

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No: 4:18-CV-00097-D**

SOUND RIVERS, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	<b>STATUS REPORT</b>
v.	)	
	)	
U.S. FISH AND WILDLIFE SERVICE,	)	
et al.,	)	
	)	
Defendants.	)	
	)	

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Federal Defendants Federal Highway Administration (“FHWA”) and Edward T. Parker, in his official capacity as Assistant Division Administrator of the North Carolina Division of FHWA provide the following status report pursuant to the Court’s Order dated April 10, 2019 [D.E. 51].

1. FHWA has formally requested reinitiation of consultation with the U.S. Fish and Wildlife Service (“FWS”) pursuant to Section 7 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1536. In furtherance of this consultation, FHWA recently submitted a biological assessment (“BA”) to FWS on or around July 16, 2019. *See* Declaration of Edward T. Parker ¶ 6 (filed herewith as Exhibit 1).

2. FHWA currently anticipates that ESA consultation with FWS will be concluded by late October, 2019. *Id.* ¶ 4.

3. At this time, project construction is not anticipated to commence until late 2019/early 2020. *Id.* ¶ 7.

4. FHWA has been advised that Plaintiffs and the State Defendants have reached a tentative agreement in principle to settle the claims in this case. While the parties are still

negotiating, and no final agreement has yet been reached, the parties have indicated that they are hopeful that a settlement will be achieved.

5. FHWA respectfully proposes to file a further status report on October 31, 2019.

Respectfully submitted,

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Dated: August 8, 2019

By: /s/ Mark Arthur Brown  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to the following:

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