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Cottingham, David

From: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Sent: Thursday, June 02, 2011 4:58 PM
To: "Bean, Michael" <Michael_Bean@ios.doi.gov>; "Young, Michael" <Michael.Young@sol.doi.gov>; "Sobeck, Eileen" <Eileen_Sobeck@ios.doi.gov>
Cc: "Cottingham, David" <david_cottingham@fws.gov>
Subject: RE: my edits to the "assurances" paper are attached
Attachments: Attachment

I had a few comments and edits that are based off of the earlier draft (not Michael's latest).

(b) (5)



From: Bean, Michael
Sent: Thursday, June 02, 2011 4:19 PM
To: Young, Michael; Sobeck, Eileen
Cc: Greenberger, Sarah; Cottingham, David
Subject: RE: my edits to the "assurances" paper are attached

Two points:

(b) (5)



(b) (5)



(b) (5)



Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

From: Young, Michael

Sent: Thursday, June 02, 2011 11:54 AM

To: Bean, Michael; Sobeck, Eileen

Subject: FW: my edits to the "assurances" paper are attached

Barry, David C., and I are OK with this draft briefing statement for David Hayes. At present, Sarah Greenberger is reviewing it with the goal of submitting a final paper to Meghan Conklin by COB today.

Mike

From: David_Cottingham@fws.gov [mailto:David_Cottingham@fws.gov]

Sent: Thursday, June 02, 2011 11:33 AM

To: Young, Michael

Cc: Roth, Barry; Kline, Philip

Subject: Re: my edits to the "assurances" paper are attached

Michael and all --

this looks good to me. It's sure to spark a lively discussion.

I'll want to loop Michael Bean and Eileen into this at some point.

DC

David Cottingham

Senior Advisor to the Director

US Fish and Wildlife Service
Room 3341 Main Interior Building

phone: 202-208-4331
cell: 202-372-7578

"Young, Michael" <Michael.Young@sol.doi.gov>

06/02/2011 11:21 AM

To

"Cottingham, David" <david_cottingham@fws.gov>, "Roth, Barry"
<BARRY.ROTH@sol.doi.gov>, "Kline, Philip" <Philip.Kline@sol.doi.gov>

cc

Subject

my edits to the "assurances" paper are attached

W. Michael Young
Assistant Solicitor for Fish and Wildlife
U.S. Department of the Interior

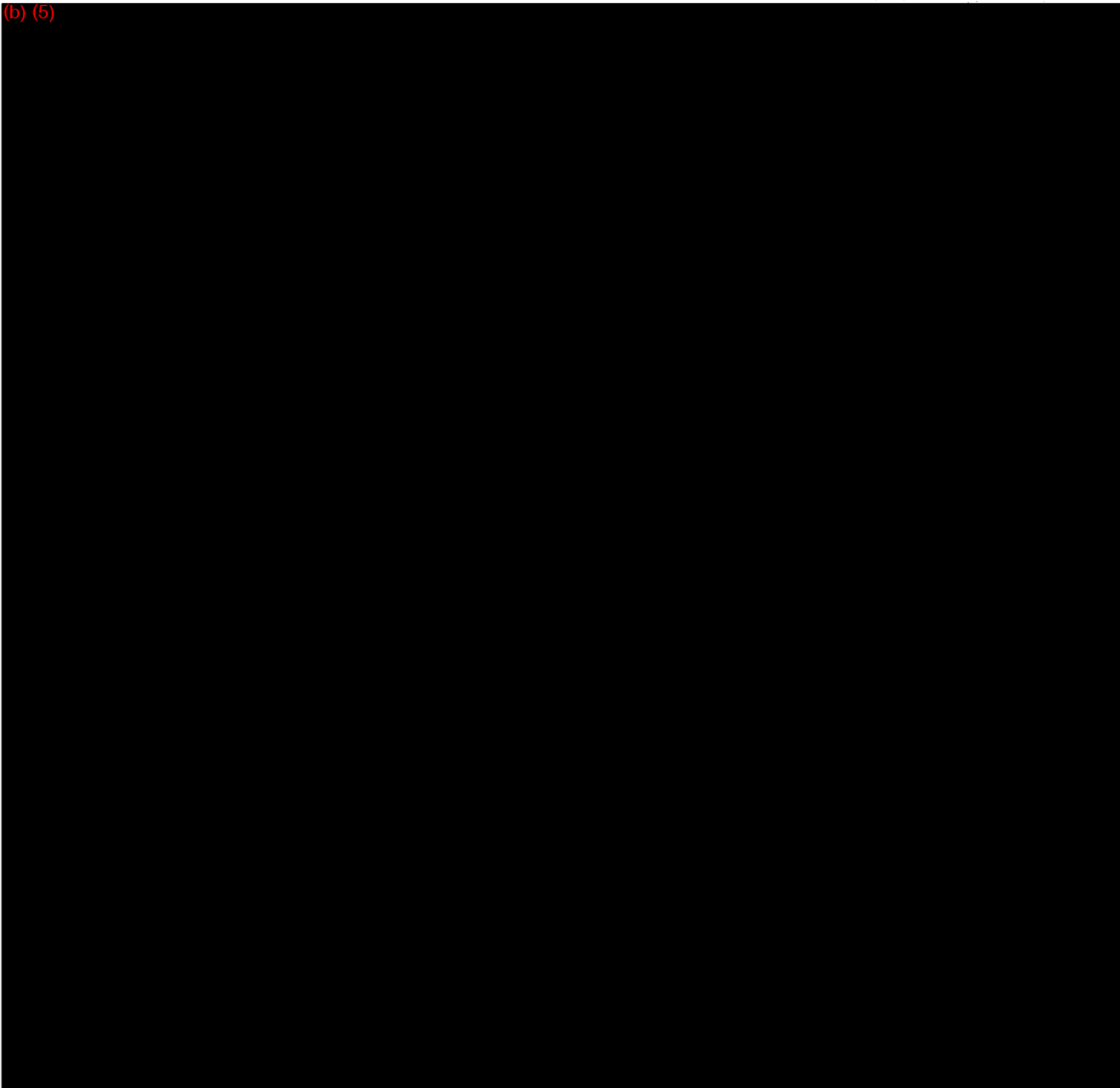
e-Mail: Michael.Young@sol.doi.gov
Direct line: (202) 208-3449
FAX: (202) 208-3877

This e-mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged or otherwise protected by applicable law. If you are not the intended recipient of this e-mail message, or an employee or agent responsible for the delivery of this message to the intended recipient, you are hereby notified that the dissemination, distribution, copying, or use of this e-mail message is strictly prohibited. If you received this e-mail message in error, please notify the sender immediately and destroy all copies.

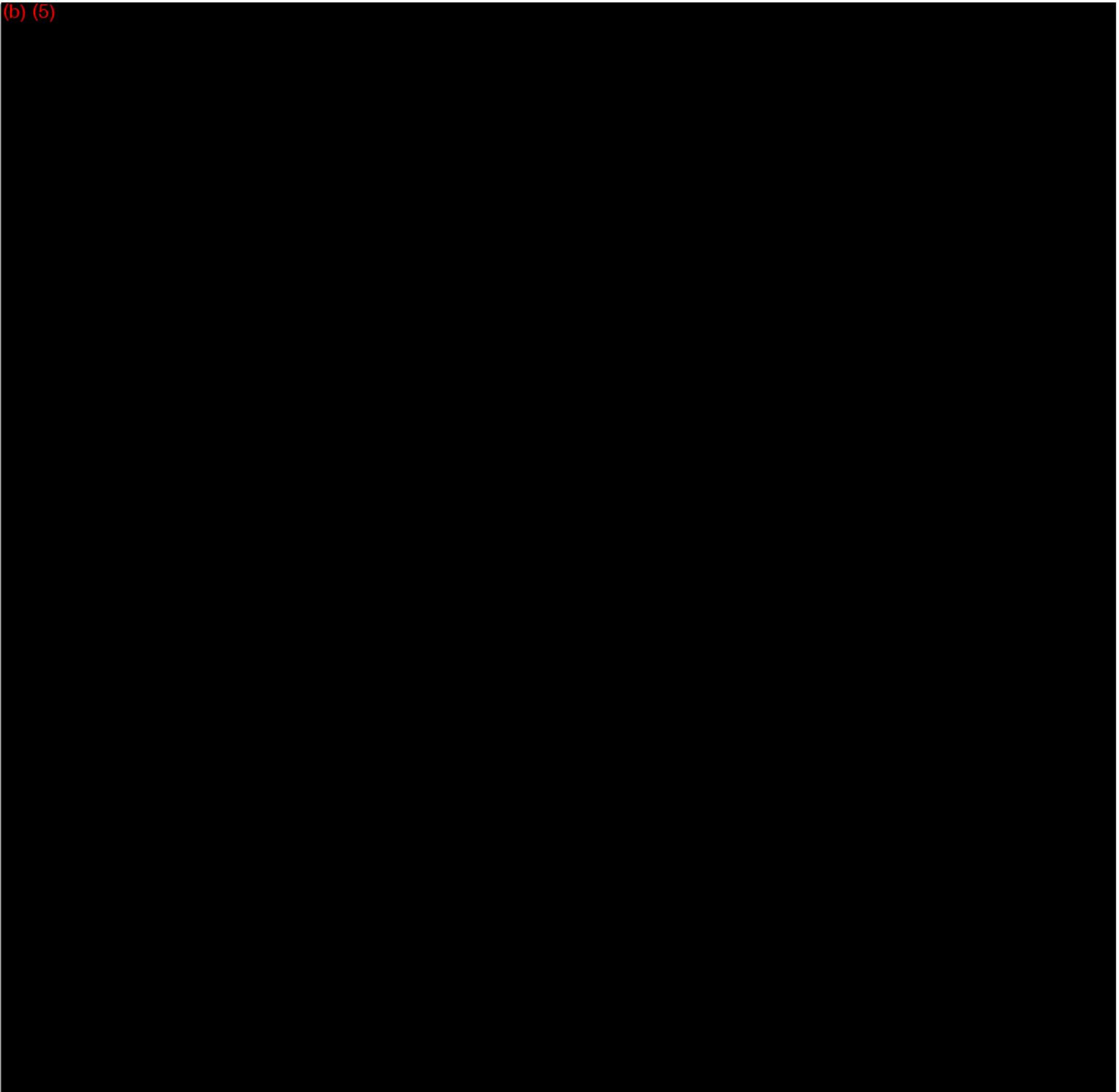
- Wind assurances -- with MYoung edits060211PGK - SG.docx

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(b) (5)

A horizontal black rectangular redaction box covering a line of text.

(b) (5)

A large vertical black rectangular redaction box covering multiple lines of text.

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Wednesday, June 22, 2011 6:22 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Cc: Michael Bean <michaeljbean@gmail.com>
Subject: thoughts on the revised guidance draft
Attachments: Attachment

David: I didn't get as far with this as I intended, but I wanted to share with you what I had before your Thursday morning meeting.

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

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Department of the Interior

Washington, DC 20240

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- comments on 6.17 weg draft.doc

Comments on 6/17 revision of WEG

(b) (5)



(b) (5)



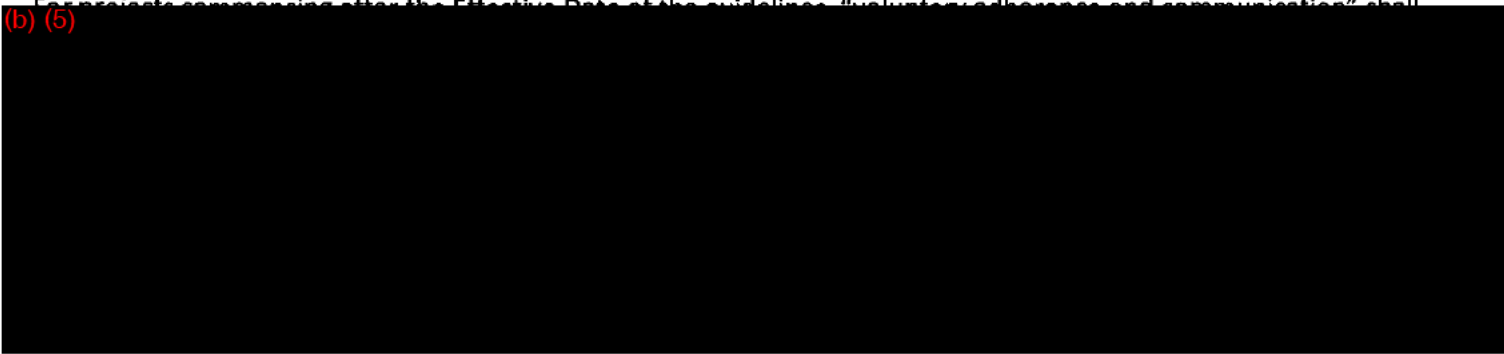
Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Thursday, June 23, 2011 4:51 PM
To: "Cottingham, David" <david_cottingham@fws.gov>; "JohnsonHughes, Christy" <christy_johnsonhughes@fws.gov>
Cc: "Ahmad, Fatima" <Fatima_Ahmad@ios.doi.gov>
Subject: "consideration" language

Below is my effort to tackle this. Fatima thinks it may suffice to have just the first and last sentences. Your thoughts are welcome.

For projects commencing after the Effective Date of the guidelines, "voluntary adherence and communication" shall

(b) (5)



Note: The first sentence is taken verbatim from the FAC recommendations and the italicized language in the concluding sentence is taken virtually verbatim from the joint comments submitted by many of the FAC members on May 19 (page 5).

