

**From:** [Davidson, Chris](#)  
**To:** [Crane, Drew](#)  
**Subject:** Re: 316b Cooling Water Intake Structure Rule - Please respond to HQ by Wednesday, June 12  
**Date:** Tuesday, June 11, 2013 8:30:57 AM

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The structure is located approximately one mile from the Little River confluence with the Red River. The effluent will increase the water temperature approximately 2 degrees (F), which is still lower than the ambient low water temperature during summer (existing condition). The Ouachita rock pocketbook population is located upstream of the structure. There are a couple records downstream of the structure. We required a mussel survey prior to construction and no live ORP were located in the reach from the structure to confluence. They found one relict, but it could have washed in from upstream. We do not know whether this mussel is thermally sensitive or tolerant, but there are 8 species of mussels that occur in the Little River downstream of the structure and half are thermally tolerant with the other half being thermally sensitive.

The original water structure was planned to discharge to the Red River, but was within the 1,000 foot buffer for a nesting colony of ILT. To avoid potential issues, they placed the structure in the Little River.

On Tue, Jun 11, 2013 at 11:16 AM, Crane, Drew <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)> wrote:  
Was the mussel just not in the area of the facility's intake and therefore not a major concern? Sorry for the additional questions, but you are one of the few offices that have indicated any kind of consultation was done on a facility with one of these structures.

Drew

On Tue, Jun 11, 2013 at 12:10 PM, Davidson, Chris <[chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)> wrote:

Also...Piping Plover

On Tue, Jun 11, 2013 at 11:08 AM, Davidson, Chris <[chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)> wrote:

Corp permit.

Species: Interior Least Tern and Ouachita rock pocketbook.

On Tue, Jun 11, 2013 at 11:04 AM, Crane, Drew <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)> wrote:

Thanks Chris! Do you recall what the nexus was for you doing informal consultation? Also, do you remember what species were analyzed?

Drew

On Tue, Jun 11, 2013 at 12:02 PM, Davidson, Chris

<[chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)> wrote:

Drew,

To our knowledge, the only cooling water intake with potential impacts to TE species is the Turk Plant (coal) in SW AR on the Little River. We concluded consultation informally (NLAA), but it was challenged in court.

The plaintiffs (Sierra Club and Audobon Arkansas) settled with Southwestern Power and the details of the settlement were never disclosed to the public. Our conclusion was never overturned by the court.

We have not consulted on any other cooling water intakes in the state and we are unaware of any that are currently adversely affecting listed species.

No HCPs for cooling water intakes in AR.

It would be more helpful to have a list of the intakes and discharge locations, but no we are not aware of all these facilities.

----- Forwarded message -----

From: **Mizzi, Janet** <[janet\\_mizzi@fws.gov](mailto:janet_mizzi@fws.gov)>

Date: Wed, Jun 5, 2013 at 3:30 PM

Subject: Fwd: 316b Cooling Water Intake Structure Rule - Please respond to HQ by Wednesday, June 12

To: Mary Jennings <[mary\\_e\\_jennings@fws.gov](mailto:mary_e_jennings@fws.gov)>, Bill Pearson <[bill\\_pearson@fws.gov](mailto:bill_pearson@fws.gov)>, Brad Rieck <[brad\\_rieck@fws.gov](mailto:brad_rieck@fws.gov)>, Cary Norquist <[cary\\_norquist@fws.gov](mailto:cary_norquist@fws.gov)>, Chris Davidson <[chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)>, Craig Aubrey <[craig\\_aubrey@fws.gov](mailto:craig_aubrey@fws.gov)>, Dan Everson <[dan\\_everson@fws.gov](mailto:dan_everson@fws.gov)>, Dawn Jennings <[dawn\\_jennings@fws.gov](mailto:dawn_jennings@fws.gov)>, Deborah Fuller <[deborah\\_fuller@fws.gov](mailto:deborah_fuller@fws.gov)>, Donald Imm <[donald\\_imm@fws.gov](mailto:donald_imm@fws.gov)>, Edwin Muniz <[edwin\\_muniz@fws.gov](mailto:edwin_muniz@fws.gov)>, Jay Herrington <[jay\\_herrington@fws.gov](mailto:jay_herrington@fws.gov)>, Jeff Weller <[jeff\\_weller@fws.gov](mailto:jeff_weller@fws.gov)>, Larry Williams <[larry\\_williams@fws.gov](mailto:larry_williams@fws.gov)>, Laura Rogers <[laura\\_rogers@fws.gov](mailto:laura_rogers@fws.gov)>, Lee Andrews <[lee\\_andrews@fws.gov](mailto:lee_andrews@fws.gov)>, Marelisa Rivera <[Marelisa\\_Rivera@fws.gov](mailto:Marelisa_Rivera@fws.gov)>, Peggy Shute <[peggy\\_shute@fws.gov](mailto:peggy_shute@fws.gov)>, Pete Benjamin <[pete\\_benjamin@fws.gov](mailto:pete_benjamin@fws.gov)>, Robin Goodloe <[Robin\\_Goodloe@fws.gov](mailto:Robin_Goodloe@fws.gov)>, Sandy Tucker <[sandy\\_tucker@fws.gov](mailto:sandy_tucker@fws.gov)>, Stephen Ricks <[stephen\\_ricks@fws.gov](mailto:stephen_ricks@fws.gov)>, Thomas McCoy <[thomas\\_mccoy@fws.gov](mailto:thomas_mccoy@fws.gov)>, Joe Pittman <[joe\\_pittman@fws.gov](mailto:joe_pittman@fws.gov)>

