



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Asheville Field Office
160 Zillicoa Street
Asheville, North Carolina 28801

August 23, 2011

Mr. John F. Sullivan, III, P.E.
Division Administrator
Federal Highway Administration
310 New Bern Avenue, Suite 410
Raleigh, North Carolina 27601

Dear Mr. Sullivan:

Subject: Proposed Meeting to Discuss Administrative Record in Pending Litigation – North Carolina Wildlife Federation v. North Carolina Department of Transportation, C.A. No. 5:10-CV-476-D, U.S.D.C., E.D.N.C

In our August 18, 2011, letter to you, we requested additional information about the analysis of impacts by the Federal Highway Administration (FHWA) and the North Carolina Turnpike Authority concerning the proposed Monroe Connector/Bypass Project (Project) on which we issued an Endangered Species Act Not Likely to Adversely Affect (NLTA) concurrence last year. It has come to our attention that our letter raised numerous concerns within the FHWA and the North Carolina Department of Transportation. We recognize that our letter referenced legal issues outside our primary area of expertise. We referred to legal briefs without knowledge of the entire administrative record before the Court in the above-referenced litigation and without legal counsel. We acknowledge that our letter should not have referenced these documents, and we did not intend to imply that we have taken any action or plan to take any action based on our limited review of the briefs. We would, however, appreciate the opportunity to speak with you about the information available.

We are concerned about any potential for miscommunication between our agencies. As I stated in my August 18, 2011, phone call to you informing you about the letter, I am willing and would like to meet with you to discuss the information considered regarding the Project. To that end, I suggest that we meet at the earliest opportunity in Atlanta. A representative from our Regional Office management will be at the meeting.

Please let me know when you would be available for such a meeting and if you have questions. We would welcome your input on an agenda for this meeting. I can be reached 828/258-3939, Ext. 223.

Sincerely,

A handwritten signature in blue ink that reads "Brian P. Cole". The signature is written in a cursive style with a large, prominent "B" and "C".

Brian P. Cole
Field Supervisor