

From: [Crane, Drew](#)
To: [Gary Frazer](#)
Cc: [Patrice Ashfield](#)
Subject: Fwd: Description of the Action for ESA Consultation on the 316(b) Cooling Water Intake Structure Regulations
Date: Tuesday, April 01, 2014 9:56:48 AM
Attachments: [Services Draft Description of Action \(passback DRAFT to Services 4-1-14\).docx](#)

Attachment Withheld - b5
Deliberative Process

Hi Gary,

If you are attending the call at 2:15, (b)(5) Deliberative Process

[REDACTED]

Thanks
Drew

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

From: **Wood, Robert** <Wood.Robert@epa.gov>
Date: Tue, Apr 1, 2014 at 1:45 PM
Subject: RE: Description of the Action for ESA Consultation on the 316(b) Cooling Water Intake Structure Regulations
To: "Frazer, Gary" <gary_frazer@fws.gov>
Cc: Paul Souza <Paul_Souza@fws.gov>, Patrice Ashfield <patrice_ashfield@fws.gov>, Drew Crane <drew_crane@fws.gov>, Sam Rauch <samuel.rauch@noaa.gov>, "donna.wieting@noaa.gov" <donna.wieting@noaa.gov>, "cathy.tortorici@noaa.gov" <cathy.tortorici@noaa.gov>, Kristine Petersen - NOAA Federal <kristine.petersen@noaa.gov>, Mary Beth Ward <Mary.Beth.Ward@noaa.gov>, Pamela Lawrence - NOAA Federal <pamela.lawrence@noaa.gov>, Edward Boling <ted.boling@sol.doi.gov>, "Southerland, Elizabeth" <Southerland.Elizabeth@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Wade, Alexis" <Wade.Alexis@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Hewitt, Julie" <Hewitt.Julie@epa.gov>, "Born, Tom" <Born.Tom@epa.gov>

Gary,

Thanks for sending this draft description of the action. We have caucused internally and have a few comments (b)(5) Deliberative Process

There is a call at 2:15 with EPA, DOJ and Services that I imagine you will be participating in. If time permits on the 2:15 call, we would like to discuss the attachment.

Rob

Robert K. Wood, Director

Engineering and Analysis Division

U.S. EPA Office of Water

202-566-1822

From: Frazer, Gary [mailto:gary_frazer@fws.gov]

Sent: Monday, March 31, 2014 5:10 PM

To: Wood, Robert

Cc: Paul Souza; Patrice Ashfield; Drew Crane; Sam Rauch; donna.wieting@noaa.gov; cathy.tortorici@noaa.gov; 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

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

Assistant Director -- Ecological Services

U.S. Fish and Wildlife Service

(202) 208-4646