Michael J. Bean
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Cottingham, David

From: "Ahmad, Fatima" <Fatima_Ahmad@ios.doi.gov>
Sent: Wednesday, June 29, 2011 5:23 PM
To: "Cottingham, David" <david_cottingham@fws.gov>; "Bright, Larry" <larry_bright@fws.gov>; "Bean, Michael" <Michael_Bean@ios.doi.gov>
Subject: FWS Revised Wind Energy Guidelines -- comments
Attachments: Attachment

I've attached the draft sent to the RDs with a few comments. I focused on the assurances language, what is needed to qualify for assurances & FWS review of developer plans. I will be out until July 6.

Fatima Ahmad

Special Assistant, Assistant Secretary for Fish & Wildlife & Parks

U.S. Department of the Interior

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Office 3150

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Email: Fatima_Ahmad@ios.doi.gov

- WEG Rev 6-24-11 Clean ver 2_fma edits.docx

DRAFT – DELIBERATIVE – NOT FOR RELEASE

6-24-11 version – Clean ver. 2

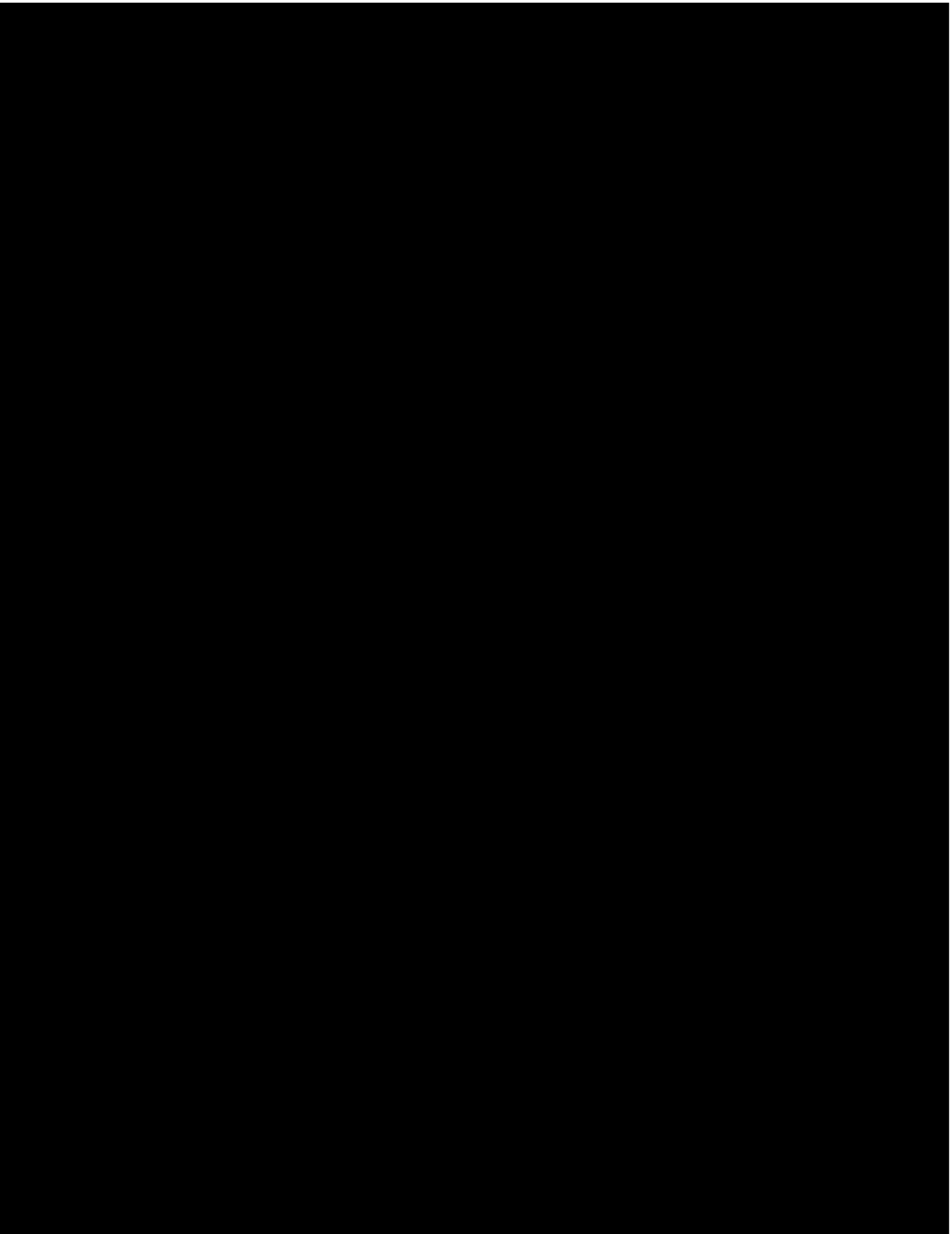
U.S. Fish and Wildlife Service
Land-Based Wind Energy Guidelines

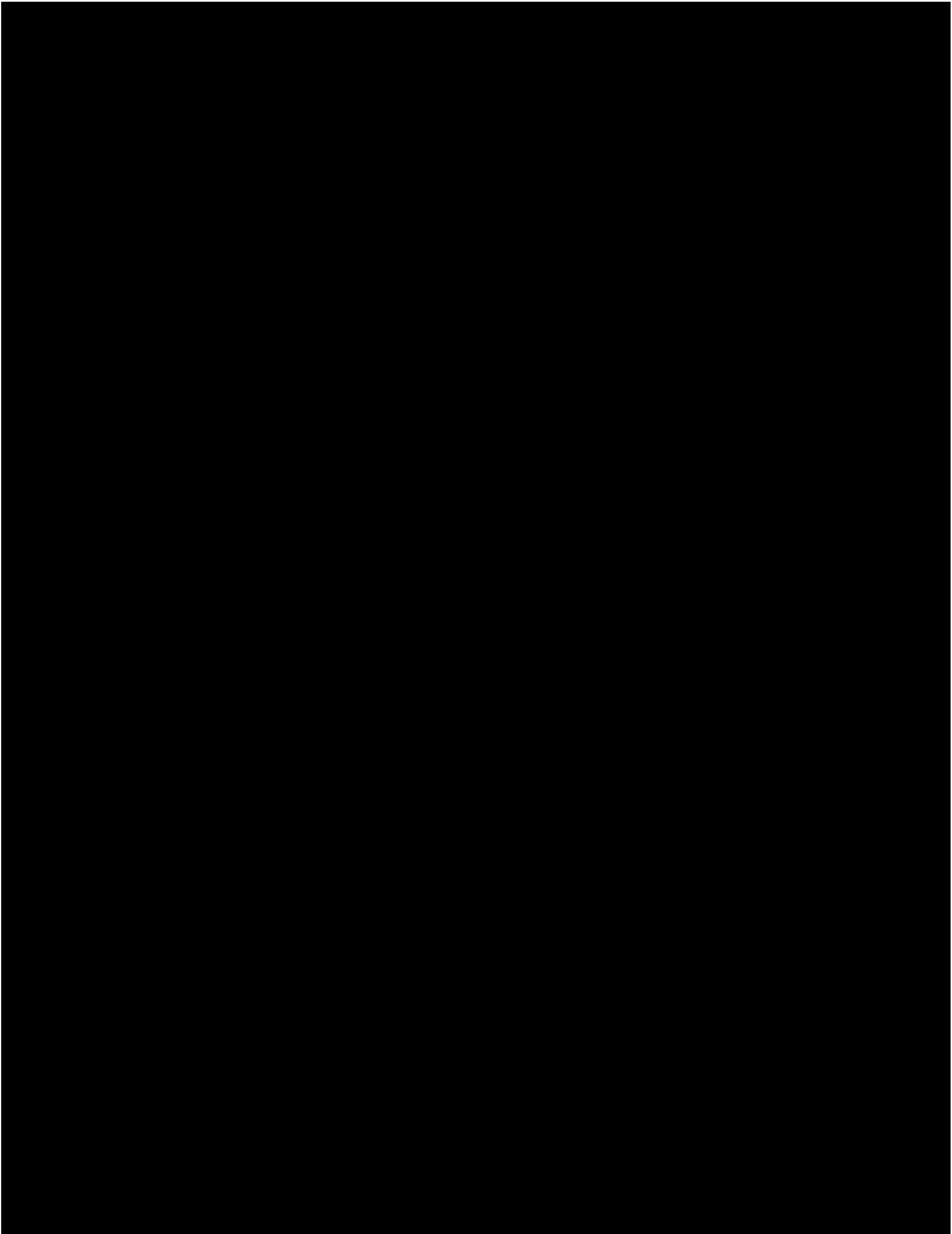
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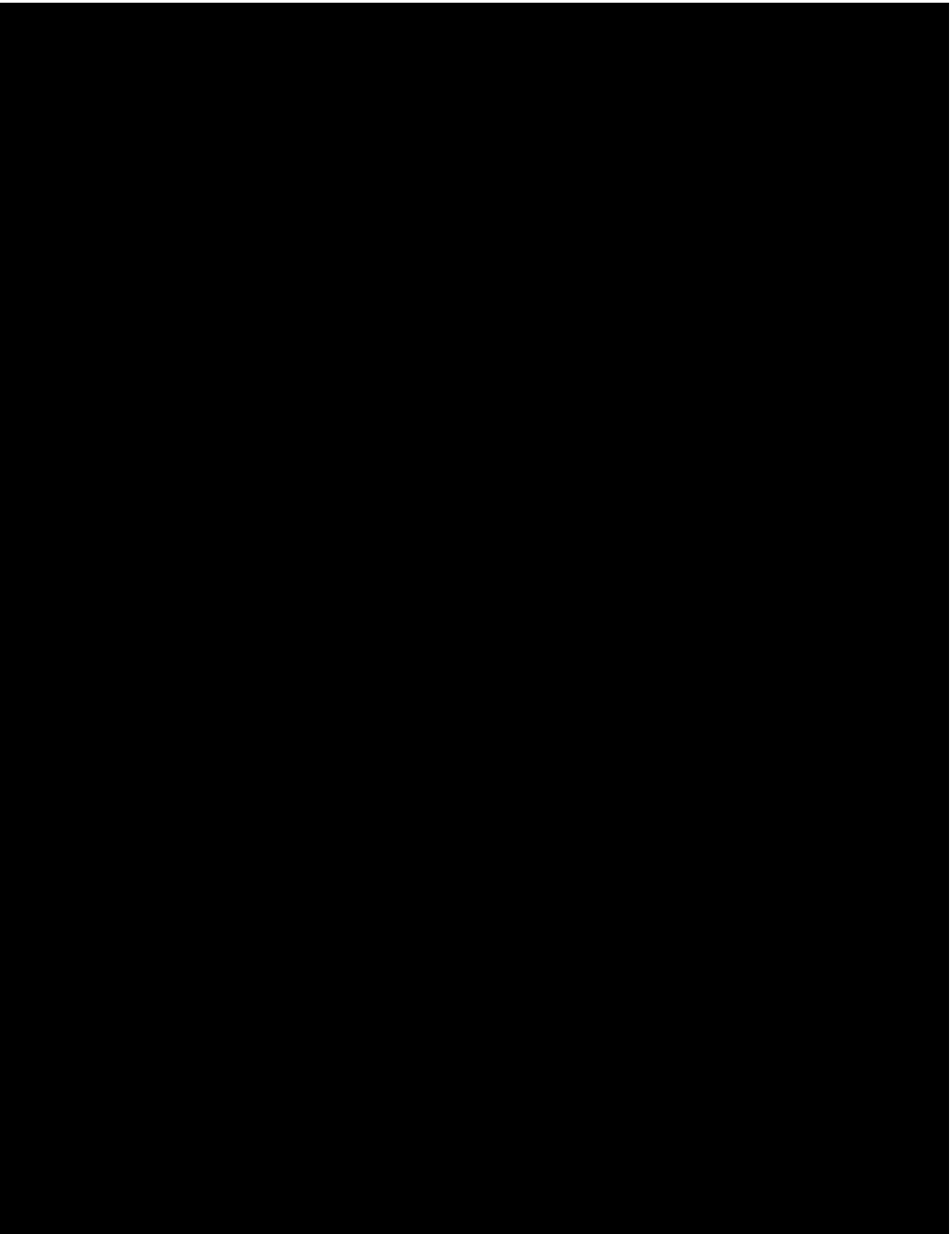
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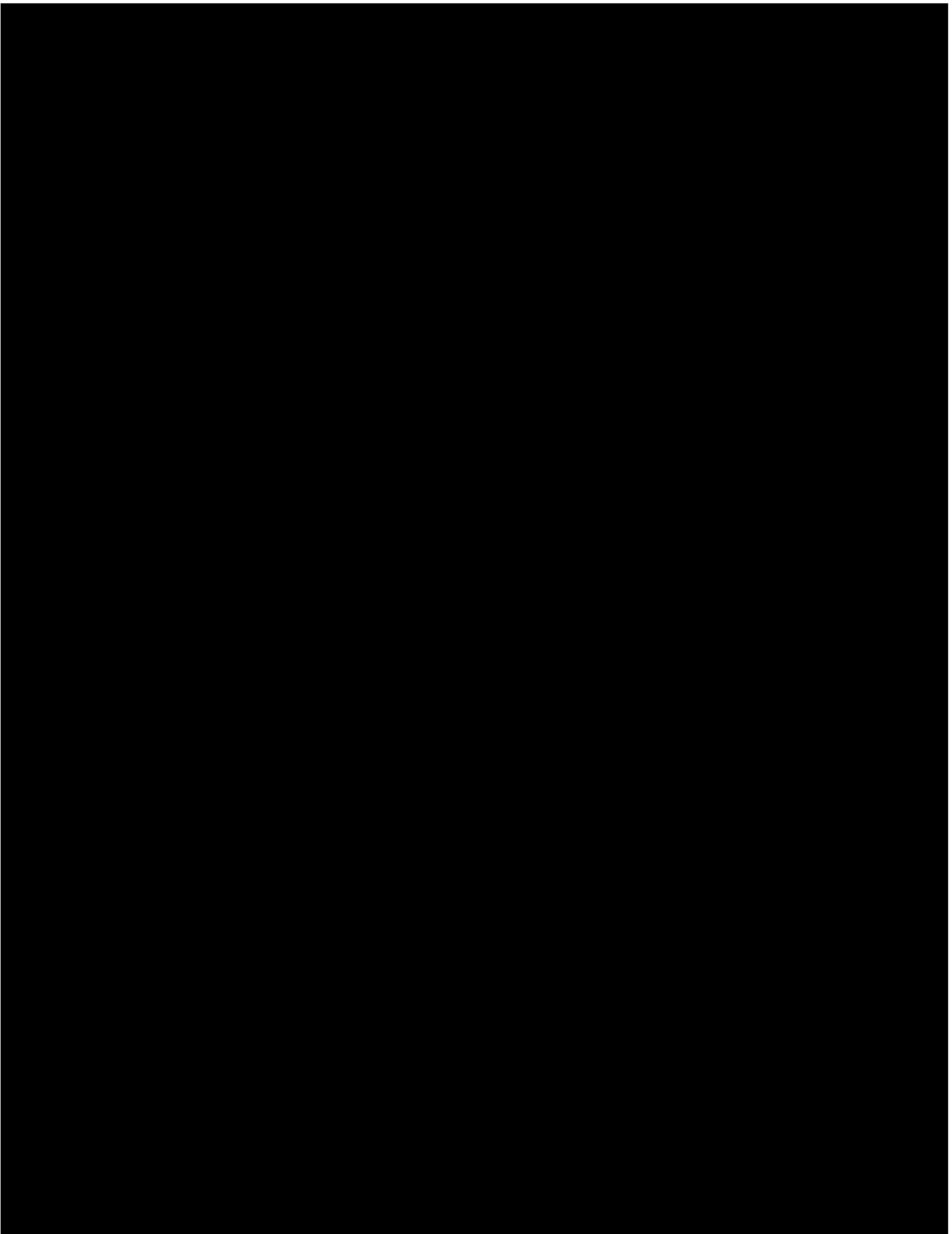
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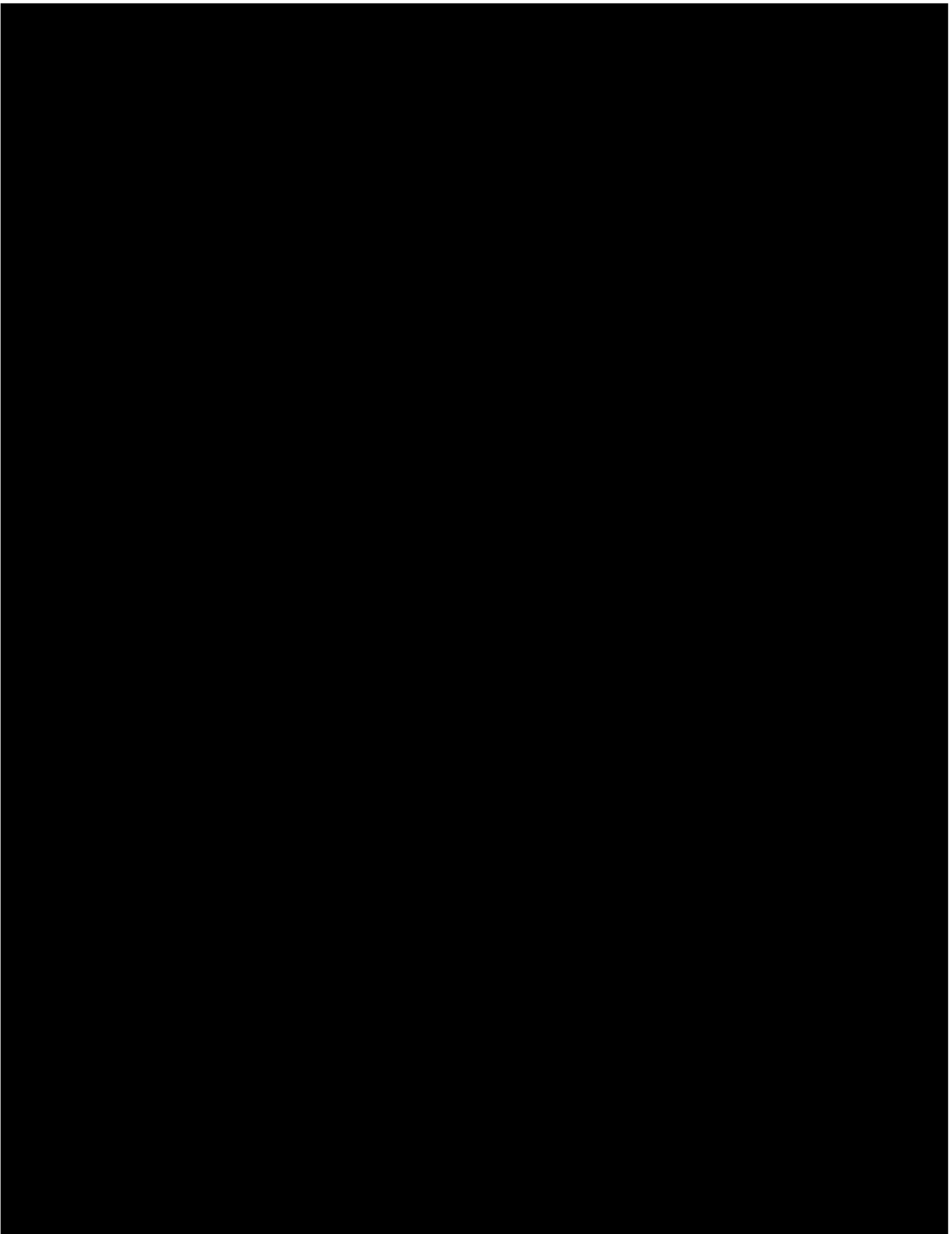


