

## Conversation Contents

**Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking**

/13. Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking/1.1 13-1031 Comments on EPA Biological Evaluation - Final.pdf  
/13. Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking/2.1 13-1031 Comments on EPA Biological Evaluation - Final.pdf

**"Frazer, Gary" <gary\_frazer@fws.gov>**

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**From:** "Frazer, Gary" <gary\_frazer@fws.gov>  
**Sent:** Fri Nov 01 2013 07:00:21 GMT-0600 (MDT)  
**To:** Paul Souza <paul\_souza@fws.gov>, Rick Sayers <Rick\_Sayers@fws.gov>, Patrice Ashfield <patrice\_ashfield@fws.gov>, Drew Crane <Drew\_Crane@fws.gov>  
**Subject:** Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking  
**Attachments:** 13-1031 Comments on EPA Biological Evaluation - Final.pdf

fyi. A bookend to the UWAG letter.

Assume you'll discuss both with EPA and NMFS. Let me know how you propose to respond, if at all. -- gDF

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

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

**From:** Alexandra Hankovszky <[alexandra@superlawgroup.com](mailto:alexandra@superlawgroup.com)>  
**Date:** Thu, Oct 31, 2013 at 6:15 PM  
**Subject:** Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking  
**To:** [donna.wieting@noaa.gov](mailto:donna.wieting@noaa.gov), [gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov), [wood.robert@epamail.epa.gov](mailto:wood.robert@epamail.epa.gov)  
**Cc:** Reed Super <[reed@superlawgroup.com](mailto:reed@superlawgroup.com)>, Edan Rotenberg <[edan@superlawgroup.com](mailto:edan@superlawgroup.com)>

Hello,

Attached please find comments submitted on behalf of Riverkeeper, Sierra Club, Natural Resources Defense Council, Center for Biological Diversity, American Littoral Society, Southern Alliance for Clean Energy, Environment America, Earthjustice, Delaware Riverkeeper Network, New York/New Jersey Baykeeper, Casco Baykeeper, Los Angeles Waterkeeper, and the Waterkeeper Alliance regarding the ESA Biological Evaluation for CWA Section 316(b) Rulemaking and Initiation of Formal Consultation on EPA's Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities.

In addition to sending this comment letter via electronic mail, we will also send you a hard copy via U.S. Mail along with a compact disc of the voluminous supporting materials.

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Best,  
Alexandra Hankovszky

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SUPER LAW GROUP, LLC  
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New York, New York 10013

212-242-2355 (phone)  
855-242-7956 (fax)

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

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**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Fri Nov 01 2013 07:14:43 GMT-0600 (MDT)  
**To:** "Wood, Robert" <wood.robert@epa.gov>  
**Subject:** Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking

**Attachments:**

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We received this letter, plus one from attorneys representing some of the utility companies, about the 316(b) consultation. Just wanted to check-in with you about any suggestions for a response and about scheduling the requested meeting with the Riverkeepers.

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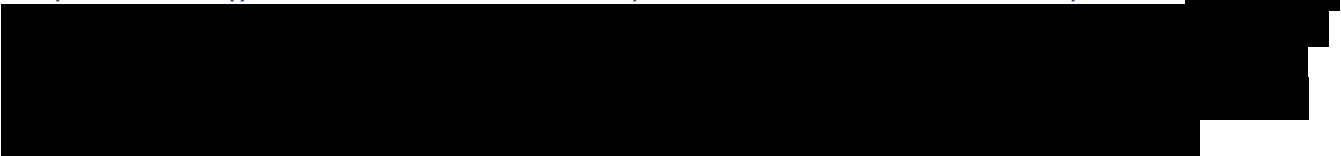
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**"Wood, Robert" <Wood.Robert@epa.gov>**

**From:** "Wood, Robert" <Wood.Robert@epa.gov>  
**Sent:** Fri Nov 01 2013 07:25:58 GMT-0600 (MDT)

**To:** "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>  
**Subject:** Re: Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking

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Robert Wood  
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Engineering and Analysis Division  
202-566-1822

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**To:** Wood, Robert  
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**Sent:** Fri Nov 01 2013 07:32:22 GMT-0600 (MDT)  
**To:** "Wood, Robert" <Wood.Robert@epa.gov>  
**Subject:** Re: Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking

That sounds good to me. (b)(5) Deliberative Process

Rick Sayers  
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**From:** Sayers, Rick <rick\_sayers@fws.gov>  
**Sent:** Friday, November 01, 2013 9:14:43 AM  
**To:** Wood, Robert

**Cc:** [Jennifer.Schultz@noaa.gov](mailto:Jennifer.Schultz@noaa.gov); Kristine Petersen - NOAA Federal

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**From:** "Witt, Richard" <[Witt.Richard@epa.gov](mailto:Witt.Richard@epa.gov)>

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**To:** "Wood, Robert" <Wood.Robert@epa.gov>, "Sayers, Rick" <rick\_sayers@fws.gov>  
**Subject:** RE: Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking

I would just add that it is the general practice here at EPA that we follow the approach Rob has outlined at this stage in the rulemaking process after the comment period has closed.

---

**From:** Wood, Robert  
**Sent:** Friday, November 01, 2013 9:26 AM  
**To:** Sayers, Rick  
**Cc:** [Jennifer.Schultz@noaa.gov](mailto:Jennifer.Schultz@noaa.gov); Kristine Petersen - NOAA Federal; Neugeboren, Steven; Hewitt, Julie; Southerland, Elizabeth; Levine, MaryEllen; Wade, Alexis; Witt, Richard; Born, Tom  
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**From:** Jennifer Schultz - NOAA Federal  
<jennifer.schultz@noaa.gov>  
**Sent:** Fri Nov 01 2013 13:15:52 GMT-0600 (MDT)  
**To:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Subject:** Re: Comments re ESA Biological Evaluation for CWA  
Section 316(b) Rulemaking

Hi Rick,

Did you receive the hard copy of the Super Law (Riverkeeper, Inc.) letter? If so, do you have the CD of additional information?

Thanks,

Jenny

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Rick Sayers  
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Date: Fri, Nov 1, 2013 at 9:00 AM  
Subject: Fwd: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking  
To: Paul Souza <[paul\\_souza@fws.gov](mailto:paul_souza@fws.gov)>, Rick Sayers <[Rick\\_Sayers@fws.gov](mailto:Rick_Sayers@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>, Drew Crane <[Drew\\_Crane@fws.gov](mailto:Drew_Crane@fws.gov)>  
Cc: Peg Romanik <[Peg.Romanik@sol.doi.gov](mailto:Peg.Romanik@sol.doi.gov)>

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*Gary Frazer*  
*Assistant Director -- Ecological Services*  
*U.S. Fish and Wildlife Service*  
[\(202\) 208-4646](tel:(202)208-4646)

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Date: Thu, Oct 31, 2013 at 6:15 PM  
Subject: Comments re ESA Biological Evaluation for CWA Section 316(b) Rulemaking  
To: [donna.wieting@noaa.gov](mailto:donna.wieting@noaa.gov), [gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov), [wood.robert@epamail.epa.gov](mailto:wood.robert@epamail.epa.gov)  
Cc: Reed Super <[reed@superlawgroup.com](mailto:reed@superlawgroup.com)>, Edan Rotenberg <[edan@superlawgroup.com](mailto:edan@superlawgroup.com)>

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**From:** Jennifer Schultz - NOAA Federal  
<[jennifer.schultz@noaa.gov](mailto:jennifer.schultz@noaa.gov)>  
**Sent:** Fri Nov 01 2013 13:26:52 GMT-0600 (MDT)  
**To:** "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>, Pamela Lawrence - NOAA Federal <[pamela.lawrence@noaa.gov](mailto:pamela.lawrence@noaa.gov)>

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

**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Fri Nov 01 2013 13:30:18 GMT-0600 (MDT)  
**To:** Jennifer Schultz - NOAA Federal  
<jennifer.schultz@noaa.gov>  
**Subject:** Re: Comments re ESA Biological Evaluation for CWA  
Section 316(b) Rulemaking

Sounds good.

**(b)(5) Deliberative Process**

A large black rectangular redaction box covers the bottom portion of the email body, starting below the "Sounds good." text and extending across the width of the page.

(b)(5) Deliberative Process

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Yes, thank you for that! (b)(5) Deliberative Process

[REDACTED]

We'll be in contact with you next week to set up a call or meeting. Thanks and have a great weekend!

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