

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:

DESERT ROCK ENERGY COMPANY, LLC

PSD PERMIT NO. AZP 04-01

PSD APPEAL NOS. 08-03 and 08-04

MOTION FOR EXTENSION OF TIME TO FILE NON PARTY BRIEF

The Navajo Nation respectfully requests to the Environmental Appeals Board (EAB) for a seven (7) day extension of time to file a non party brief in the above captioned proceeding.

The Navajo Nation supports the Respondent's opposition to the challenge of the decision dated July 31, 2008 to issue a Prevention of Significant Deterioration permit to Desert Rock Energy Company, LLC. The grounds for this Motion are as follows:

1. On December 29, 2008, the Navajo Nation Department of Justice's (NNDOJ) Office had a main water line break that resulted in the collapse of the ceiling in a section of the building. The Navajo Occupational Safety and Health Administration (NOSHA) sealed the building shut when it was revealed asbestos was found in the covering of the water line. NOSHA's action was immediate and none of NNDOJ attorneys or support staff were able to retrieve equipment, supplies, files, computers and necessary work material.
2. On February 9, 2009, the remediation process was completed and the NNDOJ attorneys were able to finally resume normal work status and obtain files. The NNDOJ is the chief legal department of the Navajo Tribal Government. Therefore, the NNDOJ needs additional time to adequately prepare the Non Party Brief.

3. The State of New Mexico, the National Parks Conservation Association and the EarthJustice have requested a Motion For Extension to File a Reply Brief. The EAB has granted the State of New Mexico's Motion. In the interest of fairness, the Navajo Nation is requesting the same extension as granted to the State of New Mexico.
4. The NNDOJ has conferred with the Petitioner's regarding this motion. Counsel for EarthJustice does not oppose this motion. NNDOJ did not receive a response from the Counsel for Environmental Defense Fund, Natural Resources Defense Council, Clean Air Tack Force, Center for Biological Diversity, and National Parks Conservation Association, but in the interest of time and filings this Motion with the EAB, the Navajo Nation proceeded on this motion.

The Navajo Nation, respectfully requests, that the Motion for Extension of Time to file a Non Party Brief be granted.

DATED this 12th day of February, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing MOTION FOR EXTENSION OF TIME TO
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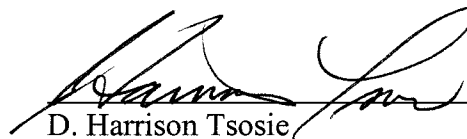
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by mailing; hand delivery; facsimile a true and correct copy thereof to said parties on the date stated below.

DATED this 12th day of February, 2009



D. Harrison Tsosie,
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CERTIFICATE OF SERVICE