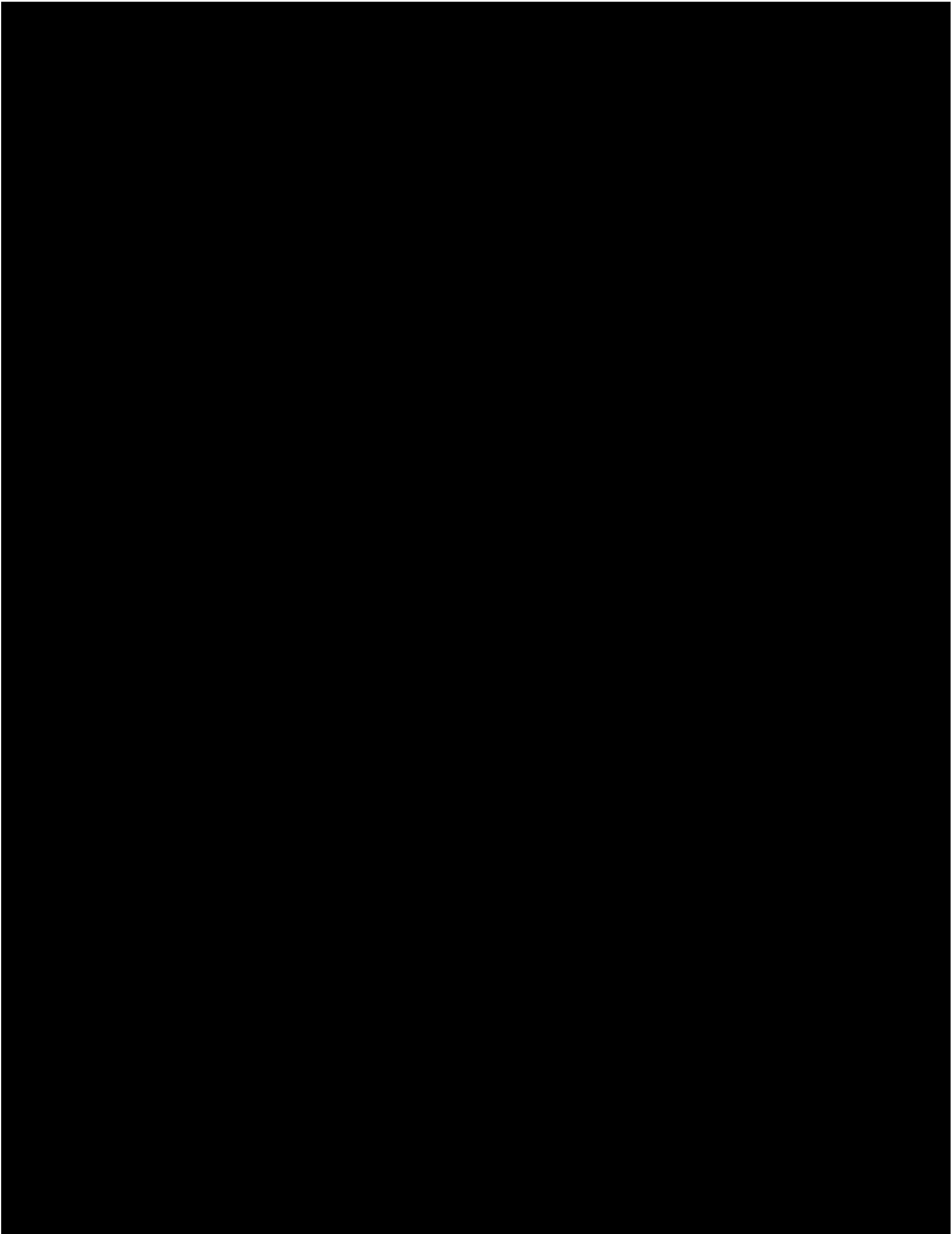


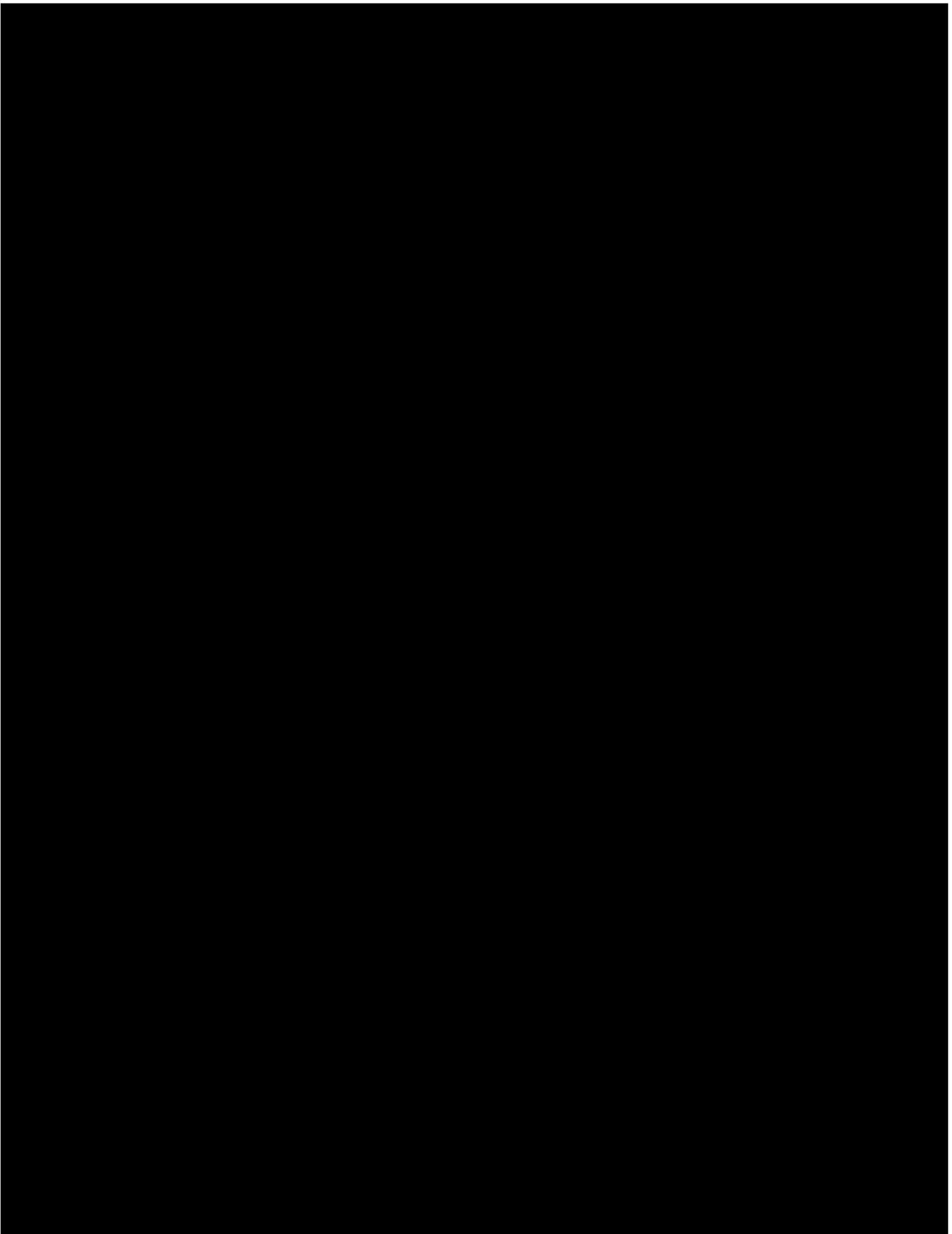


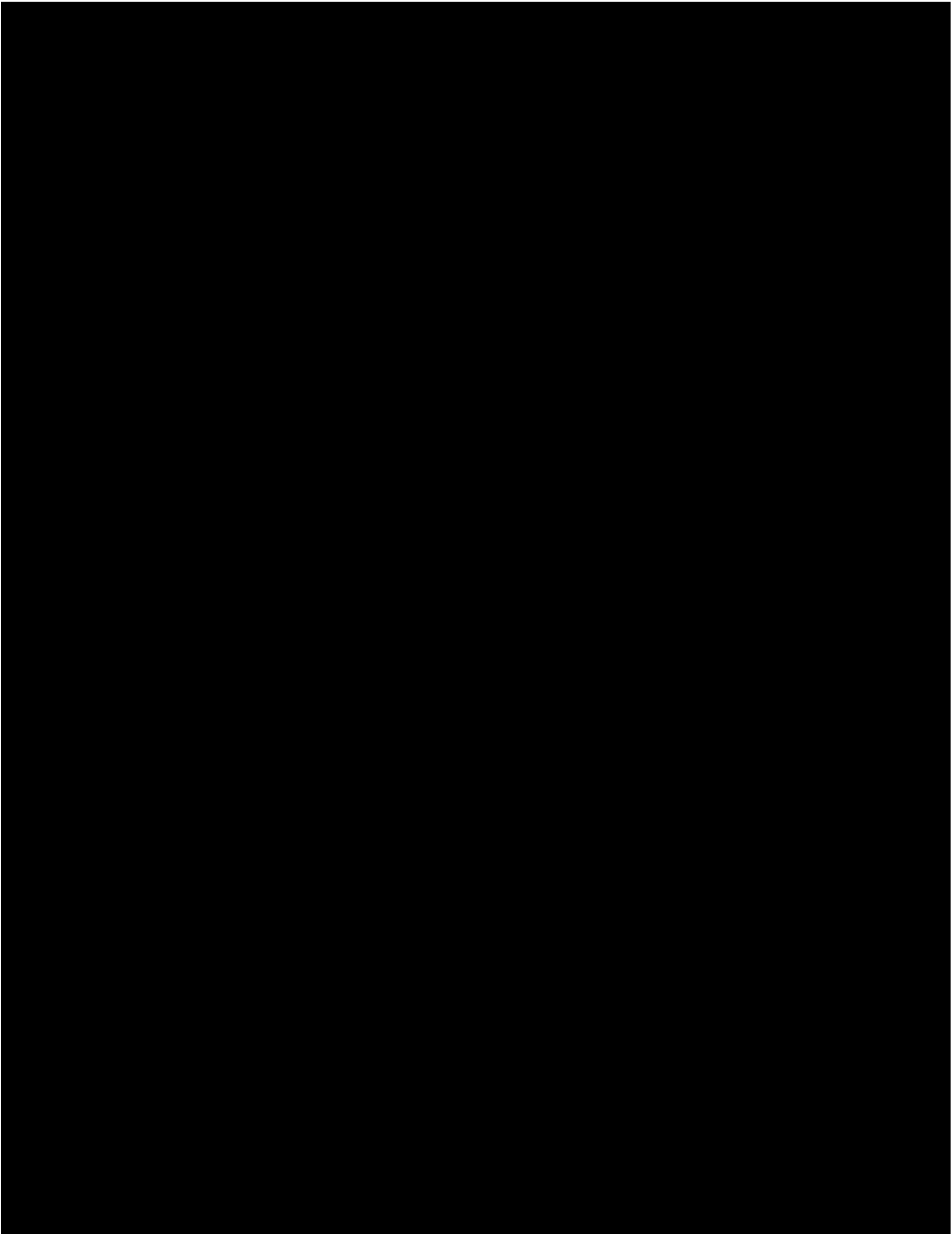


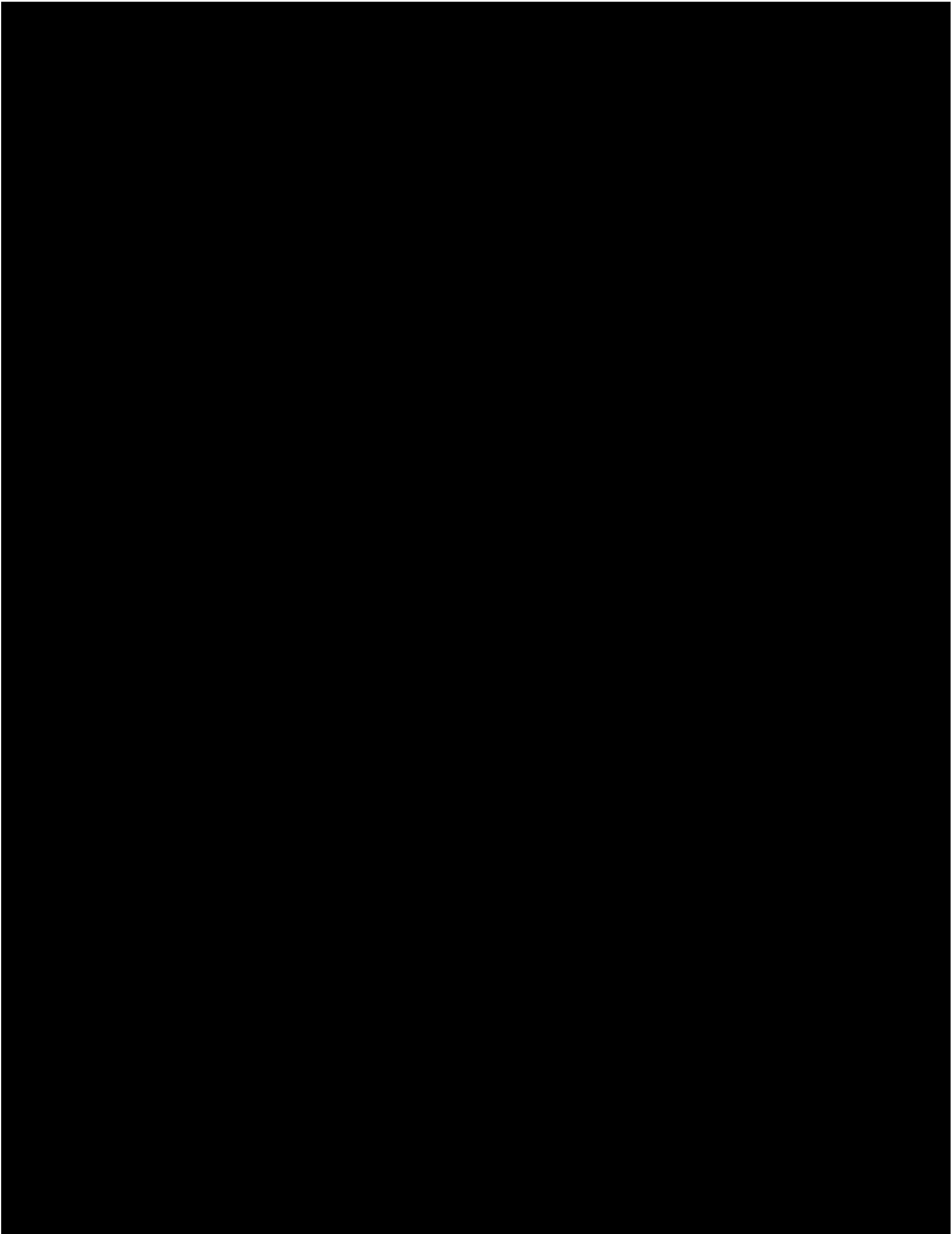


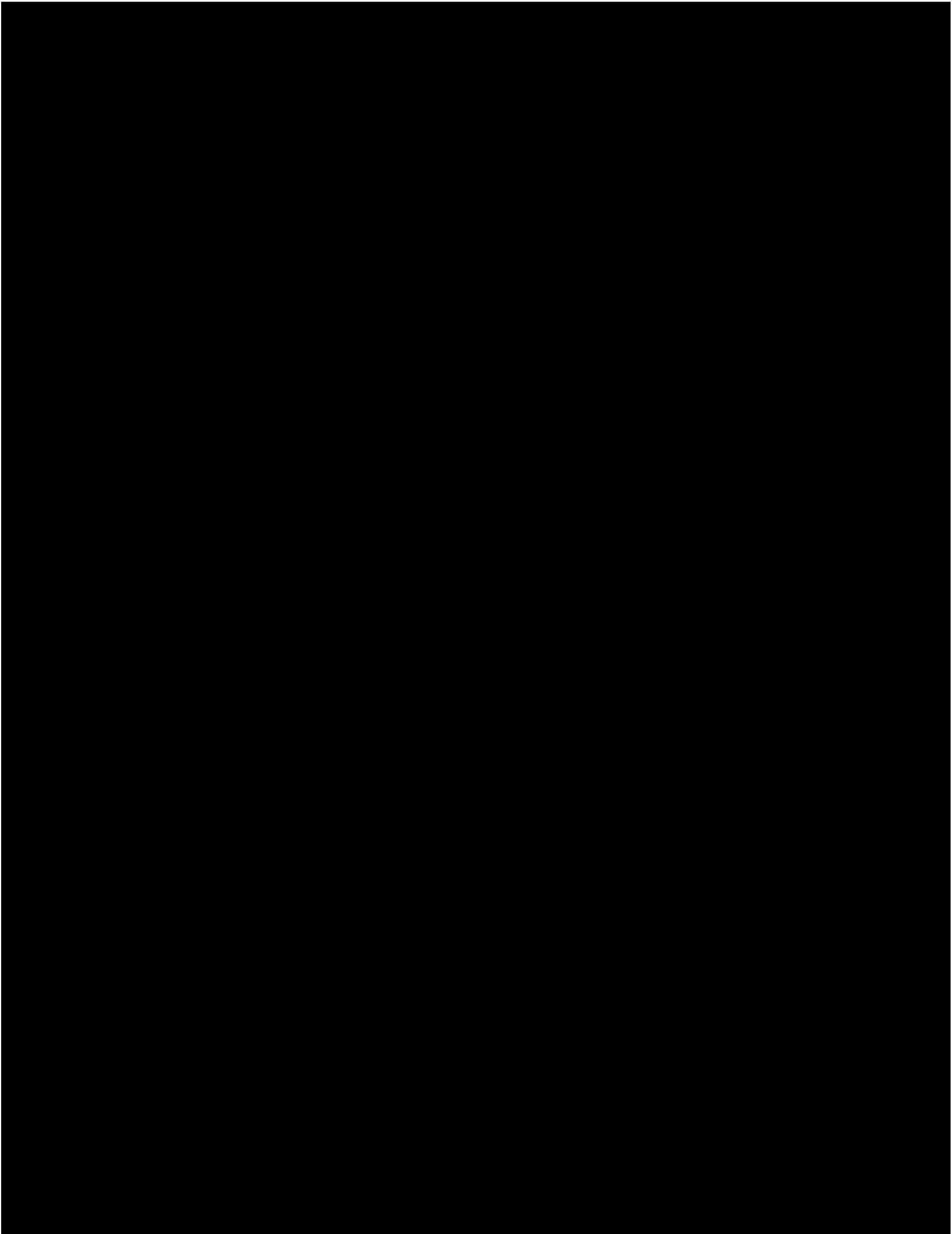


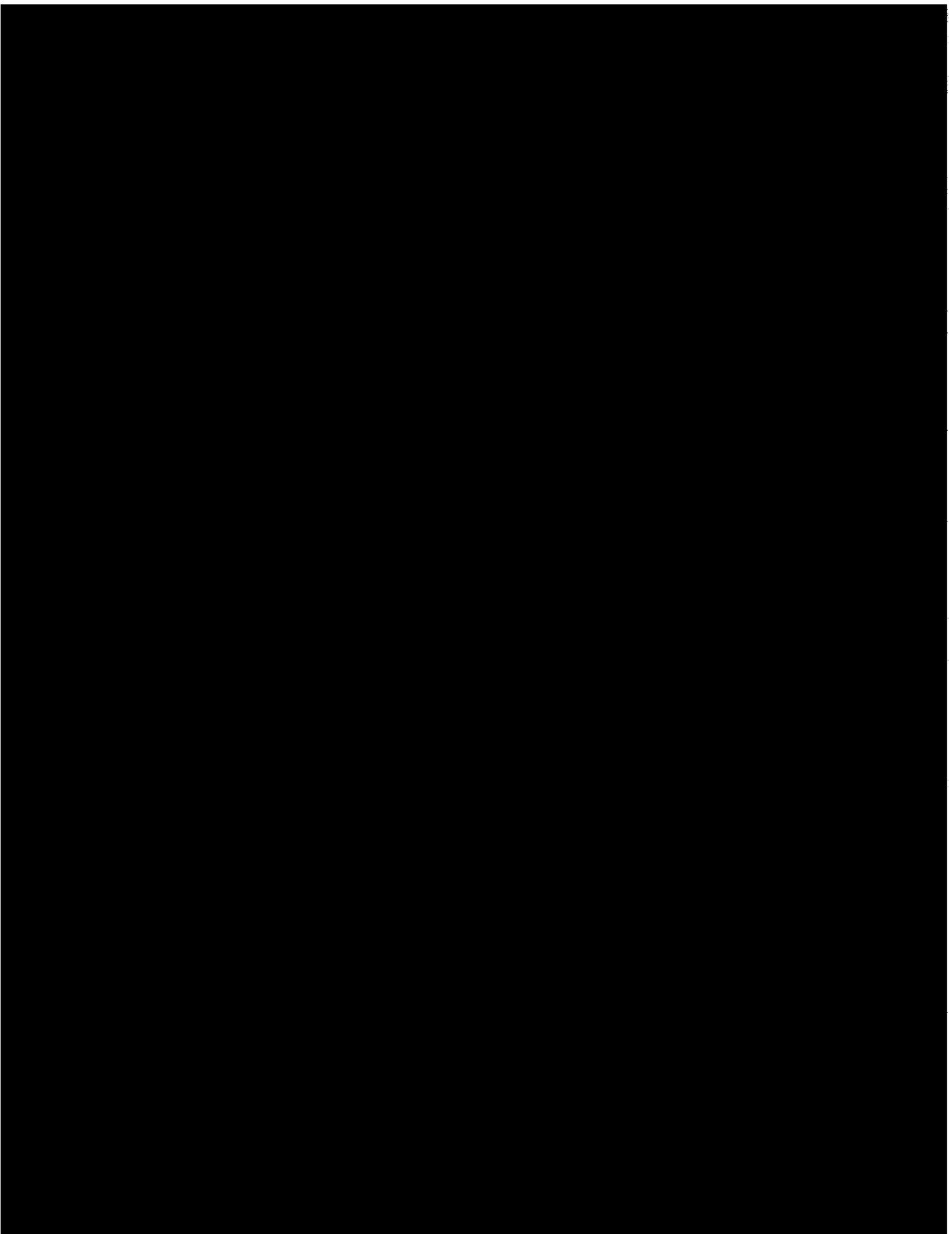


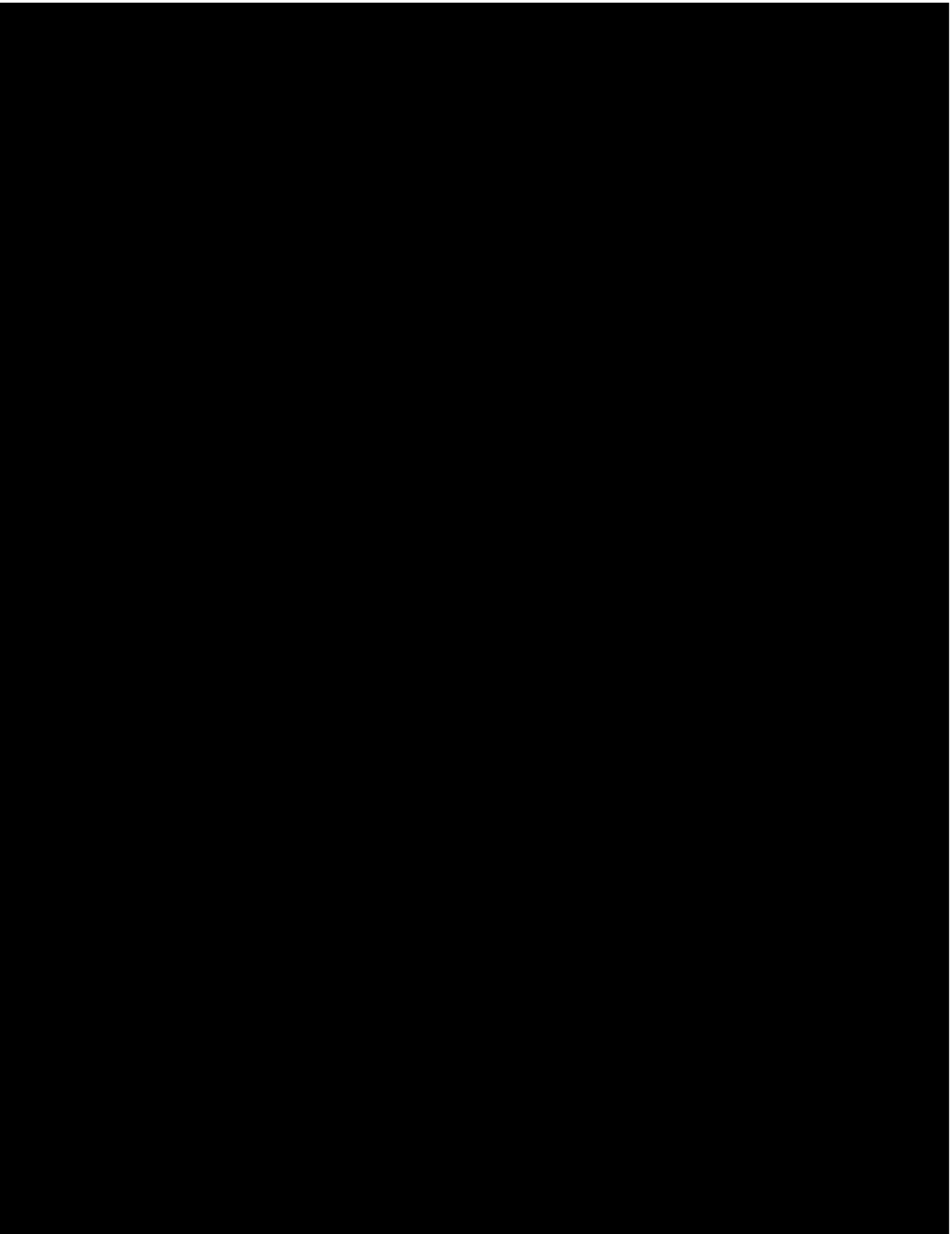


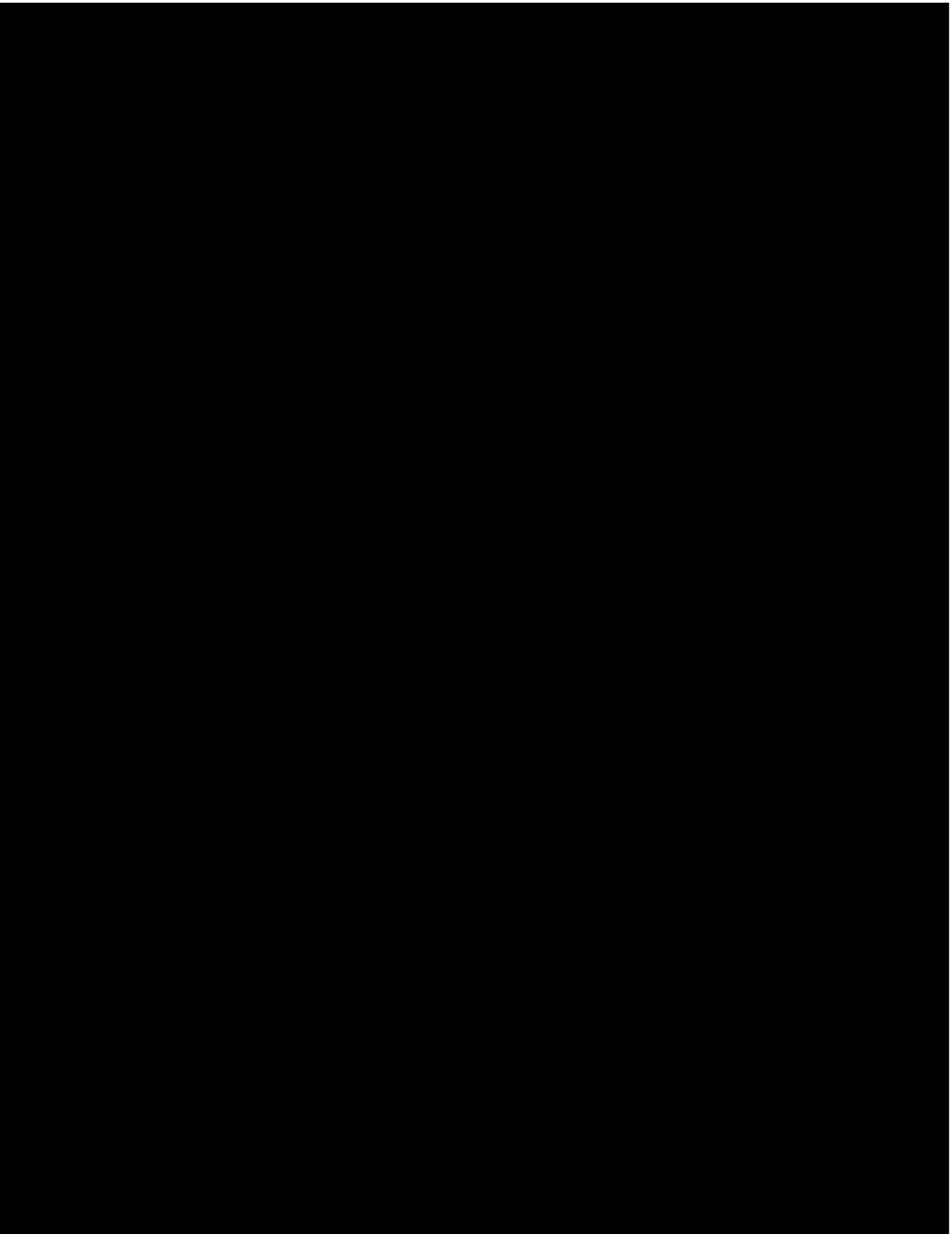












Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Thursday, July 07, 2011 4:08 PM
To: "Cottingham, David" <david_cottingham@fws.gov>; "Bocanegra, Omar" <omar_bocanegra@fws.gov>; "Blackford, Ashleigh" <ashleigh_blackford@fws.gov>; "Bright, Larry" <larry_bright@fws.gov>; "London, Rachel" <Rachel_London@fws.gov>; "London, Cade M" <cade_london@fws.gov>; "Ahmad, Fatima" <Fatima_Ahmad@ios.doi.gov>; "Garlick, Kevin" <kevin_garlick@fws.gov>; "Ford, Jerome" <jerome_ford@fws.gov>
Subject: WEG comments
Attachments: Attachment

David: Here are my rather extensive comments. For the most part, they focus on apparent inconsistencies and ambiguities. I can join your meeting tomorrow between 10 and 11.

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

From: David_Cottingham@fws.gov [mailto:David_Cottingham@fws.gov]
Sent: Thursday, July 07, 2011 3:57 PM
To: Bocanegra, Omar; Blackford, Ashleigh; Bright, Larry; London, Rachel; London, Cade M; Bean, Michael; Ahmad, Fatima; Garlick, Kevin; Ford, Jerome
Subject: Reminder -- meeting in 3038 @ 10 - 12

All -

we've got a meeting scheduled tomorrow morning to go over comments we get from DOI on the revised WEG. Those in DC area, please meet in 3038.

Larry/Christy -- please send a call-in number and webinar access info.

I've heard several people are preparing comments, but I have yet to get any. I will send tonight or first thing tomorrow morning when I get them.

