

**From:** [Ashfield, Patrice](#)  
**To:** [pamela.lawrence@noaa.gov](mailto:pamela.lawrence@noaa.gov); [kristine.petersen@noaa.gov](mailto:kristine.petersen@noaa.gov)  
**Cc:** [Gary Frazer](#); [Paul Souza](#); [Drew Crane](#)  
**Subject:** Fwd: Description of the Action for ESA Consultation on the 316(b) Cooling Water Intake Structure Regulations  
**Date:** Wednesday, April 02, 2014 9:18:02 AM  
**Attachments:** [Services Draft Description of Action \(edited passback DRAFT to Services 4-2-14\).docx](#)

Attachment Withheld - b5  
Deliberative Process

Dear Pam and Kris-

Per our conversation, Drew and I will take a first cut at suggested edits to the language we just received from EPA. We will try and get the document to you in the next hour. If you would like to discuss we are available anytime this afternoon.

After we have agreed on our joint comments, Gary would like us to have a FWS/NMFS conference call today at 4:30 with either Sam or Donna. Let us know if the 4:30 conf call works for your team.

As always, thanks for your help, and we'll either talk to you soon or get an email with your thoughts.

Sincerely,  
Patrice

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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

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

**From:** **Wood, Robert** <[Wood.Robert@epa.gov](mailto:Wood.Robert@epa.gov)>  
**Date:** Wed, Apr 2, 2014 at 12:34 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](mailto:gary_frazer@fws.gov)>  
**Cc:** Paul Souza <[Paul\\_Souza@fws.gov](mailto:Paul_Souza@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>, Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>, Sam Rauch <[samuel.rauch@noaa.gov](mailto:samuel.rauch@noaa.gov)>, "donna.wieting@noaa.gov" <[donna.wieting@noaa.gov](mailto:donna.wieting@noaa.gov)>, "cathy.tortorici@noaa.gov" <[cathy.tortorici@noaa.gov](mailto:cathy.tortorici@noaa.gov)>, Kristine Petersen - NOAA Federal <[kristine.petersen@noaa.gov](mailto:kristine.petersen@noaa.gov)>, Mary Beth Ward <[Mary.Beth.Ward@noaa.gov](mailto:Mary.Beth.Ward@noaa.gov)>, Pamela Lawrence - NOAA Federal <[pamela.lawrence@noaa.gov](mailto:pamela.lawrence@noaa.gov)>, Edward Boling <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>, "Southerland, Elizabeth" <[Southerland.Elizabeth@epa.gov](mailto:Southerland.Elizabeth@epa.gov)>, "Neugeboren, Steven" <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>, "Wade, Alexis" <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>, "Witt, Richard" <[Witt.Richard@epa.gov](mailto:Witt.Richard@epa.gov)>, "Levine, MaryEllen" <[levine.maryellen@epa.gov](mailto:levine.maryellen@epa.gov)>, "Hewitt, Julie" <[Hewitt.Julie@epa.gov](mailto:Hewitt.Julie@epa.gov)>, "Born, Tom" <[Born.Tom@epa.gov](mailto:Born.Tom@epa.gov)>, "Barsky, Seth (ENRD)" <[Seth.Barsky@usdoj.gov](mailto:Seth.Barsky@usdoj.gov)>

Gary,

Thanks for your and everyone's time yesterday afternoon for what I thought was a productive meeting. Attached are EPA's suggested edits to the Action Description. These are based on our meeting yesterday and reflect follow on discussion at EPA. Please let me know if these changes are acceptable to the Services. We are available this afternoon if you would like to discuss any of our edits.

Rob

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Robert K. Wood, Director

Engineering and Analysis Division

U.S. EPA Office of Water

202-566-1822

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**From:** Wood, Robert  
**Sent:** Tuesday, April 01, 2014 1:45 PM  
**To:** 'Frazer, Gary'  
**Cc:** Paul Souza; Patrice Ashfield; Drew Crane; Sam Rauch; [donna.wieting@noaa.gov](mailto:donna.wieting@noaa.gov); [cathy.tortorici@noaa.gov](mailto:cathy.tortorici@noaa.gov); Kristine Petersen - NOAA Federal; Mary Beth Ward; Pamela Lawrence - NOAA Federal; Edward Boling; Southerland, Elizabeth; Neugeboren, Steven; Wade, Alexis; Witt, Richard; Levine, MaryEllen; Hewitt, Julie; Born, Tom  
**Subject:** RE: Description of the Action for ESA Consultation on the 316(b) Cooling Water Intake Structure Regulations

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

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Robert K. Wood, Director

Engineering and Analysis Division

U.S. EPA Office of Water

202-566-1822

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**From:** Frazer, Gary [[mailto:gary\\_frazer@fws.gov](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](mailto:donna.wieting@noaa.gov); [cathy.tortorici@noaa.gov](mailto: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***