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July 28, 2004

Via Hand Delivery

Correspondence Control Unit
Attention: Information Quality Complaint Processing
United States Fish and Wildlife Service
1849 C Street, N.W.
Mail Stop 3238-MIB
Washington, D.C. 20240

Re: Supplemental Filing in FWS/CCU/017916: Request for Correction of Information Pursuant to the Data Quality Act of Unsupported Information Disseminated by United States Fish and Wildlife Service in Connection with Relicensing of the Osage HydroElectric Project, Number 459-128

To Correspondence Control Unit:

This firm represents Union Electric company d/b/a AmerenUE in the relicensing of a hydroelectric project know as the Osage Project, Federal Energy Regulatory Commission ("FERC") License Number 459-128, located at the Lake of the Ozarks, Missouri and within Benton, Camden, Miller and Morgan Counties (the "Project").

On June 22, 2004, we sent to you a Request for Correction of Information ("Request") pursuant to the Data Quality Act ("DQA")(a/k/a the Information Quality Act) and the Department of Interior's ("DOI") and the United States Fish and Wildlife Service's ("FWS") Information Quality Guidelines. You assigned the Request docket number FWS/CCU/017916. The Request stated that the FWS's statements submitted to FERC on April 22, 2004, improperly relied on non-existent MDC data that fish management goals were not being met. We stated that the MDC had done no relevant studies. Pursuant to that Request, you were: 1) to provide data supporting the quality, objectivity, utility and integrity of certain information disseminated by FWS in connection with the relicensing of the Project by FERC; or 2) to correct and retract the unsupported information.

Subsequent to that Request, and corroborating the statement that no MDC studies existed, we have received an Affidavit (attached) from Denise Garnier, the custodian of records for the Missouri Department of Conservation ("MDC"), stating that the "MDC did not tabulate, compile or otherwise conduct any surveys that reflect or depict harvest figures or levels of paddlefish in

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the Lake of the Ozarks or the lower Osage River for the years 2002 and 2003 other than the Paddlefish Aerial Counts and the 2003 Paddlefish Plan Addendum..., and a fish kill report prepared in anticipation of litigation..." The Affidavit further confirms that other than the prospective Paddlefish plan and the mortality count done in furtherance of litigation, "the MDC does not have any documents which reflect or depict harvest figures or levels of paddlefish in the Lake of the Ozarks or the lower Osage River for the years 2002 and 2003."

Accordingly, FWS's statements to FERC are unlawful under the DQA, as the FWS cannot rely on the MDC to support FWS's statements -- the MDC simply does not have the support information required by the DQA and the DOI's and FWS' Information Quality Guidelines. In light of the Affidavit, we hereby request that FWS immediately correct or retract statements made to FERC in connection with the relicensing of the Project.

Please feel free to contact me, as indicated above, should you have any questions, or wish to discuss the matters addressed herein.

Sincerely,



Charles A. Zdebski

CAZ/mec

cc: Allen E. Creamer, Osage Project Manager, FERC
Magalie R. Salas, Secretary, FERC
Chris Iselin
Jerry Hogg
Susan Knowles, Esq.
John Molm, Esq.

Attachment

IN THE CIRCUIT COURT OF MILLER COUNTY, MISSOURI

MISSOURI DEPARTMENT OF CONSERVATION,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. CV502-462CC
)	
UNION ELECTRIC COMPANY,)	
d/b/a AMEREN UE,)	
)	
Defendant.)	

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

COMES NOW, Denise L. Garnier, and, after being first duly sworn, deposes and says:

1. My name is Denise L. Garnier. The facts contained in this Affidavit are from my personal knowledge.

2. I am the custodian of records for the Missouri Department of Conservation ("MDC"). In that capacity and after diligent search and inquiry, I state and affirm as follows:

a. On or about April 28, 2004, MDC received from counsel for Union Electric Company d/b/a Ameren UE a request pursuant to Section 610.023.2 of the Revised Statutes of Missouri. That request seeks documents relating to compilations, studies analysis, or creel surveys reflecting harvest levels for paddlefish in the Lake of the Ozarks and lower Osage River for the years 2002 and 2003.

b. On or about June 4, 2004, Ameren UE served upon counsel for MDC a notice of deposition of company representative regarding the documents (or lack

thereof) that reflect or depict non-kill harvest figures or levels of paddlefish in the Lake of the Ozarks or the lower Osage River for the years 2002 and 2003.

c. For the years 2002 and 2003, the MDC did not tabulate, compile or otherwise conduct any surveys that reflect or depict harvest figures or levels of paddlefish in the Lake of the Ozarks or the lower Osage River for the years 2002 and 2003 other than the Paddlefish Aerial Counts and the 2003 Paddlefish Plan Addendum previously produced to counsel for AMERENUE, and a fish kill report prepared in anticipation of litigation which was previously identified in Craig Evans' letter to J. Kent Lowry dated May 19, 2004.

d. Further that, other than as set forth in the proceeding paragraph, the MDC does not have any documents which reflect or depict harvest figures or levels of paddlefish in the Lake of the Ozarks or the lower Osage River for the years 2002 and 2003.

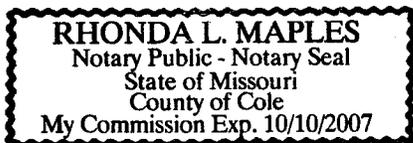
e. Further, MDC confirms only aerial surveys are conducted on an annual basis.

FURTHER affiant sayeth naught.

Missouri Department of Conservation

By: *Denise L. Garnier*
Denise L. Garnier

Subscribed and sworn to before me on this 23rd day of June, 2004.



Rhonda L. Maples
Rhonda L. Maples, Notary Public
Cole County, Missouri