for the project is not required, as impacts to streams at each crossing will be below the 0.03-acre threshold for compensatory mitigation under NWP 14.

Exhibit B-2

September 22, 2026

U.S. Army Corps of Engineers
St. Louis District – Regulatory

<submitted electronically>
(b) (6)

Re: Request for a Pre-Construction Notification (PCN) under Nationwide (NWP) 14
Millcreek BESS Project
Ameren Missouri
Lincoln County, Missouri
MVS-2026-426

Dear Mr. LaMontagne,

As requested by the U.S. Army Corps of Engineers (USACE) on August 7, 2026 via e-mail, a Phase I Archaeological Survey was conducted for portions of Millcreek BESS Project that are proposed to be disturbed. Ameren Missouri's (Ameren) consultant, Civil & Environmental Consultants, Inc. (CEC), completed the survey August 17-20, 2026. No archaeological material was recovered during the Phase I Survey and CEC does not recommend any further work. A copy of this survey and compliance information form are attached.

After the survey was completed, Ameren's construction contractor for the Project determined that they needed quick temporary crossings next to the proposed culvert locations in the potentially jurisdictional Waters of the United States (WOTUS) to allow for early construction access while the main access road was being constructed. The temporary crossings are needed to allow construction to cross the potentially jurisdictional WOTUS to deliver materials and start construction of the BESS facility while the access road is also being constructed. The proposed temporary crossings will allow the project schedule to be maintained as originally planned.

The contractor proposed the use of mud mats parallel to the proposed access road as shown in the Engineering Drawing attached. The temporary disturbed area is about 10 ft x 6 ft in each of the waterways, with temporary WOTUS impacts of approximately 0.001 acre. Based on survey results and the close proximity of these temporary crossings with the usage of mud mats, no impacts to archaeological resources are anticipated.

Ameren notes that the Public Service Commission (PSC) held five public meetings on the Project with two in-person meetings occurring within the immediate area around Millcreek. Additionally, one virtual meeting was held. All Ameren Missouri customers near the project area who have an email or text on file received notice of the meetings and received a link to the website (https://www.ameren.com/reliability/generation/millcreek) for additional information. Copies of the Local Public Hearing Notices are attached. In the footnotes of this letter

below are additional links providing details about these meetings. These meetings had 100+ and 250+ personnel in attendance and were widely covered by media.

Ameren respectfully requests authorization under Nationwide Permit 14 for permanent impacts to potential WOTUS via culverts (as previously discussed in the July 21, 2026, notification) and temporary impacts to potential WOTUS via mud mats to support access to the proposed Millcreek Battery Energy Storage System (BESS) Project location in Lincoln County, Missouri. It is also worth noting that in the July 21, 2026, notification, email correspondence between Ameren and USFWS discussed emergence surveys if trees were to be cleared prior to October 15th. Due to the schedule being pushed back, Ameren plans to clear trees after October 15th and a copy of the USFWS D-key is attached as requested.

If you have any questions, please feel free to contact me at (b) (6) or (b) (6).

Sincerely,

(b) (6)
(b) (6)
Ameren Missouri
Environmental Services

Attached

1. Archaeological Survey
2. Compliance Information Form
3. Engineering Drawing Showing Temporary Impacts via Mud Mats
4. Local Public Hearing Notices
5. USFWS D-key

The PSC sent press releases about the meetings:

https://psc.mo.gov/Electric/PSC_Sets_Local_Public_Hearing_Schedule_in_Ameren_CCN_Request_-_pr-27-06

https://psc.mo.gov/Electric/PSC_Announces_Local_Public_Hearing_in_Ameren_CCN_Request_-_pr-27-13

Transcripts of the testimony at all the meetings can be found here:

https://efis.psc.mo.gov/Case/Display/102764

PSC order setting first round of public hearings:

