



Associated Electric Cooperative, Inc.

www.aeci.org • 417-881-1204 • FAX 417-885-9252
2814 S. Golden, P.O. Box 754 Springfield, Missouri 65801-0754

September 5, 2024

Kansas City District
United States Army Corp of Engineers
601 East 12th Street Room 641
Kansas City, MO 64106

Re: Turney Energy Center Environmental Assessment

Dear Madam or Sir:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for the Turney Energy Center, a new natural gas-fired, simple-cycle electric generating facility (Project). In anticipation of National Environmental Policy Act (NEPA), Clean Air Act, Endangered Species Act, and National Historic Preservation Act compliance, the purpose of this letter is to introduce the Project and gather information from your office on preliminary concerns, if any, for consideration in this compliance process. RUS has determined that an Environmental Assessment (EA) is the appropriate NEPA class of action for this Project pursuant to 7 Code of Federal Regulations § 1970.101. RUS has delegated transmittal of Agency Scoping letters to AECI and their consultant Burns & McDonnell per 7 CFR 1970.5(b)(2). This letter serves to notify you of the Project and to request your input.

The Project would be located near Turney, Missouri (Project Site; **Figure 1**). The Project would consist of a single Advanced Class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup and employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides. The approximately 95.5 acres that AECI owns, of which, approximately 45 acres will be disturbed for construction of the generation site and approximately 37 acres will ultimately be fenced, is shown in Figure 1. The generation will be interconnected via construction of approximately 2 miles of electrical line between the generation site and a proposed substation. Either AECI or N.W. Electric Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5 acres substation that AECI will own and operate. Approximately 2.5 miles of existing distribution electrical line will be reconstructed within existing ROW to supply power back to the generation site. Additionally, an approximately 1,000-foot natural gas lateral off the existing Rocky Mountain Express Pipeline would need to be constructed on the generation site to supply natural gas to the Project. Approximately 1.5 miles of water line would be needed to supply water to the Project and surrounding community, with a portion being upgraded and a portion being constructed.

CONFIDENTIAL - This document includes trade secrets or commercial or financial information that is privileged or confidential and subject to 5 U.S.C. § 522(b)(4). Information contained within this document is not customarily disclosed to the public. Disclosure of this document or information contained within to a third-party is likely to impair disclosure to the intended recipient in the future and may cause substantial harm to the competitive position of Associated Electric Cooperative, Inc.. No such disclosure may be made without the written consent of Associated Electric Cooperative, Inc.

Table 1: Project Site Assessment Summary

Parameter	Site Assessment Summary
Location	Missouri/Clinton County
Site Latitude / Longitude	39°36'44.77"N / 94°20'56.37"W (approximate center point of Project)
Total Project Boundary	Approximately 160 acres
Wetlands	Approximately 3.5 acres
Waterbodies	Approximately 3 acres

The project has been submitted for Jurisdictional Determination through USACE Kansas City Office; Approved Jurisdictional Determination (AJD) review number is NWK-2024-00508. A desktop assessment of National Wetland Inventory ("NWI")¹ data indicates the potential presence of riverine wetlands and NWI freshwater ponds within the proposed Project Site. The wetlands in the vicinity of the Project were photo interpreted by the USFWS NWI program using color infrared imagery from 1981. A total of 5 palustrine unconsolidated bottom (PUB) wetlands and 18 riverine wetlands were mapped within the Survey Area. The National Hydrography Dataset (NHD) also shows there are 14 stream crossings within the Study Area. A field survey was conducted in April 2024 to determine if onsite wetlands are present that would be under the jurisdiction of the U.S. Army Corp of Engineers or the State of Missouri. Five wetlands and seventeen streams were identified during the delineation efforts. To avoid the need for a Section 404 Permit from the USACE, the proposed project should be designed to avoid all impacts to potentially jurisdictional waters. Conscious design decisions will help avoid these to the largest extent practical. If impacts to jurisdictional features cannot be avoided entirely, then should be minimized, and a Section 404 Nationwide Permit from the USACE would be required.

AECI requests your review of this Project and asks that you provide information on any concerns, resources, or potential impacts that you believe the forthcoming EA should address. We would appreciate any recommendations you may have to mitigate or avoid environmental impacts. Also, please share any information regarding additional review requirements that your agency may have. We would appreciate a response within 30 days of your receipt of this request. To send comments or request further information, please contact me using one of the methods listed below, mentioning the proposed Turney Energy Center Project.

¹ U.S. Fish and Wildlife Service, 2022. National Wetlands Inventory. Retrieved from <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.

Contact Information

U.S. Postal Service	2814 S. Golden Ave. Springfield MO 65807
Email	rleforce@aeci.org
Telephone Hotline	(417) 371-5463

Sincerely,

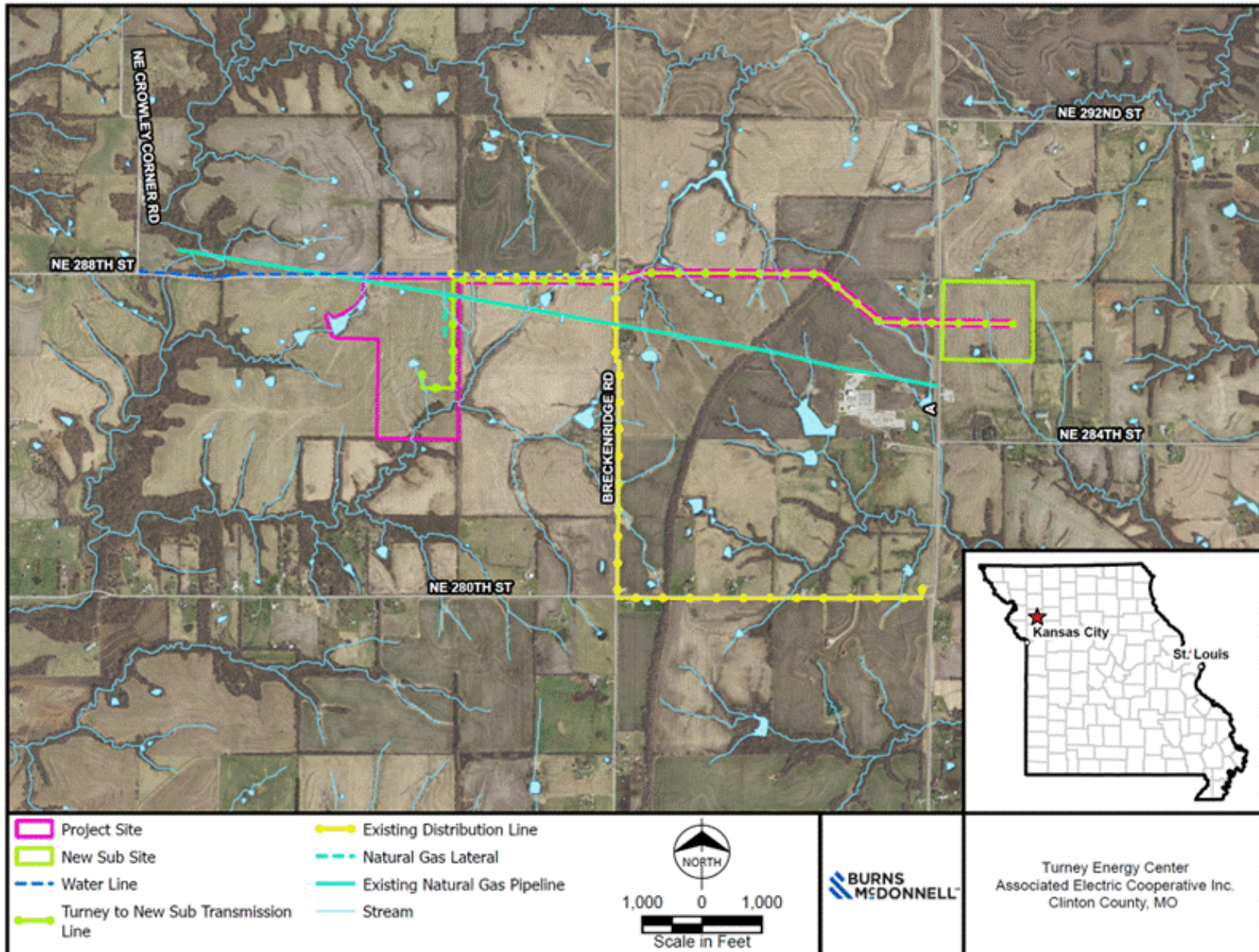


Rob LeForce, B.W.
Environmental Analyst, Land and Water Resources, AECI

Enclosure Figure 1: AECI Project Site

cc: Tate Thriffiley, RUS
 Chris Howell, Burns & McDonnell

Figure 1: AECl Project Site





July 19, 2024

David R. Hibbs
Chief, Regulatory Branch
U.S. Army Corps of Engineers, Kansas City District
Kansas City Regulatory Office
601 East 12th Street, Room 402
Kansas City, Missouri 64106

Re: Approved Jurisdictional Determination Request for the Turner Energy Center Project

Dear Mr. Hibbs:

On behalf of Associated Electric Cooperative, Inc., Burns & McDonnell respectfully requests an approved jurisdictional determination (AJD) of an approximately 112-acre (Project Area) portion of the proposed Turney Energy Center Project (Project) in Clinton County, Missouri. The proposed Project would include construction of a natural gas-fired simple-cycle electrical generation plant, a new water supply pipeline, an onsite natural gas lateral line, an electrical distribution line upgrade, an electrical interconnection line build, and a new substation. The entire Project is approximately 188 acres; however, this request is regarding the Project Area shown in the attached figure. This request is in advance of a detailed design, and final development of the Project.

To support this request for an AJD, the following documents are attached:

1. Request for Corps Jurisdictional Determination form (Form RGL 16-01)
2. ORM Table Amended to the 2023 Rule
3. Project Area Figure
4. Wetland Delineation Report of the Project

Your response is most appreciated. If you have any questions or need additional information, please contact Christa Wisniewski by phone at 816-652-2970 or by email at cfwisniewski@burnsmcd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christa Wisniewski'.

Christa Wisniewski
Natural Resource Section Manager



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BUILDING
KANSAS CITY, MO 64106-2824

February 3, 2025

Regulatory Program
NWK-2024-00508

Ms. Christa Wisniewski
Burns & McDonnell
9400 Ward Parkway
Kansas City, MO 64114

Dear Ms. Wisniewski:

This letter is in response to your request submitted on behalf of Associated Electric Cooperative, Incorporated for a Jurisdictional Determination. The site is located in Sections 1 and 2, Township 55 North, Range 31 West; Section 6, Township 55 North, Range 30 West; and Section 36, Township 56 North, Range 31 West, Clinton County, Missouri. Your request has been assigned Regulatory File No. NWK-2024-00508. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

This letter contains an approved jurisdictional determination for your project site. This jurisdictional determination is valid for a 5-year period from the date of this letter unless new information warrants revision of the determination before the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal (NAO-RFA) form. If you request to appeal this determination, you must submit a completed NAO-RFA form to the Northwestern Division Office at the following address:

Division Engineer
U.S. Army Corps of Engineers, Northwestern Division
ATTN: Melinda M. Larsen
Regulatory Appeals Review Officer
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232
Telephone: 503-808-3888

In order for an NAO-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 Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAO-RFA. Should you decide to submit an NAO-RFA form, it must be received at the above address by April 4, 2025. It is not necessary to submit an NAO-RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with an approved jurisdictional determination, and you have **new information** not considered in the original determination, you may request reconsideration of that determination by the Corps District prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the completed NAO-RFA form and the new information to the District Office so that it is received within 60 days of the date of the NAO-RFA. Send approved jurisdictional determination reconsideration requests to:

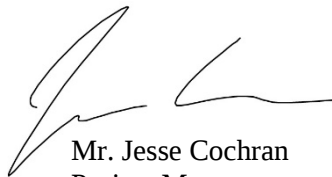
District Commander
ATTN: David R. Hibbs
Chief, Regulatory Branch
U.S. Army Engineer District, Kansas City
601 East 12th Street, Suite 402
Kansas City, MO 64106-2824
Voice: 816-389-3990 – FAX: 816-389-2032

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-332.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>. You may also call and request a paper copy of the survey which you may complete and return to us by mail.

If you have any questions concerning this matter, please feel free to write or contact me at 816-389-3739 or by email at jesse.s.cochran@usace.army.mil. Please reference Regulatory File No. NWK-2024-00508 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: cfwisniewski@burnsmcd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Cochran', is written over a horizontal line.

Mr. Jesse Cochran
Project Manager

Enclosures

cc (electronically w/o enclosures):

Environmental Protection Agency,
Watershed and Grants Branch
U.S. Fish and Wildlife Service, Columbia, Missouri
Missouri Department of Natural Resources,
Water Protection Program
State Historic Preservation Office
Missouri Department of Conservation



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BUILDING
KANSAS CITY, MO 64106-2824

CENWK-ODR

3 February 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ NWK-2024-00508.

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. 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*. 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 the State of Missouri due to litigation.

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).
 - i. Channel 1, 745 linear feet (lf), Jurisdictional, Section 404
 - ii. Channel 2, 1154lf, Jurisdictional, Section 404
 - iii. Channel 3a, 109lf, Non-Jurisdictional
 - iv. Channel 3b, 170lf, Non-Jurisdictional
 - v. Channel 4, 131lf, Non-Jurisdictional
 - vi. Channel 5, 115lf, Non-Jurisdictional
 - vii. Channel 6, 136lf, Non-Jurisdictional
 - viii. Channel 7a, 100lf, Jurisdictional, Section 404
 - ix. Channel 7b, 69lf, Non-Jurisdictional
 - x. Channel 8, 50lf, Non-Jurisdictional
 - xi. Channel 9, 55lf, Non-Jurisdictional
 - xii. Channel 10, 48lf, Non-Jurisdictional
 - xiii. Channel 11, 55lf, Non-Jurisdictional
 - xiv. Channel 12a, 100lf, Jurisdictional, Section 404
 - xv. Channel 12b, 167lf, Non-Jurisdictional
 - xvi. Channel 13, 129lf, Non-Jurisdictional
 - xvii. Channel 14, 103lf, Non-Jurisdictional
 - xviii. Channel 15, 125lf, Non-Jurisdictional
 - xix. Channel 16, 104lf, Non-Jurisdictional
 - xx. Channel 17, 444lf, Jurisdictional, Section 404
 - xxi. Pond 1, 1.85 acres (ac), Jurisdictional, Section 404
 - xxii. Pond 6, 0.12ac, Non-Jurisdictional
 - xxiii. Wetland 2, 1.39ac, Jurisdictional, Section 404
 - xxiv. Wetland 3, 0.25ac, Non-Jurisdictional
 - xxv. Wetland 5, 0.06ac, Non-Jurisdictional

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)

- d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)
- e. Coordination Memo for the Pre-2015 regulatory regime (27 September 2023)
- 3. REVIEW AREA. Approximately 166 acres (ac); Lat. 39.61250, Long. -94.34934; Kansas City, Clay County, Missouri. See attached map.
- 4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The nearest downstream TNWs are the Platte River (for the westward draining portions of the review area) and the Grand River (for the eastward draining portions of the review area), Section 10 navigable waters of the U.S. The Platte River and Grand River are referenced on the District webpage under the Section 10 Navigable Waters list.⁵
- 5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS

Channels 1, 2, 3a, 3b, 4, 5, 6, 10, 11, 12a, 12b, 13, 14, and 15, Pond 1, and Wetlands 2 and 3 are all within drainages that flow north and west between 3,485lf and 3.1mi before entering an unnamed tributary to the Little Platte River. From these confluences, the tributary flows between 2.1mi and 3.9mi before draining into the Little Platte River. From there flow continues >36mi, through Smithville Lake, and into the Platte River (TNW).

Channels 7a, 7b, 8, 9, 16, and 17, Pond 6, and Wetland 5 are all within drainages that flow southeast between 3,800lf and 8,016lf before entering Shoal Creek. From there Shoal Creek continues >69mi to its confluence with the Grand River. The Grand River then flows >52mi to where it becomes a TNW approximately 3mi upstream of its confluence with the Missouri River.

The following table depicts the connections between onsite and offsite waters as they flow to their respective TNWs.

⁵ 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.

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SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NWK-2024-00508

Platte River TNW	Little Platte River >36mi. to Platte River	Offsite Channel 2.1mi. to Little Platte	Offsite Channel 5810lf to Confluence	Channel 2 3830lf to Confluence 4160lf to Confluence 4500lf to Confluence 4500lf to Confluence	Channel 5 115lf	Channel 4 131lf	Channel 3a 109lf Channel 3b 170lf	Swales 830lf	Channel 6 136lf	Channel 11 1585lf	Wetland 3 0.25ac	Swale 1555lf	Channel 10 850lf	1 st Order Stream
														2 nd Order Stream
														3 rd Order Stream
														4 th or Greater Order Stream
														Wetland
														Pond
														Erosional / Swale / Ditch
														Overland Sheet Flow
		3.9mi. to Little Platte	Offsite Channel 2475lf to Confluence	Channel 1 2500lf	Pond 1 1.85ac	Wetland 1 1.39ac	Channel 12a 2864lf total 2132lf to Confluence 2567lf to Confluence	Channel 13 715lf Channel 12b 452lf	Channel 14 804lf Channel 15 845lf Offsite Channel 1450lf	Ditch 700lf	Sheet Flow 60lf	Wetland 5 0.06ac		
Grand River TNW	Grand River >52mi. to TNW portion	Shoal Creek >68mi. to Grand River >69mi. to Grand River	Offsite Channel 3800lf to Confluence Offsite Channel 4640lf to Confluence 4800lf to Confluence 6110lf to Confluence	Channel 17 2329lf	Sheet Flow 225lf	Pond 6 0.12ac	Channel 16 104lf	Channel 9 449lf	Channel 8 432lf	Channel 7a 454lf Channel 7b 148lf				

6. SECTION 10 JURISDICTIONAL WATERS⁶: 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 10.⁷ 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
 - c. Other Waters (a)(3): N/A
 - d. Impoundments (a)(4):

Pond 1 is a 1.85ac impoundment within Channel 1. As Channel 1 has been found to be a jurisdictional relatively permanent water (RPW) (see Part 7.e below), Pond 1 is therefore an impoundment of an RPW and also jurisdictional.
 - e. Tributaries (a)(5):

⁶ 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.

⁷ 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.

In order to analyze the flow duration of the tributaries listed, the following information was collected. Onsite photos provided by the agent were dated 22 April 2024; results from the Corps Antecedent Precipitation Tool (APT) found average normal precipitation conditions for a wet season of the year in a mild drought, with more than 2 inches of rain in 3-5 days previous. While many aerial images were observed, only three other dates were more closely analyzed, being chosen since the majority of channels were most observable in aerial images; 12 April 2020, 11 March 2015, and 31 March 2008. The APT found that on 12 April 2020 precipitation conditions were average and normal for a wet season of the year in a period of severe wetness, with 0.4 inches of rain having fallen the same day. The APT found that on 11 March 2015 precipitation conditions were above average but still normal for a wet season of the year in a period of mild wetness, but with no recent rain having occurred. This aerial appeared to have been taken later in the day with longer deeper shadows making it more challenging to interpret the presence of water in some channels. The APT found that on 31 March 2008 conditions were average and normal for a wet season of the year in a period of mild wetness, with 0.1 inches of rain having fallen the same day.

The stream channel reaches were separated by Strahler Stream Order and evaluated based on the onsite images provided by the agent, and the aerial images described above. Evaluation of the flow regime for each reach was then completed based on assessment of the flow duration that best characterizes the majority of the individual stream reach extents.

Channel 1 drains approximately 74ac. It flows for approximately 745lf within the review area before entering Pond 1, and continues downstream and offsite through another pond for a total length of approximately 2,500lf. Onsite photos show it as a somewhat narrow but deeply eroded channel with a well defined ordinary high water mark (OHWM). Onsite photos and three aerial images indicated the regular presence of water within the channel during the spring months at a minimum, despite precipitation conditions. These factors indicated that Channel 1 is at least a seasonal RPW, and is jurisdictional.

Channel 2 drains approximately 513ac. It flows for approximately 1,154lf within the review area and continues downstream and offsite for a total length of approximately 4,500lf. Onsite photos show it as a flowing channel with a well defined OHWM, and alongside three aerial images, these indicated the regular presence of water within the channel during the spring months at a minimum, despite precipitation conditions. These factors indicated that Channel 2 is at least a seasonal RPW, and is jurisdictional.

Channel 7a drains approximately 35ac. It flows for approximately 100lf within the review area to its confluence with Channel 7b, and extends upstream and offsite for a total length of approximately 545lf. Three aerial images indicated the likely presence of an OHWM and water within the channel during the spring months at a minimum, despite precipitation conditions. These factors indicated that Channel 7a is at least a seasonal RPW, and is jurisdictional.

Channel 12a drains approximately 182ac. It flows for approximately 100lf within the review area and extends both up and downstream and offsite for a total length of approximately 2,405lf. Three aerial images indicated the likely presence of an OHWM and water within the channel during the spring months at a minimum, despite precipitation conditions. These factors indicated that Channel 12a is at least a seasonal RPW, and is jurisdictional.

Channel 17 drains approximately 67ac. It flows for approximately 444lf within the review area and continues downstream and offsite for a total length of approximately 2,329lf. Onsite photos show it the upper end as a poorly defined channel holding water, but alongside three aerial images, these indicated the regular presence of an OHWM and water within the majority of the offsite channel during the spring months at a minimum, despite precipitation conditions. These factors indicated that Channel 17 is at least a seasonal RPW, and is jurisdictional.

Based on review of all the data collected above we have determined that Channels (1, 2, 7a, 12a, & 17) are relatively permanent waters with at least seasonal flows. Based on meeting the characteristics of a relatively permanent water, connecting indirectly through the tributary system to the downstream TNW, these channels satisfy the definition of (a)(5) tributaries and are jurisdictional.

f. The territorial seas (a)(6): N/A

g. Adjacent wetlands (a)(7):

Wetland 2 covers approximately 1.39ac and physically touches/abuts Channel 1 (RPW), constituting a continuous surface connection to an RPW. Wetland 2 is therefore adjacent to an RPW and jurisdictional.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred

to as “preamble waters”).⁸ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. N/A

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.

The 2008 *Rapanos* guidance states, “In addition, ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are generally not waters of the United States because they are not tributaries, or they do not have a significant nexus to downstream traditional navigable waters.” Note this is a three-part test to determine if a ditch falls within the “generally not jurisdictional” language: 1) excavated wholly in uplands, 2) draining only uplands, and 3) that do not carry relatively permanent flow of water.

Channel 10 consists of a ditch along the east side of a former railroad bed that crosses perpendicular to Northeast 280th Road; it was constructed in uplands prior to 1957. Approximately 48lf of Channel 10 were within the review area (the utility right-of-way), extending north and south along the east side of the former railroad bed for a total of approximately 850lf. A review of LiDAR imagery indicates the Channel 10 is near the top of the hill and was not excavated within a former stream or wetland. Topographic, NWI, and NHD mapping all fail to identify any streams rerouted by Channel 10, or any upgradient waters draining into Channel 10. This information confirms that channel 10 was constructed in, and only drains uplands. Onsite photos indicated a narrow poorly defined and vegetated channel lacking a clear OHWM with little or no water present following over 2 inches of rain across the previous week, indicating the ditch has non-relatively permanent flow; Channel 10 appears to only flow in direct response to precipitation and does not flow at least seasonally. Based on these factors, Channel 10 is consistent with a non-RPW, non-jurisdictional ditch constructed in uplands.

Channel 15 consists of an erosional feature that is intermittently plowed and farmed through for the majority of its length. It flows for approximately 125lf within the review area, with onsite photos in the unfarmed section indicating a shallow, poorly defined muddy depression lacking a clear OHWM and little or no apparent water following with over 2 inches of rain across the previous week.

⁸ 51 FR 41217, November 13, 1986.

NWI and NHD mapping identifies a stream channel through the area, but LiDAR and aerial images back to 1957 fail to show consistent bed and bank formation, with regular farming through the channel. Based on these factors, Channel 15 is consistent with a non-RPW, non-jurisdictional erosional feature characterized by low volume, infrequent, or short duration flow.

Channel 16 consists of an erosional feature that has formed within an agricultural swale; however, it is not consistently observable throughout the swale in all aerial images. It flows for approximately 104lf within the review area. Onsite photos indicate a shallow barely defined and vegetated depression lacking a clear OHWM and with little or no apparent water following with over 2 inches of rain across the previous week. NWI and NHD mapping identifies a stream channel through the area, but LiDAR and aerial images back to 1957 fail to show bed and bank formation within the swale in all but a few instances. Based on these factors, Channel 16 is consistent with a non-RPW, non-jurisdictional erosional feature / swale characterized by low volume, infrequent, or short duration flow.

- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*.

Pond 6 covers approximately 0.12ac, and is an isolated manmade water, constructed in uplands prior to 1957. A review of multiple years of aerial imagery (1957 to present) and an analysis of LiDAR imagery provided no evidence of channels flowing into or out of Pond 6. Topographic, NWI, and NHD mapping all fail to identify channels flowing in, out, or through Pond 6. As such there has been no evidence found to indicate that Pond 6 is an impoundment of a historic or current RPW, and this analysis finds it to be an isolated water located on

private property with no potential to be used by interstate or foreign travelers for recreational purposes, produce fish or shellfish which are or could be taken and sold in interstate or foreign commerce, or be used for industrial purposes by industries in interstate commerce. Based on these factors, Pond 6 is considered a non-jurisdictional water.

- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Observations of these channels were made using the methods, onsite images, and aerial images as described in section 7.e.

Channel 3a drains approximately 14ac and flows for approximately 109lf to its confluence with Channel 3b at the head of Channel 4. Onsite photos indicated a narrow OHWM with erosive vertical banks and a small amount of flow following over 2 inches of rain across the previous week. The small size of the feature precluded its visibility under tree cover in aerial images. Based on the small drainage area, the landscape position, and the site photos, this channel does not have continuous flow at least seasonally and is therefore a non-jurisdictional non-relatively permanent water.

Channel 3b drains approximately 15ac and flows for approximately 170lf to its confluence with Channel 3a at the head of Channel 4. Channel 4 drains approximately 30ac and flows for approximately 131lf to its confluence with Channel 2. The provided delineation combined Channels 3b and 4 into one feature, and the onsite photo was imprecise as to its exact location. Regardless, the photo indicated a narrow OHWM with erosive vertical banks and flow following over 2 inches of rain across the previous week. The small size of the features precluded their visibility under tree cover in aerial images. Based on the small drainage area, the landscape position, and the site photos, this channel does not have continuous flow at least seasonally and is therefore a non-jurisdictional non-relatively permanent water.

Channel 5 drains approximately 10ac and flows for approximately 115lf to its confluence with Channel 2. Onsite photos indicated a narrow OHWM with erosive vertical banks but without obvious flow following over 2 inches of rain across the previous week. The small size of the feature precluded its visibility under tree cover in aerial images. Based on the small drainage area, the

landscape position, and the site photos, this channel does not have continuous flows at least seasonally and is therefore a non-jurisdictional non-relatively permanent water.

Channel 6 drains approximately 11ac. It flows for approximately 136lf within the review area. It is fed from the northwest by an erosional feature that is intermittently plowed and farmed through and around at points; and it loses definition southeast of the review area where it drains through a swale before reaching a tributary to Channel 2. Onsite photos indicated a shallow, poorly defined muddy depression lacking clear bank features; the only indication of an OHWM being the lack of vegetation across the muddy bottom, though it was unclear if this was merely due to sediment deposition from the adjacent field. No apparent water was observed in the channel following over 2in of rain across the previous week. Three aerial images where the channel was visible were observed, these indicated inconsistent presence of water within the channel even immediately following rain events. The small drainage area, weak OHWM features, and lack of evidence of at least seasonal flow is consistent with a non-RPW and non-jurisdictional channel. Channel 6 does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 7b drains approximately 7ac. It flows for approximately 69lf within the review area to its confluence with Channel 7a, and extends upstream and offsite for a total length of approximately 148lf. The provided delineation combined Channels 7a and 7b into one feature, and the onsite photo was imprecise as to its exact location. Regardless, the photo indicated a narrow and shallow OHWM with water present following over 2 inches of rain across the previous week. Three aerial images where the channel was visible were observed, these indicated inconsistent presence of water within the channel even immediately following rain events. The small drainage area, narrow and shallow bed and banks, and lack of evidence of at least seasonal flow is consistent with a non-RPW and non-jurisdictional channel. Channel 7b does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 8 drains approximately 11ac. It flows for approximately 50lf within the review area and extends downstream and offsite for a total length of approximately 432lf. Onsite photos indicated a shallow, poorly defined, densely vegetated, muddy depression, lacking strong OHWM features, and with little or no apparent water following over 2 inches of rain across the previous week. Three aerial images where the upper end of the channel was visible were observed, these failed to indicate the presence of water within the channel even immediately following rain events. The small drainage area, weak OHWM features, and lack of evidence of at least seasonal flow is consistent with a non-

RPW and non-jurisdictional channel. Channel 8 does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 9 drains approximately 22ac. It flows for approximately 55lf within the review area and extends downstream and offsite for a total length of approximately 449lf (including around 170lf within a pond). Onsite photos indicated a narrow and shallow OHWM with water present following over 2 inches of rain across the previous week. Three aerial images where the upper end of the channel was visible were observed, these failed to indicate the presence of water within the channel except immediately after rainfall. The relatively permanent segment of the channel was only present within the pond and represented the minority of channel length. The small drainage area, narrow and shallow bed and banks, and lack of evidence of at least seasonal flow in the majority of the channel is consistent with a non-RPW and non-jurisdictional channel. Channel 9 does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 11 drains approximately 122ac. It flows for approximately 55lf within the review area and extends downstream and offsite for a total length of approximately 1,585lf. Onsite photos indicated a shallow, poorly defined muddy depression lacking clear bank features; the only indication of an OHWM being the lack of vegetation across the muddy bottom, though it was unclear if this was merely due to sediment deposition from the adjacent field. A small amount of receding water following over 2 inches of rain across the previous week. Three aerial images where the channel was visible were observed, these only indicated the presence of water within the channel immediately following rain events. The weak OHWM features and lack of evidence of at least seasonal flow are consistent with a non-RPW and non-jurisdictional channel. Channel 11 does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 12b drains approximately 14ac. It flows for approximately 167lf within the review area and extends upstream and offsite for a total length of approximately 452lf. Onsite photos indicated a shallow, poorly defined muddy depression lacking clear bank features; the only indication of an OHWM being the lack of vegetation across the muddy bottom. No apparent water following over 2 inches of rain across the previous week. Three aerial images where the channel was visible were observed, these only indicated the presence of water within the channel immediately following rain events. The small drainage area, weak OHWM features, and lack of evidence of at least seasonal flow is consistent with a non-RPW and non-jurisdictional channel. Channel 12b does not have continuous flow at least seasonally and is therefore not jurisdictional.

Channel 13 drains approximately 16ac. It flows for approximately 129lf within the review area and extends downstream and offsite for a total length of approximately 715lf. Onsite photos indicated a narrow OHWM with erosive vertical banks and water present following over 2 inches of rain across the previous week. Three aerial images where the channel was visible were observed, these only indicated possible presence of water within the channel immediately following rain events. Based on the small drainage area, the landscape position, and the site photos, this channel does not have continuous flows at least seasonally and is therefore a non-jurisdictional non-relatively permanent water.

Channel 14 drains approximately 18ac. It flows for approximately 103lf within the review area and extends up and downstream and offsite for a total length of approximately 804lf. Onsite photos indicated a narrow OHWM with erosive vertical banks and water present following over 2 inches of rain across the previous week. Three aerial images where the channel was visible were observed, these only indicated inconsistent possible pooling of water within the channel primarily following rain events. Based on the small drainage area, the landscape position, and the site photos, this channel does not have continuous flows at least seasonally and is therefore a non-jurisdictional non-relatively permanent water.

Taking into account the annual rainfall, drainage areas, and locations of these channels within the landscape, they have been identified as ephemeral streams that do not receive flow more than in direct response to precipitation. Even taking into account cases where aerial images were less definitive, these channels still did not have continuous flow at least seasonally and are therefore not jurisdictional.

Wetland 3, covering approximately 0.25ac in the review area, has formed entirely within the confines of the east roadside ditch of Northeast Breckenridge Road. Wetland 3 abuts the head of Channel 11 at its crossing under Northeast Breckenridge Road. Channel 11 is a non-relatively permanent stream which conveys flow approximately 1,585lf before reaching the downstream RPW. Army/EPA Joint Memorandum on NWK-2024-00392 explains that “As the length of the connection increases, even with stronger indicators of flow (including actual flow, indicators of ordinary high water mark, etc.), the length of the connection can become no longer physically close (see *Sackett*, 598 U.S. at 667, referenced above), such that the discrete features are no longer providing a continuous physical connection.” After consideration of flow, the types, and the lengths of connection between Wetland 3 and its downstream RPW, it is not physically close enough to meet the continuous surface connection requirement.

Thus, Wetland 3 does not have a continuous surface connection to the downstream relatively permanent tributary and, consistent with *Sackett*, it is not "adjacent." Wetland 3 is not a jurisdictional water of the United States.

Wetland 5 covers approximately 0.06ac in the review area and is a depression in an agricultural field. A review of multiple years of aerial imagery (1957 to present) and an analysis of LiDAR imagery, topographic, NWI, and NHD mapping provided no evidence of channels or swales flowing into or out of Wetland 5. Should Wetland 5 discharge, the overland sheetflow would drain north before connecting with a ditch along the former railroad (~700lf), then west through a poorly defined drainage (~1,450lf), before entering a likely RPW (~1,425lf) with similar characteristics to Channel 12a (which it joins). Based on these factors, Wetland 5 is considered a non-jurisdictional feature lacking a continuous surface connection to any jurisdictional waters.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. "Turney Energy Center Wetland Delineation Report" created by Burns & McDonnell and dated 28 May 2024.
 - b. Topographic and Aerial Images on Google Earth Pro; 17 dates between 28 February 1996 and 20 May 2023. Particular dates evaluated in more detail were 12 April 2020, 11 March 2015, and 31 March 2008.
 - c. Historic aerial images from The State Historical Society of Missouri, dated 1957 and 1969.
 - d. Onsite Photos provided by Agent, dated 22 April 2024.
 - e. Precipitation Condition Records from the Corps Antecedent Precipitation Tool, dated 28 May 2024, 12 April 2020, 11 March 2015, and 31 March 2008.
 - f. LiDAR imagery and NWI and NHD mapping from the Corps Northwest Division GIS Map Viewer.
10. OTHER SUPPORTING INFORMATION.
 - a. Army/EPA Joint Memorandum on NWK-2024-00392 - Headquarters Field Memo implementing the Pre-2015 Regulatory Regime Consistent with *Sackett* (November 21, 2024)

CENWK-ODR

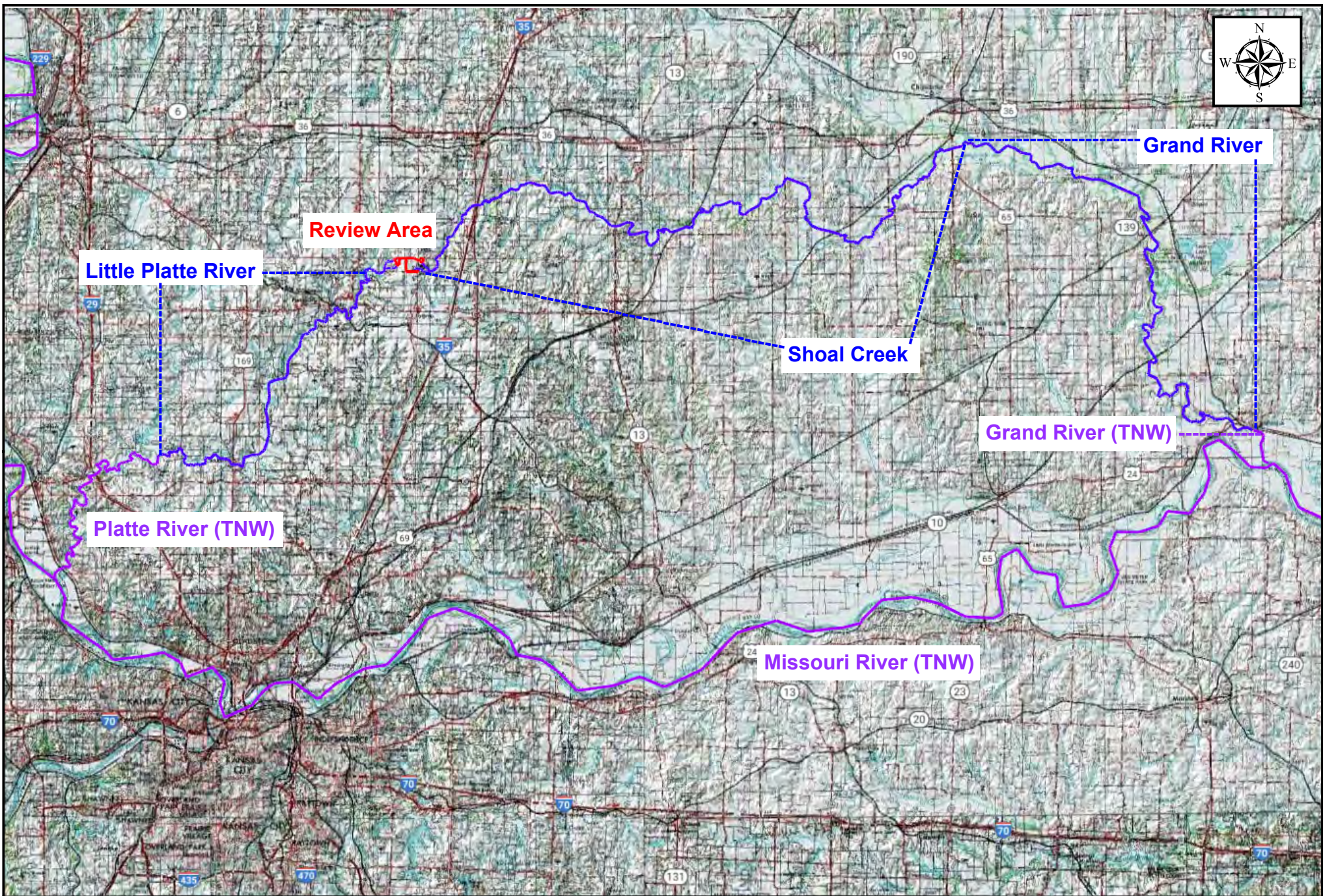
SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), NWK-2024-00508

b. Prior JDs covering a portion of the site include:

NWK-2006-01992 identified wetlands in the vicinity of Channel 16 and uphill near the head of Channel 17.

NWK-2024-00173 was a PJD that identified the presence of Pond 6 and segments of Channel 17.

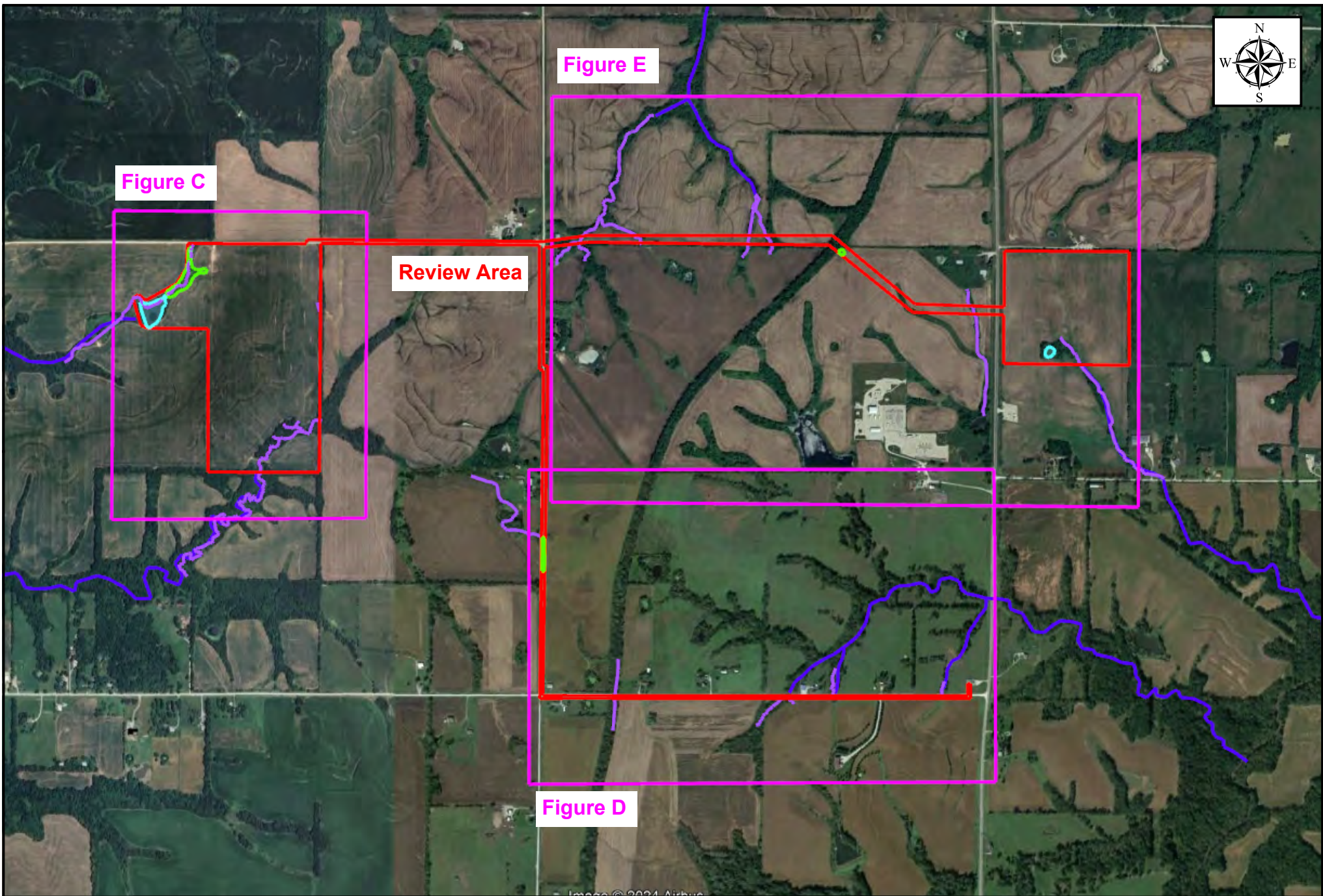
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



NWK-2024-00508 - Figure A
Approved Jurisdictional Determination
Topographic and Flowpath Map

Lat. 39.61250, Long. -94.34934

Source: Burns & McDonnell & Google Earth Pro
Created: 29 August 2024



NWK-2024-00508 - Figure B
Approved Jurisdictional Determination
Aerial Image & Review Area Map

Lat. 39.61250, Long. -94.34934

Source: Burns & McDonnell & Google Earth Pro
Created: 29 August 2024



Review Area

Channel 1 - 745lf (2500lf total) -----
Jurisdictional

Wetland 2 - 1.39ac
Jurisdictional

Pond 1 - 1.85ac
Jurisdictional

Channel 6 - 136lf -----
Non-Jurisdictional

Channel 4 - 131lf
Non-Jurisdictional

Channel 3a - 109lf
Non-Jurisdictional

Channel 3b - 170f -----
Non-Jurisdictional

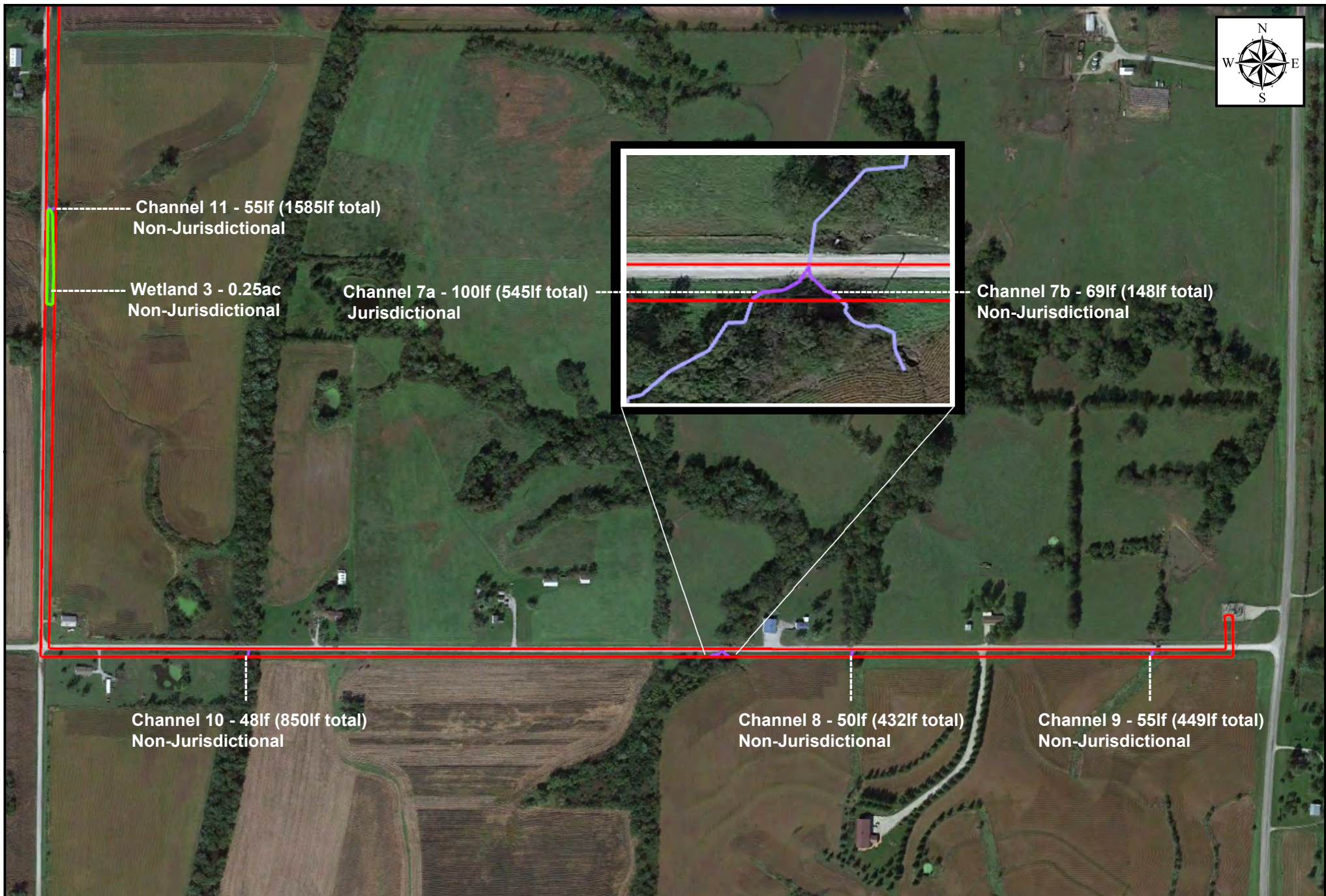
Channel 5 - 115lf -----
Non-Jurisdictional

Channel 2 - 1154lf (4500lf total) -----
Jurisdictional



NWK-2024-00508 - Figure C
Approved Jurisdictional Determination
Aerial Image & Waters Map

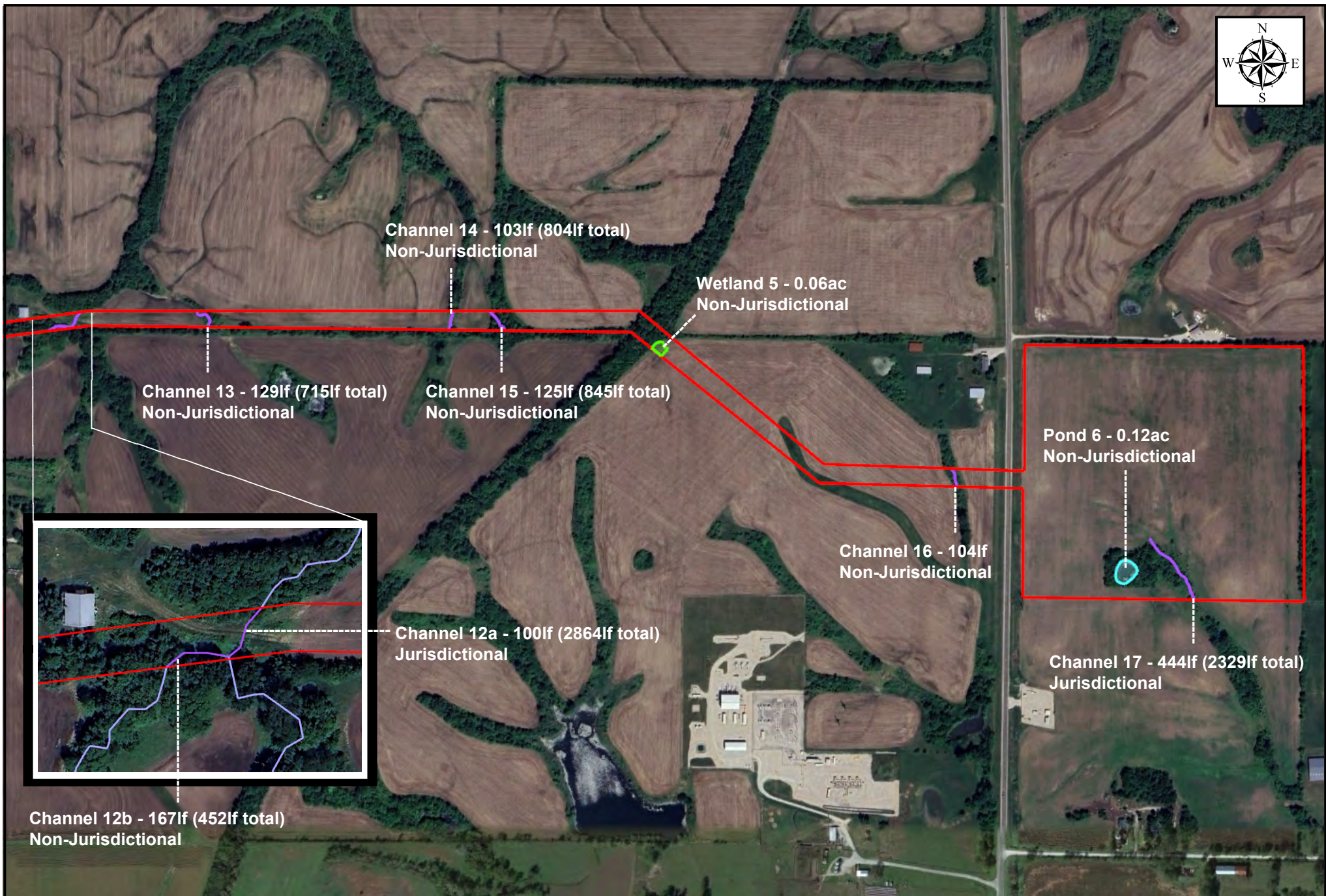
Lat. 39.61250, Long. -94.34934
Source: Burns & McDonnell & Google Earth Pro
Created: 29 August 2024



NWK-2024-00508 - Figure D
Approved Jurisdictional Determination
Aerial Image & Waters Map

Lat. 39.61250, Long. -94.34934

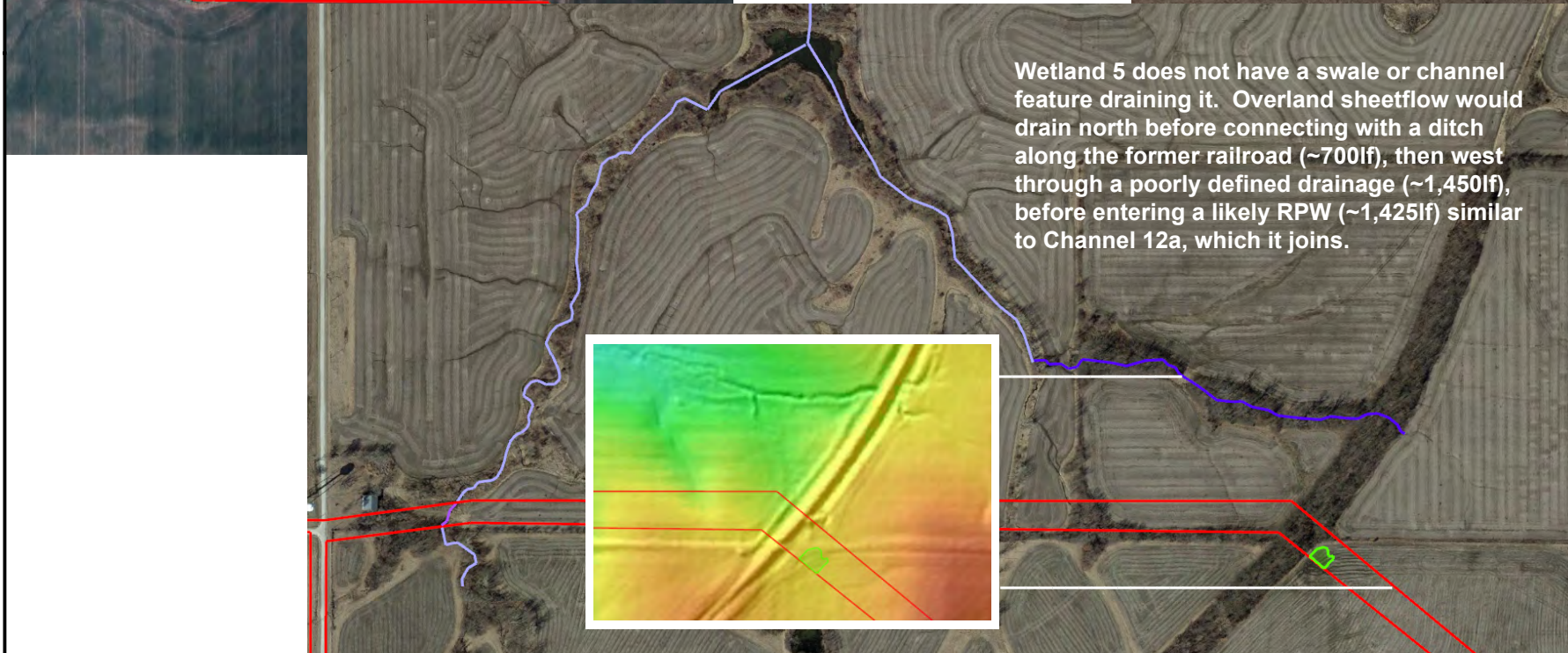
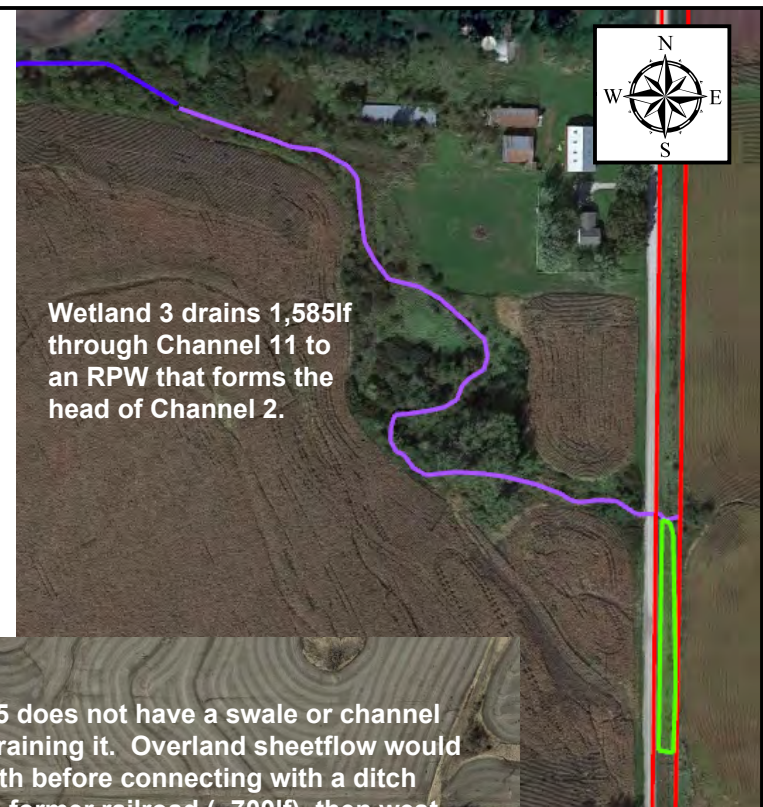
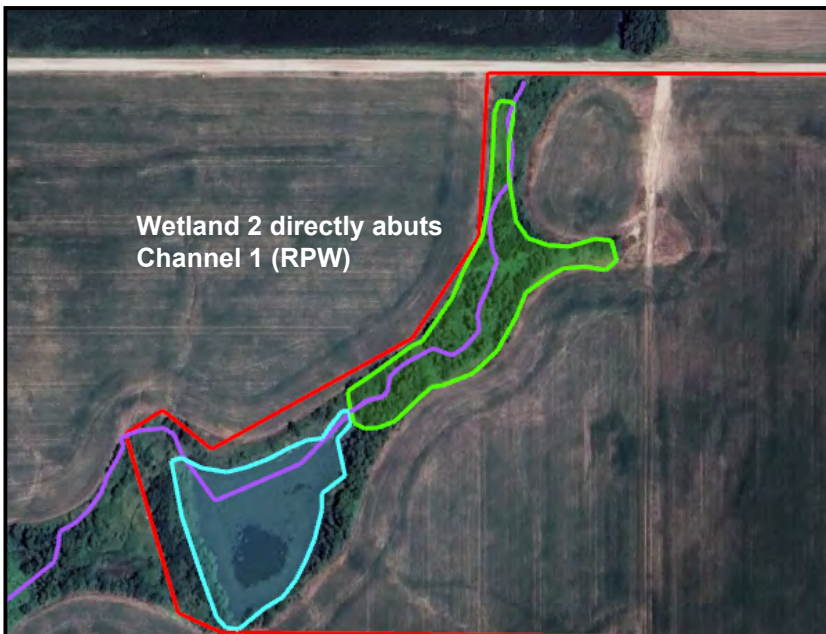
Source: Burns & McDonnell & Google Earth Pro
Created: 29 August 2024



NWK-2024-00508 - Figure E
Approved Jurisdictional Determination
Aerial Image & Waters Map

Lat. 39.61250, Long. -94.34934

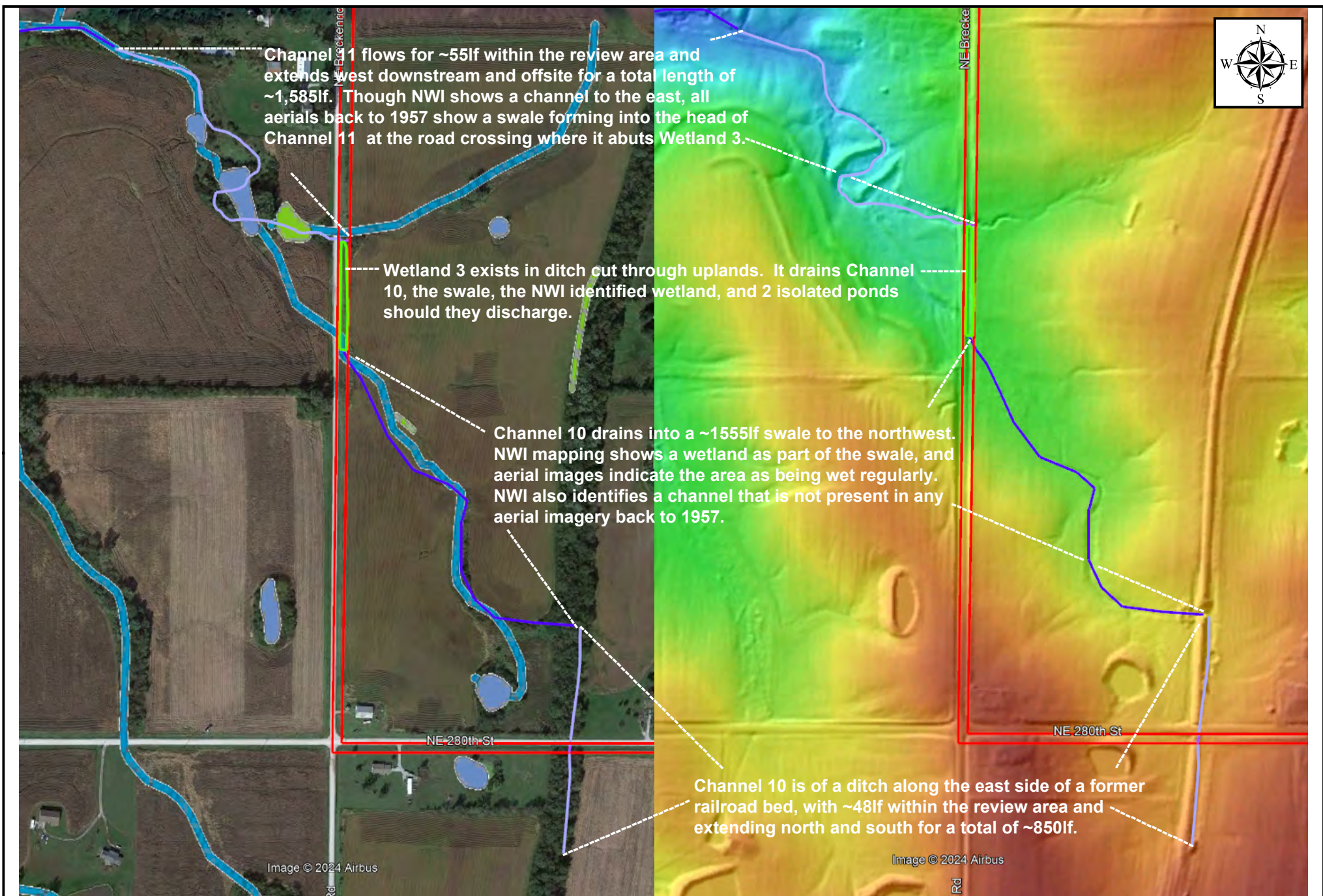
Source: Burns & McDonnell & Google Earth Pro
 Created: 29 August 2024



NWK-2024-00508 - Figure F
Approved Jurisdictional Determination
Wetland Drainage Maps

Lat. 39.61250, Long. -94.34934

Source: Burns & McDonnell & Google Earth Pro
 Created: 29 August 2024

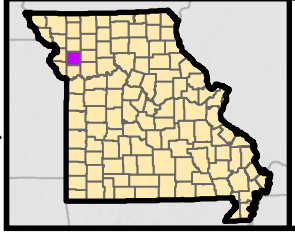
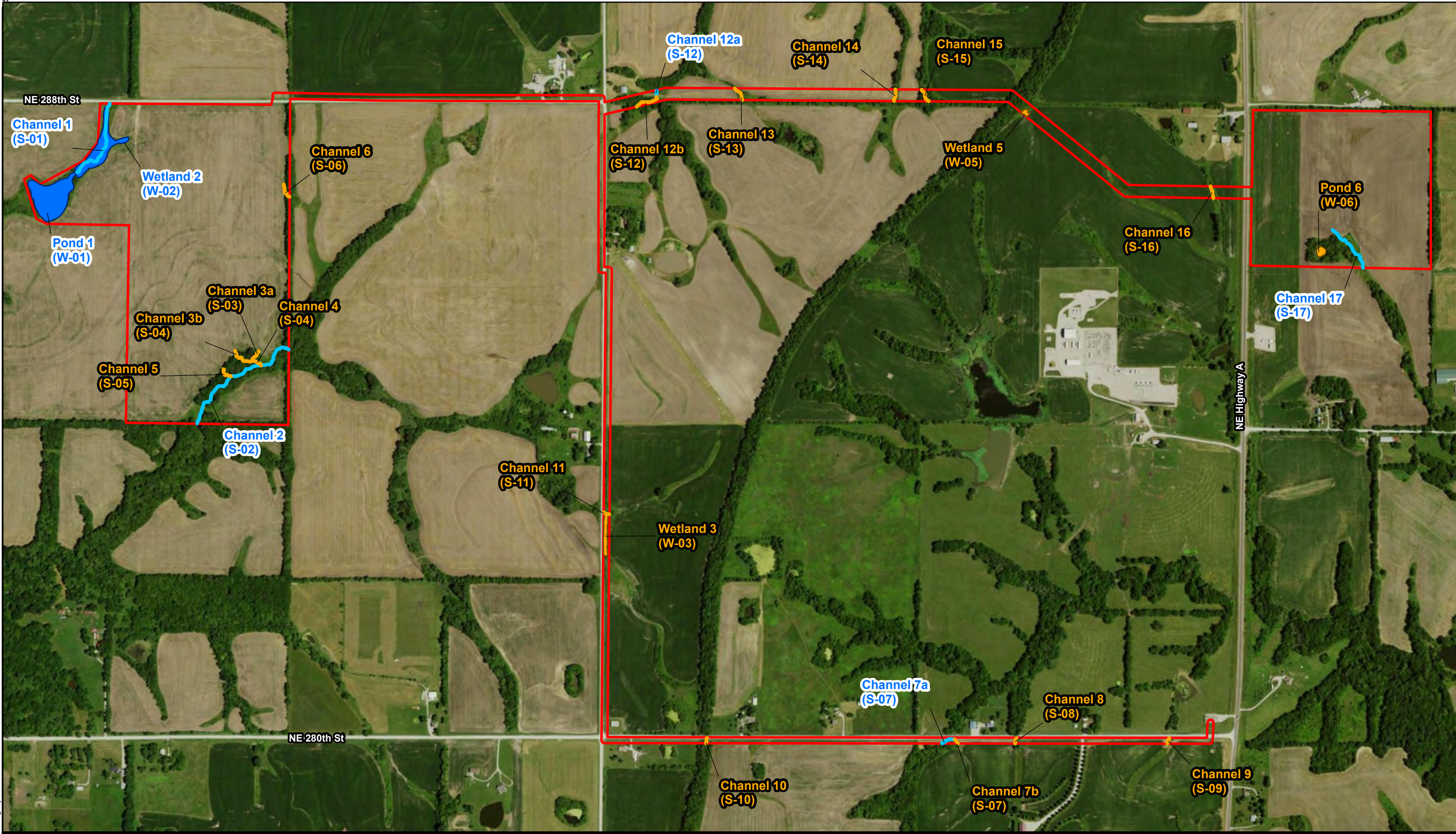


NWK-2024-00508 - Figure G
Approved Jurisdictional Determination
Aerial, LiDAR, & NWI Maps

Lat. 39.61250, Long. -94.34934

Source: Burns & McDonnell & Google Earth
 Pro Created: 21 October 2024

Path: \\bmcod.burnsmcd.com\dfs\Clients\BTS\AEC\141827_GasPlantDev\Consulting\Working_Files\ENSWetlands\Turney\Shapefiles\Turney_AJD.aprx cfwisniewski 2/4/2025
Service Layer Credits: NAIP Imagery. Source: Esri, USDA FSA



- | | |
|-----------------------------|------------------------------|
| Project Area | USACE Jurisdictional Wetland |
| USACE Jurisdictional Stream | Non-Jurisdictional Wetland |
| Non-Jurisdictional Stream | |

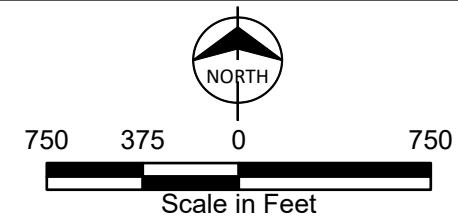


Figure 1
USACE Jurisdictional Wetlands and
Other Water Resources
Turney Energy Center
Associated Electric Cooperative, Inc.
Clinton County, Missouri

RE: [EXTERNAL] RE: Turney Energy Center EA - USFWS

From Bulliner, Kathryn M <kathryn_bulliner@fws.gov>

Date Thu 11/14/2024 10:57 AM

To Rob LeForce <rleforce@aeci.org>

Cc Tate.Triffiley@usda.gov <Tate.Triffiley@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Rob,

My apologies on the delay in providing concurrence for this project. I was getting several mixed up – it has been a busy few months. I see the negative survey results for bats. Please see the concurrence below.

The U.S. Fish and Wildlife Service (Service) has reviewed the information provided in your September 17, 2024, email and other correspondence regarding the proposed Turney Energy Center in Clinton County, Missouri. The Service offers the following comments pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

Based on the information provided, the Service concurs with your determination that the proposed project is not likely to adversely affect federally listed species for the Indiana bat, northern long-eared bat, gray bat, and tricolored bat. Additionally, we agree that the project will not jeopardize the continued existence of the monarch butterfly, a candidate species or the proposed threatened western regal fritillary. Our data indicate that no other federally listed species, proposed species, candidate species, or designated or proposed critical habitat are likely to be impacted by the proposed project action.* Should the scope, timing, or manner of activity change, please contact this office.

Thank you for your interest in the conservation of threatened and endangered species.

Sincerely,

Kathryn

Kathryn Bulliner, PhD (she/her)
Energy Coordinator
Missouri Field Office
U.S. Fish and Wildlife Service
cell: 573-476-9136
office: 281-227-5115



STEWARDSHIP – INTEGRITY – RESPECT – COLLABORATION – INNOVATION

From: Rob LeForce <rlforce@aeci.org>
Sent: Wednesday, November 13, 2024 9:15 AM
To: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>
Subject: RE: [EXTERNAL] RE: Turney Energy Center EA - USFWS

Kathryn,

We calculated everything using GIS and we're at 9.1 acres of trees to be cleared.

Respectfully,
Rob

Rob LeForce B/W

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
Springfield, MO 65801
O: 417.371.5652

From: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Sent: Tuesday, November 5, 2024 1:55 PM
To: Rob LeForce <rlforce@aeci.org>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>
Subject: RE: [EXTERNAL] RE: Turney Energy Center EA - USFWS

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Hi Rob,

Thank you for getting this back on the top of my inbox. Is it expected that less than 10 acres of trees will be removed as part of this project? I understand that winter tree clearing will be implemented.

Once I hear back, I can provide concurrence for the project.

Thank you,
Kathryn
Kathryn Bulliner, PhD (she/her)
Energy Coordinator
Missouri Field Office
U.S. Fish and Wildlife Service
cell: 573-476-9136
office: 281-227-5115

From: Rob LeForce <rleforce@aeci.org>
Sent: Tuesday, November 5, 2024 11:55 AM
To: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>
Subject: [EXTERNAL] RE: Turney Energy Center EA - USFWS

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.
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Kathryn,

I received an auto-reply last week that you were out to training, so following up with an email to bring it to the top of your inbox. Did USFWS need any further information on the Turney Energy Center Project?

Respectfully,
Rob

Rob LeForce BW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
Springfield, MO 65801
O: 417.371.5652

From: Rob LeForce
Sent: Wednesday, October 30, 2024 11:07 AM
To: 'Bulliner, Kathryn M' <kathryn_bulliner@fws.gov>
Cc: 'Tate.Triffiley@usda.gov' <Tate.Triffiley@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>
Subject: RE: Turney Energy Center EA - USFWS

Hi Kathryn,

Checking in on this project to see if the information we provided back on 9/17 was able to answer USFWS questions or if further information was needed? Thank you!

Respectfully,
Rob

Rob LeForce BW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.

Springfield, MO 65801
O: 417.371.5652

From: Rob LeForce
Sent: Tuesday, September 17, 2024 3:13 PM
To: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>
Subject: RE: Turney Energy Center EA - USFWS

Kathryn,

Attached is an updated habitat assessment, the one I sent earlier did not have the waterline addressed. I've also included a kmz file here of the waterline; Chris informed me it wasn't on the kmz file I sent previously.

Respectfully,
Rob

Rob LeForce, BSW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
Springfield, MO 65801
O: 417.371.5652

From: Rob LeForce
Sent: Tuesday, September 17, 2024 1:55 PM
To: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>
Subject: RE: Turney Energy Center EA - USFWS

Hi Kathryn,

I know you recently received the bat surveys from Cara Rogers from Burns & McDonnell, but I included them here as well to help consolidate documents. Attached you will find:

1. Official IPaC – Project Code 2024-0145147
2. Habitat Assessment from the proposed project
3. Bat Surveys
4. Project kmz file.

With the negative survey results we would not intend to propose any clearing window restrictions associated with the work. Clearing would occur within the 100 ft. right-of-way (ROW) of the transmission lead line (purple line on kmz file), a much narrower ROW (estimate 30 ft) for the water line on the western end of the water line (pink line on kmz file), some minor clearing on the property outline in green on the kmz file. The distribution line (teal on kmz) is an existing line and will be rebuilt, so I expect very minor clearing to occur along its route. The remaining locations are located within fields not containing trees. Overall, I would conservatively estimate approximately eight (8) acres of total clearing. Please let me know if you have any further questions.

Respectfully,

Rob

Rob LeForce BW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
Springfield, MO 65801
O: 417.371.5652

From: Bulliner, Kathryn M <kathryn_bulliner@fws.gov>
Sent: Thursday, September 12, 2024 8:35 AM
To: Rob LeForce <rleforce@aeci.org>
Cc: Tate.Triffiley@usda.gov; Howell, Chris <chowell@burnsmcd.com>
Subject: Turney Energy Center EA - USFWS

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Good Morning Rob,

Our office received your letter dated September 5, 2024, regarding Associated Electric Cooperative, Inc. (AECI) proposed Turney Energy Center project in Clinton County, Missouri. Our office has concerns regarding this project include the amount of suitable bat habitat removal for the proposed project. Can you please clarify the amount and timing of this habitat removal? We have records for listed bats within this county. To provide a better understanding of the risk to listed and proposed bat species, please send a kmz or shapefile of the proposed project. We also request the official IPaC consultation number and associated species list letter.

Thank you for the opportunity to review and provide more detail regarding this project.

Kathryn
Kathryn Bulliner, PhD (she/her)
Energy Coordinator
Missouri Field Office
U.S. Fish and Wildlife Service
cell: 573-476-9136
office: 281-227-5115



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CONFIDENTIALITY NOTICE: This e-mail message is intended for the exclusive use of the addressee(s) listed above. This message and any file(s) attached hereto may contain confidential information that is privileged or otherwise protected from disclosure. If you have received this message in error, please

notify me immediately by return e-mail and promptly delete this message and any attachments from your computer system.

September 5, 2024

Chris Smith
Air Traffic Specialist
Federal Aviation Administration
901 Locust Street, #501
Kansas City, MO 64106

Re: Turney Energy Center Environmental Assessment

Dear Specialist Smith:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for the Turney Energy Center, a new natural gas-fired, simple-cycle electric generating facility (Project). In anticipation of National Environmental Policy Act (NEPA), Clean Air Act, Endangered Species Act, and National Historic Preservation Act compliance, the purpose of this letter is to introduce the Project and gather information from your office on preliminary concerns, if any, for consideration in this compliance process. RUS has determined that an Environmental Assessment (EA) is the appropriate NEPA class of action for this Project pursuant to 7 Code of Federal Regulations § 1970.101. RUS has delegated transmittal of Agency Scoping letters to AECI and their consultant Burns & McDonnell per 7 CFR 1970.5(b)(2). This letter serves to notify you of the Project and to request your input.

The Project would be located near Turney, Missouri (Project Site; **Figure 1**). The Project would consist of a single Advanced Class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup and employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides. The approximately 95.5 acres that AECI owns, of which, approximately 45 acres will be disturbed for construction of the generation site and approximately 37 acres will ultimately be fenced, is shown in Figure 1. The generation will be interconnected via construction of approximately 2 miles of electrical line between the generation site and a proposed substation. Either AECI or N.W. Electric Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5 acres substation that AECI will own and operate. Approximately 2.5 miles of existing distribution electrical line will be reconstructed within existing ROW to supply power back to the generation site. Additionally, an approximately 1,000-foot natural gas lateral off the existing Rocky Mountain Express Pipeline would need to be constructed on the generation site to supply natural gas to the Project. Approximately 1.5 miles of water line would be needed to supply water to the Project and surrounding community, with a portion being upgraded and a portion being constructed.

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Table 1: Project Site Assessment Summary

Parameter	Site Assessment Summary
Location	Missouri/Clinton County
Site Latitude / Longitude	39°36'44.77"N / 94°20'56.37"W (approximate center point of Project)
Total Project Boundary	Approximately 160 acres

A review of the Federal Aviation Administration (FAA) Sectional Aeronautical Chart (SkyVector, 2020), aerial photography, USGS maps, (AirNav, 2020), and other internet sources identified no FAA-registered airports, no private landing strips, and no heliports within a 5-mile radius of the Project Site.

A review of the Federal Communications Commission (FCC) Antenna Structure Registration website identified no FCC-registered antenna within a 1-mile buffer of the Project Site. Two additional ASR towers and two microwave service towers were identified within a five-mile radius of the Project. No obvious aviation and radar constraints were identified for this Project.

AECI anticipates filing the FAA 7460-1 (Notice of Proposed Construction or Alteration) for the Project. Additionally, any structure exceeding 200-feet above ground level will be filed with the FAA in accordance with CFR Title 14 Part 77.9. AECI requests your review of this Project and asks that you provide information on any concerns, resources, or potential impacts that you believe the forthcoming EA should address. We would appreciate any recommendations you may have to mitigate or avoid air traffic impacts. We would appreciate a response within 30 days of your receipt of this request. To send comments or request further information, please contact me using one of the methods listed below, mentioning the proposed Turney Energy Center Project.

Contact Information

U.S. Postal Service	2814 S. Golden Ave. Springfield MO 65807
Email	rleforce@aeci.org
Telephone Hotline	(417) 371-5463

Sincerely,

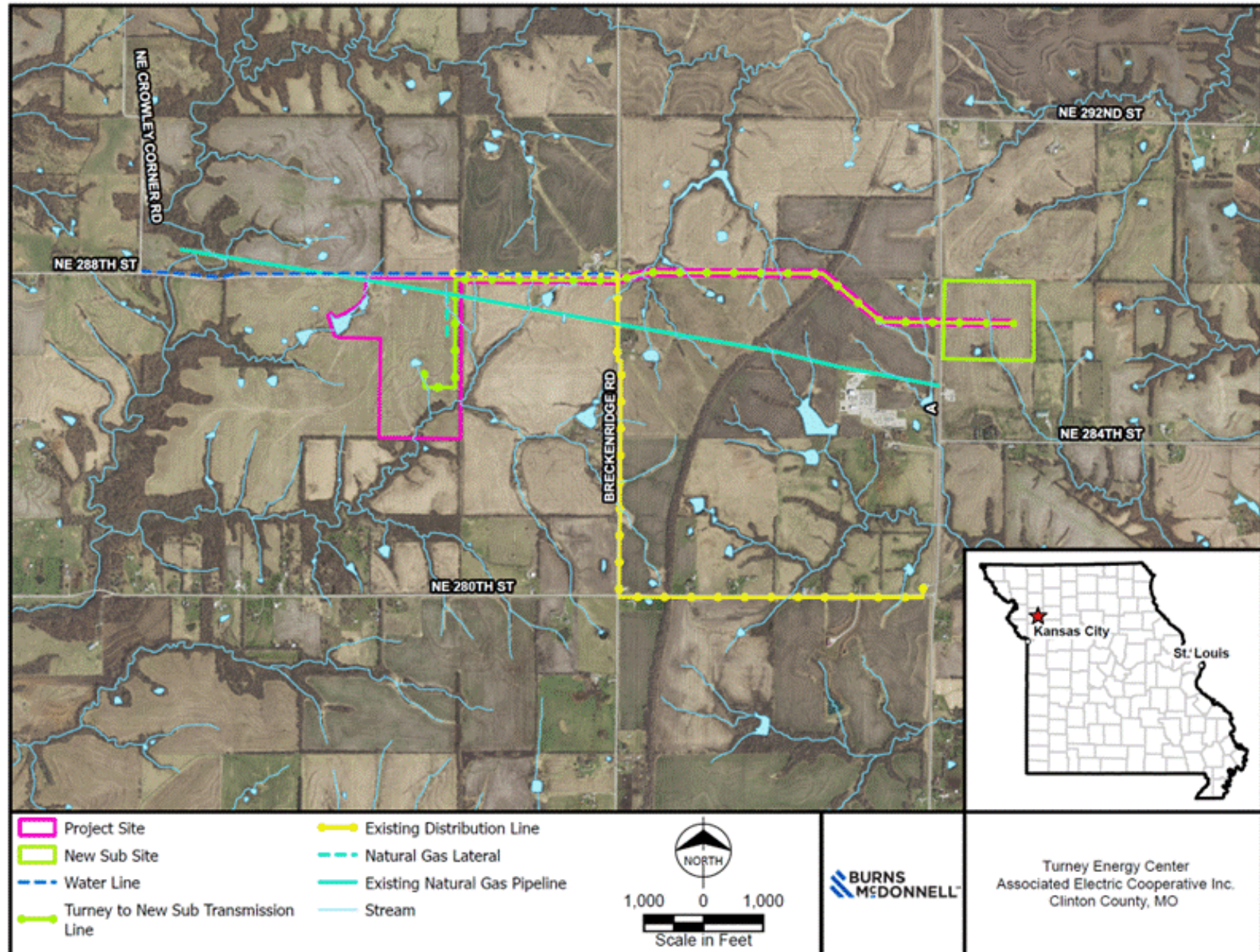
A handwritten signature in blue ink that reads "Rob LeForce". The signature is written in a cursive, flowing style.

Rob LeForce, B.W.
Environmental Analyst, Land and Water Resources, AECl

Enclosure Figure 1: AECl Project Site

cc: Tate Thriffiley, RUS
 Chris Howell, Burns & McDonnell

Figure 1: AECI Project Site



Source: ESRI, AECI, NHD, USGS Census Bureau TIGER/Line, and Burns & McDonnell

Issued: 7/25/2024

FW: Turney Energy Center EA; Turney, Missouri

From Brian N. Boehmer <Brian.Boehmer@modot.mo.gov>

Date Tue 9/10/2024 1:47 PM

To Rob LeForce <rleforce@aeci.org>

Cc Kyle LePage <Kyle.Lepage@modot.mo.gov>

 1 attachment (3 MB)

Turney Energy Center Env Assessment letter 9-5-2024.pdf;

You don't often get email from brian.boehmer@modot.mo.gov. [Learn why this is important](#)

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Robert Force AECI,

The above was forwarded to our office by the FAA Central Region Office of Airports. Missouri is a block grant state and acts as an arm of the FAA within the State of Missouri and regarding non-primary airports. We appreciate the opportunity to comment on the proposed project. We generally do not provide comments from an environmental perspective.

Airspace Considerations:

The project may require formal notice and review for airspace considerations under 14 CFR Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace. To determine if you need to file with FAA, go to <http://oeaaa.faa.gov> and click on the "Notice Criteria Tool" found at the left-hand side of the page.

Several items may need to be checked such as any changes in ground elevation, structures, towers, poles, objects, and temporary construction equipment that exceed the notice criteria. For projects involving long routes, multiple locations will need to be checked (usually every mile and changes in elevation).

If after using the tool, you determine that filing with FAA is required, we recommend a 120-day notification to accommodate the review process and issue our determination letter. Proposals may be filed at <http://oeaaa.faa.gov>. More information on this process may be found at: <http://www.faa.gov/airports/central/engineering/part77/>

Please let me know if you have any questions,

Brian N. Boehmer
Aviation Operations Manager
Missouri Department of Transportation
(573)526-3619
Email brian.boehmer@modot.mo.gov

Turney Energy Center EA

From Costner, Brian <brian.costner@hq.doe.gov>

Date Fri 10/4/2024 8:14 AM

To Rob LeForce <rleforce@aeci.org>

You don't often get email from brian.costner@hq.doe.gov. [Learn why this is important](#)

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

The Department of Energy has not identified an interest in providing input to the Turney Energy Center EA. Thank you for contacting theDepartment.

Brian Costner, Director
Office of NEPA Policy and Compliance
U.S. Department of Energy



Associated Electric Cooperative, Inc.

www.aeci.org • 417-881-1204 • FAX 417-885-9252
2814 S. Golden, P.O. Box 754 Springfield, Missouri 65801-0754

September 5, 2024

Scott Edwards
State Conservationist
Missouri Natural Resource Conservation Service
601 Business Loop 70 West Suite 250
Columbia, MO 65203

Re: Turney Energy Center Environmental Assessment

Dear Mr. Edwards:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for the Turney Energy Center, a new natural gas-fired, simple-cycle electric generating facility (Project). In anticipation of National Environmental Policy Act (NEPA), Clean Air Act, Endangered Species Act, and National Historic Preservation Act compliance, the purpose of this letter is to introduce the Project and gather information from your office on preliminary concerns, if any, for consideration in this compliance process. RUS has determined that an Environmental Assessment (EA) is the appropriate NEPA class of action for this Project pursuant to 7 Code of Federal Regulations § 1970.101. RUS has delegated transmittal of Agency Scoping letters to AECI and their consultant Burns & McDonnell per 7 CFR 1970.5(b)(2). This letter serves to notify you of the Project and to request your input.

The Project would be located near Turney, Missouri (Project Site; **Figure 1**). The Project would consist of a single Advanced Class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup and employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides. The approximately 95.5 acres that AECI owns, of which, approximately 45 acres will be disturbed for construction of the generation site and approximately 37 acres will ultimately be fenced, is shown in Figure 1. The generation will be interconnected via construction of approximately 2 miles of electrical line between the generation site and a proposed substation. Either AECI or N.W. Electric Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5 acres substation that AECI will own and operate. Approximately 2.5 miles of existing distribution electrical line will be reconstructed within existing ROW to supply power back to the generation site. Additionally, an approximately 1,000-foot natural gas lateral off the existing Rocky Mountain Express Pipeline would need to be constructed on the generation site to supply natural gas to the Project. Approximately 1.5 miles of water line would be needed to

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supply water to the Project and surrounding community, with a portion being upgraded and a portion being constructed.

