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STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT

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

AQB 26-57(P)

NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S SUPPLEMENT TO MOTION TO REQUIRE WITNESS DISCLOSURES AND REINFORCE *EX PARTE* COMMUNICATION PROHIBITIONS [Dkt. No. 142]

The New Mexico Environment Department Air Quality Bureau ("Bureau") hereby provides this supplement to its *Motion to Require Witness Disclosures and Reinforce Ex Parte Communication Prohibitions* (filed Oct. 29, 2026) [Dkt. No. 142] ("*Motion*") pursuant to the Hearing Officer's request via email on October 29, 2026, that the Bureau request positions from the other parties before he sets a hearing on the *Motion*.

Bruce Wetherbee, Nicholas Maxwell, Jose Saldaña and Vivian Fuller oppose the *Motion*. No other positions were received.

The Center for Biological Diversity confirmed Mr. Leveen has been instructed to not contact the Bureau directly or Deputy Secretary of the Environment John Rhoderick, and Mr. Wetherbee and counsel for Mr. Saldaña and Ms. Fuller confirmed no party affiliates have engaged with the Bureau or Deputy Secretary Rhoderick. No other party voluntarily provided a response to the relief requested by the Bureau in the *Motion*.

Pursuant to 20.1.4.200(D)(6) NMAC, the Bureau requests that this *Motion* be decided without a hearing.

Therefore, the Bureau maintains that relief is still warranted and respectfully requests the Hearing Officer issue a protective and case management order to:

A. Require each intervening party to:

a. Identify every party affiliate it has retained or specially identified that has contacted Bureau staff regarding YGI's pending application, the Bureau's Draft Permit, Statement of Basis, and technical review, or this administrative proceeding;

b. Disclose the person's name, professional affiliation, the retaining or identifying party, and date first retained or identified; and

c. Disclosure of existing and known party affiliates within two days of entry of the order (whether oral or written) and identify within one day of a newly engaged or identified party affiliate that previously contacted Bureau staff;

d. Identify if a party affiliate has communicated with Deputy Secretary Rhoderick concerning the application, proposed permit, Bureau staff technical review, or this administrative proceeding and disclose the communication;

B. State the express prohibition in 20.1.4.100(G) NMAC against *ex parte* communications with the decisionmaker and explain the prohibition applies to all persons; and

C. Award all other relief the Hearing Officer deems reasonable and necessary.

Filed: November 4, 2026

Respectfully Submitted,

ROBLES, RAEL & ANAYA, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *New Mexico Environment Department Air Quality Bureau's Supplement to Motion to Require Witness Disclosure and Reinforce Ex Parte Communication Prohibitions* was electronically filed and sent via electronic mail on this 4th day of November 2026 to the following:

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Should the Hearing Clerk require a paper original, Robles, Rael, and Anaya, P.C. shall promptly provide the document upon request.

/s/Kelsea E. Sona
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