



14 February 2007

Michael L. Menne, Vice President  
Environmental Safety & Health  
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Joseph T. Kelliher, Chairman  
Federal Energy Regulatory Commission  
888 First St., NE  
Washington, D.C. 20426

Dear Mr. Menne and Mr. Kelliher:

We appreciate the opportunity to comment on the Rizzo Associates' Draft Environmental Report on the rebuilding of the Taum Sauk Upper Reservoir Dam, FERC Project No. 2277. The Missouri Parks Association is a statewide citizens organization of 2400 members dedicated to the protection, enhancement and interpretation of Missouri state parks and historic sites.

Ameren's Taum Sauk plant is in the midst of the largest and most significant complex of state parks and other public lands in the state of Missouri. The extraordinary ecosystem and biodiversity values of this array of wild lands at the geologic core of the Ozarks has been further recognized by the designation of the St. Francis Mountains Natural Area, at more than 7,000 acres by far the largest natural area in the state, and by the designation of both Taum Sauk Creek and the East Fork Black River as State Outstanding Resource Waters. Ameren lands on Church Mountain and along Taum Sauk Creek are of equivalent quality and have been sought for inclusion in these designations.

What must be remembered (and seems sometimes, as in this report, to be obscured) is that Taum Sauk is not located in an anonymous corner of the Ozarks. It is at the heart of what is widely considered the most important scenic and natural landscape in the state. The historic Boy Scout Trail and the newer Ozark Trail from Taum Sauk Mountain to Johnson's Shut-ins have introduced tens of thousands of young Missourians to the beauty of the Ozark region and have helped to shape their understanding of the wild heritage of their home state.

In view of the utter devastation to East Fork Black River and the heart of Johnson's Shut-Ins State Park by the collapse of Ameren's Taum Sauk Upper Reservoir and the diminution of other public values in this region, we believe that the rebuilding of the upper reservoir should not proceed without public hearings and open public consideration of a full range of alternatives for this region, including compensation from Ameren for the extraordinary degradation of public values.

Indeed, we believe that if the Taum Sauk facility had not previously been built, it is highly unlikely that it would be approved in this location today. We have been concerned for years about Ameren's possible plans for a second pumped storage unit on the adjacent Church Mountain, for which in 2001 it sought and then, after substantial public opposition, withdrew its application to FERC for a preliminary license. ***The Missouri Parks Association believes it is time to require, as partial compensation for damages suffered and as a condition of rebuilding the Taum Sauk facility, that Ameren deed its land on Church Mountain and in Taum Sauk Creek Valley to the State of Missouri for management as part of the complex of state parks and natural areas in the region.***

With these considerations in mind, we offer the following comments on the Rizzo report:

**Environmental Impact Statement.** We believe that for a project of this magnitude in such an ecologically and historically important area, especially after the devastation suffered by the collapse of the Taum Sauk Reservoir, it is desirable and appropriate to require a formal Environmental Impact Statement with public hearings and consideration of the full array of issues, rather than the present environmental report strictly limited to rebuilding the upper reservoir. Indeed, the existing permit under which the reservoir would be rebuilt expires in 2010 and Ameren has already initiated the re-licensing process under which a more complete range of issues could be considered. It seems inappropriate to foreclose consideration of those larger issues at this time, when major investments are about to be made that could limit the range of alternatives in the relicensing process. Construction of the original facility was completed in 1963, before the landmark 1965 Supreme Court decision upholding the Federal Power Commission's contention that a federal license was required, so it seems peculiarly inappropriate to once again proceed with construction before considering the full range of public values and issues at stake.

The minimum requirements of the National Environmental Policy Act must be met. The approval by FERC of a rebuild of a federally regulated reservoir that failed catastrophically would constitute a major federal action under the law, hence triggering NEPA. We also believe that public hearings must be held in cities such as St. Louis and Columbia/Jefferson City, not just in Lesterville.

**Overflow Release Structure.** While we believe an overflow release structure is an improvement that was sadly lacking in the original facility, we think it is highly inappropriate for it to discharge to Taum Sauk Creek, especially after the devastation to East Fork Black River. Taum Sauk Creek is among the least disturbed natural streams remaining in the Ozarks; not only is it the route of the historic Boy Scout Trail but its lower reaches, in the discharge zone, are the most obvious route for a streamside hiking trail connecting new trails on Church Mountain—currently under lease to the state for trail development—with the Boy Scout and Ozark Trails. We ask that an alternative be developed for discharge of the overflow structure to the southwest toward the East Fork Black River arm of the lower reservoir.