Table 1: Project Site Assessment Summary

Parameter	Site Assessment Summary
Location	Missouri/Clinton County
Site Latitude / Longitude	39°36'44.77"N / 94°20'56.37"W (approximate center point of Project)
Total Project Boundary	Approximately 160 acres
Land Use	Six land use types, primarily cultivated crops
Soils	Approximately 9.5 acres of hydric soils within the Project Site (Colo silty clay loam, 5.9% of Project Boundary).

Desktop-level studies were performed to determine the need for further evaluation or permitting at the Project location. Land cover within the Project Boundary contains large portions of cultivated crops. The vegetation type in the Project Boundary is common for this region. Locations surrounding the Project Boundary are similar in composition and are primarily composed of agricultural lands. It was determined that there are six land use types, including deciduous forest, on the Project Site, along with 9.5 acres of hydric soils (Colo silty clay loam). Based on the results of the desktop review, the Project Boundary land use is summarized as approximately 1.4 acres of open water; 2 acres of developed, open space; 2.6 acres of developed, low intensity; 4.8 acres deciduous forest; 17 acres of pasture/hay; and 134.4 acres of cultivated crops.

AECI requests your review of this Project and asks that you provide information on any concerns, resources, or potential impacts that you believe the forthcoming EA should address. We would appreciate any recommendations you may have to mitigate or avoid environmental impacts. Also, please share any information regarding additional review requirements that your agency may have. We would appreciate a response within 30 days of your receipt of this request. To send comments or request further information, please contact me using one of the methods listed below, mentioning the proposed Turney Energy Center Project.

Contact Information

U.S. Postal Service	2814 S. Golden Ave. Springfield MO 65807
Email	rleforce@aeci.org
Telephone Hotline	(417) 371-5463

Sincerely,

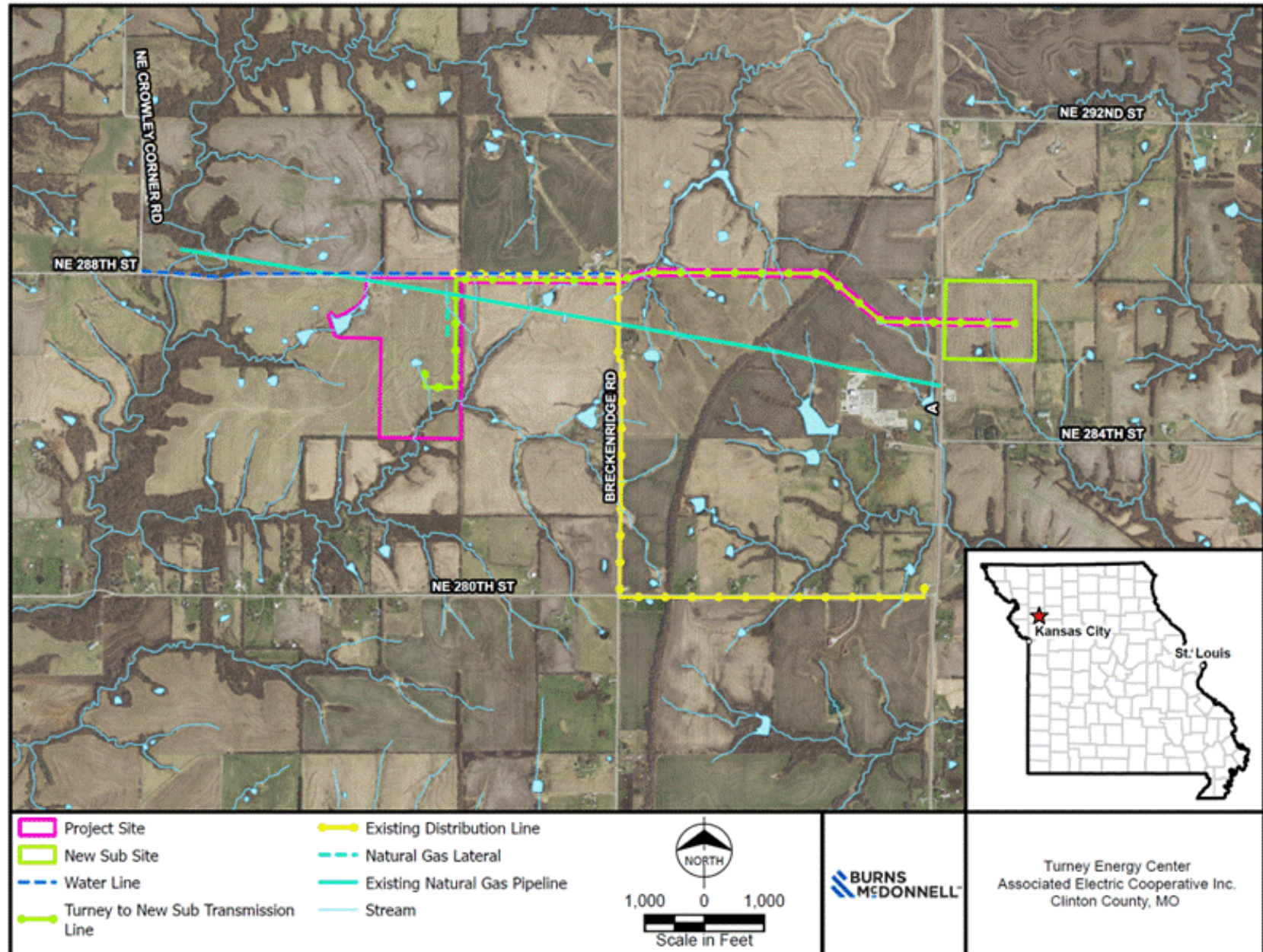
A handwritten signature in blue ink that reads "Rob LeForce". The signature is written in a cursive, flowing style.

Rob LeForce, B.W.
Environmental Analyst, Land and Water Resources, AECI

Enclosure Figure 1: AECI Project Site

cc: Tate Thriffiley, RUS
 Chris Howell, Burns & McDonnell

Figure 1: AECl Project Site



Source: ESRI, AECl, NHD, USGS Census Bureau TIGER/Line, and Burns & McDonnell

Issued: 7/25/2024

RE: Turney Energy Center Clinton County

From Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>

Date Thu 11/7/2024 11:53 AM

To Rob LeForce <rleforce@aeci.org>

Cc Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>; Bradley-Redden, Diane - FPAC-NRCS, MO <diane.bradley-redden@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

 1 attachment (197 KB)

Turney Energy Project_ Clinton Co AD1006_Farmland Conversion Impact Rating.pdf;

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Rob,

I have updated the AD-1006 to account for the water and electrical transmission lines (approximately 16 acres). Waterlines will be buried and will not be permanent conversion. Planned overhead electric line easement will allow acres directly below to remain "farmable". Areas where the poles and guy wires are installed in fields and pastures will have only a minor impact on the conversion of important farmlands. These acres will not be evaluated under FPPA rules.

Nathan S. Bilke

Area Soil Scientist

USDA Natural Resource Conservation Service

3915 Oakland Avenue, Suite 103

St. Joseph, Missouri 64506-4920

Cell #660-654-4576

Office Phone: 816-364-3927

nathan.bilke@mo.usda.gov

"It is not the critic who counts; not the man who points out how the strong man stumbles...the credit belongs to the man in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who at his worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Teddy Roosevelt

From: Rob LeForce <rleforce@aeci.org>

Sent: Thursday, November 7, 2024 11:30 AM

To: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>

Cc: Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>; Bradley-Redden, Diane - FPAC-NRCS, MO <diane.bradley-redden@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

Subject: Re: Turney Energy Center Clinton County

They will be overhead transmission lines and would allow for farming under the lines. Thank you!

Get [Outlook for iOS](#)

From: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>

Sent: Thursday, November 7, 2024 11:17:19 AM

To: Rob LeForce <rleforce@aeci.org>

Cc: Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>; Bradley-Redden, Diane - FPAC-NRCS, MO <diane.bradley-redden@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

Subject: RE: Turney Energy Center Clinton County

You don't often get email from nathan.bilke@usda.gov. [Learn why this is important](#)

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Rob,

Will the electric transmission lines be overhead or buried? If they are overhead will the ROW allow farming practices underneath the lines? In regards to the waterline there will be no permanent conversion there. I will update the form to account for these acres one way or another after I receive your response.

Nathan S. Bilke

Area Soil Scientist

USDA Natural Resource Conservation Service

3915 Oakland Avenue, Suite 103

St. Joseph, Missouri 64506-4920

Cell #660-654-4576

Office Phone: 816-364-3927

nathan.bilke@mo.usda.gov

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Teddy Roosevelt

From: Rob LeForce <rleforce@aeci.org>

Sent: Tuesday, November 5, 2024 11:50 AM

To: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>

Cc: Lugo-Camacho, Jorge - FPAC-NRCS, MO <jorge.lugo-camacho@usda.gov>; Bradley-Redden, Diane - FPAC-NRCS, MO <diane.bradley-redden@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

Subject: RE: Turney Energy Center Clinton County

Nathan,

We noticed on the Farmland Classification soil survey that the illustration only appears to address the proposed plant property, but not the transmission line and waterline. I expected to see the classification illustration below for the full scope, so I just wanted to verify that the scoring sheet indeed reflects the full scope of the project? Thanks for the verification and quick review of the project! Feel free to give me a call if you needed any further clarifications.



"It is not the critic who counts; not the man who points out how the strong man stumbles...the credit belongs to the man in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who at his worst, if he fails, at least fails while doing greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Teddy Roosevelt

From: Saunders, Jason - FPAC-NRCS, MO <jason.saunders@usda.gov>
Sent: Thursday, October 24, 2024 9:06 AM
To: Bilke, Nathan - FPAC-NRCS, MO <nathan.bilke@usda.gov>
Subject: FW: [External Email]Turney Energy Center Clinton County

Jason Saunders
District Conservationist
USDA-NRCS
Clay/Clinton/Jackson/Platte FOSA
PO Box 1220
1209 Branch Street
Platte City, MO 64079
Phone: (816) 431-2101 ext. 3101
Cell: 816-244-5855
jason.saunders@usda.gov

From: Rob LeForce <rleforce@aeci.org>
Sent: Wednesday, October 23, 2024 2:54 PM
To: Saunders, Jason - FPAC-NRCS, MO <jason.saunders@usda.gov>
Cc: McCaslin, Audra L <almccaslin@burnsmcd.com>; Howell, Chris <chowell@burnsmcd.com>
Subject: [External Email]Turney Energy Center Clinton County

You don't often get email from rleforce@aeci.org. [Learn why this is important](#)

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good Afternoon Jason,

We are completing an Environmental Assessment (EA) because we are seeking financial assistance from the USDA Rural Utilities Service for a proposed new simple-cycle electric generation facility called Turney Energy Center in Clinton County, Missouri. We sent an agency scoping letter (attached) to Mr. Scott Edwards on September 5th, but have not received a reply in over 30 days, so I wanted to follow up with you on the local level since it's possible you never received the letter. I'd appreciate your review and any recommendations you may have and included the Farmland Conversion Impact Rating Form. Please let me know if you have any questions, thanks!

Respectfully,
Rob

Rob LeForce, BSW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
Springfield, MO 65801
O: 417.371.5652

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FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 10-23-2024				
Name of Project Turney Energy Center		Federal Agency Involved USDA Rural Development, RUS				
Proposed Land Use Energy Generation		County and State Clinton County, Missouri				
PART II (To be completed by NRCS)		Date Request Received By NRCS 10/24/24		Person Completing Form: Nathan Bilke		
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☒	NO ☐	Acres Irrigated N/A	Average Farm Size 325	
Major Crop(s) Yellow Corn and Soy Beans	Farmable Land In Govt. Jurisdiction Acres: 260,106% 96.0	Amount of Farmland As Defined in FPPA Acres: 256,306% 94.6				
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System N/A	Date Land Evaluation Returned by NRCS 10/30/2024				
PART III (To be completed by Federal Agency)		Alternative Site Rating				
		Site A	Site B	Site C	Site D	
A. Total Acres To Be Converted Directly		144				
B. Total Acres To Be Converted Indirectly		0				
C. Total Acres In Site		160				
PART IV (To be completed by NRCS) Land Evaluation Information						
A. Total Acres Prime And Unique Farmland		37				
B. Total Acres Statewide Important or Local Important Farmland		0				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted		.0001				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value		44.5				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)		94				
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use		(15)	15			
2. Perimeter In Non-urban Use		(10)	10			
3. Percent Of Site Being Farmed		(20)	20			
4. Protection Provided By State and Local Government		(20)	0			
5. Distance From Urban Built-up Area		(15)	15			
6. Distance To Urban Support Services		(15)	0			
7. Size Of Present Farm Unit Compared To Average		(10)	0			
8. Creation Of Non-farmable Farmland		(10)	0			
9. Availability Of Farm Support Services		(5)	0			
10. On-Farm Investments		(20)	0			
11. Effects Of Conversion On Farm Support Services		(10)	0			
12. Compatibility With Existing Agricultural Use		(10)	0			
TOTAL SITE ASSESSMENT POINTS		160	60	0	0	0
PART VII (To be completed by Federal Agency)						
Relative Value Of Farmland (From Part V)		100	94	0	0	0
Total Site Assessment (From Part VI above or local site assessment)		160	60	0	0	0
TOTAL POINTS (Total of above 2 lines)		260	154	0	0	0
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES ☐ NO ☒		
Reason For Selection: Approximately 16 acres of new transmission lines in the project (electric and water). There will be very little permanent conversion (poles, guywires etc.). These ares will not be evaluated under FPPA rules. See accompanying email. NB 11/7/2024						
Name of Federal agency representative completing this form:		JON THRIFFILEY			Digitally signed by JON THRIFFILEY Date: 2024.11.18 11:21:44 -06'00'	

(See Instructions on reverse side)

Form AD-1006 (03-02)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, <http://fppa.nrcs.usda.gov/lesa/>.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map, or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.
- Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.
2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

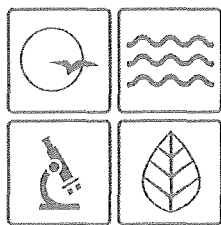
Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Michael L. Parson
Governor

Dru Buntin
Director

September 27, 2024

Rob LeForce, B.W.
2814 S. Golden
Springfield, Missouri 65801-0754

Dear Rob LeForce;

The Missouri Department of Natural Resources appreciates the opportunity to review the materials for the Turney Energy Center Environmental Assessment project.

The department offers the following comments related to environmental considerations for use in evaluating your project's environmental impacts pursuant to National Environmental Policy Act as amended (42 U.S.C. §§ 4321, et seq.).

Project Location

The project is located southwest of Turney, MO in one general area, which is bound by NE 288th St. and NE 292nd St. on the north edge, NE 280th St. along the southern edge, NE Gall Rd. on the eastern edge, and NE Dixon Road on the western edge. The following geographic descriptions apply to the approximate location of the study area.

Geographic Coordinates:
385916E 4386095N

Public Land Survey System:
T55N R31W S02, T55N R31W S01, T55N R30W S06

8-Digit Hydrologic Unit Code:
Platte (10240012)
Upper Grand (10280101)

Ecological Drainage Unit:
Central Plains/Nishnabotna/Platte
Central Plains/Grand/Chariton

Geology and Geospatial Data

The project area is situated in the Northwestern Groundwater Province of Missouri, where the primary aquifers are the alluvial and glacial deposits of the Quaternary System. Underlying the project area are glacial deposits, approximately 75 to 100 feet thick, consisting of clay, silt, gravel, and boulders. Dependent on permeability these deposits have the potential to yield between three and 50 gallons of water per minute. The uppermost bedrock units are of the Pennsylvanian-age Lansing Group, which are not considered significant aquifers as they are not generally water-bearing regionally but can produce small amounts of water locally.

If a full Geologic Assessment is required for a project, the Missouri Geological Survey can be contacted directly at 800-361-4827. Other maps showing natural and cultural resources can be found at <https://dnr.mo.gov/land-geology/maps-data-research>.

Karst Topography

A review of karst features revealed no sinkholes within five miles of the project area. While no faults were identified within a mile of the site, there are geological structures such as anticlines and synclines within five miles of the site. These structures do not pose a significant earthquake risk. Additionally, two historical limestone surface mines were found within one mile of the study area, it is unclear their potential impact will have on the future project.

There is one spring near the project area. The project area is in the Lathrop quadrangle, which has a cave density of 0. Springs, sinkholes, and caves are features on the landscape associated with karst topography that can act as direct conduits of surface water and pollutants to groundwater. As such, extra precaution should be taken to minimize disturbance of land in or around these features, and to avoid the introduction of pollutants to sensitive groundwater resources. Karst areas may also present the possibility of potential collapse.

Wells

There is one active domestic well within one mile of the site and 42 within five miles of the site. No active public wells were identified in the area, however, there is one abandoned public well near the project area. These identified wells utilize the groundwater zones of the Glacial deposits. This aquifer is unconfined and likely highly susceptible to surface contaminants due to its moderate permeability. Current and future wells could potentially become impacted if any hazardous materials from the project migrate into the subsurface.

Wells can act as conduits of pollutants to groundwater resources. Abandoned wells should be plugged prior to any land disturbance, and care should be taken to utilize appropriate best management practices to protect any currently operating wells. For more information on locating and plugging wells, or on private domestic wells, please visit the link below for the department's Wellhead Protection Section webpage or contact the department's Geological Survey Program directly. <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/wells-drilling>.

Public Land

Public land resource Ronald and Maude Hartell Conservation Area is located near the project area and is owned by Missouri Department of Conservation. Care should be taken to avoid impact to these public lands.

Conservation Opportunity Areas

There is a Conservation Opportunity Area (COA) near the project area: Little Platte River. Both terrestrial and aquatic COAs are identified by the Missouri Department of Conservation (MDC) and its conservation partners as priority areas that support and conserve viable populations of wildlife and the ecological systems on which they depend. Designated COAs are located statewide and may consist of a combination of public and private resources. Please contact the MDC at 573-751-4115 for more information.

Water Protection

Best Management Practices

Best management practices should be utilized during project activities to limit the amount of sediment and other pollutants entering waters of the state, and to protect the water's chemical, physical, and biological characteristics. These practices include, but are not limited to,

conducting work during low flow conditions whenever possible, keeping heavy equipment out of the water, and taking all necessary precautions to avoid the release of fuel or other waste products to streams and other waters. In addition, the department encourages the preservation of existing riparian or buffer areas around each water resource to limit the amount of sediments or other pollutants entering the water. Any stream banks, riparian corridors, lake shores, or wetlands denuded of vegetation should be stabilized and re-vegetated as soon as is practicable.

Watershed Conditions

Public Drinking Water

The project area is in or around the Clinton Co. PWSD #4. There is one tank near the project area. Proposed project personnel should be aware of nearby Public Drinking Water systems. Work associated with any project should take into consideration the protection of surface and groundwater public drinking water supplies, implementing appropriate best management practices as necessary. For additional information regarding source water protection, please contact Ken Tomlin of the department's Public Drinking Water Branch at 573-526-0269.

Designated Uses

Water Bodies with Specific Designated Uses

The proposed project area is in the watershed of the Little Platte River. Water bodies are assigned specific designated uses according to State of Missouri Water Quality regulations at 10 CSR 20-7.031(2). These waters are protected by numeric water quality criteria outlined in 10 CSR 20-7.031(5) and Table A, as well as general water quality criteria outlined at 10 CSR 20-7.031(4). Designated uses of the Little Platte River include the following:

- Protection and propagation of fish, shellfish, and wildlife – warm water habitat (WWH)
- Human health protection (HHP)
- Irrigation (IRR)
- Livestock and wildlife protection (LWP)
- Secondary contact recreation (SCR)
- Whole body contact recreation – Category B (WBC-B)

Water Bodies without Specific Designated Uses

Water bodies that are not assigned specific designated uses are still protected by general water quality criteria outlined at 10 CSR 20-7.031(4) and are subject to the acute toxicity criteria of Tables A and B, as well as whole effluent toxicity conditions.

According to the National Wetlands Inventory <https://www.fws.gov/wetlands/>, there is the likelihood of freshwater wetlands and ponds within the riparian corridors of the Little Platte River. This project has the potential to impact wetlands, ponds, and the aforementioned tributaries and headwater streams to be impacted, depending on their proximity to land disturbance activities. Project sponsors should avoid such impacts through alternative analysis before compensatory mitigation is considered. If wetlands, ponds, headwaters, or tributaries are not directly impacted but are near any land disturbance, project sponsors should take care to protect water quality. While these water bodies are not assigned specific designated uses, they are protected by Missouri's general water quality criteria.

Sensitive Waters

There are no known sensitive waters in the project area for the following categories: Cold Water Habitat, Outstanding National Resource Waters, Metropolitan No-Discharge streams, bio criteria reference locations, losing streams, 303(d) Impaired and 305(b) Threatened Waters, and Waters with Approved Total Maximum Daily Loads.

Table E, Outstanding State Resource Waters

A portion of this project is located within the watershed of Shoal Creek which has been designated as an Outstanding State Resource Water. There shall be no lowered water quality in Outstanding State Resource Waters, as designated in 10 CSR 20-7.031 Table E.

Permitting Obligations

Clean Water Act Sections 401 and 404

Projects that have the potential to discharge fill or dredged material into a jurisdictional water of the United States must receive a Clean Water Act Section 404 Permit Authorization from the U.S. Army Corps of Engineers (USACE), and a Section 401 Water Quality Certification from the department. Some examples of activities that typically require a 404 permit and a 401 certification include stream bank stabilization, installation or replacement of culverts and low water crossings, fill impacts related to residential and commercial developments, and infrastructure maintenance. To learn more about 404 permits visit the USACE's website:

<https://rrs.usace.army.mil/rrs/home/permitting>. For more information about 401 water certification from the department, go to <https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/section-401-water-quality>

If discharge into water has occurred, or will occur, project personnel should immediately contact the appropriate USACE District (link below) and the department's Operating Permits Section at 573-522-4502 for more information.