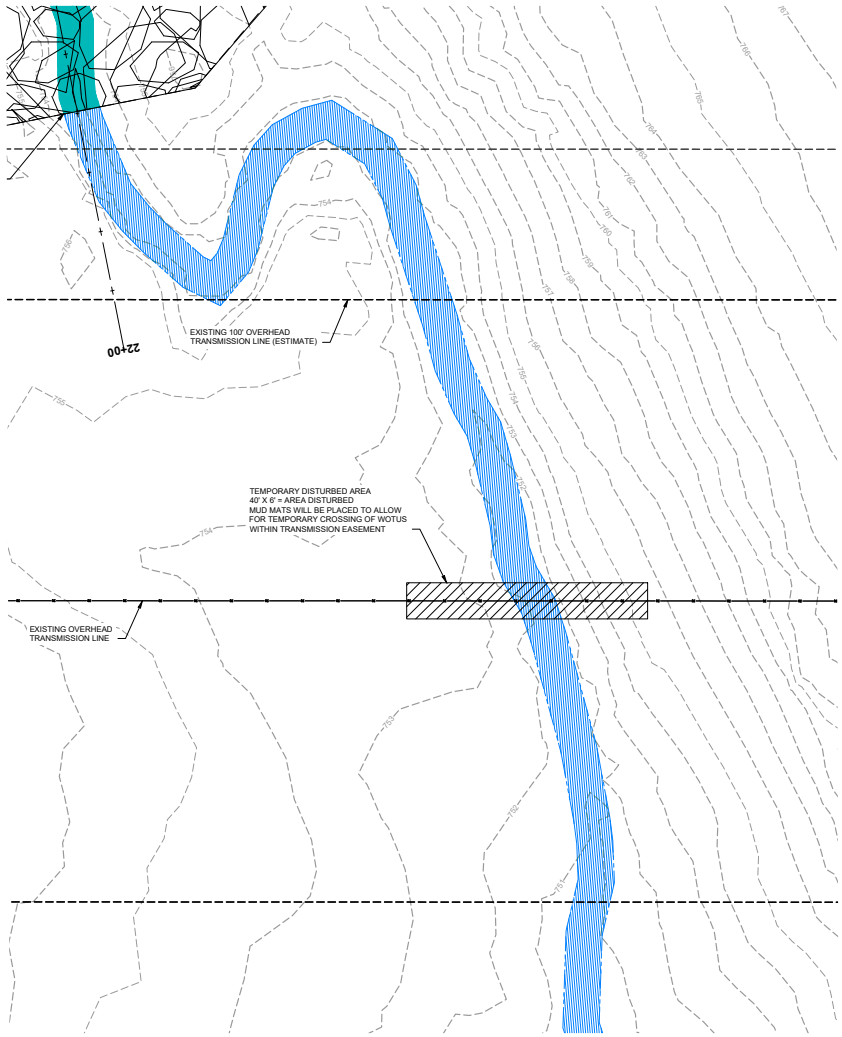
https://efis.psc.mo.gov/Case/FilingDisplay/648305

PSC order setting additional public hearing:

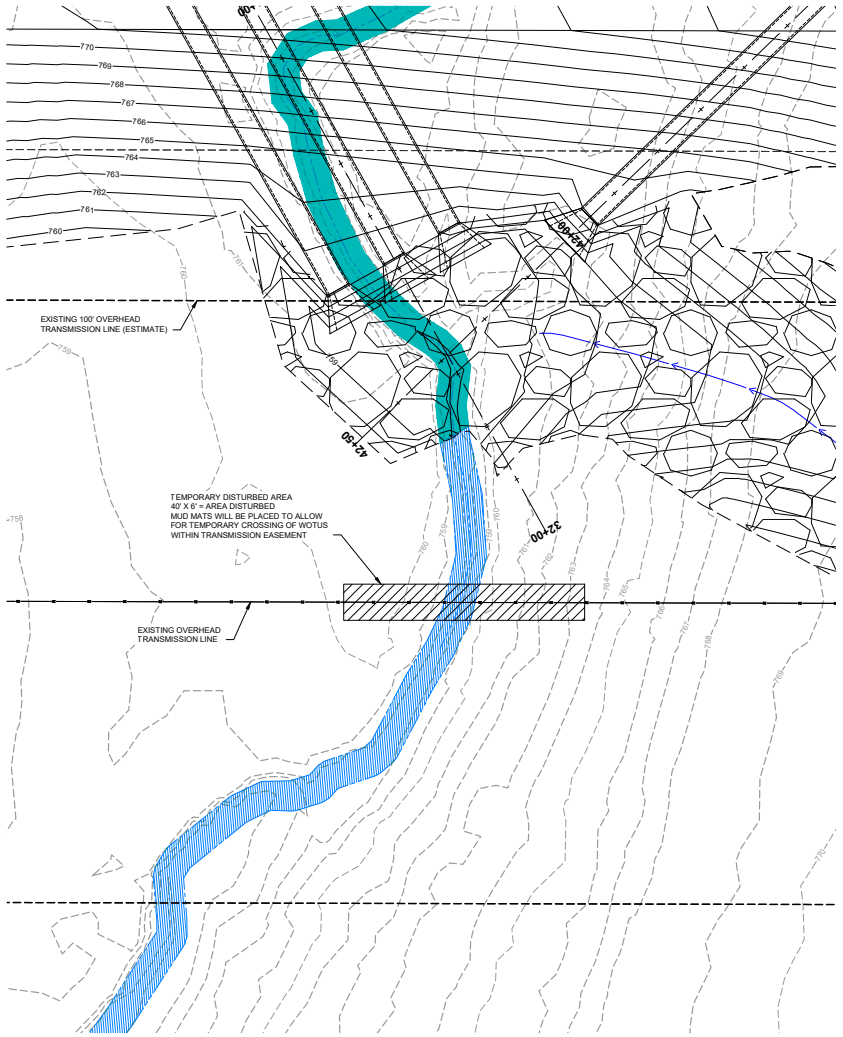
https://efis.psc.mo.gov/Case/FilingDisplay/650483

cc: C. Giesmann M. Welsh K. Slaughter M. Wagstaff

Exhibit B-3



WOTUS CROSSING I PLAN
SCALE: 1" = 10'



