



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

FEB 24 2015

CEMP-CR

MEMORANDUM THRU COMMANDER, U.S. Army Corps of Engineers, Mississippi Valley Division, ATTN: CEMVD-PD-SP (Mr. Mark Moore), 1400 Walnut Street, Vicksburg, Mississippi 39180

FOR COMMANDER, U.S. Army Corps of Engineers, Rock Island District, ATTN: CEMVR-RE (Mr. Stuart Jackson) P.O. Box 2004, Rock Island, Illinois 61204-2004

SUBJECT: Implementation Guidance for Sections 6005(b) and (g) of the Water Resources Reform and Development Act (WRRDA) 2014, St. Charles County, Missouri Land Exchange

1. This memorandum provides implementation guidance on Sections 6005(b) and (g) of WRRDA 2014 and provides for acquisition and conveyance of land in St. Charles County, Missouri and Jersey County, Illinois. A copy of Sections 6005(b) and (g) is enclosed.
2. Federal land to be exchanged consists of approximately 84 acres (disposal tracts) that is a portion of the approximately 227 acres of land leased from the Corps of Engineers by the Ameren Corporation for the Portage Des Sioux Power Plant in St. Charles County, Missouri (Lease No. DA-23-065-CIVENG-64-651, Pool 26). The lease will be terminated for the remaining 143 acres, and the lands will continue to be managed by the Corps. Non-Federal land to be exchanged consists of approximately 68 acres (acquisition tracts) of land owned by Ameren Corporation in Jersey County, Illinois, contained within the north half of section 23, township 6 north, range 11 west of the third principal meridian.
3. On conveyance via warranty deed by the Ameren Corporation to the United States of all right, title, and interest in and to the non-Federal land, the Corps shall convey via quitclaim deed to Ameren Corporation all right, title, and interest of the United States in and to the Federal land. The basis for all land exchanges will be a fair market value appraisal. If the appraised fair market value of the Federal land exceeds the appraised fair market value of the non-Federal land, Ameren Corporation shall make a cash payment to the United States reflecting the difference in the appraised fair market values.
4. WRRDA 2014 expressly exempts this land exchange from the screening provisions of Title 10 USC Section 2696. All other applicable Federal Statutes, Code of Federal Regulations, Army Regulations, Engineer Regulations/Circulars, Real Estate Policy Guidance Letters, and state laws will be followed. CEMVR-RE will submit an exchange package thru CEMVD-PD-SP to CEMP-CR for review and approval. The exchange package will include an Offer to Exchange and Warranty deed executed by the Ameren Corporation for the acquisition tracts, title evidence

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and Negotiator's Report for the acquisition tracts, a CEMVR-OD exchange approval memo, a draft of the Determination Approving Exchange of Real Property prepared for Chief of Operations and Regulatory signature, and a draft quitclaim deed for disposal tracts prepared for Director of Real Estate signature and retaining a flowage easement for operation of the navigation pool. In addition, a Disposal Report must be completed with appropriate environmental documentation in conformance with all applicable laws. The Ameren Corporation shall be advised that HQUSACE will have final approval of the conveyance documents and terms of the exchange.

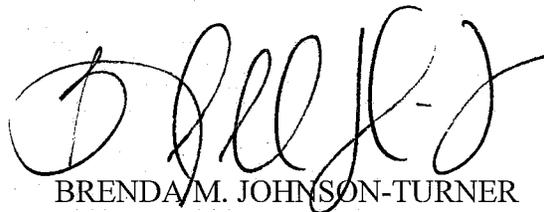
5. In accordance with Section 6005(g)(3), additional necessary and appropriate terms and conditions may be placed in conveyance documents to protect the interests of the United States.

6. The Ameren Corporation is responsible for all reasonable and necessary real estate transaction costs, including but not limited to survey, appraisal, title evidence, legal review, and environmental documentation costs required to convey the acquisition tracts to the United States and to convey the disposal tracts to the Ameren Corporation.

7. The Ameren Corporation shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the Federal land conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the Federal land conveyed.

8. Any questions regarding this guidance should be addressed to Theodore Nettles, CEMP-CR, at 202-761-5542.

FOR THE COMMANDER:



BRENDA M. JOHNSON-TURNER
Chief, Real Estate Division
Directorate of Military Programs

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SEC. 6005 of WRRDA 2014

(b) ST. CHARLES COUNTY, MISSOURI, LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) FEDERAL LAND.—The term “Federal land” means approximately 84 acres of land, as identified by the Secretary, that is a portion of the approximately 227 acres of land leased from the Corps of Engineers by Ameren Corporation for the Portage Des Sioux Power Plant in St. Charles County, Missouri (Lease No. DA-23-065–CIVENG–64–651, Pool 26).

(B) NON-FEDERAL LAND.—The term “non-Federal land” means the approximately 68 acres of land owned by Ameren Corporation in Jersey County, Illinois, contained within the north half of section 23, township 6 north, range 11 west of the third principal meridian.

(2) LAND EXCHANGE.—On conveyance by Ameren Corporation to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to Ameren Corporation all right, title, and interest of the United States in and to the Federal land.

(3) SPECIFIC CONDITIONS.—

(A) DEEDS.—

(i) DEED TO NON-FEDERAL LAND.—The Secretary may only accept conveyance of the non-Federal land by warranty deed, as determined acceptable by the Secretary.

(ii) DEED TO FEDERAL LAND.—The Secretary shall convey the Federal land to Ameren Corporation by quitclaim deed.

(B) CASH PAYMENT.—If the appraised fair market value of the Federal land, as determined by the Secretary, exceeds the appraised fair market value of the non-Federal land, as determined by the Secretary, Ameren Corporation shall make a cash payment to the United States reflecting the difference in the appraised fair market values.

(g) GENERALLY APPLICABLE PROVISIONS.—

(1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of any real property to be conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(2) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that any conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

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(4) COSTS OF CONVEYANCE.—An entity to which a conveyance is made under this section shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(5) LIABILITY.—An entity to which a conveyance is made under this section shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.