<http://www.mvr.usace.army.mil/Portals/48/docs/regulatory/MORegBound.pdf>

Land Disturbance

The project must apply for a land disturbance permit from the department if it involves construction disturbance activities of one or more acres, or construction activities that disturb less than one acre when part of a larger common plan of development or sale that will disturb a cumulative total of one or more acres over the life of the project. Land disturbance activities include clearing, grubbing, excavating, grading, filling, and other activities that result in the destruction of the root zone. Disturbance to valuable resource waters, including springs, sinkholes and losing streams, could require additional conditions or permits.

Information and application for online land disturbance permits are located at

<https://dnr.mo.gov/water/business-industry-other-entities/permits-certification-engineering-fees/stormwater/construction-land-disturbance>.

Questions regarding permit requirements may be directed to the appropriate Regional Office.

<https://dnr.mo.gov/about-us/division-environmental-quality/regional-office>

Demolition and Construction Waste Management

Information on managing construction and demolition waste can be found at

<https://dnr.mo.gov/print/document-search/pub2045>.

Hazardous Waste

Information on hazardous waste and petroleum tanks can be found at <https://dnr.mo.gov/waste-recycling/long-term-stewardship-lts/environmental-site-tracking-research-tool-e-start>.

During the project, if any underground tanks or contaminated soil is discovered, workers should withdraw to a safe distance and notify the department's spill line at 573-634-2436.

It is the generator's responsibility to determine if materials generated during construction and demolition, are hazardous wastes. Demolition-related waste categories typically include paint residue (paint chips, paint scrapings, etc.), demolition debris (metal and boards that have been painted with lead-based or other heavy metal-based paint), and scrap metal (metal objects that contain lead or other heavy metals). A hazardous waste determination is not required for materials that will be reused or recycled without additional processing.

Asbestos

Prior to demolition activities, regulated structures must be thoroughly inspected by a Missouri-certified asbestos inspector to determine if any Asbestos Containing Materials are present, and a notification made to the department at least ten working days prior to demolition. Regulated structures include any building which has been used as a commercial, institutional, or industrial building (even if it was historic use), and projects involving two or more residential structures. In addition, this includes but is not limited to the following "non-building" structures: bridges, pipelines, cooling towers, chimneys, dams, and tunnels. Any asbestos found must be properly managed to prevent release of asbestos fibers.

Solid Waste

Information about solid waste uncovered during construction activities can be found at <https://dnr.mo.gov/document-search/managing-solid-waste-encountered-during-excavation-activities-pub2192/pub2192>.

No waste may be buried on-site or at an alternate site, except for clean fill. Clean fill is defined by the Revised Statutes of Missouri as "uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use." Clean fill must not contain protruding metals or demolition debris. Although not regulated as waste, placement of clean fill materials may be subject to requirements of the department's Water Protection Program if it is placed in contact with surface or subsurface waters of the state or would otherwise violate water quality standards.

Air Pollution

Dust

Ensure fugitive particulate matter emissions, such as dust, resulting from the project do not remain on surfaces or in the air beyond the property line of origin. 10 CSR 10-6.170 restricts the emission of particulate matter to the ambient air beyond the premises of origin. Additional information on general dust emissions may be found at <https://dnr.mo.gov/print/document-search/pub2200>.

Open Burning

The open burning of refuse and trade waste is restricted according to 10 CSR 10-6.045. Construction, demolition, and trade waste cannot be open burned, except for untreated wood. Brush from land clearing activities may be burned if the burning is conducted outside the city limits and greater than 200 yards from the nearest occupied structure. Additional information on open burning can be found at <https://dnr.mo.gov/print/document-search/pub2047>.

The above comments concern potential environmental impacts related to air, land, and water. Feedback on this project related to the other topics should be directed as described below:

Rob LeForce, B.W.

Page 6

- Historic Preservation: Project personnel should check with the department's State Historic Preservation Office to determine if a Section 106 Review is needed. Information on the Section 106 Review can be found on the department's web site at <https://www.mostateparks.com/page/84261/section-106-review> or by contacting the State Historic Preservation Office at 573-751-7858.
- Floodplain: For information concerning flood plains impacts, contact the Missouri State Emergency Management Agency, Floodplain Management and Mitigation Branch, at 573-526-9100 or 2302 Militia Drive, Jefferson City, MO 65101.
- Endangered Species: The MDC is responsible for collecting and managing information on the location and status of endangered species in the state. Contact MDC's Endangered Species Coordinator at 573-751-4115 or P.O. Box 180, Jefferson City, MO 65102 for information about endangered species impacts.

We appreciate the opportunity to provide comments for the proposed project. If you have any questions or need clarification, please contact me at 573-522-6221.

Sincerely,

A handwritten signature in black ink that reads "Hannah Humphrey". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Hannah Humphrey
Deputy Director

HH/rab



Associated Electric Cooperative, Inc.

www.aeci.org • 417-881-1204 • FAX 417-885-9252
2814 S. Golden, P.O. Box 754 Springfield, Missouri 65801-0754

September 5, 2024

Patrick McKenna
Director
Missouri Department of Transportation
105 West Capitol Avenue
Jefferson City, MO 65102

Re: Turney Energy Center Environmental Assessment

Dear Director McKenna:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development, Rural Utilities Service (RUS) under the RUS Electric Program for the Turney Energy Center, a new natural gas-fired, simple-cycle electric generating facility (Project). In anticipation of National Environmental Policy Act (NEPA), Clean Air Act, Endangered Species Act, and National Historic Preservation Act compliance, the purpose of this letter is to introduce the Project and gather information from your office on preliminary concerns, if any, for consideration in this compliance process. RUS has determined that an Environmental Assessment (EA) is the appropriate NEPA class of action for this Project pursuant to 7 Code of Federal Regulations § 1970.101. RUS has delegated transmittal of Agency Scoping letters to AECI and their consultant Burns & McDonnell per 7 CFR 1970.5(b)(2). This letter serves to notify you of the Project and to request your input.

The Project would be located near Turney, Missouri (Project Site; **Figure 1**). The Project would consist of a single Advanced Class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup and employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides. The approximately 95.5 acres that AECI owns, of which, approximately 45 acres will be disturbed for construction of the generation site and approximately 37 acres will ultimately be fenced, is shown in Figure 1. The generation will be interconnected via construction of approximately 2 miles of electrical line between the generation site and a proposed substation. Either AECI or N.W. Electric Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5 acres substation that AECI will own and operate. Approximately 2.5 miles of existing distribution electrical line will be reconstructed within existing ROW to supply power back to the generation site. Additionally, an approximately 1,000-foot natural gas lateral off the existing Rocky Mountain Express Pipeline would need to be constructed on the generation site to supply natural gas to the Project. Approximately 1.5 miles of water line would be needed to supply water to the Project and surrounding community, with a portion being upgraded and a

portion being constructed. The roadways within and adjacent to the Project Area are either rural roads, vehicular trails, or driveways. Rural roads, vehicular trails, and driveways may have a gravel or dirt surface. AECl does not anticipate the need to modify any roads or traffic patterns due to the construction and operation of the Project.

Table 1: Project Site Assessment Summary

Parameter	Site Assessment Summary
Location	Missouri/Clinton County
Site Latitude / Longitude	39°36'44.77"N / 94°20'56.37"W (approximate center point of Project)
Total Project Boundary	Approximately 160 acres

AECl requests your review of this Project and asks that you provide information on any concerns, resources, or potential impacts that you believe the forthcoming EA should address. We would appreciate any recommendations you may have to mitigate or avoid environmental impacts. Also, please share any information regarding additional review requirements that your agency may have. We would appreciate a response within 30 days of your receipt of this request. To send comments or request further information, please contact me using one of the methods listed below, mentioning the proposed Turney Energy Center Project.

Contact Information

U.S. Postal Service	2814 S. Golden Ave. Springfield MO 65807
Email	rleforce@aeci.org
Telephone Hotline	(417) 371-5463

Sincerely,

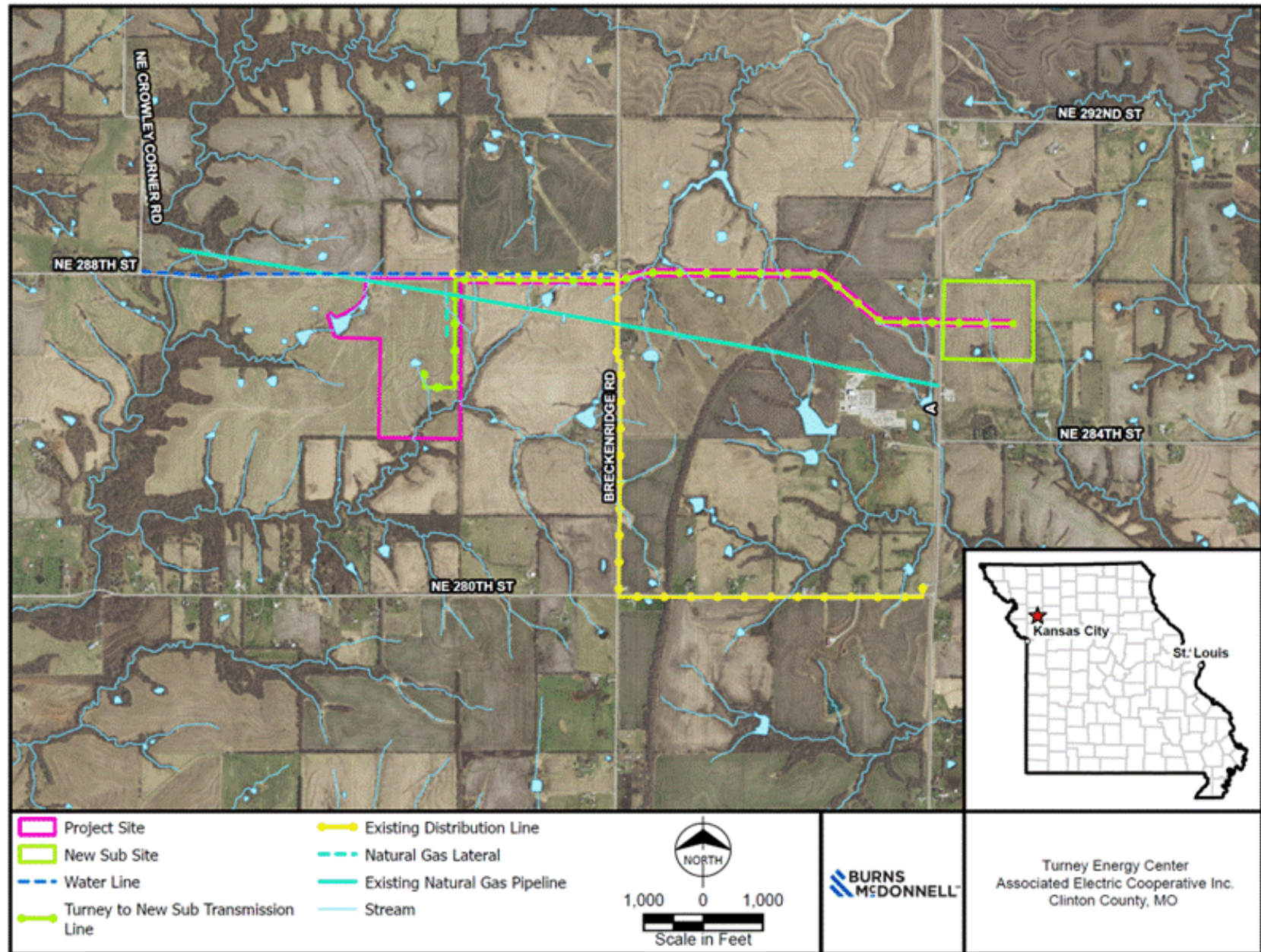


Rob LeForce, B.W.
Environmental Analyst, Land and Water Resources, AECl

Enclosure Figure 1: AECl Project Site

cc: Tate Thriffiley, RUS
 Chris Howell, Burns & McDonnell

Figure 1: AECl Project Site



Source: ESRI, AECl, NHD, USGS Census Bureau TIGER/Line, and Burns & McDonnell

Issued: 7/25/2024

Turney Energy Center Project

From Melissa Scheperle <Melissa.Scheperle@modot.mo.gov>

Date Mon 9/30/2024 2:20 PM

To Rob LeForce <rleforce@aeci.org>

Cc Kyle E. Grayson <Kyle.Grayson@modot.mo.gov>; Jose A. Rodriguez <Jose.Rodriguez@modot.mo.gov>; Shannon Kusilek <Shannon.Kusilek@modot.mo.gov>

You don't often get email from melissa.scheperle@modot.mo.gov. [Learn why this is important](#)

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Mr. LeForce,

Thank you for the opportunity to comment on the proposed Turney Energy project near Turney, Missouri. MoDOT has the following concerns and potential impacts regarding the project:

1. Please contact MoDOT if improvements require alteration to or additional traffic control devices or auxiliary turn lanes, etc.
2. Any driveways accessing the site on Route A must be evaluated for sight distance and geometric design compliance with MoDOT EPG standards. A separate driveway permit is required for that work and can be done under any existing performance bonds for this project.
3. The preconstruction condition of Route A will need to be documented and evaluated during construction when the extra heavy equipment is traveling along Route A. Any damage to the roadway by such vehicles and equipment must be remedied by the contractor at their expense.
4. Utility permits will need to be reviewed and issued for any work on the right of way. They will need to have a surety bond established for the permit if the company does not have one.

5. Contact for MoDOT: Jose Rodriguez, P.E., PTOE
Area Engineer – Western Area
MoDOT
Northwest District
3602 North Belt Hwy
St. Joseph, MO 64506
816.387.2428
Jose.Rodriguez@modot.mo.gov

Thank you,



MELISSA A. SCHEPERLE

Environmental and Historic Preservation Manager

Missouri Department of Transportation

Central Office - Design Division
601 West Main, Jefferson City, MO
573-526-6684
573-508-2848

www.modot.org



Associated Electric Cooperative, Inc.

www.aeci.org • 417-881-1204 • FAX 417-885-9252
2814 S. Golden, P.O. Box 754 Springfield, Missouri 65801-0754

September 5, 2024

Environmental Review Coordinator
Missouri Natural Heritage Inventory
PO Box 180
Jefferson City, MO 65102

Re: Turney Energy Center Environmental Assessment

Dear Sir or Madam:

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CONFIDENTIAL - This document includes trade secrets or commercial or financial information that is privileged or confidential and subject to 5 U.S.C. § 522(b)(4). Information contained within this document is not customarily disclosed to the public. Disclosure of this document or information contained within to a third-party is likely to impair disclosure to the intended recipient in the future and may cause substantial harm to the competitive position of Associated Electric Cooperative, Inc.. No such disclosure may be made without the written consent of Associated Electric Cooperative, Inc.

supply water to the Project and surrounding community, with a portion being upgraded and a portion being constructed.

Table 1: Project Site Assessment Summary

Parameter	Site Assessment Summary
Location	Missouri/Clinton County
Site Latitude / Longitude	39°36'44.77"N / 94°20'56.37"W (approximate center point of Project)
Total Project Boundary	Approximately 160 acres
Public Lands and Conservation Easements	0 acres
Rare, Threatened, and Endangered Species	Three federally-listed species, 1 proposed threatened species, and 1 candidate species are known or likely to occur in the Project Site. Critical habitat does not appear to occur at or in the vicinity of the Project Site.

According to the USFWS, Information, Planning, and Consultation System (IPaC) website and the Missouri Natural Heritage Program (MNHP) three federally and state listed species, all listed as endangered on both levels, are known or likely to occur in Clinton County and in the vicinity of the Project Site (Table 1). Critical habitat for federally protected species has not been designated by the USFWS in the vicinity of the Site.

Table 1: Federally Threatened and Endangered Species Known or Likely to Occur in Clinton Co, Missouri

Species	Habitat	State Status	Federal Status
Mammals			
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Roosts in trees with exfoliating bark, snags, caves or abandoned mines	Endangered	Endangered
Gray bat (<i>Myotis grisescens</i>)	Roosts in caves or cave-like habitats year-round	Endangered	Endangered
Indiana bat (<i>Myotis sodalis</i>)	Roosts in trees with exfoliating bark, snags, caves or abandoned mines	Endangered	Endangered
Tricolored Bat (<i>Perimyotis subflavus</i>)	Hibernates in caves or abandoned mines during the winter. During spring, summer, fall, the bats roost among live and dead leaf clusters in trees of hardwood forested habitats including pine trees, eastern red cedar trees, and structures such as	Not Listed	Proposed Endangered

	barns, sheds, under bridges, or in other buildings that have little human disturbance.		
Insects			
Monarch Butterfly (<i>Danaus plexippus</i>)	Overwintering populations use the leaves, branches, and trunks of large trees within forested groves.	Not Listed	Candidate
Migratory Birds			
Bald Eagle (<i>Haliaeetus Leucocephalus</i>)	Breeding is concentrated in coastal areas, along rivers, lakes or reservoirs. Typically breeds in forested areas with edge habitat within 1.3 miles of aquatic habitats suitable for foraging. Prefers areas of shallow water and shorelines for fishing and hunting a wide variety of waterfowl, and small aquatic and terrestrial mammals. Fish are preferred prey, but carrion is used extensively whenever encountered. Nests away from human disturbance in large trees and rarely on cliff ledges or on the ground when trees are absent. Winters primarily in coastal areas or along major river systems with adequate prey availability and large trees for perching (Buehler, 2020).	Not Listed	Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c)

Source: USFWS - <https://ecos.fws.gov/ipac/> and MNHP - <https://mdc.mo.gov/your-property/responsible-construction/missouri-natural-heritage-program>.

AECI requests your review of this Project and asks that you provide information on any concerns, resources, or potential impacts that you believe the forthcoming EA should address. We would appreciate any recommendations you may have to mitigate or avoid environmental impacts. Also, please share any information regarding additional review requirements that your agency may have. We would appreciate a response within 30 days of your receipt of this request. To send comments or request further information, please contact me using one of the methods listed below, mentioning the proposed Turney Energy Center Project.

Contact Information

U.S. Postal Service	2814 S. Golden Ave. Springfield MO 65807
Email	rleforce@aeci.org
Telephone Hotline	(417) 371-5463

Sincerely,

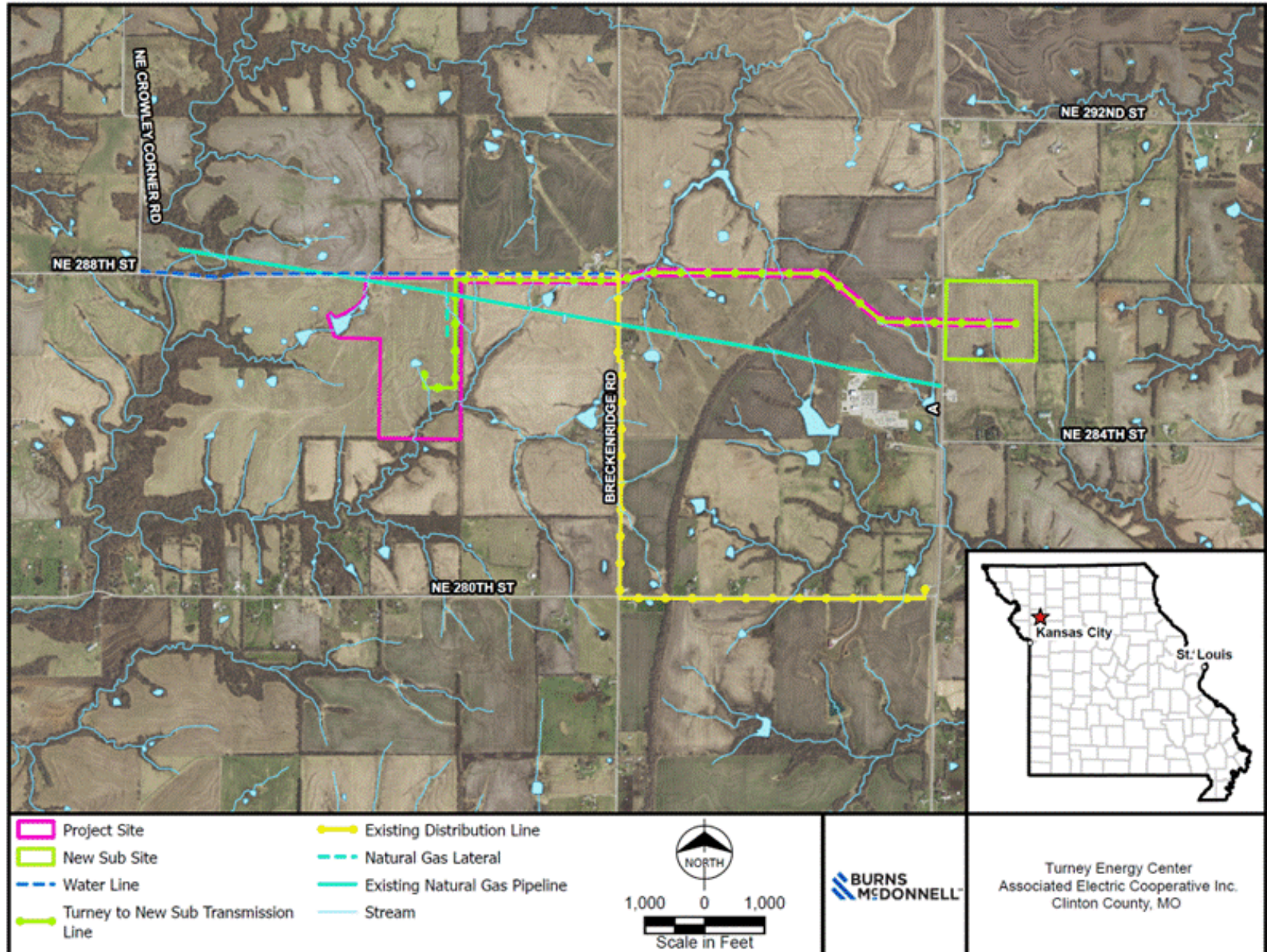
A handwritten signature in blue ink that reads "Rob LeForce". The signature is written in a cursive, flowing style.

