RECEIVED
NOV 03 2026
Luis Lopez (OPF)

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:
THE APPLICATION **AQB 26-57(P)**
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. 10883.

JOINT MOTION TO VACATE DECEMBER 7, 2026 HEARING DATE

Applicant Yucca Growth Infrastructure, LLC ("YGI") and the New Mexico Environment Department, Air Quality Bureau (the "Department") jointly move the Hearing Officer to vacate the public hearing currently set to begin December 7, 2026. In support, the parties state:

1. In October 2026, YGI submitted revisions to Application No. 10883.

2. The Department needs to submit a Notice of Hearing to newspaper publishers, on November 3, 2026 in order to effectuate notice in time for the currently scheduled December 7, 2026 hearing date.

3. The Department requires additional time beyond November 3, 2026 to complete its technical review of the revisions.

4. YGI immediately and expressly waives the decision deadline for Application No. 10883 under NMSA 1978, Section 74-2-7(B)(2)(a) and 20.2.72.207(B)-(C) NMAC.

5. The Bureau will not seek denial or dismissal of the Application absent a finding under NMSA 1978, Section 74-2-7(C) and 20.2.72.208 NMAC.

6. The parties request that the December 7, 2026 hearing date and associated pre-hearing deadlines be vacated.

7. The parties expressly stipulate that the Hearing Officer should not reschedule the hearing until the Air Quality Bureau places into the Administrative Record its revised

recommendation, which, if the recommendation is for issuance, must include an amended Draft Permit, Statement of Basis and Modeling Report.

8. Each party reserves all other rights and positions not expressly waived in this motion.

9. Pursuant to 20.1.4.200(D)(3) NMAC, counsel did not contact the other parties regarding their positions on this Motion due to timeliness necessity.

WHEREFORE, YGI and the Department respectfully request that the Hearing Officer vacate the December 7, 2026 hearing date and associated pre-hearing deadlines.

Respectfully submitted,

Respectfully submitted this 3rd day of November, 2026.

YUCCA GROWTH INFRASTRUCTURE, LLC

/s/ ___*Jennifer L. Bradfute*_____
Jennifer L. Bradfute
David Kirmse
P.O. Box 90233
Albuquerque, NM 87199
Telephone: (505) 264-8740
Email: jennifer@bradfutelaw.com

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

/s/ __*Zachary Ogaz*_____
Zachary E. Ogaz, General Counsel

Brian Yardman-Frank,
New Mexico Environment Department
Office of General Counsel
5401 Watson Dr SE, Albuquerque, NM 87106
brian.yardman-frank@env.nm.gov
Zachary.ogaz@env.nm.gov

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

CERTIFICATE OF SERVICE

I certify that on November 3rd, 2026, I served the foregoing on all parties and counsel of record on the service list for AQB 26-57(P) by electronic mail.

Hon. James O. Browning
Hearing Officer

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

Zachary E. Ogaz, General Counsel
New Mexico Environment Department
PO Box 5469, Santa Fe, NM 87502-5469
Zachary.ogaz@env.nm.gov
Counsel for NMED

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

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

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

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

Pamela Jones
Luis Lopez
Office of Public Facilitation
New Mexico Environment Department
Pamela.Jones@env.nm.gov
Luis.lopez@env.nm.gov

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

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

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

Kayla Jankowski, Staff Attorney
Maslyn Locke, Senior Staff Attorney
Eric Jantz, Legal Director
New Mexico Environmental Law Center
kjankowski@nmelc.org
mlocke@nmelc.org
ejantz@nmelc.org
cc: kpalmer@nmelc.org
Counsel for Vivian Fuller and Jose Saldaña Jr.

Mariel Nanasi
Christopher Dodd
422 Old Santa Fe Trail
Santa Fe, NM 87501
MNanasi@NewEnergyEconomy.org

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

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

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

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

Allison Johnson
Kalista Wilson
Assistant Attorneys General
New Mexico Department of Justice
201 3rd St. Suite 300
Albuquerque, New Mexico 87102
AJohnson@nmdoj.gov
KWilson@nmdoj.gov
Counsel for New Mexico Department of Justice

Rocky Bacchus
Consultant
6501 Tarascas Drive
El Paso, TX 79912
rockybacchus@gmail.com
Pro Se Intervenor

chris@fayerbergdodd.com
Counsel for New Energy Economy

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

Alfonso "Fonze" Martinez, Jr.,
Business Manager/Financial Secretary
Mark Trujillo
Stephanie Maez
alfonso@ibew611.org
markgtrujillo@ibew611.org
smaeznm@gmail.com
IBEW Local Union 611

Darrell Deaguero, Business Manager
1030 San Pedro Drive NE
Albuquerque, NM 87110
darrell.deaguero@liuna16.org
mlor@liuna.org
LIUNA Local 16

Robert Aubert
P.O. Box 9163
Albuquerque, NM 87119
robert.aubert@dc36.org
cc: uriel.apodaca@dc36.org
Counsel for IUPAT District Council 36, Local 823

/s/ Jennifer L. Bradfute