

# Conversation Contents

**FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures**

**Attachments:**

Attachments Withheld - b5 Deliberative Process

/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/1.1 316b reg text ESA new.docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/1.2 Outline of Proposed Preamble Language 316b (ASW 4-3-13) (2).docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/2.1 316b reg text ESA new.docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/2.2 Outline of Proposed Preamble Language 316b (ASW 4-3-13) (2).docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/3.1 316b reg text ESA new.docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/3.2 Outline of Proposed Preamble Language 316b (ASW 4-3-13) (2).docx  
/1. FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures/5.1 316b reg text ESA 4-5-13 with RES comments.docx

**"Hewitt, Julie" <Hewitt.Julie@epa.gov>**

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**From:** "Hewitt, Julie" <Hewitt.Julie@epa.gov>  
**Sent:** Thu Apr 04 2013 17:36:39 GMT-0600 (MDT)  
Ron Dean - NOAA Federal <ron.dean@noaa.gov>, Jennifer Schultz - NOAA Federal <jennifer.schultz@noaa.gov>, Pamela Lawrence - NOAA Federal <pamela.lawrence@noaa.gov>, Helen Golde - NOAA Federal <helen.golde@noaa.gov>, Abbie Mimiko - NOAA Federal <Abbie.Mimiko@noaa.gov>, "Paul, Keith" <keith\_paul@fws.gov>, "drew\_crane@fws.gov" <drew\_crane@fws.gov>, "Sayers, Rick" <rick\_sayers@fws.gov>, "patrice\_ashfield@fws.gov" <patrice\_ashfield@fws.gov>  
**To:**  
**Subject:** FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures  
**Attachments:** 316b reg text ESA new.docx Outline of Proposed Preamble

Hi folks,

You might want to see these materials in advance of the meeting, too. Given the hour, I've copied as many people as I guessed might need to be in the loop – if there is someone you think should have received these materials, please forward to them.

The reg text is 50 pages, but the text coloring should help you focus (although it is generous). (b)(5) Deliberative Process

Finally, if there is anyone who needs to join via conference call, please let me know, and I'll get a conference line added (and send an email to this group as well).

Thanks,

Julie

---

**From:** Stoner, Nancy

**Sent:** Thursday, April 04, 2013 6:57 PM

**To:** Lois Schiffer - NOAA Federal; [gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov); [jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)

**Cc:** Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis

**Subject:** Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures

Lois, Gary, and Jeff,

Attached is a draft of the 316(b) final regulation for your review. You'll find text that is shown in red, blue and bold, for your benefit. (b)(5) Deliberative Process

We used a broad brush in identifying those provisions. Within the red, there is bolded text with specific references to the ESA. Finally, (b)(5) Attorney-Client Communication

(b)(5) Deliberative Process

We look forward to discussing these issues with you tomorrow at 4 here in EPA East, Room 3233. See you then,

Nancy

Cc: Betsy, Rob, Julie, Steve, MaryEllen, Alexis

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

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**From:** "Frazer, Gary" <gary\_frazer@fws.gov>  
**Sent:** Thu Apr 04 2013 21:25:40 GMT-0600 (MDT)  
**To:** Patrice Ashfield <patrice\_ashfield@fws.gov>, Drew Crane <Drew\_Crane@fws.gov>  
**Subject:** Fwd: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures  
**Attachments:** 316b reg text ESA new.docx Outline of Proposed Preamble Language 316b (ASW 4-3-13) (2).docx

FYI. (b)(5) Deliberative Process - GDF

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

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

**From:** Stoner, Nancy <[Stoner.Nancy@epa.gov](mailto:Stoner.Nancy@epa.gov)>  
**Date:** Thu, Apr 4, 2013 at 6:56 PM  
**Subject:** Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures  
**To:** Lois Schiffer - NOAA Federal <[lois.schiffer@noaa.gov](mailto:lois.schiffer@noaa.gov)>, "gary\_frazer@fws.gov" <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)>, "jeff\_underwood@fws.gov" <[jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)>  
**Cc:** "Southerland, Elizabeth" <[Southerland.Elizabeth@epa.gov](mailto:Southerland.Elizabeth@epa.gov)>, "Wood, Robert" <[Wood.Robert@epa.gov](mailto:Wood.Robert@epa.gov)>, "Hewitt, Julie" <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>, "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>, "Levine, MaryEllen" <[levine.maryellen@epa.gov](mailto:levine.maryellen@epa.gov)>, "Wade, Alexis" <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