Rob LeForce, B.W.
Environmental Analyst, Land and Water Resources, AECI

Enclosure Figure 1: AECI Project Site

cc: Tate Thriffiley, RUS
 Chris Howell, Burns & McDonnell

Figure 1: AECl Project Site



Source: ESRI, AECl, NHD, USGS Census Bureau TIGER/Line, and Burns & McDonnell

Issued: 7/25/2024



Missouri Department of Conservation Natural Heritage Review Report

December 6, 2024

Science Branch
P. O. Box 180
Jefferson City, MO 65102
Prepared by: Dillon Freiburger
NaturalHeritageReview@mdc.mo.gov
(573) 522 - 4115 ext. 3182

Rob Leforce
Associated Electric Cooperative
rleforce@aeci.org

NHR ERT ID:	15765	NHR ERT Level:	2
Project type:	Energy Storage, Production and Transfer, Coal, Gas, Hydro, Nuclear, Oil, Solar or Wind Facility, Coal, Gas or Nuclear Power Plant		
Location/Scope:	Clinton County, Missouri; 39 36'44.77" N, 94 20'56.37"W; Section 02, Township 55N, Range 31 W		
County:	Clinton		
Project Title:	Turney Energy Center		
Query received:	9/11/2024		

This NATURAL HERITAGE REVIEW is not a site clearance letter. Rather, it identifies public lands and records of sensitive resources located close to and/or potentially affected by the proposed project. If project plans or location change, this report may no longer be valid. Because land use conditions change and animals move, the existence of an occurrence record does not mean the species/habitat is still present. Therefore, reports include information about records near but not necessarily on the project site. Lack of an occurrence record does not mean that a sensitive species or natural community is not present on or near the project area. On-site verification is the responsibility of the project. These records serve as one reference and additional information (e.g. wetland or soils maps, on-site inspections or surveys) should be considered. Look for additional information about the biological and habitat needs of records listed to avoid or minimize impacts. More information is at [Natural Areas | Missouri Department of Conservation \(mo.gov\)](#) and [Missouri Fish and Wildlife Information System \(MOFWIS\)](#).

Level 3: Records of federal-listed (also state-listed) species or critical habitats near the project site:

Natural Heritage records identify no wildlife preserves, no designated wilderness areas or critical habitats, and no federal-listed species records within the project area, or in the public land survey section or sections adjacent.

FEDERAL LIST species/habitats are protected under the Federal Endangered Species Act. **Contact U.S. Fish & Wildlife Service** (101 Park Deville Drive Suite A, Columbia, Missouri 65203-0007; 573-234-2132) for Endangered Species Act coordination and concurrence information).

Level 2: Records of state-listed (not federal-listed) endangered species AND / OR state-ranked (not state-listed endangered) species and natural communities of conservation concern. The Department tracks these species and natural communities due to population declines and/or apparent vulnerability.

Natural Heritage records indicate the following state-ranked species near the project area:

Scientific Name	Common Name	State Rank	Proximity (miles)	Primary Habitat
<i>Taxidea taxus</i>	American Badger	S3	<4	Grassland matrix, Savanna pasture/orchard, Row/close grown crops
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	S3	<2	Savanna/Shrub/Woodland matrix, Grassland matrix, Wetland matrix

State Rank Definitions:

- S1: Critically imperiled in the state because of extreme rarity of or because of some factor(s) making it especially vulnerable to extirpation from the state. Typically, 5 or fewer occurrences or very few remaining individuals (<1,000).
- S2: Imperiled in the state because of rarity or because of some factor(s) making it very vulnerable to extirpation from the state (6 to 20 occurrences or few remaining individuals).
- S3: Vulnerable in the state either because rare and uncommon, or found only in a restricted range (even if abundant at some locations), or because of other factors making it vulnerable to extirpation. Typically 21 to 100 occurrences or between 3,000 and 10,000 individuals.
- S4: Uncommon but not rare, and usually widespread in the nation or state. Possible cause of long-term concern. Usually more than 100 occurrences and more than 10,000 individuals.
- S#S#: Range Rank: A numeric range rank (e.g., S2S3) is used to indicate the range of uncertainty about the exact status.
- ?: Denotes inexact or uncertain numeric rank.
- SU: Currently unrankable due to lack of information or due to substantially conflicting information about status or trends.

There are no regulatory requirements associated with this status, however we encourage voluntary stewardship to minimize the risk of further decline that could lead to listing.

STATE ENDANGERED species are protected under the Wildlife Code of Missouri (3CSR10-4.111).
See the [Missouri Species And Communities Of Conservation Concern Checklist \(mo.gov\)](https://www.mo.gov/conservation/conservation-concern-checklist) for a complete list.

General recommendations related to this project or site, or based on information about the historic range of species (unrelated to any specific Natural Heritage records):

- **Construction:** The project should be managed to minimize erosion and sedimentation/runoff to nearby streams and lakes, including adherence to any Clean Water Act permit conditions ([Missouri DNR](#) or [US Army Corps of Engineers](#)). Revegetate areas in which the natural cover is disturbed to minimize erosion using native plant species compatible with the local landscape and wildlife needs. Annual ryegrass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crown vetch and sericea lespedeza. Pollutants, including sediment, can have significant impacts far downstream. Use silt fences and/or vegetative filter strips to buffer streams and drainages and monitor those after rain events and until a well-rooted ground cover is reestablished. Please see [Best Management Practices for Construction and Development Projects Affecting Missouri Rivers and Streams \(mo.gov\)](#).
- **Utility Lines:** Cross-country lines affect both plants and wildlife, as do activities necessary to their construction, maintenance and repair. Stream and drainage crossings are primary concerns, and every effort should be made to avoid erosion, silt introduction, petroleum or chemical pollution, and disruption or realignment of stream banks and beds. All wetlands should be avoided to the extent possible. Where wetlands cannot be avoided, project managers should minimize impacts and develop a mitigation plan to replace lost aquatic functions. See [Best Management Practices for Construction and Development Projects Affecting Missouri Rivers and Streams \(mo.gov\)](#) for best management recommendations for in-stream work.
 - During construction ground disturbance should be minimized. In areas where ground disturbance is necessary, best management practices for erosion control should be implemented to minimize negative impacts.

- Revegetation is an important part of managing utility corridors, and it can have significant resource impacts – for better or worse. Revegetation of disturbed areas is recommended to minimize erosion, as is restoration with native plant species compatible with the local landscape and wildlife needs. Native shrubs (e.g. buttonbush, dogwood, willow) are a good option to stabilize streambanks, slow water velocities, and provide some wildlife habitat. Annuals like Rye Grass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crown vetch and sericea lespedeza.
 - Maintenance of ground cover in utility corridors can have significant implications for sensitive resources. Native plant species typically require low maintenance over the long term and provide more benefits to native wildlife. Utility corridors can provide wildlife travel corridors, food sources and types of low-growing plant diversity sometimes rare in adjoining land. Mowing and maintenance schedules should consider nesting seasons, and diversity in plant composition. If herbicides will be used to control vegetation in the corridor after construction has been completed, best management practices should be implemented to avoid impacts to non-target plant species and to avoid impacts to all aquatic species.
- **Bald Eagles:** Bald Eagles (*Haliaeetus leucocephalus*) nest near streams or water bodies in the project area. Nests are large and fairly easy to identify. While no longer listed as endangered, eagles continue to be protected by the federal government under the Bald and Golden Eagle Protection Act. Work managers should be alert for nesting areas within 1500 meters of project activities, and follow federal guidelines at: [Do I need an eagle take permit? | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov) if eagle nests are seen.
- **Indiana Bats** occur in Clinton County and could occur in the project area. Indiana Bats (*Myotis sodalis*, federal and state-listed endangered) hibernate during winter months in caves and mines. During the summer months, they roost and raise young under the bark of trees in riparian forests and upland forests near perennial streams. During project activities, avoid degrading stream quality and where possible leave snags standing and preserve mature forest canopy. Do not enter caves known to harbor Indiana bats, especially from September to April. **If any trees need to be removed by your project, please contact the U.S. Fish and Wildlife Service (Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132 Ext. 100) for further coordination under the Endangered Species Act.**
- Invasive exotic species are a significant issue for fish, wildlife and agriculture in Missouri. Seeds, eggs, larvae, and aquatic plant material may be moved to new sites on boats or construction equipment, so inspect and clean equipment thoroughly before moving between project sites.
- ♦ Remove any mud, soil, trash, plants (or plant material) or animals from equipment before leaving any water body or work area.
 - ♦ Drain water from boats and machinery that has operated in water, checking motor cavities, live-well, bilge and transom wells, tracks, buckets, and any other water reservoirs.
 - ♦ When possible, wash and rinse equipment thoroughly with hard spray or HOT water ($\geq 140^{\circ}$ F, typically available at do-it-yourself carwash sites), and dry in the hot sun before using again.

These recommendations are ones project managers might prudently consider based on a general understanding of species needs and landscape conditions. Natural Heritage records largely reflect sites visited by specialists in the last 30 years. Many privately owned tracts have not been surveyed and could host remnants of species once but no longer common.



Missouri Department of Conservation

Missouri Department of Conservation's Mission is to protect and manage the forest, fish, and wildlife resources of the state and to facilitate and provide opportunities for all citizens to use, enjoy and learn about these resources.

Natural Heritage Review Level Two Report: State Listed Endangered Species and/or Missouri Species/Natural Communities of Conservation Concern

There are records of state-listed Endangered Species, or Missouri Species or Natural Communities of Conservation Concern within or near the defined Project Area. Please contact Missouri Department of Conservation for further coordination.

Foreword: Thank you for accessing the Missouri Natural Heritage Review Website developed by the Missouri Department of Conservation with assistance from the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, Missouri Department of Transportation and NatureServe. The purpose of this report is to provide information to federal, state and local agencies, organizations, municipalities, corporations, and consultants regarding sensitive fish, wildlife, plants, natural communities, and habitats to assist in planning, designing, and permitting stages of projects.

PROJECT INFORMATION

Project Name and ID Number: Turney Energy Center #15765

User Project Number: 141827

Project Description: Clinton County, Missouri; 39 36'44.77" N, 94 20'56.37"W; Section 02, Township 55N, Range 31 W

Project Type: Energy Storage, Production and Transfer, Coal, Gas, Hydro, Nuclear, Oil, Solar or Wind Facility, Coal, Gas or Nuclear Power Plant

Contact Person: Audra McCaslin

Contact Information: almccaslin@burnsmcd.com or 816-605-7928

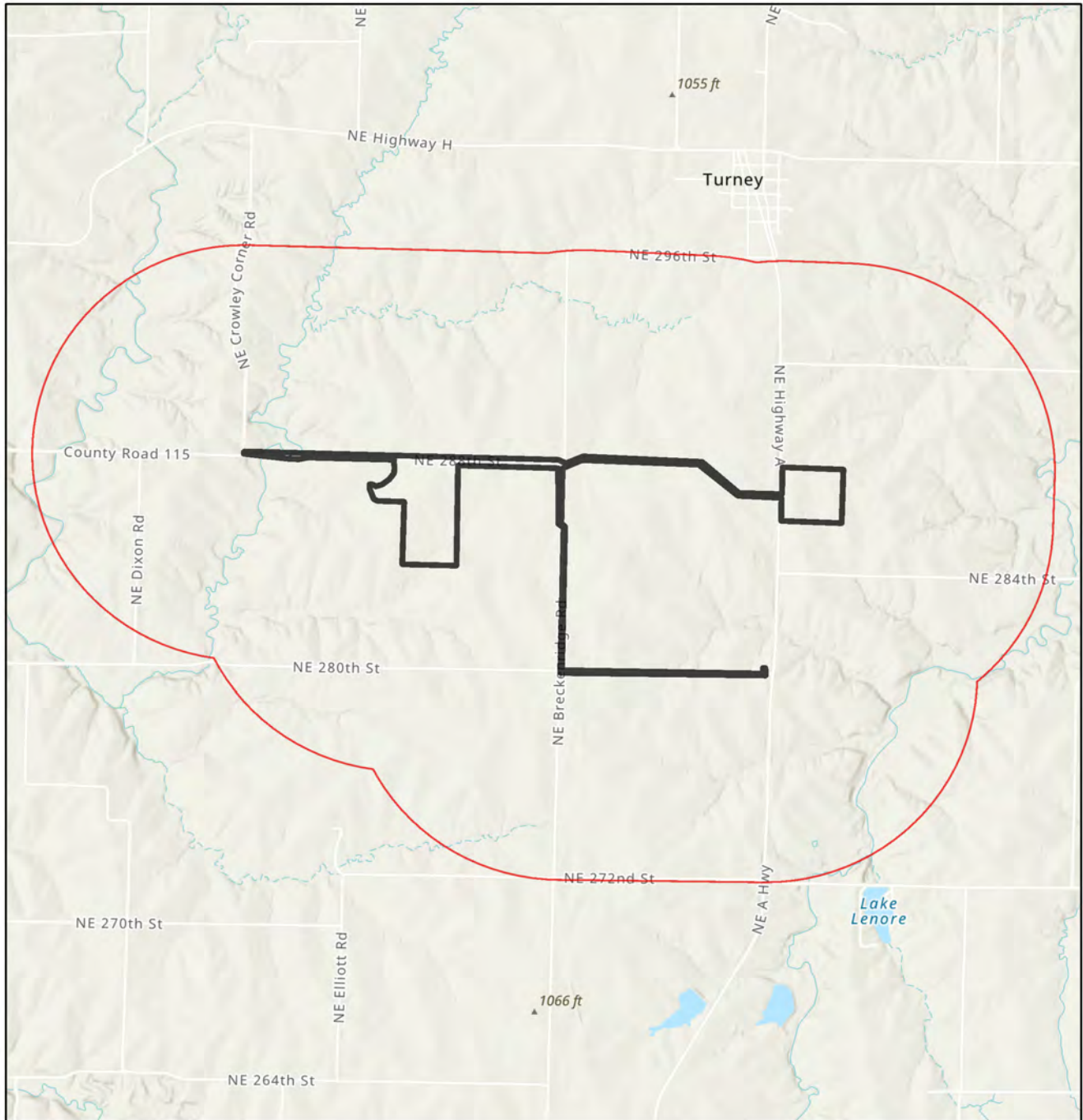
Disclaimer: This NATURAL HERITAGE REVIEW REPORT identifies if a species or natural community tracked by the Natural Heritage Program is known to occur within or near the project area submitted, and shares recommendations to avoid or minimize project impacts to sensitive species or natural habitats. Incorporating information from the Natural Heritage Program into project plans is an important step in reducing impacts to Missouri's sensitive natural resources. If an occurrence record is present, or the proposed project might affect federally listed species, the user must contact the Department of Conservation or U.S. Fish and Wildlife Service for more information.

This Natural Heritage Review Report is not a site clearance letter for the project. Rather, it identifies public lands and records of sensitive resources located close to and/or potentially affected by the proposed project. If project plans or location change, this report may no longer be valid. Because land use conditions change and animals move, the existence of an occurrence record does not mean the species/habitat is still present. Therefore, reports include information about records near but not necessarily on the project site. Lack of an occurrence record does not mean that a sensitive species or natural community is not present on or near the project area. On-site verification is the responsibility of the project. However, the Natural Heritage Program is only one reference that should be used to evaluate potential adverse project impacts and additional information (e.g. wetland or soils maps, on-site inspections or surveys) should be considered. Reviewing current landscape and habitat information, and species' biological characteristics would additionally ensure that Missouri Species of Conservation Concern are appropriately identified and addressed in planning efforts.

U.S. Fish and Wildlife Service – Endangered Species Act (ESA) Coordination: Lack of a Natural Heritage Program occurrence record for federally listed species in your project area does not mean the species is not present, as the area may never have been surveyed. Presence of a Natural Heritage Program occurrence record does not mean the project will result in negative impacts. This report does not fulfill Endangered Species Act consultation with the U.S. Fish and Wildlife Service (USFWS) for listed species. Direct contact with the USFWS may be necessary to complete consultation and it is required for actions with a federal connection, such as federal funding or a federal permit; direct contact is also required if ESA concurrence is necessary. Visit [IPaC: Home \(fws.gov\)](https://www.fws.gov/ipac) to initiate USFWS Information for Planning and Conservation (IPaC) consultation. Contact the Columbia Missouri Ecological Field Services Office (573-234-2132, or by mail at 101 Park Deville Drive, Suite A, Columbia, MO 65203) for more information.

Transportation Projects: If the project involves the use of Federal Highway Administration transportation funds, these recommendations may not fulfill all contract requirements. Please contact the Missouri Department of Transportation at 573-526-4778 or visit [Home Page | Missouri Department of Transportation \(modot.org\)](https://www.modot.org) for additional information on recommendations.

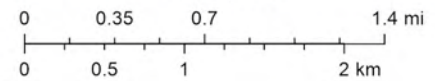
Turney Energy Center



December 4, 2024

1:42,951

- Buffered Project Boundary
- Project Boundary



Esri, NASA, NGA, USGS, Missouri Dept. of Conservation, Missouri DNR, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

Species or Communities of Conservation Concern within the Area:

There are records of state-listed Endangered Species, or Missouri Species or Natural Communities of Conservation Concern within or near the defined Project Area. Please contact the Missouri Department of Conservation for further coordination.

Email (preferred): NaturalHeritageReview@mdc.mo.gov

MDC Natural Heritage Review

Science Branch

P.O. Box 180

Jefferson City, MO

65102-0180

Phone: 573-522-4115 ext. 3182

Other Special Search Results:

No results have been identified for this project location.

Project Type Recommendations:

Coal, gas or nuclear power plant, including new construction, maintenance, modification and expansion. Fish, forest, and wildlife impacts can be avoided by siting projects in locations that have already been disturbed or previously developed, where and when feasible, and by avoiding alteration of areas providing existing habitat, such as wetlands, streams, forest, native grassland, etc. The project should be managed to minimize erosion and sedimentation/runoff to nearby wetlands, streams and lakes, including adherence to any Clean Water Act permit conditions. Project design should include stormwater management elements that assure storm discharge rates to streams for heavy rain events will not increase from present levels. Revegetate areas in which the natural cover is disturbed to minimize erosion using native plant species compatible with the local landscape and wildlife needs. Annual ryegrass may be combined with native perennials for quicker green-up. Avoid aggressive exotic perennials such as crownvetch and sericea lespedeza. Pollutants, including sediment, can have significant impacts far downstream. Use silt fences and/or vegetative filter strips to buffer streams and drainages, and monitor the site after rain events and until a well-rooted ground cover is reestablished.

Project Location and/or Species Recommendations:

Endangered Species Act Coordination - If this project has the potential to alter habitat (e.g. tree removal, projects in karst habitat) or cause direct mortality of bats, please coordinate directly with U.S. Fish and Wildlife Service (Ecological Services, 101 Park Deville Drive, Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132 Ext. 100 for Ecological Services) for further coordination under the Endangered Species Act. **Indiana bats** (*Myotis sodalis*, federal- and state-listed endangered) and **Northern long-eared bats** (*Myotis septentrionalis*, federal-listed threatened) may occur near the project area. Both of these species of bats hibernate during winter months in caves and mines. During the summer months, they roost and raise young under the bark of trees in wooded areas, often riparian forests and upland forests near perennial streams. During project activities, avoid degrading stream quality and where possible leave snags standing and preserve mature forest canopy. Do not enter caves known to harbor Indiana bats or Northern long-eared bats, especially from September to April.

The project site submitted and evaluated is on or near Fish Spawning Stream Reaches Little Platte River, one of 138 state-designated fish spawning stream segments. These stream reaches were so designated because they have highly diverse fish communities, fish Species of Conservation Concern present, and because they are important to maintaining, restoring, or avoiding future listing of Species of Conservation Concern. These stream reaches also are included as a Missouri Nationwide Permit Regional Condition (Number 2) that must be considered if working under a Clean Water Act Section 404 Permit issued by the U.S. Army Corps of Engineers (<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/NationWidePermit...>). A list of all stream reaches is available at <http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermi...>. Activities that alter or destabilize stream bottoms or banks should be avoided during the important fish spawning period for that stream, in order to not disrupt fish spawning (i.e., laying and fertilizing fish eggs.) The sensitive spawning period for this stream is March 15th to June 15th. At all times, avoid habitat destruction or introducing heavy sediment loads, chemical or organic pollutants.

The project site submitted and evaluated is on or near Fish Spawning Stream Reaches Shoal Creek, one of 138 state-designated fish spawning stream segments. These stream reaches were so designated because they have highly diverse fish communities, fish Species of Conservation Concern present, and because they are important to maintaining, restoring, or avoiding future listing of Species of Conservation Concern. These stream reaches also are included as a Missouri Nationwide Permit Regional Condition (Number 2) that must be considered if working under a Clean Water Act Section 404 Permit issued by the U.S. Army Corps of Engineers (<http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/NationWidePermit...>). A list of all stream reaches is available at <http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermi...>. Activities that alter or destabilize stream bottoms or banks should be avoided during the important fish spawning period for that stream, in order to not disrupt fish spawning (i.e., laying and fertilizing fish eggs.) The sensitive spawning period for this stream is May 15th to July 15th. At all times, avoid habitat destruction or introducing heavy sediment loads, chemical or organic pollutants.

Invasive exotic species are a significant issue for fish, wildlife and agriculture in Missouri. Seeds, eggs, and larvae may be moved to new sites on boats or construction equipment. Please inspect and clean equipment thoroughly before moving between project sites. See [Managing Invasive Species in Your Community | Missouri Department of Conservation \(mo.gov\)](#) for more information.

- Remove any mud, soil, trash, plants or animals from equipment before leaving any water body or work area.
- Drain water from boats and machinery that have operated in water, checking motor cavities, live-well, bilge and transom wells, tracks, buckets, and any other water reservoirs.
- When possible, wash and rinse equipment thoroughly with hard spray or HOT water (>140° F, typically available at do-it-yourself car wash sites), and dry in the hot sun before using again.

Streams and Wetlands – Clean Water Act Permits: Streams and wetlands in the project area should be protected from activities that degrade habitat conditions. For example, soil erosion, water pollution, placement of fill, dredging, in-stream activities, and riparian corridor removal, can modify or diminish aquatic habitats. Streams and wetlands may be protected under the Clean Water Act and require a permit for any activities that result in fill or other modifications to the site. Conditions provided within the U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404 permit ([Kansas City District Regulatory Branch \(army.mil\)](#)) and the Missouri Department of Natural Resources (DNR) issued Clean Water Act Section 401 Water Quality Certification ([Section 401 Water Quality Certification | Missouri Department of Natural Resources \(mo.gov\)](#)), if required, should help minimize impacts to the aquatic organisms and aquatic habitat within the area. Depending on your project type, additional permits may be required by the Missouri Department of Natural Resources, such as permits for stormwater, wastewater treatment facilities, and confined animal feeding operations. Visit [Wastewater Permits | Missouri Department of Natural Resources \(mo.gov\)](#) for more information on DNR permits. Visit both the USACE and DNR for more information on Clean Water Act permitting.

For further coordination with the Missouri Department of Conservation and the U.S. Fish and Wildlife Services, please see the contact information below:

Email (preferred): NaturalHeritageReview@mdc.mo.gov
MDC Natural Heritage Review
Science Branch
P.O. Box 180
Jefferson City, MO
65102-0180
Phone: 573-522-4115 ext. 3182

U.S. Fish and Wildlife Service
Ecological Service
101 Park Deville Drive
Suite A
Columbia, MO
65203-0007
Phone: 573-234-2132

Miscellaneous Information

FEDERAL Concerns are species/habitats protected under the Federal Endangered Species Act and that have been known near enough to the project site to warrant consideration. For these, project managers must contact the U.S. Fish and Wildlife Service Ecological Services (101 Park Deville Drive Suite A, Columbia, Missouri 65203-0007; Phone 573-234-2132; Fax 573-234-2181) for consultation.

STATE Concerns are species/habitats known to exist near enough to the project site to warrant concern and that are protected under the Wildlife Code of Missouri (RSMo 3 CSR 10). "State Endangered Status" is determined by the Missouri Conservation Commission under constitutional authority, with requirements expressed in the Missouri Wildlife Code, rule 3CSR 10-4.111. Species tracked by the Natural Heritage Program have a "State Rank" which is a numeric rank of relative rarity. Species tracked by this program and all native Missouri wildlife are protected under rule 3CSR 10-4.110 General Provisions of the Wildlife Code.

See [Missouri Species and Communities of Conservation Concern Checklist \(mo.gov\)](#) for a complete list of species and communities of conservation concern. Detailed information about the animals and some plants mentioned may be accessed at [Mofwis Search Results](#). Please contact the Missouri Department of Conservation to request printed copies of any materials linked in this document.



9/4/2024

Rural Development
Rural Utilities Service
1400 Independence
Ave SW, Room 2230
Stop 1570,
Washington, DC,
20250
Voice 202.695.2540
Fax 202.690.0649

Dawn Scott
Deputy State Historic Preservation Officer
Missouri State Historical Preservation Office
P.O. Box 176
Jefferson City, MO 65102

Subject: United States Department of Agriculture (USDA) – Rural Development (RD) Rural
Utility Service (RUS) Staff SHPO Section 106 Initiation
Turney Energy Center
Clinton County, Missouri

Dear Ms. Scott:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the Proposed Turney Energy Center (Project). This Project will not be using the NPA.¹

The Project would be located near Turney, Missouri in Township 55N, Range 31W, Section 02, NW ¼. The coordinates at the approximate the center of the project site are 39°36'44.77"N, 94°20'56.37"W (Project Site; **Figure 1**). The Project would consist of a single Advanced Class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup and employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides. The approximately 95.5 acres that AECI owns, of which, approximately 45 acres will be disturbed for construction of the generation site and approximately 37 acres will ultimately be fenced, is shown in Figure 1. The generation will be interconnected via construction of approximately 2 miles of electrical line between the generation site and a proposed substation. Either AECI or N.W. Electric Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5 acres substation that AECI will own and operate. Approximately 2.5 miles of existing distribution electrical line will be reconstructed within existing ROW to supply power back to the generation site. Additionally, an approximately 1,000-foot natural gas lateral off the existing Rocky Mountain Express Pipeline would need to be constructed on the generation site to supply natural gas to the Project. The lateral pipeline will not be owned or operated by AECI. Approximately 1.5 miles of water line would be needed to supply water to the Project and surrounding community, with a portion being upgraded and a portion being constructed.

¹ *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

USDA RD Section 106 THPO Initiation Letter 2

If RUS elects to fund the Project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes are considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). “Indirect” effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced Project consists of the approximate 160.1 acres where the generation facilities, transmission right-of-way, proposed substation, rebuilt distribution line, and water line will be located. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.4(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). The new transmission line, waterline, rebuilt distribution line, and natural gas pipeline would be analyzed as connected actions as part of the National Environmental Policy Act (NEPA) review process.

Based on this definition, AECL proposes that the APE for the referenced project consists of the generation property, the substation property the new interconnection transmission line, new natural gas lateral, the water line, and the rebuilt distribution line, as shown in the enclosed maps. The geographic scope of the APE will not be final until a determination is made by RUS pursuant to 36 CFR § 800.3(a)(1). The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x).

On 9/4/2024 the following Indian tribes were notified about the Turney Energy Center Project:

- Apache Tribe of Oklahoma
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Omaha Tribe of Nebraska
- Osage Nation
- Otoe-Missouria Tribe of Indians, Oklahoma
- Sac & Fox Nation of Mississippi in Iowa
- Sac & Fox Nation of Missouri in Kansas and Nebraska
- Sac & Fox Nation, Oklahoma

Please review the Project and enclosed map. After completing your review, please provide RUS with your recommendation(s) about whether or not a study of the APE is needed to identify potentially affected historic properties. If you recommend a study, please explain the nature and scope of the

proposed investigation, specifically in reference to those factors identified in 36 CFR § 800.4(b)(1). If you do not recommend a study or require additional information, please provide a proposed finding of no historic properties affected or no adverse effect.

Please submit your recommendations, request for additional information, or a proposed finding, **electronically** within 30 days of your receipt of this request to RUS. If no timely response is received, RUS will determine how to proceed with Section 106 review in accordance with 36 CFR § 800.3(b)(4). Should you have any questions, please contact me at (504) 940-7564 or trent.stockton@usda.gov.

Sincerely,
Trent Stockton USDA
RUS

 Digitally signed by Trent Stockton
USDA RUS
Date: 2024.09.04 16:09:10 -05'00'

Trent Stockton
Archaeologist
RUS/Environmental and Historic Preservation Division

Enclosure(s) Figure 1: AECl Project Site (APE)

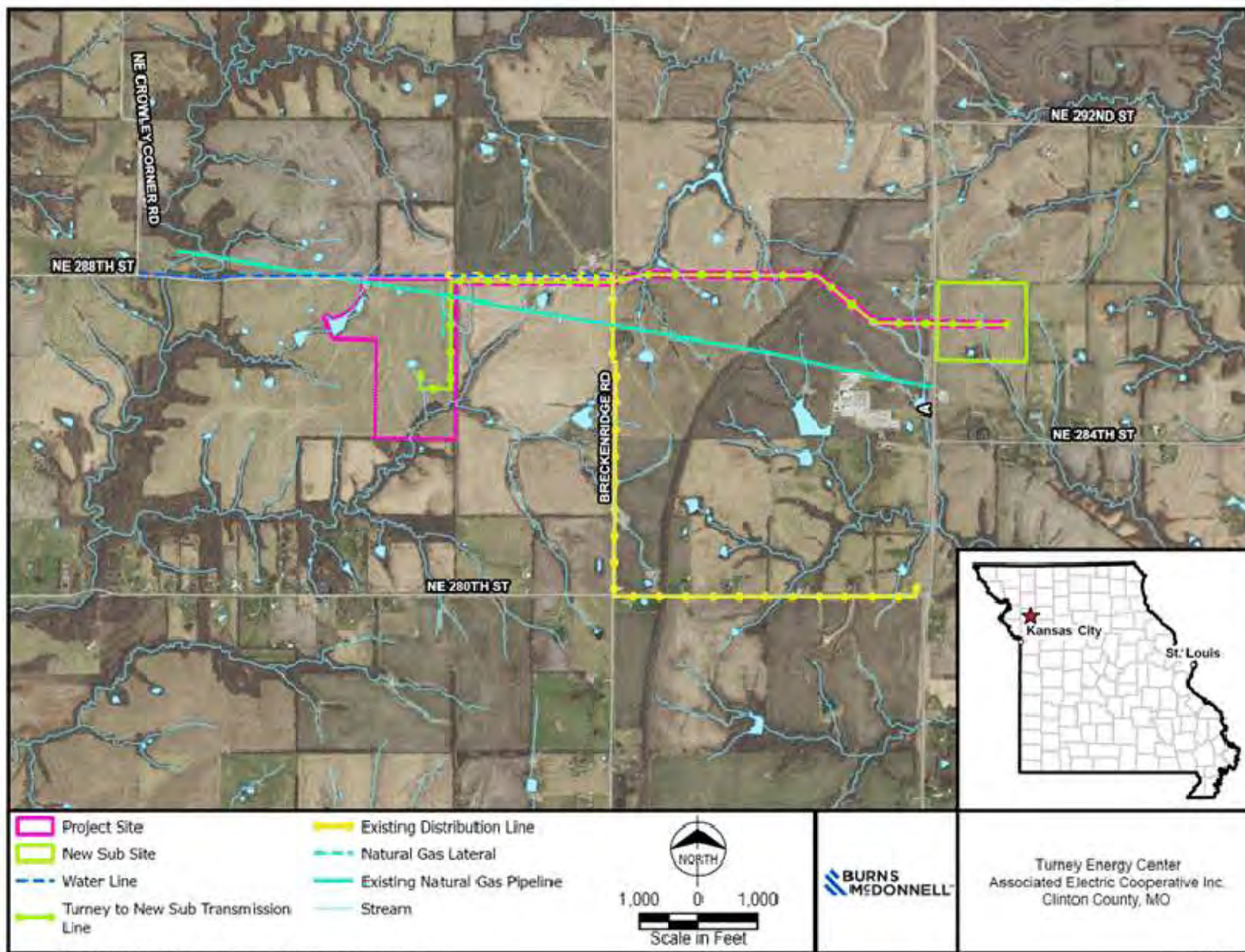
CC: Tate Thriffiley, RUS
Rob LeForce, AECl
Chris Howell, Burns & McDonnell



United States Department of Agriculture

Figure 1: AECl Project Site (APE)

Rural Development
Rural Utilities Service
1400 Independence
Ave SW, Room 2230
Stop 1570,
Washington, DC,
20250
Voice 202.695.2540
Fax 202.690.0649





United States Department of Agriculture

10/25/2024

Rural Development
Rural Utilities Service
1400 Independence
Ave SW, Room 2230
Stop 1570,
Washington, DC,
20250
Voice 202.720.9540

Dawn Scott
Deputy SHPO
Missouri State Historic Preservation Office
P.O. Box 176
Jefferson City, MO 65102

Subject: USDA RD RUS Section 106 Finding of No Adverse Effect
Turney Energy Center
Clinton County, Missouri

Dear Deputy SHPO Scott:

Associated Electric Cooperative, Inc. (AECI) is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its Electric Program for the Turney Energy Center (Project). This Project will not be using the NPA.¹

The Project would be located in Clinton County, Missouri. AECI owns approximately 95.5 acres of agricultural land in the county where the Project would be constructed, shown in the attached project map. It is anticipated that approximately 45 acres would be disturbed for construction of the generation site. The Project would consist of a single advanced class simple-cycle gas turbine generator and associated equipment with a nominal capacity of 420-445 MW. The Project would burn natural gas with the capability to use fuel oil as a backup. It will employ selective catalytic reduction (SCR) technology to control emissions of nitrogen oxides.

The generation site will be interconnected via construction of approximately 2 miles of new electrical transmission line between the generation site and a proposed substation. Either AECI or N.W. Electrical Cooperative, Inc. will construct, own, operate, and maintain the transmission line and right-of-way (ROW) to the approximately 45.5-acre substation that AECI will own and operate. Approximately 2.5 miles of existing

¹ *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

distribution electrical line will be rebuilt within existing TOW to supply power back to the generation site.

A new natural gas lateral would be constructed to supply fuel to the Project Site. The new 10-inch lateral would extend south from a tap point on the existing Rocky Mountain Express gas pipeline within the Project Site boundary approximately 1,000 feet to supply the SCGT. The lateral pipeline will not be owned or operated by AECl and is considered a connected action. Also, the Project will require a new six-inch high-density polyethylene (HDPE) water line approximately 1.5 miles in length. The new water pipeline would be needed to supply water to the Project and the surrounding community, with a portion of the line being upgraded and a portion being constructed.

If RUS elects to fund the Project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). “Indirect” effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of approximately 160.1 acres where the generation facilities, transmission right-of-way, proposed substation, rebuilt distribution line, and water line will be located, as shown in the enclosed map. The APE does not include any tribal lands as defined pursuant to 36 CFR § 800.16(x). The new transmission line, waterline, rebuilt distribution line, and natural gas pipeline are being analyzed as connected actions as part of the National Environmental Policy Act (NEPA) review process.

On 9/4/2024 the following Indian tribes were notified about the Turney Energy Center: Apache Tribe of Oklahoma, Iowa Tribe of Kansas and Missouri, Iowa Tribe of Oklahoma, Omaha Tribe of Nebraska, Osage Nation, Otoe-Missouria Tribe of Indians, Sac & Fox Nation of Missouri in Kansas and Nebraska, Sac & Fox Nation of Oklahoma, Sac & Fox Tribe of the Mississippi in Iowa. No responses were received following the initiation notice.

The enclosed report titled, *Cultural Resources Investigation Report for the Turney Energy Center* issued October 22, 2024, describes the results of the investigation of the area of potential effects (APE). A historic-age farmstead and historic-age dump site, likely associated with the farmstead, were identified during the investigation; however, both sites are recommended as not eligible for the National Register of Historic Places. An abandoned, historic-age railroad

berm was documented along the Interconnection Line survey corridor. No other cultural resources were identified. Based on the findings of the *Cultural Resources Investigation Report for the Turney Energy Center* issued October 22, 2024, a finding of no adverse effect in accordance with 36 CFR § 800.5(b) is appropriate for the referenced project.

Accordingly, the RUS is submitting a finding of no adverse effect in accordance with 36 CFR § 800.5(b). Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to me at (504) 940-7564, or trent.stockton@usda.gov.

Sincerely,

Trent Stockton USDA RUS

Digitally signed by Trent Stockton USDA
RUS
Date: 2024.10.25 14:35:11 -05'00'

Trent Stockton, Ph.D.
Archaeologist
Environmental and Historic Preservation Division
Rural Utilities Service
United States Department of Agriculture

Attachment(s): Project Map

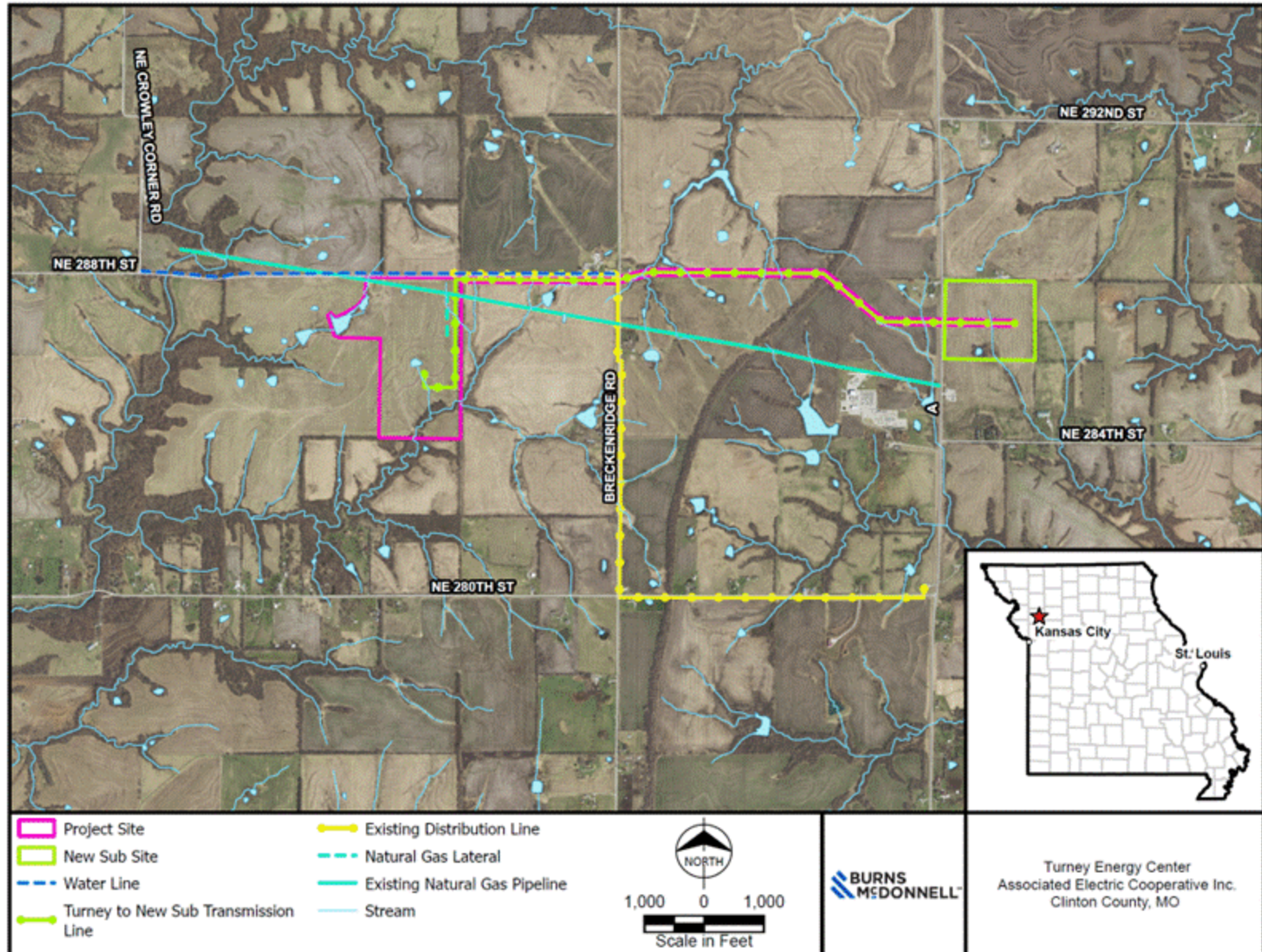
Cultural Resources Investigation Report for the Turney Energy Center
issued October 22, 2024

CC: Rob LeForce, AECl
Chris Howell, Burns & McDonnell
Audra McCaslin, Burns & McDonnell



United States Department of Agriculture

AECI Turney Energy Center Project Site



Source: ESRI, AECI, NHD, USGS Census Bureau TIGER/Line, and Burns & McDonnell

Issued: 7/25/2024

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Outlook

Section 106 Concluded for MO0073 - AECl - Turney Energy Center

From Stockton, Trent - RD, LA <Trent.Stockton@usda.gov>

Date Fri 12/6/2024 11:12 AM

To Rob LeForce <rleforce@aeci.org>

Cc Thriffiley, Tate - RD, MS <Jon.Thriffiley@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>; Baragary, Whitney - RD, MO <whitney.baragary@usda.gov>

****EXTERNAL E-MAIL** Think before clicking links or attachments.**

Dear All:

This message is to notify you that Section 106 is concluded for the subject project with a finding of No Adverse Effect to Historic Properties. Our administrative record has been updated accordingly.

An inadvertent discovery provision, developed in accordance with 36 CFR § 800.13(b) and (c), will be included as a condition of obligation to address any historic properties which might be inadvertently discovered or affected during project construction.

Thank you,

Trent Stockton, Ph.D.
Archaeologist
Environmental and Historic Preservation Division
Rural Utilities Service, Rural Development
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
Mobile: 1-504-940-7564

From: Rob LeForce <rleforce@aeci.org>

Sent: Friday, December 6, 2024 10:06 AM

To: Stockton, Trent - RD, LA <Trent.Stockton@usda.gov>

Cc: Thriffiley, Tate - RD, MS <Jon.Thriffiley@usda.gov>; Howell, Chris <chowell@burnsmcd.com>; McCaslin, Audra L <almccaslin@burnsmcd.com>

Subject: [External Email]Turney Energy Center-Any Replies to the findings letters?

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

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Trent,

Our 30-days since confirmed receipt of our findings letters was on 12/4. Did you ever receive any replies from the tribes or Missouri SHPO?

Respectfully,
Rob

Rob LeForce BWW

Environmental Analyst, Land and Water Resources
Associated Electric Cooperative Inc.
2814 S. Golden Ave.
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