WOTUS CROSSING II PLAN
SCALE: 1" = 10'

PRELIMINARY
WORK-IN-PROGRESS
Thursday, September 10, 2026 10:53:27 AM

THE UNDERGROUND UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REFLECT THE ACTUAL EXISTENCE, NONEXISTENCE, SIZE, TYPE, NUMBER, OR LOCATION OF THESE OR OTHER UTILITIES. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ALL UNDERGROUND UTILITIES, SHOWN OR NOT SHOWN, AND SHALL LOCATE THE UTILITIES IN THE FIELD PRIOR TO ANY GRADING, EXCAVATION, OR CONSTRUCTION IMPROVEMENTS.

REV.	DATE	DESCRIPTION	APPROVED
C	09/04/2026	ISSUED FOR FINAL 60% REVIEW	KTFO
B	08/07/2026	ISSUED FOR 60% REVIEW	KTFO
A	07/02/2026	ISSUED FOR FINAL 30% REVIEW	KTFO

T:\Working\26117.00 - Ameren - Mill Creek - Study\8-CDG Drawings\AutoCAD\26117-CULVERT PROFILES.dwg
rkertz 09/10/26-10:53

PLOT SCALE FACTOR 1

CDG ENGINEERS
One Campbell Plaza
St. Louis, Missouri 63139
T: 314 781 1770
F: 314 781 1705
Missouri State Certificate of Authority # 2273

Ameren

KEVIN THOMAS FOY O'SHAUGHNESSY
MO# PE-2017000345

rkertz
September 10, 2026

WOTUS CROSSING EXHIBIT
AMEREN
BATTERY ENERGY STORAGE SYSTEM
MILLCREEK BESS PRE-CONSTRUCTION PACKAGE

CDG PROJECT NO.
26117

DRAWING NO.
C-507

Exhibit B-4

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

21 September 2026

Regulatory Division
File Number: MVS-2026-426

(b) (6)
Ameren Missouri
1901 Chouteau Avenue
St. Louis, Missouri 63166

Dear (b) (6)

This letter is regarding an approved jurisdictional determination for the project known as *Millcreek BESS*. The project is a battery storage facility to meet growing electricity demand. The project is located in Section 23, Township 51 North, Range 1 West, in Lincoln County, Missouri. Approximate geographic coordinates for the site are 38.1574°, -90.9778°.

The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in Sackett on 25 May 2023. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Missouri due to litigation. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

The features included in this approved jurisdictional determination are:

i. Stream 19D (3954'), jurisdictional, Section 404
ii. Stream 25B (2166'), jurisdictional, Section 404
iii. Stream 26A (1899'), non-jurisdictional
iv. Open Water 17 (0.16-acres), non-jurisdictional

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the boundary in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five-year period provided you submit a written request, and our staff are able to verify that the limits established during the original determination are still accurate.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. Mississippi River, a navigable in fact waterway.[6]

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. Flow leaves the site to the west via Mill Creek, which flows into the Cuivre River, a primary tributary of the Mississippi River.

6. SECTION 10 JURISDICTIONAL WATERS[7]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[8] N/A

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

    a. TNWs (a)(1): N/A
    b. Interstate Waters (a)(2): N/A

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[6] This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

[7] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

[8] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

for a Conditional Letter of Map Revision (CLOMR) from FEMA. Please contact the appropriate POC at Missouri Ecological Services for any additional consultation needs.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example "No Effect" document also can be found on the S7 Technical Assistance website.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project then project proponents can conclude the proposed activities **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain Life History Information for Listed and Candidate Species through the Species website.

Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records. An example "No Effect" document also can be found on the S7 Technical Assistance website.

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of recommendations that minimize potential impacts to migratory birds. Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed voluntary guidelines for minimizing impacts.

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on

Exhibit B-6

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Missouri Ecological Services Field Office
101 Park Deville Drive
Suite A
Columbia, MO 65203-0057
Phone: (573) 234-2132 Fax: (573) 234-2181

In Reply Refer To: 09/18/2026 17:53:35 UTC
Project code: 2026-0108346
Project Name: Millcreek BESS Project

Subject: NLAA Concurrence Letter for 'Millcreek BESS Project' for species and critical habitat covered by the Missouri Endangered Species Determination Key (Missouri DKey)

Dear Chad LaMontagne:

The U.S. Fish and Wildlife Service (Service) received on **September 18, 2026** your effects determination for the 'Millcreek BESS Project' (Action) using the Missouri Threatened and Endangered Species Determination Key (Missouri DKey) within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Missouri DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Gray bat (*Myotis grisescens*)	Endangered	NLAA
Indiana bat (*Myotis sodalis*)	Endangered	NLAA
Tricolored bat (*Perimyotis subflavus*)	Proposed Endangered	NLAA

Consultation Status

For species or critical habitat listed above with a determination of "No Effect (NE)" or "Not Likely to Adversely Affect (NLAA)", no further action is necessary. If the Service does not contact you within 15 calendar days to clarify details of the Action or request additional information, consultation on the species or critical habitat is considered complete and this letter documents the Service's concurrence with the NLAA determination (concurrence is not required on a NE determination).