DC

David Cottingham
Senior Advisor to the Director
US Fish and Wildlife Service
Room 3341 Main Interior Building

phone: 202-208-4331
cell: 202-372-7578 - wind guidelines July 1 version with Bean edits.docx

Cottingham, David

From: "Ahmad, Fatima" <Fatima_Ahmad@ios.doi.gov>
Sent: Thursday, July 07, 2011 6:06 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: Wind Energy Guidelines -- Comments
Attachments: Attachment

Hi David,

I used Michael's edits as a starting point and added one or two more. Michael's comments are much more substantive though.

Fatima

Fatima Ahmad

Special Assistant, Assistant Secretary for Fish & Wildlife & Parks

U.S. Department of the Interior

1849 C Street NW

Office 3150

Tel: (202) 208-1381

Email: Fatima_Ahmad@ios.doi.gov

- wind guidelines July 1 version with Bean edits_fma edits.docx

Cottingham, David

From: "Scott, Janea" <Janea_Scott@ios.doi.gov>
Sent: Friday, July 08, 2011 7:53 AM
To: "Cottingham, David" <david_cottingham@fws.gov>
Cc: "Black, Steve" <steve_black@ios.doi.gov>; "Marzec, Megan L" <Megan_Marzec@ios.doi.gov>
Subject: RE: revised Wind Energy Guidelines
Attachments: Attachment

Good morning David,

Thank you for the opportunity to review these revised draft guidelines. Attached for your consideration please find some thoughts. Many thanks to our terrific intern Megan Marzec for all of her great work on this. Please don't hesitate to give Steve or me a ring if we can provide more detail.

Take care,
Janea

From: David_Cottingham@fws.gov [David_Cottingham@fws.gov]
Sent: Friday, July 01, 2011 4:16 PM
To: Laura_Davis@nps.gov; Black, Steve; Scott, Janea; Conklin, Meghan M; Hayes, David D.; Bean, Michael; Ahmad, Fatima; Tompkins, Hilary C; Young, Michael; Kline, Philip; Jacobson, Rachel L; D M Ashe; Hildebrandt, Betsy; Kornze, Neil G; Frost, Herbert
Cc: Cottingham, David; Ford, Jerome; Arroyo, Bryan; Underwood, Jeff; Bright, Larry; JohnsonHughes, Christy; London, Rachel
Subject: revised Wind Energy Guidelines

All --

A FWS team has reviewed the public comments and peer review of the draft Land-based Wind Energy Guidelines (available at <http://www.fws.gov/windenergy/guidance.html>) that the Service circulated in February. We used those comments and the recommendations of the Wind Turbine Advisory Committee (available at http://www.fws.gov/habitatconservation/windpower/wind_turbine_advisory_committee.html) to prepare the attached draft revised document.

We are seeking your expeditious review and comment on the attached document by July 7 c.o.b. This is a work in progress that needs your input. Please send your comments to me (david_cottingham@fws.gov). If it would help, we can schedule a meeting on July 5 or 6 for us to walk you through the document and explain where we cut and paste from the other documents and added new text.

The Service received more than 25,000 comments on the February draft Guidelines. Many commenters, including 21 senators, want us to adopt the recommendations of the FAC verbatim. This document relies heavily on the FAC's recommendations but we have modified the recommendations where we thought it is in the Service's best interest to do so. We have highlighted in the text multiple areas where we have added new text to clarify the Service's expectations for following the Guidelines. I encourage you to pay special attention to the highlighted text.

