

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT**

IN THE MATTER OF:

THE APPLICATION
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. 10883

AQB 26-57

ORDER

This matter having come before me on the motion of New Energy Economy (NEE) to dismiss or continue YGI's application for a construction air quality permit pursuant to 20.2.7.208(G) NMAC for YGI's failure to have the necessary fuel supply and movant's concomitant request to expeditiously show cause why the motion to dismiss should not be granted. I have reviewed the motion and find that an expedited response to issues presented by NEE is appropriate, I hereby order the parties to submit responses supporting or opposing NEE's motion to dismiss or continue by August 11, 2026, and I hereby order YGI and NMED to specifically address the following issues in their responses:

- Whether any legally obtainable alternative source of natural gas exists capable of supplying the approximately 400 million cubic feet of natural gas per day required by Project Jupiter;
- Whether Applicants intend to administratively appeal the Commissioner of Public Lands' denial of the Green Chili Lateral rights-of-way and business lease;

- Whether any alternative pipeline route or alternative fuel delivery system has been identified, engineered, or permitted;
- Whether the project described in Air Quality Permit Application No. 10883 remains capable of being constructed as proposed in light of the Land Office Commissioner's decisions; and
- Whether the proposed source can still be “completed in a reasonable time,” as required by 20.2.7.208(G) NMAC, notwithstanding the denial of the essential fuel infrastructure.

August 5, 2026

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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