

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 14-cv-02749-PAB

AUDUBON SOCIETY OF GREATER DENVER,

Petitioner,

v.

UNITED STATES ARMY CORPS OF ENGINEERS,

Respondent,

CASTLE PINES METROPOLITAN DISTRICT,
CASTLE PINES NORTH METROPOLITAN DISTRICT,
CENTENNIAL WATER AND SANITATION DISTRICT,
CENTER OF COLORADO WATER CONSERVANCY DISTRICT,
CENTRAL COLORADO WATER CONSERVANCY DISTRICT,
TOWN OF CASTLE ROCK, and
COLORADO DEPARTMENT OF NATURAL RESOURCES,

Intervenor Respondents.

ORDER

This matter comes before the Court on Petitioners's [sic] Request for a Status Conference and Site Visit [Docket No. 63]. Petitioner requests the Court to hold a status conference at Chatfield State Park, the site of the planned project that is the subject of this action, because it would "allow the Court to clearly assess what activities are slated to occur in the near future and whether those activities will pose a risk of irreparable harm." *Id.* at 4. Petitioner does not provide any basis for the Court to do factfinding beyond the administrative record. The issue before the Court is whether respondent's planning process, as reflected in the administrative record, complied with

applicable law, was arbitrary and capricious, or was not supported by substantial evidence. See Docket No. 49 at 21 (“Review of an agency’s decision is generally confined to the administrative record compiled by the agency and presented to the reviewing court.” (citing *Fla. Power & Light Co. v. Lorion*, 470 U.S. 729, 743-44 (1985))). As such, petitioner’s proposal is unsupported and the Court will deny the request.

Therefore, it is

ORDERED that Petitioners’s [sic] Request for a Status Conference and Site Visit [Docket No. 63] is **DENIED**.

DATED April 24, 2017.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge