

# Conversation Contents

## Expectations for Completion of the 316(b) Consultation

**"Sayers, Rick" <rick\_sayers@fws.gov>**

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**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Thu Oct 31 2013 06:48:27 GMT-0600 (MDT)  
**To:** "Wood, Robert" <wood.robert@epa.gov>  
**Subject:** Expectations for Completion of the 316(b) Consultation

Rob--

Thanks for your call this morning. I would like to clarify our plans and make sure these will work for EPA and FWS.

We had originally promised to deliver a draft BO within 30 days and a final BO within 45 days of receipt of the revised regulation. With the exact date of the receipt of the regulations still not set, and the Thanksgiving holiday period now encompassed by the time frame at issue, I need to offer a revised expectation that I think will still fit with the dates you and I discussed for a possible settlement extension.

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Rick Sayers  
Chief, Division of Environmental Review  
U.S. Fish & Wildlife Service-- Ecological Services  
4401 N. Fairfax Dr., Rm 420  
Arlington, VA 22203  
(703) 358-2442

**"Sayers, Rick" <rick\_sayers@fws.gov>**

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**From:** "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>  
**Sent:** Thu Oct 31 2013 07:39:14 GMT-0600 (MDT)  
**To:** Michael Bean <[Michael\\_Bean@ios.doi.gov](mailto:Michael_Bean@ios.doi.gov)>  
**Subject:** Fwd: Expectations for Completion of the 316(b) Consultation

FYI-- I sent this to Rob Wood (my counterpart at EPA) this morning. Have not received a response yet.

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

From: **Sayers, Rick** <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>  
Date: Thu, Oct 31, 2013 at 8:48 AM  
Subject: Expectations for Completion of the 316(b) Consultation  
To: "Wood, Robert" <[wood.robert@epa.gov](mailto:wood.robert@epa.gov)>  
Cc: Paul Souza <[Paul\\_Souza@fws.gov](mailto:Paul_Souza@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>, Drew Crane <[Drew\\_Crane@fws.gov](mailto:Drew_Crane@fws.gov)>

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**"Bean, Michael" <michael\_bean@ios.doi.gov>**

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**From:** "Bean, Michael" <michael\_bean@ios.doi.gov>  
**Sent:** Thu Oct 31 2013 08:10:48 GMT-0600 (MDT)  
**To:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Subject:** Re: Expectations for Completion of the 316(b) Consultation

Thanks, Rick. I have a call in to Nancy. Do you and EPA have a common understanding of what a "prompt response" from EPA to the draft BO means?

On Thu, Oct 31, 2013 at 9:39 AM, Sayers, Rick <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)> wrote:  
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From: **Sayers, Rick** <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>  
Date: Thu, Oct 31, 2013 at 8:48 AM  
Subject: Expectations for Completion of the 316(b) Consultation  
To: "Wood, Robert" <[wood.robert@epa.gov](mailto:wood.robert@epa.gov)>  
Cc: Paul Souza <[Paul\\_Souza@fws.gov](mailto:Paul_Souza@fws.gov)>, Patrice Ashfield  
<[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>, Drew Crane <[Drew\\_Crane@fws.gov](mailto:Drew_Crane@fws.gov)>

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**"Sayers, Rick" <rick\_sayers@fws.gov>**

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**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Thu Oct 31 2013 08:44:51 GMT-0600 (MDT)  
**To:** "Bean, Michael" <michael\_bean@ios.doi.gov>  
**Subject:** Re: Expectations for Completion of the 316(b) Consultation

We have not discussed that. I would envision "prompt" to mean we have at least 5 business days to consider any comments they provide in advance of delivering the final BO. If the comments provided are extensive, then our time for finalizing would need to extend accordingly.

So perhaps we should establish the expectation that EPA would provide any substantive comments within 5 business days of receiving the draft BO and the Service would then alert EPA if the comments will create a need for additional time to finalize.

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On Thu, Oct 31, 2013 at 10:10 AM, Bean, Michael <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)> wrote:

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