Cc: Kenneth Graham <[kenneth\\_graham@fws.gov](mailto:kenneth_graham@fws.gov)>, Michelle Eversen <[michelle\\_eversen@fws.gov](mailto:michelle_eversen@fws.gov)>

To all Field Offices in the Southeast Region:

Drew Crane in Headquarters has been working with EPA concerning a potential programmatic consultation for cooling water intake structures (see Drew's note below). At this point Drew is asking a few general questions to get a feel for how often cooling water intake structures have caused a concern for listed species or designated critical habitats.

If you have any experience or insights on this issue, [please respond directly to Drew Crane in Headquarters by Wednesday, June 12](#). If this has been an issue for us in the past, we need to provide background information to Drew so that he will have a basis to discuss possible programmatic consultation with EPA at a National level.

Thanks for any assistance you can provide to Headquarters on this subject. Due to the short turnaround needed for response, please direct any questions or discussions directly to Drew Crane (see contact information below).

Thanks,  
Janet Mizzi  
Chief, Endangered Species Branch  
Southeast Region

----- Forwarded message -----

From: **Crane, Drew** <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>  
Date: Thu, May 30, 2013 at 6:59 PM  
Subject: 316b Cooling Water Intake Structure Rule - Not an official assignment but input appreciated  
To: Doug Laye <[doug\\_laye@fws.gov](mailto:doug_laye@fws.gov)>, Glenn Smith <[glenn\\_s\\_smith@fws.gov](mailto:glenn_s_smith@fws.gov)>, Collette Thogerson <[collette\\_thogerson@fws.gov](mailto:collette_thogerson@fws.gov)>, Daniel Brown <[daniel\\_brown@fws.gov](mailto:daniel_brown@fws.gov)>, Delfinia Montano <[delfinia\\_montano@fws.gov](mailto:delfinia_montano@fws.gov)>, Jana Affonso <[jana\\_affonso@fws.gov](mailto:jana_affonso@fws.gov)>, Jennifer Szymanski <[jennifer\\_szymanski@fws.gov](mailto:jennifer_szymanski@fws.gov)>, Larry Salata <[larry\\_salata@fws.gov](mailto:larry_salata@fws.gov)>, Sonja Jahrsdoerfer <[sonja\\_jahrsdoerfer@fws.gov](mailto:sonja_jahrsdoerfer@fws.gov)>, Kenneth Graham <[kenneth\\_graham@fws.gov](mailto:kenneth_graham@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>

Hi All,

As I mentioned on the call today, EPA will be finalizing a rule that will set standards for existing cooling water intake structures at various facilities that withdraw more than 2 million gallons of water/day (primarily power plants and manufacturing facilities). In the attached map, they have identified where these facilities may occur. They have also determined that these facilities overlap approximately 207 listed species ranges. In most cases, the states are the permitting authority for these facilities.

That means in instances where take is occurring, the state or the facility would need to develop an HCP to address any ongoing take issues. This could result in a significant workload increase for some field offices. We are attempting to avoid that situation by addressing this issue through a national programmatic consultation with EPA.

Could each of you poll your respective field offices to see if:

- they know of facilities with cooling water intakes in their area that are impacting T&E species?

- have they completed any consultations or HCPs for facilities that have cooling water intake structures?
- they are aware that this many facilities overlap T&E species in their area?

Even "yes, no" answers would be helpful at this point. Field offices can respond directly to me or you can forward on any responses you receive. If possible, I would appreciate any information they can provide by the end of next week.

Thanks!

Drew Crane  
Biologist, Branch of Consultation & HCPs  
U.S. Fish and Wildlife Service  
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Arlington, VA 22203  
Phone: (703) 358-2409  
Fax: (703) 358-1735

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EXTINCTION IS FOREVER

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