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21 IN THE UNITED STATES DISTRICT COURT  
22 FOR THE DISTRICT OF ARIZONA  
23 TUCSON DIVISION

24 LOWER SAN PEDRO WATERSHED  
25 ALLIANCE, *et al.*,

26 Plaintiffs,

27 vs.

28 U.S. Army Corps of Engineers, *et al.*,

Defendants.

CV-19-00048-TUC-RCC

**DEFENDANTS' NOTICE RE  
THE WITHDRAWAL OF THE  
SERVICE'S LETTER OF  
CONCURRENCE AND  
SUSPENSION OF THE CORPS'  
SECTION 404 PERMIT**

1 Defendants notify the Court of the following recent agency decisions affecting this  
2 litigation:

- 3 1. On February 19, 2021, Defendants notified the Court that new officials within the  
4 United States Department of the Interior initiated a supervisory review of the U.S.  
5 Fish & Wildlife Service's 2017 Letter of Concurrence at issue in Plaintiffs'  
6 Endangered Species Act claims. *See* ECF No. 55.
- 7 2. That review is now complete and, on June 28, 2021, the Service withdrew its 2017  
8 Letter of Concurrence, effective immediately.
- 9 3. After reviewing the Service's withdrawal decision, the U.S. Army Corps of  
10 Engineers, on July 1, 2021, suspended the Section 404 permit that Plaintiffs  
11 challenge in this case.
- 12 4. Defendants' counsel is assessing the actions' effects on the current litigation.  
13 Defendants will, as appropriate, confer with Plaintiffs' counsel regarding next  
14 steps and update the Court accordingly.

15  
16 DATED this 7th day of July, 2021.

17 JEAN E. WILLIAMS  
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19 */s/ Rickey D. Turner, Jr.*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
TUCSON DIVISION

CENTER FOR BIOLOGICAL DIVERSITY, et  
al.,

Plaintiff,

vs.

UNITED STATES FISH and WILDLIFE  
SERVICE,

Defendants.

CV 19-354-JAS

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Rickey D. Turner, Jr.  
RICKEY D. TURNER, JR.