

FILED: October 11, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1866
(CP16-10-000)

WILD VIRGINIA; APPALACHIAN VOICES; PRESERVE BENT
MOUNTAIN, a chapter of Blue Ridge Environmental Defense League; SIERRA
CLUB; DEFENDERS OF WILDLIFE; CHESAPEAKE CLIMATE ACTION
NETWORK; CENTER FOR BIOLOGICAL DIVERSITY

Petitioners

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; DAVID
BERNHARDT, in his official capacity as Secretary of the U.S. Department of the
Interior; UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the
U.S. Department of Interior; MARGARET EVERSON, in her official capacity as
Principal Deputy Director of the U.S. Fish and Wildlife Service; CINDY
SCHULZ, in her official capacity as Field Supervisor, Virginia Ecological
Services, Responsible Official

Respondents

MOUNTAIN VALLEY PIPELINE, LLC

Intervenor

O R D E R

Upon consideration of submissions relative to petitioners' motion for a stay of respondent U.S. Fish and Wildlife Service's Biological Opinion and Incidental Take Statement, the court grants the motion and stays the Biological Opinion and Incidental Take Statement for the Mountain Valley Pipeline pending a decision by this court on the petition for review.

Upon consideration of submissions relative to respondents' motion to hold litigation in abeyance, the court grants the motion and places this case in abeyance until January 11, 2020, pending completion of re-consultation between the Fish and Wildlife Service and the Federal Energy Regulatory Commission, without prejudice to petitioners' right to seek further relief if circumstances change materially during the abeyance period. The parties shall file a status report on November 12, 2019, and every 30 days thereafter and shall notify this court immediately if circumstances change materially during the abeyance period

Entered at the direction of Chief Judge Gregory with the concurrence of Judge Wynn and Judge Thacker.

For the Court

/s/ Patricia S. Connor, Clerk