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# Judge Rules Against Opponents Of Christo's Arkansas River Project

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CBS4 Denver



An artist's rendition of what Christo's project "Over the River" will look like. (credit: CBS)

**DENVER (CBS4)** - A judge Friday shot down a lawsuit intended to stop international artist Christo's plans to hang 1,000 luminous silvery fabric panels over the Arkansas River between Canon City and Salida.

U.S. District Judge William Martinez ruled against opponents of the artwork, a group known as Rags Over the Arkansas River Inc., which sued in 2012 to stop the project.

The Canon City-based opposition group, known as ROAR, has the option of asking an appeals court to overturn Martinez's decision.

"We have one lawsuit in state court still outstanding, but today we took a very significant and important step forward in realizing Over the River," Christo told CBS4.

During a visit to Canon City last August, Christo, 79, said he would need nearly three years to prepare for the exhibition. Based on that statement, the project, known as "Over the River," could be realized perhaps as soon as August 2018 if Christo wins the state court lawsuit.

ROAR sued to overturn the U.S. Bureau of Land Management's November 2011 approval of Christo's proposal. BLM manages part of the land where the artwork will be displayed.

The artist's plan is for a two-week display of 5.9 miles of the panels suspended in eight sections along a 40-mile stretch of the river. The project involves installation of anchors and cables, from which the panels are to be suspended, on the banks of the river.



Christo speaks at a news conference about his works at the National Gallery of Art on Nov. 8, 2011, in Washington, D.C. (Photo by Riccardo S. Savi/Getty Images)

ROAR's disagreement with BLM's approval "is not sufficient to warrant reversal" of the agency's approval, Martinez wrote in a 30-page decision.

The opposition group claimed that BLM violated federal law by failing to comply with the Federal Land Policy and Management Act and the National Environmental Policy Act. The judge disagreed, concluding that BLM did not violate the laws.

"As long as an agency has complied with the procedural requirements of NEPA, the court should not second-guess that agency's decision," Martinez wrote. He stated that the laws require judges to give deference to the decisions agencies make.

"BLM engaged in a thorough consideration" of the project's impacts and of an existing management plan for the area involved, the judge stated.

He pointed out that the agency imposed a variety of "mitigation and avoidance measures" intended to protect bighorn sheep and migratory birds in the project area, as well as restrictions on lane closures on U.S. 50, which parallels the project area.

ROAR contends the project would be dangerous and destructive, especially due to possible traffic safety issues and the gold-medal trout fishery designation that the Arkansas River received last year.