

From: [Frazer, Gary](#)
To: [Wood, Robert](#)
Cc: [Paul Souza](#); [Patrice Ashfield](#); [Drew Crane](#); [Sam Rauch](#); [donna.wieting@noaa.gov](#); [Cathy Tortorici - NOAA Federal](#); [Kristine Petersen - NOAA Federal](#); [Mary Beth Ward](#); [Pamela Lawrence - NOAA Federal](#); [Edward Boling](#)
Subject: Description of the Action for ESA Consultation on the 316(b) Cooling Water Intake Structure Regulations
Date: Monday, March 31, 2014 1:09:43 PM
Attachments: [FWS NMFS description of the action for 316\(b\) rule 3-31-14.docx](#)

Attachment Withheld - b5 Deliberative Process

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have reviewed the revised final rule and preamble that you submitted to us on March 14, 2014. Based on that review, as well as the telephone conversations, email exchanges, and meetings we have had since December of last year with regard to this action, the Fish and Wildlife Service has prepared the attached document to describe and interpret the elements of your action that are central to our biological opinion, particularly the jeopardy analysis. NMFS has reviewed and concurred with this description.

Because your action is complex and our understanding of your coordination and oversight commitments is informed by other communications we have had in recent months, we request that you review the attached and verify that our description and understanding of your action is correct.

Once we receive your verification or agreed-upon corrections, we anticipate that we will be able to provide to EPA a biological opinion within 45 calendar days. We are prepared to issue that biological opinion as a final opinion, if you wish. Alternatively, we would provide a draft opinion for your timely review and comment and issue a final opinion 15 calendar days later. Please advise as to which path EPA prefers.

Please contact me or Donna Wieting if you have any questions.

Gary Frazer
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