

From: [Rick Sayers](#)
To: [Jennifer Schultz - NOAA Federal](#)
Cc: [Patrice Ashfield](#); [Drew Crane](#)
Subject: Fwd: August 21 version of 316(b) regulation
Date: Wednesday, September 25, 2013 11:38:19 AM
Attachments: [Resolved issues 8-28-13 316b ESA Consultation.docx](#)
[8-21-2013 Cooling Water Intakes Rule Services comments EPA responses plus Services responses.docx](#)

Attachments Withheld - b5 Deliberative Process

FYI

Given the delays in delivering a description of the action, we are advising EPA that we need more time to prepare our draft BO.

Sent from my iPhone

Begin forwarded message:

From: "Frazer, Gary" <gary_frazer@fws.gov>
Date: September 25, 2013, 1:38:21 PM EDT
To: Edward Boling <ted.boling@sol.doi.gov>
Cc: Peg Romanik <Peg.Romanik@sol.doi.gov>, Paul Souza <paul_souza@fws.gov>, Rick Sayers <Rick_Sayers@fws.gov>, Drew Crane <Drew_Crane@fws.gov>
Subject: Fwd: August 21 version of 316(b) regulation

Ted -- Here's the most current version of the rule that we have.

I'm going to call Nancy Stoner this afternoon to let her know that we are not going to be able to meet the Oct 15 target date for providing a draft BO. That target date was premised on us having a complete initiation package, particularly a final description of the action, by Aug 29. We're going to need at least 30 days to prepare a draft BO.

You may want to advise your OGC contact that they should consider seeking a further extension of the deadline. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Crane, Drew** <drew_crane@fws.gov>
Date: Wed, Sep 25, 2013 at 12:17 PM
Subject: August 21 version of 316(b) regulation
To: Gary Frazer <gary_frazer@fws.gov>
Cc: Patrice Ashfield <patrice_ashfield@fws.gov>, Rick Sayers <rick_sayers@fws.gov>

Hi Gary,

Attached is the last version of the regulation that we received from EPA.

It is a little difficult to read since it has comments and edits from EPA and from both Services. We have had multiple meetings with EPA and NMFS where several of the issues/track changes have been worked out. Those agreements have been documented, but we have not received an updated version of the rule from EPA. I've attached a second document that reflects some of the resolutions that were agreed upon.

Given the discussions that have been ongoing at EPA, (b)(5) Deliberative Process

[REDACTED] EPA has indicated they hope to provide an updated version of the rule to us by the end of this week. We are to provide EPA a draft BO by Oct, 15 and a final by Oct 31, but still do not have a final proposed action from them.

Let me know if you have any questions or would like additional information.

Thanks

Drew Crane
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