UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION **DEFENDERS OF WILDLIFE and** NATIONAL WILDLIFE REFUGE ASSOCIATION. Plaintiffs, **JUDGMENT** v. No. 2:11-CV-35-FL NORTH CAROLINA DEPARTMENT OF TRANSPORTATION; FEDERAL HIGHWAY ADMINISTRATION; JOHN F. SULLIVAN, III, Division Administrator, Federal Highway Administration; and EUGENE A. CONTI, JR., Secretary, North Carolina Department of Transportation, Defendants, and CAPE HATTERAS ELECTRIC MEMBERSHIP CORPORATION, Intervenor-Defendant.

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the motion for summary judgment filed by plaintiffs, Defenders of Wildlife and National Wildlife Refuge Association, and the cross-motions for summary judgment of defendants, North Carolina Department of Transportation, Eugene A. Conti, Jr., Federal Highway Administration, and John F. Sullivan, III.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's order entered September 16, 2013, and for the reasons set forth more specifically therein, that plaintiffs' motion for summary judgment is denied and the defendants' cross-motions for summary judgment are granted.

This Judgment Filed and Entered on September 16, 2013, and Copies To:

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September 16, 2013 JULIE A. RICHARDS, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk