

# Conversation Contents

Fwd: Follow-up on cooling waters

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

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**From:** "Frazer, Gary" <gary\_frazer@fws.gov>  
**Sent:** Wed Jan 29 2014 17:05:24 GMT-0700 (MST)  
**To:** Rick Sayers <Rick\_Sayers@fws.gov>, Patrice Ashfield <patrice\_ashfield@fws.gov>, Drew Crane <drew\_crane@fws.gov>  
**Subject:** Fwd: Follow-up on cooling waters

I spoke to Nikki and asked her to ask Ken Kopocis to tell Rob Wood to respond to Rick's note, (b)(5) Deliberative Process

Let me know if that request from Rob does not come soon. -- GDF

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

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

**From:** **Boling, Edward** <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>  
**Date:** Wed, Jan 29, 2014 at 6:54 PM  
**Subject:** Re: Follow-up on cooling waters  
**To:** Nicole Buffa <[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)>  
**Cc:** Dan Ashe <[d\\_m\\_ashe@fws.gov](mailto:d_m_ashe@fws.gov)>, Laura Davis <[laura\\_davis@ios.doi.gov](mailto:laura_davis@ios.doi.gov)>, Sarah Greenberger <[sarah\\_greenberger@ios.doi.gov](mailto:sarah_greenberger@ios.doi.gov)>, Gary Frazer <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)>

**(b)(5) Attorney-Client Communication**

Ted Boling  
Deputy Solicitor -- Parks & Wildlife  
U.S Department of the Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4423 (main)  
202-208-3125 (direct)  
202-208-5584 (fax)

[Ted.Boling@sol.doi.gov](mailto:Ted.Boling@sol.doi.gov)

On Wed, Jan 29, 2014 at 6:52 PM, Nicole Buffa <[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)> wrote:

(b)(5) Deliberative Process

**From:** Boling, Edward [mailto:[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)]  
**Sent:** Wednesday, January 29, 2014 6:46 PM  
**To:** Nicole Buffa  
**Cc:** Dan Ashe; Laura Davis; Sarah D Greenberger; Gary Frazer  
**Subject:** Re: Follow-up on cooling waters

(b)(5) Attorney-Client Communication

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On Wed, Jan 29, 2014 at 6:27 PM, Nicole Buffa <[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)> wrote:

Take a look at the email below, (b)(5) Deliberative Process, (b)(5) Attorney-Client Communication

Begin forwarded message:

**From:** "Kopocis, Ken" <[Kopocis.Ken@epa.gov](mailto:Kopocis.Ken@epa.gov)>  
**Date:** January 29, 2014, 6:08:53 PM EST  
**To:** "Buffa, Nicole" <[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)>  
**Cc:** "Feldt, Lisa" <[Feldt.Lisa@epa.gov](mailto:Feldt.Lisa@epa.gov)>, "Garbow, Avi" <[Garbow.Avi@epa.gov](mailto:Garbow.Avi@epa.gov)>  
**Subject:** RE: Follow-up on cooling waters

Nikki,

Thank you for the note.

I think we can all agree that we are in a continuing process relating to the CWA sec. 316(b) rule and consultation under the ESA. Because of the continuing exchange of language, we look forward to continuing the dialogue and considering additional changes to both the text of the rule and its preamble. This dialogue will require additional time for the consultation beyond that which was originally planned upon by EPA and the Services.

This continues to be a dynamic process. We at EPA continue to look forward to the successful completion of our discussions.

Ken

---

**From:** Buffa, Nicole [[mailto:nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)]  
**Sent:** Friday, January 17, 2014 10:21 AM  
**To:** Kopocis, Ken  
**Cc:** Feldt, Lisa  
**Subject:** Re: Follow-up on cooling waters

Can your team please make clear to the

DOI team that you guys need an extension for the consultation?

(b)(5) Deliberative Process

believe Gary

Fraser is reaching out to Rob Wood on this soon.

On Tuesday, December 17, 2013, Kopocis, Ken <[Kopocis.Ken@epa.gov](mailto:Kopocis.Ken@epa.gov)> wrote:

Nikki,

EPA Office of Water staff are in receipt of language from the Services addressing the intersection of the Clean Water Act and the ESA. I understand that it will be the subject of discussions later today at 3:00. This follows language which EPA provided to the Services late last week.

We at EPA look forward to continuing discussions with the Services on the text and preamble of our rule under Sec. 316(b) of the CWA. Both the text of the rule and the preamble continue to change and evolve through this dynamic process.

I look forward to the successful completion of our discussions.

Ken

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Nikki Buffa  
Deputy Chief of Staff  
US Department of the Interior  
202-219-3861  
[nicole\\_buffa@ios.doi.gov](mailto:nicole_buffa@ios.doi.gov)

---

**"Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>**

**From:** "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>  
**Sent:** Thu Jan 30 2014 05:02:53 GMT-0700 (MST)  
**To:** "Frazer, Gary" <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)>  
**Subject:** Re: Follow-up on cooling waters

I'll keep an eye out for it and let you know if I receive anything.

Our regulations are absolutely clear that any extension is to be via mutual agreement for a specific period of time. I would not regard the email from Ken Kopocis to fill the need as it does not include a specific period of time.

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

On Wed, Jan 29, 2014 at 7:05 PM, Frazer, Gary <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)> wrote:

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