Ensuring Accurate Determinations

All information submitted into IPaC must accurately represent the full scope and details of the Action. **Failure to accurately represent or implement the Action as detailed in IPaC and your responses to the Missouri Dkey questions, including implementation of conservation measures, invalidates this letter, including the Service's concurrence with any NLAA determinations.**

15-Day Review Period

The Service will notify you within 15 calendar days if additional information is needed to confirm the proposed Action reached the appropriate determination for any species listed above with a NLAA determination. This verification period allows the Missouri Ecological Services Field Office to apply local knowledge to evaluate the Project, as we may identify a small subset of actions having impacts that we did not anticipate when developing the key.

Future Project Changes

Please re-evaluate the Action in IPaC or contact the Missouri Ecological Services Field Office if: 1) the scope or location of the proposed Action is changed; 2) the Action is modified in a manner that causes effects to listed species in a manner or to an extent not previously considered; 3) new information reveals that the Action may affect listed species in a manner or to an extent not previously considered; or 4) a new species is listed. Re-evaluation of the Action in IPaC or coordination with the Service should occur before changes are implemented and as soon as the new information becomes available.

Conservation Measures

Based on your answers to the Missouri Dkey, including implementation of specific conservation measures, the proposed Action may affect but is not likely to adversely affect (NLAA) one or more listed species or critical habitat. The accuracy of the NLAA determination(s) and the Service's concurrence with the determination(s) are contingent on implementation of these measures, which are listed below.

Bat Species *(Indiana Bat, Northern Long-eared Bat, and/or Tricolored Bat)*

- Removal of suitable roost trees will not occur during the summer occupancy period (April 1 through October 15)
- The action will not result in modification to a cave or karst system, such as changes to the physical entrance or environment, the microclimate, or hydrology of the cave or mine.

Proposed Species or Proposed Critical Habitat

Federal agencies are required to confer (or "conference") with the Service on proposed species or proposed critical habitat only when an action is likely to jeopardize the continued existence of the proposed species or result in the destruction or adverse modification of the proposed critical habitat. However, proactively conferring can help resolve potential conflicts if the species is listed or the critical habitat designated before the action is complete. Therefore, we recommend assessing potential impacts of your Action to the proposed species or proposed critical habitat listed above and assessing the likelihood of your project being complete before a listing or critical habitat designation may occur.

Exhibit B-7

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS

STATE HISTORIC PRESERVATION OFFICE REVIEW AND COMPLIANCE INFORMATION FORM (PAGE 1 OF 3)

FOR SHPO USE ONLY	
SHPO PROJECT NUMBER	SHPO LOG NUMBER

Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable? ☐ YES ■ NO

Submit one application for each project for which comment is requested. Consult the *Instructions for Completion of the Review and Compliance Information Form* when completing this application. Submission of a completed Review and Compliance Information Form with adequate information and attachments constitutes a request for review pursuant to Section 106 or 110 of the National Historic Preservation Act of 1966 (as amended). We reserve the right to request more information. **Please refer to the CHECKLIST on Page 3 to ensure that all basic information relevant to the project has been included.** For further information, refer to our website at *http://mostateparks.com/shpo* and follow the links to Section 106 Review.

NOTE: Section 106 regulations provide for a 30-day response time by the Missouri State Historic Preservation Office from the date of receipt.

I. REVIEW TYPE

■ Section 106 ☐ Section 110 ☐ Courtesy Review

II. SUBMISSION TYPE

■ New Submission ☐ Existing Project (Provide Existing Project Number)

Does this submission include a cultural resource investigation report? ■ YES ☐ NO
(If yes, you must include a *Cultural Resource Investigation Report Form*)

Does this submission include architectural plans and/or construction documents (If yes, include them in your submission)? ☐ YES ■ NO

Is this submission related to a programmatic agreement (PA) or memorandum of agreement (MOA)? ☐ YES ■ NO

If yes, provide PA or MOA Draft number _____ or MOA or PA Mitigation Stipulation number _____

III. PROJECT INFORMATION

PROJECT NAME (include any agency assigned project numbers and please do not include applicants' names)
Millcreek BESS- Ameren - Phase I Archaeological Survey Report

PROJECT DESCRIPTION (additional information may be provided in separate sheets)
Mill Creek is the proposed construction on the property currently occupied by pasture, agricultural fields, and associated structures. This construction will include soil grading.

IV. PROJECT LOCATION

STREET ADDRESS				
644 Millcreek Road				
CITY			STATE	ZIP
Silex			MO	63377
COUNTY	LATITUDE/LONGITUDE	SECTION	TOWNSHIP	RANGE
Lincoln	39.156957, -90.977314	Grant 1767	N/A	N/A

V. PROJECT CONTACT INFORMATION

PROJECT CONTACT NAME	PROJECT CONTACT ORGANIZATION
(b) (6)	Ameren Missouri
PROJECT CONTACT EMAIL	PHONE (EXT.)
(b) (6) @ameren.com	(b) (6)

STREET ADDRESS		
(b) (6)		
CITY	STATE	ZIP
(b) (6)	(b) (6)	(b) (6)

VI. FEDERAL INVOLVEMENT

Does this project involve approval, funding, permit, or license from a federal agency or involve federal land or property? ■ YES (Please complete this section) ☐ NO (Skip to next section)

FEDERAL AGENCY	FEDERAL PROGRAM, FUNDING, OR PERMIT TYPE
Army Corps of Engineers (Corps/USACE)	Section 404 Nationwide Permit 57

FEDERAL AGENCY CONTACT PERSON	EMAIL	PHONE
Kenny Pointer	(b) (6) @usace.army.mil	(816) 389-3833

Exhibit B-7

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS

STATE HISTORIC PRESERVATION OFFICE REVIEW AND COMPLIANCE INFORMATION FORM (PAGE 2 OF 3)

VII. CONTACTS FOR CC (please indicate all individuals to Cc for SHPO response letter)

CONTACT NAME	ORGANIZATION	EMAIL
Jim Snyder	CEC	(b) (6) @cecinc.com
Katie Astroth	CEC	(b) (6) @cecinc.com
Jessica Beach	CEC	(b) (6) @cecinc.com

VIII. IDENTIFICATION OF HISTORIC PROPERTIES: ARCHAEOLOGY

Does this project involve ground-disturbing activity (including staging and borrow areas)? ■ YES (Please complete this section) ❑ NO ❑ WILL SUBMIT LATER

DESCRIBE THE NATURE OF GROUND-DISTURBING ACTIVITY, INCLUDING BUT NOT LIMITED TO DEPTH, WIDTH, AND LENGTH

A battery storage system will be constructed. The depth, width, and length are unknown at this time. It is likely that the Ap horizon will be removed.

DESCRIBE THE PREVIOUS AND CURRENT LAND USE, CONDITIONS, AND DISTURBANCES

Current land use includes pasture and agricultural fields and associated farm structures. An electrical ROW runs through the project area northwest to southeast. A wooden barn from ca. 1950 is in disrepair but still in use by the landowner. Another structure of the same time period was demolished in 1984 to construct a new pole barn. Other farm structures built between 1956 and 1972 are also in disrepair but still appear to be in use by the landowner.

Will the project require fill material? ❑ YES (If yes, indicate borrow areas on project area map) ■ NO

Are you aware of archaeological sites on or adjacent to the project area? ■ YES (If yes, indicate all archaeological sites on project area map) ❑ NO

IX. IDENTIFICATION OF HISTORIC PROPERTIES: BUILDINGS AND STRUCTURES

Does the project area or APE include buildings, structures, objects, or designed landscape features (such as parks or cemeteries)? ■ YES (Please complete this section and provide a map showing resource locations) ❑ NO (Skip to next section)

ADDRESS AND RESOURCE NAME OR NUMBER	DATE OF CONSTRUCTION	DATES OF ADDITIONS
644 Millcreek Road	1956-1972	
644 Millcreek Road	1956-1972	
644 Millcreek Road	1956-1972	
644 Millcreek Road	1984	

If there are more resources include a separate page identifying this information.

Is the project area or APE within or adjacent to a property or district that is listed in or eligible for listing in the National Register of Historic Places? ❑ YES _____ ■ NO ❑ UNKNOWN

X. DETERMINATION OF EFFECT

■ No Historic Properties Affected

❑ Historic Properties Will Be Affected and the Project Will (Check One):

■ Have **NO ADVERSE EFFECT** on Historic Properties within the area of potential effects (APE).

❑ Have an **ADVERSE EFFECT** on One or More Historic Properties in the APE and the Federal Agency, or Federally Authorized Representative, will Consult with the SHPO and Other Parties to Resolve the Adverse Effect Under CFR 800.6.

BASIS FOR DETERMINATION OF EFFECT

The structures are either not 50 years in age or are not eligible under criteria A, B, or C and therefore the project will not have an adverse effect.

> St. Louis, Missouri 63103
>
>

Exhibit B-8

3 attachments

MO 2026 NWPs 401 WQC.pdf
260K

MO 2026 Regional Conditions.pdf
1244K

NWP 14 Linear Transportation Projects 2026.pdf
368K

Lamontagne, Chad M CIV USARMY CEMVS (USA) <Chad.M.Lamontagne@usace.army.mil>
To: Samantha Capstick <srcapstick@gmail.com>
Cc: "marygeeding@gmail.com" <marygeeding@gmail.com>

Fri, Nov 6, 2026 at 1:57 PM

Samantha,

It sounds like you received the FOIA materials, that's good news. I was beginning to wonder. Once you've had time to review them, don't hesitate to reach out with some days of availability and we can set up a time to discuss them further. Let me tackle these recent questions, I'll use the same numbering that you used in your message:

1. No, the NWP 14 verification has not been issued. The Corps' responsibilities under Section 7 of the Endangered Species Act (General Condition 18) were completed. The project was submitted to the US Fish & Wildlife Service's IPaC website on 18 September 2026, and a "Not Likely to Adversely Affect" determination was concurred with under the condition that any tree clearing not occur within the bat roosting period: April 1st thru October 31st. The Species List & Concurrence Letter were included in the FOIA documents. The Corps' responsibilities under Section 106 of the National Historic Preservation Act (General Condition 20) are underway. Our archaeologist determined that a Phase 1 Cultural Resource Survey was needed for the site. The archaeological survey was submitted to us on 23 September 2026, and the architectural review was submitted to us on 28 October 2026. The Corps arrived at a finding of "No Historic Properties Affected". Those reports were submitted to the Tribes and the Missouri State Historic Preservation Office on 28 October 2026 for their 30-day review and comment period. The surveys were submitted to us after your FOIA request, so were not included in the documents you received.
2. The Cultural Resource Phase 1 Survey was submitted to our office after your FOIA request, so it was not included in the information sent to you. But if you look at the project boundary on pages 7-8 of the 149-page submittal from Missouri Ameren (dated 21 July 2026) the survey area boundary and the project boundary are very similar. The temporary mud mat locations are within the area that was surveyed for cultural resources as well as assessed for impacts to threatened and endangered species.
3. MoSHPO has not yet responded as of the date of this email. Oftentimes projects will qualify for multiple Nationwide Permits. A subdivision, for example, could qualify for NWP 14 or NWP 29.
4. The reports were submitted to 21 Tribes for their review and comment. Only 1 response has been received as of the date of this letter: The Osage Nation Historic Preservation Office responded on 4 November 2026 with a concurrence with the Corps' findings.
5. The same 149-page document referenced in #2 above has the culvert designs. Look at pages 133-136. Based on the intermittent flow regime, Missouri Regional Conditions require the culverts to pass ~50% of flow thru them. Stream 19D has an average width of 6', and the preliminary culvert design dated 17 July 2026 calls for (3) 54" culverts (just shy of 48 sq ft). Stream 25B has an average width of 5', and the preliminary culvert design dated 17 July 2026 calls for (3) 42" culverts (just shy of 30 sq ft). The culverts, as proposed, meet Missouri Regional Condition #1.

Exhibit B-9

Outlook

Millcreek BESS Follow-Up

From Giessmann, Nathan D <NGiessmann@ameren.com>
Date Fri 9/4/2026 2:03 PM
To Joseph Kaimann <jkaimann@lincolncomo.gov>

Good afternoon Commissioner Kaimann,

Please see the requested Ameren responses to the previously shared Millcreek BESS questions below. As always, if you have any further questions, please let us know.

What happens to the batteries when they reach the end of their useful life? Are they recycled or treated as waste?

Like other utility infrastructure, battery storage systems are managed responsibly throughout their lifecycle. The battery modules used in utility-scale energy storage systems are expected to last approximately 20 years. When equipment reaches the end of its useful life, materials are reused, recycled or disposed of in accordance with applicable laws and regulations. An established recycling industry exists for lithium-ion batteries, with specialized recyclers able to recover materials such as lithium, copper, aluminum and graphite for use in other products.

Will a battery storage facility affect groundwater or underground water tables?

Battery storage facilities do not use water as part of the energy storage process during normal operations. Environmental studies completed for the proposed Millcreek BESS project included reviews of site conditions, water resources, drainage, and stormwater considerations. Studies identified no recognized environmental concerns related to groundwater, and generally water-related impacts will be limited. Specific focus will be given to the project entrance road where stream crossings may be required. Site plans also include stormwater management and containment features designed to keep runoff managed on-site as required to protect nearby waterways/groundwater.

How does Ameren Missouri compensate neighboring property owners if property values decline?

The proposed Millcreek BESS project would be located more than 1,500 feet, about a quarter mile, from the nearest home. The project would be surrounded by significant undeveloped acreage, existing vegetated terrain and wooded areas to maintain separation from neighboring land uses.

Property values are influenced by many factors and can vary from one property and market to another. Additionally, Ameren Missouri is not aware of any nationally recognized research finding that utility-scale battery storage facilities like the proposed Millcreek BESS project reduce nearby property values. The limited research conducted to date has not found a consistent, measurable impact on surrounding property values. Ameren Missouri remains focused on responsible project design, community engagement and maintaining proper setbacks from neighboring properties.

Exhibit B-9

Will there be noise associated with the battery project?

No. The facility is not expected to create noticeable noise for nearby residents. Battery storage facilities do contain small cooling fan systems that operate as needed during charging and discharging, but those cooling systems are inaudible at the property line.

The proposed facility is planned on Ameren Missouri-owned property alongside the main north-south highway for the county which is used by more than 10,000 cars a day. It is designed with substantial setbacks of 1,500 feet from the nearest home, and undeveloped buffer areas of more than 200 acres which will maintain separation from all existing neighboring properties.

Has wildlife been considered? What about eagles and other protected species?

Environmental review is an important part of project development. For the proposed Millcreek BESS project, Ameren Missouri has coordinated with Missouri and federal environmental agencies, including the U.S. Fish and Wildlife Service, regarding potential protected species in the area. Environmental studies and agency reviews did identify habitat considerations — predominately bat species — which have informed Ameren's approach to proposed project construction and design. Ameren Missouri will take the necessary steps to avoid negative impacts to protected species and the surrounding environment arising from project-related activities. The company will continue to work with appropriate agencies throughout project review and any approved construction.

Thanks,
Nate

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Gmail Nikki Samantha <alignedmommas@gmail.com>

Fwd: [Non-DoD Source] Re: Ameren Millcreek BESS (MVS-2026-426)

Lamontagne, Chad M CIV USARMY CEMVS (USA) <Chad.M.Lamontagne@usace.army.mil> Thu, Nov 19, 2026 at 1:19 PM

To: Mary Geeding <marygeeding@gmail.com>
Cc: Samantha Capstick <srcapstick@gmail.com>, Nikki Samantha <alignedmommas@gmail.com>

Mary,

Thank you for the photos. That activity is certainly beyond what I would like to see prior to the NWP verification, and I am going to reach out to Ameren today. I'll look at your other comments as I get time.

Take care,

Chad LaMontagne, PWS

US Army Corps of Engineers

Regulatory Project Manager

CEMVS-RD

1222 Spruce Street

St. Louis, Missouri 63103

From: Mary Geeding <marygeeding@gmail.com>
Sent: Thursday, November 19, 2026 11:26 AM
To: Lamontagne, Chad M CIV USARMY CEMVS (USA) <Chad.M.Lamontagne@usace.army.mil>
Cc: Samantha Capstick <srcapstick@gmail.com>; Nikki Samantha <alignedmommas@gmail.com>
Subject: Re: [Non-DoD Source] Re: Ameren Millcreek BESS (MVS-2026-426)

Hi Chad,

Thank you again for your detailed response on November 17 regarding the Millcreek BESS project and your willingness to meet with us.

I am reaching out because we have photographs and video documenting active earthmoving and land disturbance at the proposed Millcreek BESS site in Lincoln County.

The photographs show excavators operating, topsoil being removed, exposed soil, grading, and other earthmoving activity near the roadway and farther into the property. This appears to extend beyond simply staging equipment or conducting surveys.

I am attaching the photographs and video for your review and would appreciate clarification about whether these activities are permitted at this stage.

In your November 17 email, you specifically stated:

"The NWP 14 for this project has not yet been verified."

On Tue, Nov 17, 2026 at 1:01 PM Lamontagne, Chad M CIV USARMY CEMVS (USA) <Chad.M.Lamontagne@usace.army.mil> wrote:

