

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**CITY OF DARDANELLE and
YELL COUNTY WILDLIFE FEDERATION**

PLAINTIFFS

v.

No. 4:14-cv-98-DPM

**DEPARTMENT OF TRANSPORTATION;
FEDERAL HIGHWAY ADMINISTRATION;
ARKANSAS STATE HIGHWAY &
TRANSPORTATION DEPARTMENT;
RIVER VALLEY REGIONAL INTERMODAL
AUTHORITY; and DEPARTMENT OF DEFENSE,
United States Army Corps of Engineers,
Little Rock District**

DEFENDANTS

ORDER

Plaintiffs' motion to reconsider whether the Corps should be a defendant, *No 52*, is denied without prejudice. The recent unopposed motion to stay makes plain that some pieces are still moving in the various federal agencies' decisionmaking on the project. The unopposed request for a stay, *No 57*, is granted. This is the most prudent step in the circumstances. First joint report due by 7 January 2015. Second joint report due by 20 March 2015. If the Corps' Record of Decision were completed by March, things would be much clearer. In any event, and at the minimum, the Court needs to know the Corps' expected date for its ROD. And in the second joint report, the parties

must propose a new schedule for handling the case on the merits. The Court will, if necessary, revisit whether the Corps should be a party after the Federal Highway Administration completes its Reevaluation. The Court takes the Federal Defendants at their word that, during the stay, no federal funding will be approved or spent for construction-related activities, and no work onsite will be done, on the project. The Court remains open for Plaintiffs to seek some kind of emergency relief if the need arises. Case stayed until further Order.

So Ordered.



D.P. Marshall Jr.
United States District Judge

18 November 2014