The reason we are rushing this so much is that we need to circulate a revised document to the the FAC, which is meeting July 20 and 21, by July 12. The revised document will be the focus of the FAC meeting. Secretary Salazar is planning to attend the FAC meeting.

If you have questions, please call or email me.

Thanks. I'll apologize upfront for sending this to you late on Friday of the 4th of July weekend.

David

ps. Rachel Greenberger isn't in the email directory. Will someone in SOL please forward to her.

David Cottingham
Senior Advisor to the Director
US Fish and Wildlife Service
Room 3341 Main Interior Building

phone: 202-208-4331
cell: 202-372-7578 - Wind_Energy_Guidelines_Comments_to_DC.docx

CONFIDENTIAL--DELIBERATIVE

To: David Cottingham
From: Steve Black, Janea Scott & Megan Marzec
Re: Draft Wind Turbine Guidelines
Date: July 7, 2011

Thank you for the opportunity to review the updated draft of the U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines. Here are our comments for your consideration.

(b) (5)



(b) (5)



(b) (5)



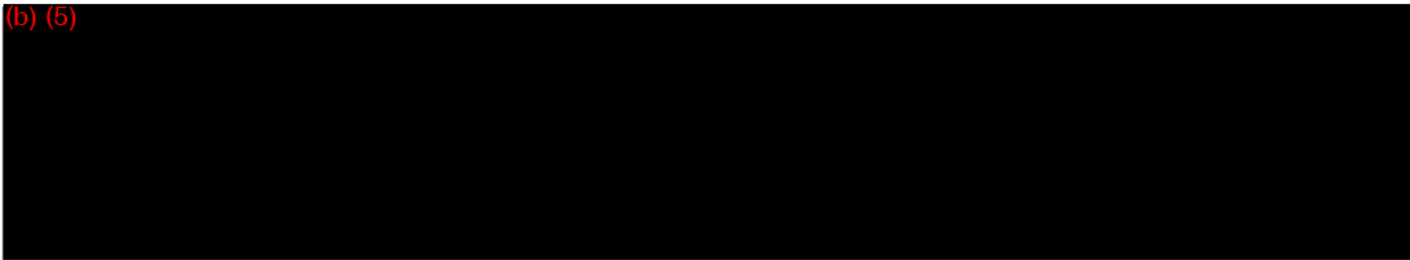
(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Monday, July 11, 2011 9:37 AM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: RE: Fw: Wind Energy Guidelines -- July 10 version
Attachments: Attachment

(b) (5)



Michael J. Bean
Counselor to the Assistant Secretary for Fish, Wildlife and Parks
Room 3152
Department of the Interior
Washington, DC 20240
202-208-4416
202-372-7139 (fax)

From: David_Cottingham@fws.gov [mailto:David_Cottingham@fws.gov]
Sent: Monday, July 11, 2011 9:24 AM
To: Bean, Michael
Subject: Fw: Fw: Wind Energy Guidelines -- July 10 version

Inactive hide details for D M AsheD M Ashe

----- Original Message -----

From: D M Ashe
Sent: 07/11/2011 08:54 AM EDT
To: David Cottingham
Cc: Betsy Hildebrandt
Subject: Re: Fw: Wind Energy Guidelines -- July 10 version David, I can support using the FAC language on

(b) (5) with a few changes, which I have inserted in the attached document. Take a look, and please

discuss this with Michael, Woody and with SOL. If they are all comfortable, proceed. If not, let's discuss it. I should be available by cell most of today.

Dan.

(See attached file: Comment_WEG July 10.docx)

Inactive hide details for David Cottingham/ARL/R9/FWS/DOIDavid Cottingham/ARL/R9/FWS/DOI

David Cottingham/ARL/R9/FWS/DOI

07/10/2011 04:16 PM

[IMAGE]

To

[IMAGE]

"Dan Ashe" <d_m_ashe@fws.gov>

[IMAGE]

cc

[IMAGE]

"Betsy Hildebrandt" <Betsy_Hildebrandt@fws.gov>

[IMAGE]

Subject

[IMAGE]

Fw: Wind Energy Guidelines -- July 10 version

[IMAGE]

[IMAGE]

See email and attachment.

----- Original Message -----

From: David Cottingham (b) (6)

Sent: 07/10/2011 04:12 PM AST

To: David Cottingham

Subject: Wind Energy Guidelines -- July 10 version

Dan --

The next revision of the Wind Energy Guidelines is attached. I need your input before proceeding further on this. We got comments on the July 1 version from few people -- 1) Phil Kline and Mike Young; 2) Steve Black and Janea; and 3) Michael Bean and Fatima. Michael's comments were the most useful.

(b) (5)

(b) (5)

My preference is #2, but I could live with #1. Do you think we need to take this to the Department and raise it at Monday's "check-in"?

I'll be in the office Monday morning. You can also call home (b) (6) or cell (b) (6) this evening.

David

ps -- I did this on my Mac at home. I hope all the changes come through clearly.

[attachment "WEG July 10.docx" deleted by D M Ashe/ARL/R9/FWS/DOI] - image001.gif - image003.png - image004.png

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Monday, September 12, 2011 10:21 AM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: Larry Bright's language
Attachments: Attachment

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

From: Larry_Bright@fws.gov [mailto:Larry_Bright@fws.gov]
Sent: Thursday, September 08, 2011 4:50 PM
To: London, Rachel
Cc: Arroyo, Bryan; London, Cade M; JohnsonHughes, Christy; Cottingham, David; Kershner, Eric; Ahmad, Fatima; Jerome_Ford%FWS@fws.gov; Pradines, Marcia; Bean, Michael
Subject: Re: Fw: Wind Guidelines latest version for review

(b) (5)



Just a proposal...

Larry K. Bright

Chief, Branch of Conservation Planning Assistance US Fish & Wildlife Service
4401 N. Fairfax Drive, Room 830B
Arlington, VA 22203
Ph. 703-358-2440; Cell: 703-447-8322
Fax 703-358-1869
larry_bright@fws.gov

Rachel London/ARL/R9/FWS/DOI

09/08/2011 03:17 PM

To

Bryan_Arroyo@fws.gov, Jerome Ford/ARL/R9/FWS/DOI@FWS, David Cottingham/ARL/R9/FWS/DOI@FWS, Christy JohnsonHughes/ARL/R9/FWS/DOI@FWS, Larry Bright/ARL/R9/FWS/DOI@FWS, Marcia Pradines/AMBS/R9/FWS/DOI@FWS, Eric Kershner/AMBS/R9/FWS/DOI@FWS, Cade London/ARL/R9/FWS/DOI@FWS, Fatima_Ahmad@ios.doi.gov, Michael_Bean@ios.doi.gov

cc

Subject

Fw: Wind Guidelines latest version for review

Please see SOL's comments attached. As Sarah indicated, the most significant

(b) (5)

Original:

(b) (5)

(b) (6)

(b) (6)

If we get in any other comments, I'll send them around. Thanks!

Rachel London
Fish and Wildlife Biologist
4401 N Fairfax Dr, Rm 840
Arlington, VA 22203
phone: 703-358-2491

----- Forwarded by Rachel London/ARL/R9/FWS/DOI on 09/08/2011 03:10 PM -----

"Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>

09/08/2011 03:04 PM

To

"Arroyo, Bryan" <bryan_arroyo@fws.gov>, "Hildebrandt, Betsy"
<Betsy_Hildebrandt@fws.gov>, "JohnsonHughes, Christy"
<christy_johnsonhughes@fws.gov>, "London, Rachel" <Rachel_London@fws.gov>,
"Ford, Jerome" <jerome_ford@fws.gov>

cc

"Williams, Martha" <martha.williams@sol.doi.gov>, "Kunesh, Patrice"
<patrice.kunesh@sol.doi.gov>, "Roth, Barry" <BARRY.ROTH@sol.doi.gov>, "Young,
Michael" <Michael.Young@sol.doi.gov>, "Berrigan, Michael"
<michael.berrigan@sol.doi.gov>, "Kline, Philip" <Philip.Kline@sol.doi.gov>,
"Turner, Jennifer" <Jennifer.Turner@sol.doi.gov>, "Simpson, Stephen"
<STEPHEN.SIMPSON@sol.doi.gov>

Subject

RE: Wind Guidelines latest version for review

Afternoon all. Attached are the combined comments and suggested edits from the Solicitor's Office (both DPW and DIA). The most significant edit is to the (b) (5) [REDACTED]. I have discussed that edit with Rachel Jacobson, Michael Bean and Betsy. I can serve as a point of contact for questions regarding any of these comments/edits.

Thanks,
Sarah

From: Arroyo, Bryan
Sent: Friday, September 02, 2011 5:49 PM
To: Kline, Philip; sarah_greenberger@sol.doi.gov; Bean, Michael; dan_m_ashe@fws.gov; Frost, Herbert; Kornze, Neil G; Conklin, Meghan M; Scott, Janea; Black, Steve; Ahmad, Fatima; Hildebrandt, Betsy; Ford, Jerome; JohnsonHughes, Christy; London, Rachel; Bright, Larry; Cottingham, David; London, Cade M
Subject: Wind Guidelines latest version for review

Dear DOI Partners:

Please see attached the 9/2/11 revisions of the Service's draft Land-Based Wind Energy Guidelines.

Please provide general review and comment no later than COB September 8 to Betsy Hildebrandt, Jerome Ford, Bryan Arroyo, Christy Johnson-Hughes, and Rachel London. We have highlighted in grey the material added or changed since the last version circulated for your review so you can focus on these sections. The schedule is dictated by a planned meeting with the Wind Turbine Guidelines Advisory Committee on September 20-21, 2011.

We would especially appreciate your comment on the following:

(b) (5) [REDACTED]

(b) (5)



(See attached file: WEG September 2 2011.docx)

Have a great weekend.

Bryan

- WEG September 2 2011SQL.docx

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Monday, September 12, 2011 10:22 AM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: Sarah's language

Michael J. Bean
Counselor to the Assistant Secretary for Fish, Wildlife and Parks Room 3152 Department of the Interior Washington, DC
20240
202-208-4416
202-372-7139 (fax)

-----Original Message-----

From: Greenberger, Sarah
Sent: Thursday, September 08, 2011 1:57 PM
To: Bean, Michael
Cc: Williams, Martha
Subject: FW: Dan Ashe --

Michael - Here is the proposed language we just discussed. Welcome your thoughts. - Sarah

(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Monday, September 12, 2011 10:24 AM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: my advice

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

From: Jacobson, Rachel - Deputy Solicitor
Sent: Friday, September 09, 2011 3:38 PM
To: Bean, Michael
Cc: Greenberger, Sarah; Ashe, D M; Lane, Kenneth
Subject: Re: Wind guidelines "assurances" language

Thanks, Michael. I discussed with Sarah and with Dan Ashe alternate language that I think is preferable and should pass muster with DOJ. Had hoped we could move it forward soon.

From: Bean, Michael
Sent: Friday, September 09, 2011 03:25 PM
To: Jacobson, Rachel - Deputy Solicitor
Cc: Greenberger, Sarah
Subject: Wind guidelines "assurances" language

(b) (5)



(b) (5)



Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

Cottingham, David

From: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Sent: Monday, September 12, 2011 12:05 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: One additional redline suggestion

David – although I know the hour is late, have one additional redline to suggest. I will be back at my desk at 1:30 – we can discuss the purpose and origin when we catch up?

Thanks,

Sarah

(b) (5)



(b) (5)



Sarah Greenberger

Counselor to the Solicitor

U.S. Department of the Interior

(202) 219-2140

NOTICE: This email (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient (or the recipient's agent), you are hereby notified that any dissemination, distribution, copying, or use of this email or its contents is strictly prohibited. If you received this email in error, please notify the sender immediately and destroy all copies.

Cottingham, David

From: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Sent: Monday, September 12, 2011 2:27 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: Language

David – here is the paragraph we discussed.

(b) (5)



(b) (5)



Sarah Greenberger

Counselor to the Solicitor

U.S. Department of the Interior

(202) 219-2140

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Cottingham, David

From: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Sent: Monday, September 12, 2011 2:28 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: FW: Summary of Enforcement Discretion Language Discussion

David – Here's Fatima's email so that you have it handy.

From: Ahmad, Fatima
Sent: Friday, September 09, 2011 3:04 PM
To: Cottingham, David; Bright, Larry; JohnsonHughes, Christy; London, Rachel; Greenberger, Sarah; Hildebrandt, Betsy; Ford, Jerome
Cc: Bean, Michael
Subject: Summary of Enforcement Discretion Language Discussion

Just fyi since Michael will be out M-W next week.

Fatima Ahmad

Special Assistant, Assistant Secretary for Fish & Wildlife & Parks

U.S. Department of the Interior

1849 C Street NW

Office 3150

Tel: (202) 208-1381

Email: Fatima_Ahmad@ios.doi.gov

From: Ahmad, Fatima
Sent: Friday, September 09, 2011 2:59 PM
To: Bean, Michael
Subject: Draft Summary of Enforcement Discretion Language Discussion

Hi Michael,

To summarize our discussion from earlier today, at this point there are three versions of the (b) (5) [redacted] No version has been approved by DOJ, although DOJ has previously expressed opposition to the Original language.

(b) (5) [redacted]

(b) (5) [redacted]

(b) (5) [redacted]

Pls let me know if this is accurate. If so, I will circulate.

Thanks!

Fatima Ahmad

Special Assistant, Assistant Secretary for Fish & Wildlife & Parks

U.S. Department of the Interior

1849 C Street NW

Office 3150

Tel: (202) 208-1381

Email: Fatima_Ahmad@ios.doi.gov

Cottingham, David

From: "Jacobson, Rachel L" <Rachel_Jacobson@ios.doi.gov>
Sent: Tuesday, September 13, 2011 10:35 AM
To: "Hayes, David" <David_Hayes@ios.doi.gov>
Cc: "Lane, Kenneth" <Kenneth_Lane@ios.doi.gov>; "Ashe, D M" <D_M_Ashe@fws.gov>; "Hildebrandt, Betsy" <Betsy_Hildebrandt@fws.gov>; "Cottingham, David" <david_cottingham@fws.gov>; "Bean, Michael" <Michael_Bean@ios.doi.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Subject: Fw: Service Expectations Language

For use at 1:30 meeting

From: Greenberger, Sarah
Sent: Tuesday, September 13, 2011 10:27 AM
To: Jacobson, Rachel L
Subject: Service Expectations Language

Rachel – the suggested revisions would be to the fourth sentence of the first paragraph in the (b) (5) on page 12 of the Guidelines. The current sentence reads as follows:

(b) (5)

The revised sentence we discussed would read:

(b) (5)

The sentence FWS Law Enforcement suggested reads:

(b) (5)

The full paragraph with the language DOJ prefers would read:

(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Tuesday, September 13, 2011 2:50 PM
To: "Jacobson, Rachel L" <Rachel_Jacobson@ios.doi.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Cottingham, David" <david_cottingham@fws.gov>
Subject: Re: Redlined and clean version of language

(b) (5)



From: Jacobson, Rachel L
Sent: Tuesday, September 13, 2011 02:12 PM
To: Greenberger, Sarah; Cottingham, David; Bean, Michael
Subject: Redlined and clean version of language

ATTORNEY CLIENT PRIVILEGED/DELIBERATIVE PROCESS

(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Thursday, September 15, 2011 5:19 PM
To: "Cottingham, David" <david_cottingham@fws.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Subject: new assurances language
Attachments: Attachment

Attached is my effort to capture what we discussed in Rachel's office today. I started with the current language from the Guidelines, then highlighted changes to reflect the incorporation of some of the FWS boilerplate language. For comparison, I have also included the full text of both the current guideline language and the FWS boilerplate language

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

- assurance language comparisons.doc

New language:

(b) (5)



(b) (5)



Cottingham, David

From: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Sent: Friday, September 16, 2011 8:34 AM
To: "Bean, Michael" <Michael_Bean@ios.doi.gov>; "Cottingham, David" <david_cottingham@fws.gov>
Subject: Re: new assurances language

Attorney Client Privilege

(b) (5)

A large black rectangular redaction box covers the majority of the page content, starting below the 'Attorney Client Privilege' notice and ending above the 'Thoughts?' paragraph.

Thoughts? My morning is booked solid but could discuss this afternoon.

From: Bean, Michael
Sent: Thursday, September 15, 2011 05:18 PM
To: Cottingham, David; Greenberger, Sarah
Subject: new assurances language

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Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

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Department of the Interior

Washington, DC 20240

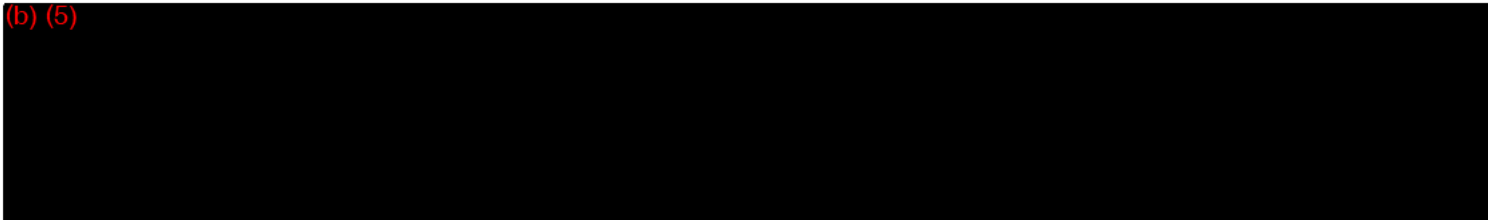
202-208-4416

202-372-7139 (fax)

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Friday, September 16, 2011 8:58 AM
To: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Cottingham, David" <david_cottingham@fws.gov>
Subject: RE: new assurances language

(b) (5)



Michael J. Bean
Counselor to the Assistant Secretary for Fish, Wildlife and Parks
Room 3152
Department of the Interior
Washington, DC 20240
202-208-4416
202-372-7139 (fax)

From: Greenberger, Sarah
Sent: Friday, September 16, 2011 8:34 AM
To: Bean, Michael; Cottingham, David
Subject: Re: new assurances language

Attorney Client Privilege

(b) (5)



alternative option.
Thoughts? My morning is booked solid but could discuss this afternoon.

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Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Friday, September 16, 2011 1:45 PM
To: "Cottingham, David" <david_cottingham@fws.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Subject: FW: new assurances language
Attachments: Attachment

Woody is ok with the language I sent yesterday. I told him that you, Sarah, are checking with DOJ to see if they are as well.

Michael J. Bean

Counselor to the Assistant Secretary for Fish, Wildlife and Parks

Room 3152

Department of the Interior

Washington, DC 20240

202-208-4416

202-372-7139 (fax)

From: Bean, Michael
Sent: Thursday, September 15, 2011 5:19 PM
To: 'David_Cottingham@fws.gov'; Greenberger, Sarah
Subject: new assurances language

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- assurance language comparisons.doc

(b) (5)



(b) (5)



From: "Jacobson, Rachel L" <Rachel_Jacobson@ios.doi.gov>
Sent: Monday, September 19, 2011 7:11 PM
To: "Jean.Williams@usdoj.gov" <Jean.Williams@usdoj.gov>; "Elinor.Colburn@usdoj.gov" <Elinor.Colburn@usdoj.gov>
Cc: "Cottingham, David" <david_cottingham@fws.gov>; "Bean, Michael" <Michael_Bean@ios.doi.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>
Subject: Wind Turbine language
Importance: High

ATTORNEY CLIENT COMMUNICATION

Jean, Elinor: We had a productive meeting today with representatives of the Wind Turbine FAC to explain our discomfort with the concept of importing a due care standard into any decision making with respect to MBTA enforcement. We also explained the need to stick as closely as possible to "standard" language the Service uses in its letters to industry regarding potential MBTA violations. Elinor was able to participate in part of today's meeting and provided very helpful explanations of our concerns.

We need to reach closure quickly with the entire FAC so that we can keep these guidelines moving. We promised the representatives we met with today that we would provide alternative draft language by tomorrow. We propose the following language, which we want to share tomorrow with a slightly broader sub-group of the FAC. If we reach agreement with the broader sub-group on this or very similar language, we will propose it for adoption by the full FAC on Wednesday of this week.

Please review ASAP and send comments to all addressees to this email. Thanks. – Rachel

(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Tuesday, September 20, 2011 11:39 AM
To: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Jacobson, Rachel L" <Rachel_Jacobson@ios.doi.gov>
Cc: "Cottingham, David" <david_cottingham@fws.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>
Subject: Re: Wind Turbine language

Thanks. Agreed. MBean

From: Greenberger, Sarah
Sent: Tuesday, September 20, 2011 11:29 AM
To: Bean, Michael; Jacobson, Rachel L
Cc: Cottingham, David; Williams, Martha
Subject: RE: Wind Turbine language

I agree completely. Let's start with the second omitting the phrase Michael suggests. I also think we should be willing to go to our second formulation if necessary in conversation with industry (b) (5)
(b) (5) Since time is of the essence, I will print out 25 copies of the DOJ language minus the phrase and a few of ours for reference and bring over to the Savoy. I will also try to get Jean on the phone. If anyone disagrees, let me know!

-Sarah

From: Bean, Michael
Sent: Tuesday, September 20, 2011 11:00 AM
To: Jacobson, Rachel L; Greenberger, Sarah
Cc: Cottingham, David; Williams, Martha
Subject: Re: Wind Turbine language

I'm at the FAC mtg but can step out to take a call at any time (b) (6)

(b) (5)

From: Jacobson, Rachel L
Sent: Tuesday, September 20, 2011 10:49 AM
To: Greenberger, Sarah
Cc: Bean, Michael; Cottingham, David; Williams, Martha
Subject: Re: Wind Turbine language

Am tied up in meetings

From: Greenberger, Sarah
Sent: Tuesday, September 20, 2011 10:34 AM
To: Jacobson, Rachel L

Cc: Bean, Michael; Cottingham, David; Williams, Martha
Subject: Re: Wind Turbine language

I am on the Hill for the next hour so can't discuss until 11:30. Feel free to move forward w/o me if you want to.

From: Colbourn, Elinor (ENRD) [mailto:Elinor.Colbourn@usdoj.gov]
Sent: Tuesday, September 20, 2011 10:13 AM
To: Jacobson, Rachel L; Greenberger, Sarah
Cc: Williams, Jean (ENRD) <Jean.Williams@usdoj.gov>; Bean, Michael; Cottingham, David; Anderson, Robert (USAMT) <Robert.Anderson8@usdoj.gov>
Subject: RE: Wind Turbine language

Rachel and Sarah,

Thank you for working so diligently to address our concern with the due care language. It was gratifying to have the meeting result in the FAC members expressing willingness to review and line edit OLE's standard exercise of discretion language. With that willingness in mind, we would suggest sending by them the following language which is the language that FWS has used with other industries in analogous circumstances, just modified to the guidelines situations. We think this states clearly and simply the actual understanding of the parties:

(b) (5)



(b) (5)

Please let Jean or I know if there are further questions. Thank you again.

Elinor Colbourn

Assistant Chief

Environmental Crimes Section, ENRD

U.S. Dept. of Justice

202-305-0205 office

202-532-3049 cell

From: Jacobson, Rachel L [mailto:Rachel_Jacobson@ios.doi.gov]
Sent: Tuesday, September 20, 2011 9:51 AM
To: Greenberger, Sarah; Colbourn, Elinor (ENRD)
Cc: Williams, Jean (ENRD); Bean, Michael; Cottingham, David
Subject: Re: Wind Turbine language

Jean, Elinor: We tried very hard to strike the right balance, and we agree with DOJ concerns. But we need to hear from you ASAP as we intend to share this language with the sub group of the FAC today.

From: Greenberger, Sarah
Sent: Monday, September 19, 2011 07:17 PM
To: 'Elinor.Colbourn@usdoj.gov' <Elinor.Colbourn@usdoj.gov>
Cc: 'jean.williams@usdoj.gov' <jean.williams@usdoj.gov>; Jacobson, Rachel L
Subject: Fw: Wind Turbine language

Elinor, Rachel's email didn't go to the right address. See email below. And thanks for your help today. Sarah

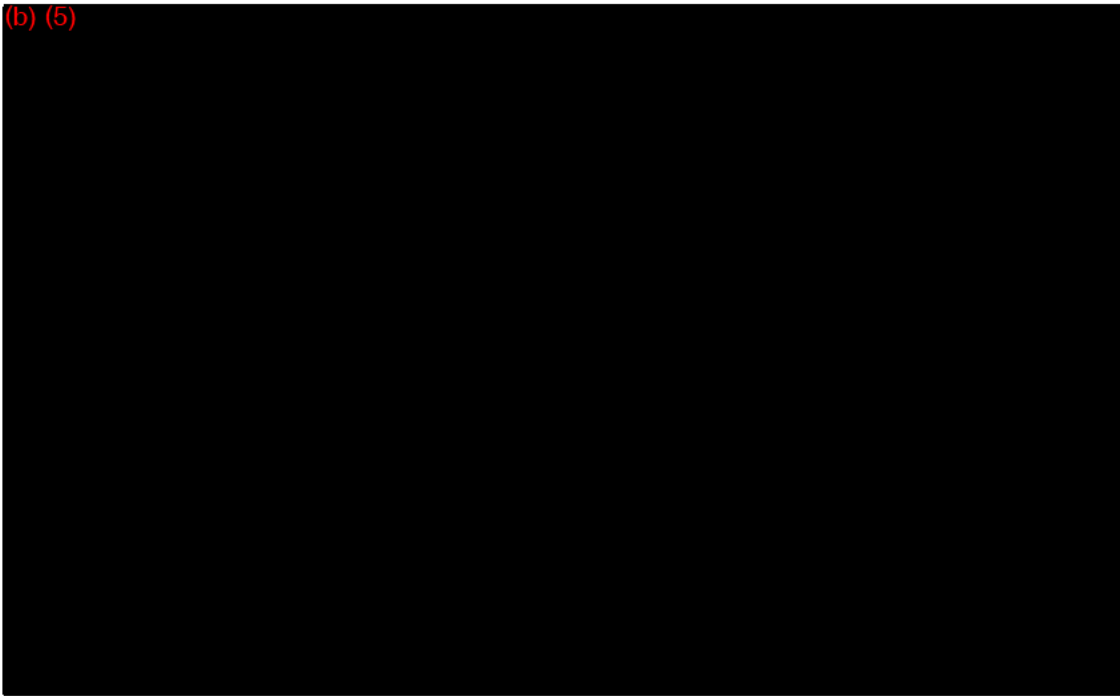
From: Jacobson, Rachel L
Sent: Monday, September 19, 2011 07:11 PM
To: Jean.Williams@usdoj.gov <Jean.Williams@usdoj.gov>; Elinor.Colburn@usdoj.gov <Elinor.Colburn@usdoj.gov>
Cc: Cottingham, David; Bean, Michael; Williams, Martha; Greenberger, Sarah
Subject: Wind Turbine language

ATTORNEY CLIENT COMMUNICATION

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Cc: "Cottingham, David" <david_cottingham@fws.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>
Subject: Re: Wind Turbine language

There is a minor typo in option 2. In the 3rd sentence "is" should be "its". If you can make this change prior to printing, it would be good. MBean

