

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

FILED  
United States Court of Appeals  
Tenth Circuit

March 1, 2021

Christopher M. Wolpert  
Clerk of Court

THE STATE OF COLORADO,

Plaintiff - Appellee,

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY; ANDREW WHEELER, in his  
official capacity as Administrator of the  
U.S. Environmental Protection Agency;  
U.S. ARMY CORPS OF ENGINEERS;  
R.D. JAMES, in his official capacity as  
Assistant Secretary of the Army for Civil  
Works,

Defendants - Appellants,

and

CHANTELL SACKETT; MICHAEL  
SACKETT; AMERICAN FARM  
BUREAU FEDERATION; AMERICAN  
PETROLEUM INSTITUTE; AMERICAN  
ROAD AND TRANSPORTATION  
BUILDERS ASSOCIATION; CHAMBER  
OF COMMERCE OF THE UNITED  
STATES OF AMERICA; LEADING  
BUILDERS OF AMERICA; NATIONAL  
ALLIANCE OF FOREST OWNERS;  
NATIONAL ASSOCIATION OF HOME  
BUILDERS; NATIONAL  
CATTLEMAN'S BEEF ASSOCIATION;  
NATIONAL CORN GROWERS  
ASSOCIATION; NATIONAL MINING  
ASSOCIATION; NATIONAL PORK  
PRODUCERS COUNCIL; NATIONAL  
STONE, SAND, AND GRAVEL  
ASSOCIATION; PUBLIC LANDS

Nos. 20-1238, 20-1262, 20-1263  
(D.C. No. 1:20-CV-01461-WJM-NRN)  
(D. Colo.)

COUNCIL; U.S. POULTRY & EGG  
ASSOCIATION,

Intervenor Defendants - Appellants.

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**ORDER**

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Before **McHUGH, BALDOCK**, and **EID**, Circuit Judges.

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These matters are before us on the *Motion to Hold Appeals in Abeyance for 60 Days* (“Motion”) filed by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the agency officials who are also defendants-appellants (collectively, the “Agencies”). We also have responses from the State of Colorado, the Business Intervenors, and the Sacketts, and a reply from the Agencies. Upon careful consideration of the Motion, responses, and reply, the Motion is DENIED.

Entered for the Court,



CHRISTOPHER M. WOLPERT, Clerk