**Impacts of Construction.** There is scant acknowledgement in the report of the visibility of the Upper Reservoir Dam from the most popular viewpoints in Taum Sauk State Park and along virtually the entire extent of the popular Ozark Trail; it is a jarring industrial intrusion into an otherwise wild landscape. If anything, the concrete facing and higher parapet will be even more intrusive than the prior dam. During the eighteen months of construction, the sight and noise of the process, day and night, will cause major degradation of the experience of hikers and campers in the interior of the Taum Sauk region, if indeed the trails are even open to them during this period, as well as diminish the experience of virtually all visitors to Johnson's Shut-ins State Park.

Of even greater concern is the potential for run-off of muddy water into Taum Sauk Creek and East Fork Black River during the construction process. These are streams that can be significantly degraded by such sedimentation. Naturalists sampling for aquatic organisms in Taum Sauk Creek during the re-lining of the upper reservoir several years ago noted continual siltation, so even greater problems can be expected during the rebuild. Such degradation must be prevented and prior damage mitigated.

**Transmission Line.** The highly visible gash resulting from the transmission line passing northeast from the power plant through the St. Francois Mountains Natural Area in state park and other public lands is one of the broader issues that must be considered in any decision to permit rebuilding or relicensing of the Taum Sauk facility. The largest concentration of the federally listed Mead's Milkweed in the region occurs where the transmission line intersects a glade complex on the slopes of Proffit Mountain. Yet the existence, extent, and importance of the St. Francois Mountains Natural Area are not even acknowledged in the environmental report.

**Water Flow in Black River.** There have reportedly been problems with groundwater and surface flow in East Fork Black River both above and below the lower reservoir and on downstream in Black River

as a consequence of operation of the Taum Sauk facility, even though it is intended to reuse water from the lower reservoir and allow the normal "run of the river" to pass downstream, both in quantity and quality. The massive demands for water during construction will likely exacerbate such problems. Hence we believe the report needs to give much more attention to issues of water flow and quality and that flows need to be monitored and guaranteed on a daily basis.

**Taum Sauk Plant Operations.** The report says the "general scheme for operating Taum Sauk is expected to continue after the rebuild," but Table 2-1 presenting figures for annual energy generation and use ends in September 2002, before the more recent period when Ameren apparently substantially increased the capacity and frequency of generation. We believe the report should present complete figures, at least through September 2005 prior to the rupture.

**Seismic Standards.** If the Upper Reservoir Dam is to be rebuilt, it should be designed to meet the highest standards for seismic loading. The Federal Energy Regulatory Commission should not allow any reconstruction to proceed if the project is not designed to withstand the maximum ground motions that would result from a seismic event similar to the three that occurred along the New Madrid fault in 1811 and 1812. Relying on a probabilistic maximum acceleration for a period of 50 or 100 years is not acceptable given the necessity to ensure that this reservoir does not fail again. We ask that FERC convene a seismic safety review panel to assess the seismic risk incorporating the latest scientific studies and, further, to oversee modeling of the upper reservoir performance during the largest seismic events that could impact the project area.

In summary, permission to rebuild the Taum Sauk Reservoir has major long-term implications that must be considered in a much broader, more open process of public hearings and discussion after preparation of a full, formal Environmental Impact Statement. We also ask that, as a condition of rebuilding or relicensing, Ameren be required to deed its property on Church Mountain and along Taum Sauk Creek to the State of Missouri for management by the DNR state park division in partial compensation for the loss of public values in the region as a consequence of the December 2005 collapse of the Taum Sauk Upper Reservoir.

Thank you for the opportunity to comment. We would appreciate being included on your mailing list to receive further announcements of hearings and other actions.

Sincerely,

Terry Whaley, President

Cc: Matt Blunt, Governor of Missouri  
Jay Nixon, Attorney General  
Sen. Jeff Bingaman, Chair, Senate Committee on Energy and Natural Resources  
Rep. John Dingell, Chair, House Committee on Energy and Commerce  
Missouri congressional delegation  
Gary Rainwater, Chairman and CEO, Ameren