

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **12-cv-265-JLK-AP**

RAGS OVER THE ARKANSAS RIVER, INC.,

Plaintiff,

v.

BUREAU OF LAND MANAGEMENT;

KEITH E. BERGER, in his official capacity as Field Manager for the Royal Gorge Field Office of the Bureau of Land Management;

GREG SCHOOP, in his official capacity as District Manager for the Front Range District of the Bureau of Land Management;

HELEN HANKINS, in her official capacity as Colorado State Director of the Bureau of Land Management; and

KENNETH SALAZAR, in his official capacity as Secretary of the Department of the Interior,

Defendants.

AMENDED ORDER STAYING CASE

Kane, J.

Before me are the parties' cross-motions (Docs. 14 & 15) to amend the Stay entered in this case on July 5, 2012 (Doc. 12). Having considered the Motions and the responses thereto, I GRANT the Motions in part and DENY them in part.

The purpose of granting the Stay was to preserve Plaintiffs' right to challenge the current and any revised final agency authorization for the commencement and construction of the Christo Rags Over the Arkansas River (ROAR) art installation project. To effectuate this purpose, the July 5, 2012 Stay is AMENDED to include the following conditions:

1. Defendants shall notify ROAR, through counsel, should the OTR Corporation submit a request for BLM to authorize a Notice to Proceed for any portion of the project. Such notice will be given within five days of BLM's receipt of OTR's submission.
2. The BLM shall not grant/authorize a Notice to Proceed for any portion of the project during the pendency of the Smith appeal *and for 60 days thereafter*, unless otherwise ordered by the Court.
3. Plaintiff's request that BLM be directed to begin preparing the administrative record to support the decision being appealed in this case is GRANTED. The parties are ORDERED to CONFER regarding the preparation of a Joint Case Management Plan (JCMP) for this action, to include a date within 45 days of this Order for the submission of the administrative record in this case, which may be supplemented or replaced with an updated record after resolution of the Smith appeal. A form JCMP may be found at Appdx. F-4 of this Court's Local Rules, http://www.cod.uscourts.gov/Documents/LocalRules/2011_Complete_Local_Rules-2012-06-08.pdf.

Dated: August 13, 2012

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE