



“Rags Over the Arkansas River”

ROAR
www.roarcolorado.org

To preserve and protect the headwaters of the Arkansas River, the Bighorn Sheep Canyon, its inhabitants and the communities that depend upon them.

ROAR News Release

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ROAR Says BLM Can't Have their Cake and Eat it Too

ROAR filed a motion today in U.S. District Court for the District of Colorado to ask Judge Kane to amend his stay issued on July 5 to more strictly accomplish his stated intent to have BLM pause all OTR construction while a third party administrative appeal is being considered by the Interior Board of Land Appeals.

Judge Kane previously ordered that, “While OTR is expected to honor the Stay and commence no action on the agency’s November 2011 construction authorization until the administrative appeals process has run its course, OTR is not a party to this action and preservation of the status quo is thus up to Defendants to monitor and effectuate.”

Judge Kane also ordered the attorneys for the Plaintiff, (ROAR) and for the Defendant, (BLM) to confer. Both sides have done that but were unable to reach agreement on the conditions to accomplish the court’s stated intent to maintain the status quo.

ROAR’s lead counsel, Mike Harris, of the University of Denver’s Environmental Law Clinic, said “BLM wants to have their cake and it eat it too.” BLM seems ready to disregard Judge Kane’s order to effectuate the status quo with OTR.” According to Harris, BLM would prefer to simply provide notice to ROAR’s counsel of any new actions that OTR would propose to begin and then expect ROAR to file an injunction each time to stop any action it opposes during the stay.

ROAR is clear on Judge Kane’s orders and intent of the court. ROAR sees no reason to allow BLM to place this added burden on ROAR and the Federal Court. Therefore ROAR filed a motion to amend the stay to preserve the status quo.

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