

From: [Crane, Drew](#)
To: [Ashfield, Patrice](#)
Subject: Re: 316b Regulation
Date: Wednesday, June 05, 2013 4:22:13 AM

Last I heard, Paul (b)(5) Deliberative Process

Julie Hewitt is still thinking they will submit for interagency review this week.

I read through the reg yesterday, and (b)(5) Deliberative Process

I think Gary is out this week so I'm not sure anything big will happen while he's gone.

Drew

On Wed, Jun 5, 2013 at 6:59 AM, Ashfield, Patrice <patrice_ashfield@fws.gov> wrote:

(b)(5) Deliberative Process how are Paul/rick thinking we will move forward?

Patrice Ashfield
Branch Chief of Consultation and Habitat Conservation Planning
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
Arlington, Virginia 22203
(703) 358-2478

On Mon, Jun 3, 2013 at 3:59 PM, Crane, Drew <drew_crane@fws.gov> wrote:
Just to keep you in the loop on how things are progressing.

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

From: **Hewitt, Julie** <Hewitt.Julie@epa.gov>
Date: Mon, Jun 3, 2013 at 2:03 PM
Subject: RE: 316b Regulation
To: "Crane, Drew" <drew_crane@fws.gov>
Cc: Jennifer Schultz - NOAA Federal <jennifer.schultz@noaa.gov>, "Born, Tom" <Born.Tom@epa.gov>, Ron Dean - NOAA Federal <ron.dean@noaa.gov>

PS: Once it goes into interagency review, we will email it directly to you. It could be any day now. But I have zero control over this and if you want to review, I wouldn't wait.

Also, I can do the same with the preamble (including red text), but it weighs in at 444 pages

rather than 59. Some of the items 1 to 9 and 11 that were on that one page that we used for the May 15th meeting were preamble edits, and not in the rule itself, so you might want to see it, too. Let me know if that's the case.

From: Hewitt, Julie
Sent: Monday, June 03, 2013 1:59 PM
To: Hewitt, Julie; Crane, Drew
Cc: Jennifer Schultz - NOAA Federal; Born, Tom; Ron Dean - NOAA Federal
Subject: RE: 316b Regulation

Ok, I think this will work. We can't email the file to you because we haven't officially gone into interagency review. Even though I have no reason to think the reg text will change, someone above my pay grade could ask us to modify it. Many people above my pay grade have weighed in and their comments are already addressed. But until it's officially in interagency review, it could still change, and we can't have multiple versions out there later as part of the public realm.

We want to make it accessible so you can review it. If you use this URL, <https://epa.connectsolutions.com/final316b/> (sign in as a guest; I have to let you in then), you will see the reg text in your browser. I will let you all control the screen, so you can zoom in/out and page up and down. You can't select text or save the file, but you can read all you like. While I can let you all do this, it's really only practical if you do this one at a time. Drew asked first, so he gets to go first.

Also, to speed your review, we have put in red text the places where the rule is related to ESA issues. We put the part and paragraph headers in red, too, so you can tell what parts and paragraphs have ESA in them.

(b)(5) Deliberative Process

[REDACTED]

Let me know if you have any issues. I'm working from home, so call me at [REDACTED] Non-Responsive

[REDACTED]

From: Hewitt, Julie
Sent: Monday, June 03, 2013 1:41 PM
To: Hewitt, Julie; Crane, Drew
Cc: Jennifer Schultz - NOAA Federal; Born, Tom; Ron Dean - NOAA Federal
Subject: RE: 316b Regulation

Sorry – swiped my touch pad before I was done. Am on conference call. Will send a complete email in 15 minutes at most.

From: Hewitt, Julie
Sent: Monday, June 03, 2013 1:40 PM
To: Hewitt, Julie; Crane, Drew
Cc: Jennifer Schultz - NOAA Federal; Born, Tom; Ron Dean - NOAA Federal
Subject: RE: 316b Regulation

Ok, I think this will work. We can't email the file to you because we haven't officially gone into interagency review. That means that even though I have no reason to think the reg text will change, someone above my pay grade could ask us to modify it. Many people above my pay grade have weighed in and their comments are addressed, but

From: Hewitt, Julie
Sent: Monday, June 03, 2013 11:49 AM
To: 'Crane, Drew'
Cc: Jennifer Schultz - NOAA Federal; Born, Tom; Ron Dean - NOAA Federal
Subject: RE: 316b Regulation

Good question. We're trying out something to see if there's a way to let you look at it electronically w/o transmitting it, per se, but to allow you to really look at it. Will get back to you shortly.

From: Crane, Drew [mailto:drew_crane@fws.gov]
Sent: Monday, June 03, 2013 11:13 AM
To: Hewitt, Julie

Cc: Jennifer Schultz - NOAA Federal; Born, Tom; Ron
Dean - NOAA Federal
Subject: 316b Regulation

Hi Julie,

At our last meeting we had hoped we would be able to review the latest version of the regulation, but ended up running out of time.

We feel it would be helpful to see what additional measures you were able to incorporate so far. Would it be possible to share the document with us or are there still concerns about circulating it outside of EPA?

Thanks!

Drew Crane

Biologist, Branch of Consultation & HCPs

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