

RECEIVED

AUG 22 2026

Luis Lopez (OPF)
LGL

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF

AQB 26-57

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

ORDER

This matter having come before me on the Emergency Motion filed by the New Mexico Environmental Law Center, on behalf of Jose Saldaña, Jr. and Vivian Fuller, (collectively, "Community Members"), and the Center for Biological Diversity, (hereinafter, "the Center"), joined by Mr. Nicholas R. Maxwell for a Hearing Consistent with Due Process Guarantees, to Disqualify the Hearing Officer, and to Stay the Hearing until a new hearing officer is appointed and fair procedures are implemented.

Having reviewed the parties' motions I hereby deny the parties' motions for a hearing but grant the motions in part in that I hereby disqualify and recuse myself from acting as the Hearing Officer in this case effective immediately.

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

Zachary Ogaz
General Counsel
Brian Yardman-Frank
Assistant General Counsel
New Mexico Environment Department
Office of General Counsel
121 Tijeras Avenue NE, Suite 1000
Albuquerque, NM 87102
zachary.ogaz@env.nm.gov
brian.yardman-frank@env.nm.gov
Counsel for NMED

Kelsea E. Sona
Robles, Rael & Anaya, P.C.
500 Marquette Ave NW, Suite 700
Albuquerque, NM 87102
kelsea@roblesrael.com
Counsel for NMED

Jennifer L. Bradfute
David Kirmse
P.O. Box 90233
Albuquerque, NM 87199
Telephone: (505) 264-8740
jennifer@bradfutelaw.com
david@bradfutelaw.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Esperanza Chairez
Zephyr Jaramillo
YUCCA Policy Campaign Manager
esperanza@yuccanm.org
info@yuccanm.org
Youth United for Climate Crisis Action

Jennifer L. Biever
Carlos Romo
Corey Lim
Williams Weese Pepple & Ferguson, P.C.
1801 California Street, Suite 3400
Denver, CO 80202
jbiever@williamsweese.com
cromo@williamsweese.com
clim@williamsweese.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Colin Cox
Sarah Baer
Gail Evans
Center for Biological Diversity
P.O. Box 31417
Santa Fe, NM 87594
ccox@biologicaldiversity.org
sbaer@biologicaldiversity.org
gevans@biologicaldiversity.org
Counsel for the Center for Biological Diversity

Mariel Nanasi
Christopher Dodd
New Energy Economy
422 Old Santa Fe Trail
Santa Fe, NM 87501
mnanasi@newenergyeconomy.org
chris@fayerbergdodd.com
Counsel for New Energy Economy

Bruce Wetherbee
60 Thoreau Street #103
Concord, MA 01742
editor@thecandlepublishing.com
Pro Se Intervenor

Maslyn Locke
Senior Staff Attorney
Eric Jantz
Legal Director
New Mexico Environmental
Law Center
mlocke@nmelc.org
ejantz@nmelc.org
*Counsel for Viviana Fuller and
Jose Saldaña Jr.*

Yiwei Chen
Economic Development New Mexico
P.O. Box 20003
Santa Fe, NM 87504-5003
yiwei.chen@edd.nm.gov
*Counsel for the New Mexico Economic
Development Department*

Nicholas R. Maxwell
P.O. Box 1064
Hobbs, NM 88241
inspector@sunshineaudit.com
Pro Se Intervenor

Isaiah Zemke
2300 Buena Vista SE, Suite 110
Albuquerque, NM 87106
izemke@smwlu49.org
*Counsel for Sheet Metal Workers
Local Union No. 49*

Courtenay Eichhorst
411 Arizona St.
Albuquerque, NM 87108
courtenaye@ualocal412.org
*Counsel for New Mexico Building
and Construction Trades Council*

Christine Dobbin
1 Cielo Azul
Anthony, NM 88021
dobbin.cc@gmail.com
Pro Se Intervenor

Andre Makarski
510 San Pedro
Albuquerque, NM 87108
andre@ualocal412.org
*Counsel for United Association
Local 412*

Joe Cardillo
344 4th Street SW
Albuquerque, NM 87102
joe@progressnownm.org
Pro Se Intervenor

Nathaniel Chakeres
General Counsel
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5012
nathaniel.chakeres@ose.nm.gov
Counsel for NMOSE

Mark Trujillo
Stephanie Maez
Electrical Workers, Local Union 611
markgtrujillo@ibew611.org
smaeznm@gmail.com
*Authorized Representatives for
IBEW Local Union 611*

Darrell Deaguero
Laborers' International Union
of North America
1030 San Pedro Dr. NE
Albuquerque, NM 87110
darrell.deaguero@liuna16.org
cc: mlor@liuna.org
Representative of LIUNA Local 16

Max Shepherd
max.shepherd@comcast.net
Hearing Officer

By: /s/ Luis Lopez
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
luis.lopez@env.nm.gov