> Mary,
>
> For the upcoming three weeks, I am available Wednesday the 18th, Tuesday the 1st, and Wednesday the 2nd. If those work on your end, pick a time and place, and we can sit down and discuss.
>
> 1. It is my understanding that the temporary crossings discussed in the 22 September document are in addition to the impacts discussed in the 10 September document. The Corps will be considering the larger total number for the impacts associated with the crossing. We have no received updated drawings. These impact values are still below the mitigation threshold (0.03-acres), and each crossing is considered separately in that calculation. While our permit area is only the footprint of the crossings, the larger footprint of the BESS facility was assessed in the cultural resources and threatened/endangered species reviews.
> 2. The Corps has not received any design documents beyond what was contained in the original submittal. I am unaware of any planned design changes that would impact any of the other aquatic resources previously identified in the delineation report. I am reviewing the crossings based on the documentation received to date. Ameren has not submitted erosion-control, stabilization, and restoration plans for the temporary crossings.
> 3. The Corps has not received any information regarding the presence of eagles within or near the project site. The USFWS IPaC review did not uncover any Eagle/Migratory Bird concerns when it was run. I have an email inquiry out with the Missouri Department of Conservation to see if there are any State listed species of concern. If there are active nests within 660' of the crossings, then seasonal construction restrictions or a take permit would need to be applied for thru USFWS. It is entirely the responsibility of the permittee (Missouri Ameren) to comply with General Condition #19 as the Migratory Bird Treaty Act (MBTA) & the Bald and Golden Eagle Protection Act (BGEPA) are both self-certifying, independent legal obligations of the permittee.
> 4. I think the NWP 57 references were from the applicant materials, while mentions of NWP 14 are mine. My review process doesn't change based on the NWP selected, so I don't see much need for reconciling differences there. I'm not sure why someone would state that no fill is involved in the project, because there will be fill. I also don't think that discrepancy changes the resource review or permitting process.
> 5. The controlling dates for tree clearing restrictions will come from the USFWS. I may have an old cheat sheet (post it note stuck to the side of my computer), and if USFWS is ok with clearing restrictions only going to 15 October, the Corps is too. I am not familiar with the timelines associated with tree clearing restrictions as they apply to eagle species.
> 6. The NWP 14 for this project has not yet been verified. The review is currently underway, and we are awaiting the closing of the coordination window with Missouri SHPO and the Tribes. When it comes to "what sort of work can I do while my permit application is being reviewed?" My answer is always the same: "Don't do anything until its finished because it's never an awesome time." Now, my authority is limited to the aquatic resources, but I don't want to see land disturbance until Section 106 is complete. I don't want to see tree clearing until my Section 7 ESA review is complete. Staging equipment? Surveying? That sort of thing is usually ok.
> 7. The NWP verification letter is not published publicly, but could be obtained via another FOIA request, or from Ameren directly. I don't have any drawings or plans besides that which I was given in the application. My verification will be based on that information. Temporary crossings aren't typically included in the final verification documents, but I think I might in this case, just so I can add a special condition restating their need to restore the temp pad area back to original conditions. If I get updated information from the applicant, that information will be controlling. To date, I don't have any updated information.
>
> Let me know what day works best as well as where/when you'd like to meet, and I'll do my best to make that happen. Thank you for your time.
>
> Take care,
>
> Chad LaMontagne, PWS
>
> US Army Corps of Engineers
>
> Regulatory Project Manager
>
> CEMVS-RD

To: marygeeding@gmail.com <marygeeding@gmail.com>
Cc: Custodian of Record <custodianofrecord@dnr.mo.gov>

Good afternoon Ms. Geeding, please see below,

QUESTIONS (answers by number are fine; number 1 is the most urgent):
1. Has Ameren or a contractor applied for or received land-disturbance coverage (MO-RA) for this site, including the laydown area and fill placement? If so, what is the permit number and issue date, and is a SWPPP on file?

There is no MORA permit, however, Ameren has an area-wide land disturbance permit, MOR100098 issued January 1, 2023 and covers state-wide projects. Their quarterly report lists this project with a start date of November 2, 2026. We do not require the permittee submit SWPPPs, we do not have a SWPPP on file. It will be in your current sunshine request.

2. Has the Department determined whether stormwater from the operating facility needs a Missouri State Operating Permit or a no-exposure certification?

The industrial permits team has not received an application for this project at this time. We will review the application to determine if a permit or a no-exposure certification is required.

3. Would a basin designed to hold fire-suppression water or equipment wash water fall under the construction-permit provisions of Section 644.051.5, RSMo, which exempts basins that only settle soil, silt and rock?

The industrial permits team will review this during the application review. The basin may need construction engineering review depending on what the application states will be held in the basin. The permit writer will review the basin location, design, what type of water is entering the basin.

4. Does the Department consider Stream 26A and Open Water 17 "waters of the state" under Section 644.016, RSMo, and does any state review apply to the proposed culvert and fill?

We do not make waters of the state determinations based off the Corps documents. In reviewing our information, neither of those are waters of the state. If there is a 404 permit from USACE, that needs an individual 401 Water Quality Certification (WQC), we will review plans to determine the conditions for the 401 WQC certification. An individual Water Quality Certification is required when a project will not meet one or more of* Missouri's General and Specific Conditions for Pre-Certification*. General Conditions will apply to all Nationwide Permits that Missouri can provide Water Quality Certifications for, and Specific conditions will only apply to projects under certain/applicable Nationwide Permits. We have not received notice of a 404 permit or a request for a 401 Water Quality Certification.

5. Has the drinking-water program been told of construction and heavy hauling near the Silex transmission main, and does it require a protection or crossing plan?

I do not have this information; the public drinking water program will need to answer this.

Sarah Wright

General Permits, MS4, 401 Unit Supervisor

MoDNR Water Protection Program, Water Pollution Control Branch

573-526-1139 | dnr.mo.gov

MISSOURI
DEPARTMENT OF
NATURAL RESOURCES