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

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**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Fri Apr 05 2013 04:33:44 GMT-0600 (MDT)  
**To:** Patrice Ashfield <patrice\_ashfield@fws.gov>, Drew Crane <Drew\_Crane@fws.gov>  
**Subject:** Fwd: FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures  
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If Drew is coming in today it would be good to have him look through this material and see if there is anything new here that we have not previously seen. Looks to me like EPA is

(b)(5) Deliberative Process

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

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

From: **Hewitt, Julie** <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>

Date: Thu, Apr 4, 2013 at 7:36 PM

Subject: FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures

To: Ron Dean - NOAA Federal <[ron.dean@noaa.gov](mailto:ron.dean@noaa.gov)>, Jennifer Schultz - NOAA Federal <[jennifer.schultz@noaa.gov](mailto:jennifer.schultz@noaa.gov)>, Pamela Lawrence - NOAA Federal <[pamela.lawrence@noaa.gov](mailto:pamela.lawrence@noaa.gov)>, Helen Golde - NOAA Federal <[helen.golde@noaa.gov](mailto:helen.golde@noaa.gov)>, Abbie Mimiko - NOAA Federal <[Abbie.Mimiko@noaa.gov](mailto:Abbie.Mimiko@noaa.gov)>, "Paul, Keith" <[keith\\_paul@fws.gov](mailto:keith_paul@fws.gov)>, "drew\_crane@fws.gov" <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>, "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>, "patrice\_ashfield@fws.gov" <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>  
Cc: "Born, Tom" <[Born.Tom@epa.gov](mailto:Born.Tom@epa.gov)>

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**From:** Stoner, Nancy  
**Sent:** Thursday, April 04, 2013 6:57 PM  
**To:** Lois Schiffer - NOAA Federal; [gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov); [jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)  
**Cc:** Southerland, Elizabeth; Wood, Robert; Hewitt, Julie; Neugeboren, Steven; Levine, MaryEllen; Wade, Alexis  
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[REDACTED]

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[REDACTED]

(b)(5) Deliberative Process

[REDACTED]

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

---

**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Fri Apr 05 2013 04:53:25 GMT-0600 (MDT)  
**To:** "Hewitt, Julie" <Hewitt.Julie@epa.gov>  
**Subject:** Re: FW: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures

Thanks Julie-- this is helpful.

I would still like to talk with you this morning if possible but I don't have a phone # for you. Could you give me a call at 703 358-2442 (desk) or **Non-Responsive**)? Thanks!

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 Thu, Apr 4, 2013 at 7:36 PM, Hewitt, Julie <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)> wrote:

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**Sent:** Thursday, April 04, 2013 6:57 PM

**To:** Lois Schiffer - NOAA Federal; [gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov); [jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)

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[REDACTED]

(b)(5) Deliberative Process

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

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



**Sent:** Fri Apr 05 2013 08:00:03 GMT-0600 (MDT)  
**To:** "Frazer, Gary" <gary\_frazer@fws.gov>  
**Subject:** Re: Materials for tomorrow's meeting on ESA and EPA's draft final rule on cooling water intake structures  
**Attachments:** 316b reg text ESA 4-5-13 with RES comments.docx

Gary-- (b)(5) Deliberative Process

I did not have a chance to discuss that idea with my colleagues at NMFS.

I talked with Julie Hewitt and she said that the discussion this afternoon was to be largely between Nancy Stoner and Lois Schiffer (b)(5) Attorney-Client Communication

So bottom line is that we (b)(5) Deliberative Process

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 Thu, Apr 4, 2013 at 11:25 PM, Frazer, Gary <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)> wrote:  
FYI. (b)(5) Deliberative Process - GDF

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

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To: Lois Schiffer - NOAA Federal <[lois.schiffer@noaa.gov](mailto:lois.schiffer@noaa.gov)>, "[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)" <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)>, "[jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)" <[jeff\\_underwood@fws.gov](mailto:jeff_underwood@fws.gov)>

Cc: "Southerland, Elizabeth" <[Southerland.Elizabeth@epa.gov](mailto:Southerland.Elizabeth@epa.gov)>, "Wood, Robert"

<[Wood.Robert@epa.gov](mailto:Wood.Robert@epa.gov)>, "Hewitt, Julie" <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>, "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>, "Levine, MaryEllen" <[levine.maryellen@epa.gov](mailto:levine.maryellen@epa.gov)>, "Wade, Alexis" <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

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