From: Greenberger, Sarah
Sent: Tuesday, September 20, 2011 11:29 AM
To: Bean, Michael; Jacobson, Rachel L
Cc: Cottingham, David; Williams, Martha
Subject: RE: Wind Turbine language

I agree completely. Let's start with the second omitting the phrase Michael suggests. I also think we should be willing to go to our second formulation if necessary in conversation with industry (b) (5)

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I'm at the FAC mtg but can step out to take a call at any time (b) (6)

(b) (5)

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Cc: Bean, Michael; Cottingham, David; Williams, Martha
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Assistant Chief

Environmental Crimes Section, ENRD

U.S. Dept. of Justice

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Cc: 'jean.williams@usdoj.gov' <jean.williams@usdoj.gov>; Jacobson, Rachel L
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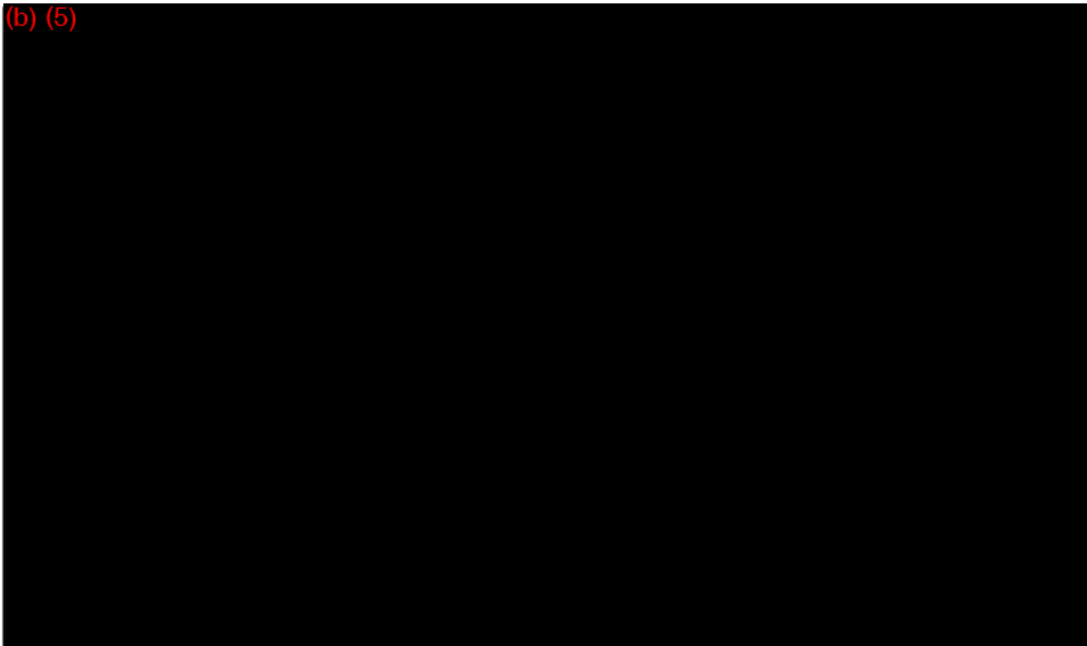
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Sent: Monday, September 19, 2011 07:11 PM
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<Elinor.Colburn@usdoj.gov>
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Cc: "Cottingham, David" <david_cottingham@fws.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>
Subject: Re: Wind Turbine language

Sounds like a plan.

From: Greenberger, Sarah
Sent: Tuesday, September 20, 2011 11:29 AM
To: Bean, Michael; Jacobson, Rachel L
Cc: Cottingham, David; Williams, Martha
Subject: RE: Wind Turbine language

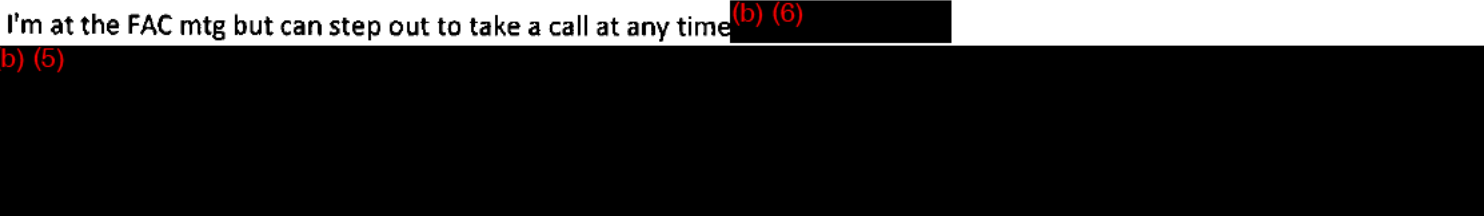
(b) (5)



-Sarah

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To: Jacobson, Rachel L; Greenberger, Sarah
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(b) (5)

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(b) (5)



(b) (5)

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Environmental Crimes Section, ENRD

U.S. Dept. of Justice

202-305-0205 office

202-532-3049 cell

From: Jacobson, Rachel L [mailto:Rachel_Jacobson@ios.doi.gov]
Sent: Tuesday, September 20, 2011 9:51 AM
To: Greenberger, Sarah; Colbourn, Elinor (ENRD)
Cc: Williams, Jean (ENRD); Bean, Michael; Cottingham, David
Subject: Re: Wind Turbine language

Jean, Elinor: We tried very hard to strike the right balance, and we agree with DOJ concerns. But we need to hear from you ASAP as we intend to share this language with the sub group of the FAC today.

From: Greenberger, Sarah
Sent: Monday, September 19, 2011 07:17 PM
To: 'Elinor.Colbourn@usdoj.gov' <Elinor.Colbourn@usdoj.gov>
Cc: 'jean.williams@usdoj.gov' <jean.williams@usdoj.gov>; Jacobson, Rachel L
Subject: Fw: Wind Turbine language

Elinor, Rachel's email didn't go to the right address. See email below. And thanks for your help today. Sarah

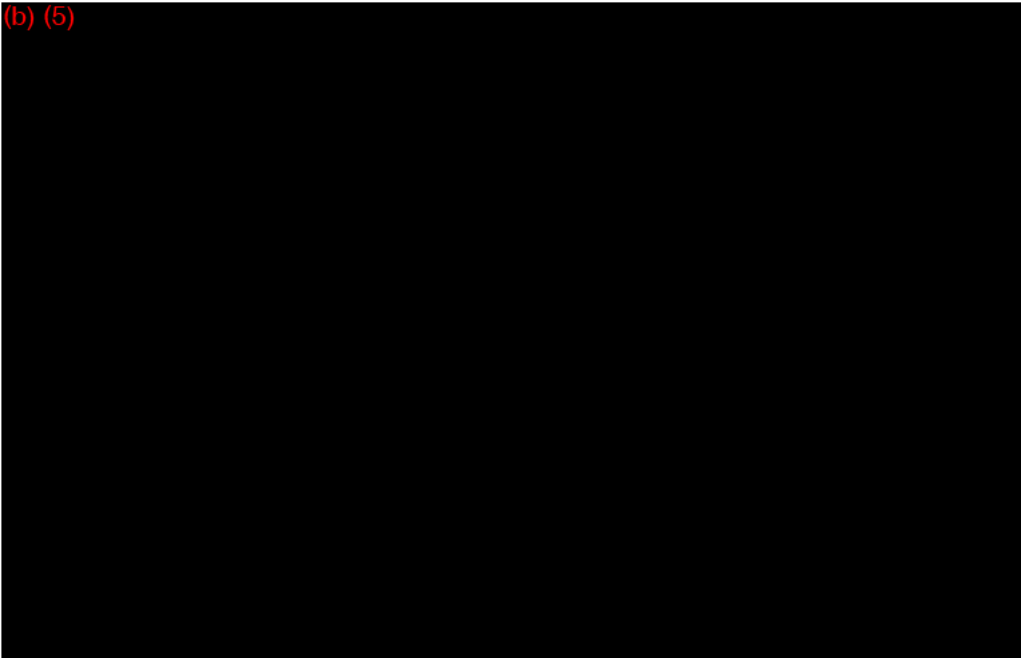
From: Jacobson, Rachel L
Sent: Monday, September 19, 2011 07:11 PM
To: Jean.Williams@usdoj.gov <Jean.Williams@usdoj.gov>; Elinor.Colburn@usdoj.gov
<Elinor.Colburn@usdoj.gov>
Cc: Cottingham, David; Bean, Michael; Williams, Martha; Greenberger, Sarah
Subject: Wind Turbine language

ATTORNEY CLIENT COMMUNICATION

Jean, Elinor: We had a productive meeting today with representatives of the Wind Turbine FAC to explain our discomfort with the concept of importing a due care standard into any decision making with respect to MBTA enforcement. We also explained the need to stick as closely as possible to "standard" language the Service uses in its letters to industry regarding potential MBTA violations. Elinor was able to participate in part of today's meeting and provided very helpful explanations of our concerns.

We need to reach closure quickly with the entire FAC so that we can keep these guidelines moving. We promised the representatives we met with today that we would provide alternative draft language by tomorrow. We propose the following language, which we want to share tomorrow with a slightly broader sub-group of the FAC. If we reach agreement with the broader sub-group on this or very similar language, we will propose it for adoption by the full FAC on Wednesday of this week.

Please review ASAP and send comments to all addressees to this email. Thanks. – Rachel



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Tuesday, September 20, 2011 4:27 PM
To: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>; "Jacobson, Rachel - Deputy Solicitor" <Rachel.Jacobson@sol.doi.gov>; "Cottingham, David" <david_cottingham@fws.gov>
Subject: pdf version of new language
Attachments: Attachment



WEG August 25 2011.docx

(b) (5)



Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Tuesday, September 20, 2011 9:47 PM
To: "Williams, Martha" <martha.williams@sol.doi.gov>; "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Jacobson, Rachel - Deputy Solicitor" <Rachel.Jacobson@sol.doi.gov>
Cc: "Cottingham, David" <david_cottingham@fws.gov>
Subject: RE: new language
Attachments: Attachment

See minor revisions in attachment. Need to discuss asap.

BBerry: (b) (6)

From: Williams, Martha
Sent: Tuesday, September 20, 2011 6:52 PM
To: Greenberger, Sarah; Bean, Michael; Jacobson, Rachel - Deputy Solicitor
Cc: Cottingham, David
Subject: new language

Woody and Art ok. - September 20 Revised Language.docx

(b) (5)

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Cottingham, David

From: "Jacobson, Rachel - Deputy Solicitor" <Rachel.Jacobson@sol.doi.gov>
Sent: Tuesday, September 20, 2011 10:21 PM
To: "Greenberger, Sarah" <sarah.greenberger@sol.doi.gov>; "Bean, Michael" <Michael.Bean@ios.doi.gov>; "Williams, Martha" <martha.williams@sol.doi.gov>; "Jacobson, Rachel L" <Rachel_Jacobson@ios.doi.gov>
Cc: "Cottingham, David" <david_cottingham@fws.gov>
Subject: Re: new language

But prefer to keep in, given where we are So go back with (b) (5)

----- Original Message -----

From: Jacobson, Rachel - Deputy Solicitor
Sent: Tuesday, September 20, 2011 10:19 PM
To: Greenberger, Sarah; Bean, Michael; Williams, Martha; Jacobson, Rachel L
Cc: Cottingham, David
Subject: Re: new language

(b) (5) taken out? Probably not fatal.

----- Original Message -----

From: Greenberger, Sarah
Sent: Tuesday, September 20, 2011 10:17 PM
To: Bean, Michael; Williams, Martha; Jacobson, Rachel - Deputy Solicitor; Jacobson, Rachel L
Cc: Cottingham, David
Subject: RE: new language

I see no substantive difference b/t this language and what we discussed as acceptable. I spoke with Michael and we need resolution by 8am tomorrow. Will go forward with this unless we hear objections from you all before then.

Martha - I tried to call the BB number listed on the sheet that gets sent around (b) (6) but got John Carlucci instead! Best to call Michael if you have any concerns.

Sarah

From: Bean, Michael
Sent: Tuesday, September 20, 2011 9:46 PM
To: Williams, Martha; Greenberger, Sarah; Jacobson, Rachel - Deputy Solicitor
Cc: Cottingham, David
Subject: RE: new language

See minor revisions in attachment. Need to discuss asap.

BBerry: (b) (6)

From: Williams, Martha
Sent: Tuesday, September 20, 2011 6:52 PM

To: Greenberger, Sarah; Bean, Michael; Jacobson, Rachel - Deputy Solicitor
Cc: Cottingham, David
Subject: new language

Woody and Art ok.

Cottingham, David

From: "Bean, Michael" <Michael_Bean@ios.doi.gov>
Sent: Wednesday, September 21, 2011 5:43 PM
To: "Cottingham, David" <david_cottingham@fws.gov>
Subject: FW: Wind Energy Guidelines -- Definition of "Significant"

David: In case there is anything useful to you in the following exchange, feel free to draw from it.

Michael J. Bean
Counselor to the Assistant Secretary for Fish, Wildlife and Parks Room 3152 Department of the Interior Washington, DC
20240
202-208-4416
202-372-7139 (fax)

-----Original Message-----

From: Bean, Michael
Sent: Wednesday, September 21, 2011 5:42 PM
To: Ahmad, Fatima
Subject: RE: Wind Energy Guidelines -- Definition of "Significant"

(b) (5)



Michael J. Bean
Counselor to the Assistant Secretary for Fish, Wildlife and Parks Room 3152 Department of the Interior Washington, DC
20240
202-208-4416
202-372-7139 (fax)

-----Original Message-----

From: Ahmad, Fatima
Sent: Wednesday, September 21, 2011 3:56 PM
To: Bean, Michael
Subject: Wind Energy Guidelines -- Definition of "Significant"

Hi Michael,

(b) (5)



(b) (5)

