

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;  
and RIVER VALLEY REGIONAL  
INTERMODAL AUTHORITY

DEFENDANTS

ORDER

1. The federal defendants' motion to strike is granted with a caveat—they have pledged to consider *No* 71-2 in the reevaluation. *No* 74-3 at ¶ 14. The Court directs that those comments be made part of the supplemental administrative record and considered.

2. Plaintiffs' motion to lift the stay, *No* 79, is denied without prejudice. The Court notes, though, that a final decision has been promised for many months. *E.g.*, *No* 66 at 1. The Court expects defendants to meet their new January 2016 internal deadline. *No* 80-1 at 3. The plaintiffs' last-minute comments have added to the delay; but it's time nonetheless to move this dispute forward.

\* \* \*

Motion, No 74, granted with a caveat: No 71, 71-1 & 71-2 are stricken; but the federal defendants must include No 71-2 in the supplemental administrative record and consider those comments. Motion to lift stay, No 79, denied without prejudice.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

22 December 2015