From: Vincent Yazzie
To: Janette Brimmer; "Dertke, Daniel (ENRD)"; MShapp@hgnlaw.com; MGoodstein@hgnlaw.com; ALynch@hgnlaw.com; Bartlett, Brad; barthlawoffice@gmail.com; Amanda Goodin; "Neil Levine"
Cc: Anderson, Lea; Lyons, Ann; Smith, Rodney
Subject: Re: NGS petitions, Nos. 14-73055, 14-73100, 14-73101, 14-73102 (9th Cir.)
Date: Monday, November 17, 2014 9:27:46 PM
Attachments: vincenzo_opposing_Navajo_Nation_Motion_to_intervene_111714.pdf

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Hello,

Vincent Yazzie aka Vincenzo opposing Navajo Nation Motion to Intervene.

Vincent H. Yazzie

On Monday, November 17, 2014 3:47 PM, Vincent Yazzie <vinceyazzie@yahoo.com> wrote:

Hello,

Looks like there is a stay on my case and briefing schedule, 14-73100.

My case might have to proceed at a later date. May or may not get stuck for a $500 filing fee.

Vincent H. Yazzie aka Vincenzo

http://www.navajohopilittlecoloradoriverwatersettlement2012.info/RIPPING_OFF_NAVAJO_WATER_RIGHTS_1.pdf

Navajo Nation cannot regulate NGS
http://www.navajohopilittlecoloradoriverwatersettlement2012.info/srp_motion_for_an_injunction.pdf
http://www.navajohopilittlecoloradoriverwatersettlement2012.info/teilborg_injunction_order.pdf

The following transaction was entered on 11/17/2014 at 1:23:53 PM PST and filed on 11/17/2014

Case Name:	The Hopi Tribe v. USEPA
Case Number:	14-73055
Document(s):	Document(s)

Docket Text:
Filed clerk order (Deputy Clerk: GS): The motion of Salt River Project Agricultural Improvement and Power District to intervene in support of the respondent in Nos. 14-73055, 14-73100, 14- 73101, and 14-73102 is granted. The motion of Gila River Indian Community to intervene in support of respondent in Nos. 14-73055, 14-73100, 14-73101, and 14-73102 is granted. The motion of Central Arizona Water Conservation District to intervene in support of the respondent in No. 14-73055 is granted. The motion of Navajo Nation to intervene in No. 14-73055 is granted. The briefing schedules for Nos. 14-73055, 14-73101, and 14-73102 are amended as follows. The opening briefs are due December 22, 2014. The answering brief is due January 20, 2015. The briefs of the intervenors are due February 3, 2015. The optional reply briefs are due 14 days after the last-served intervenors brief. The petitioner's motion to proceed in forma pauperis in No. 14-73100 shall be addressed in a separate order. The briefing schedule in No. 14-73100 shall be re-set upon the disposition of the petitioner's motion to proceed in forma pauperis. See 9th Cir. R. 27-11.[9315523] [14-73055, 14-73100, 14-73101, 14-73102] (WL)

On Friday, November 14, 2014 4:36 PM, Janette Brimmer <jbrimmer@earthjustice.org> wrote:

Hello Daniel---sorry for the radio silence but a number of us have been sidetracked with deadlines. The NGO petitioners (NPCA et al. and TNA et al.) are agreeable to January 16 for petitioners briefs, the extended deadline for EPA's response and with the 28,000 words per side proposal. I know that Hopi will be responding separately so I don't want you to think I am speaking for them. We should probably try to finalize at least these pieces early next week so that we can get a stipulation to the court as the clock is ticking. Thanks.

Janette Brimmer
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From: Dertke, Daniel (ENRD) [mailto:Daniel.Dertke@usdoj.gov]
Sent: Monday, November 10, 2014 11:03 AM
To: MShapp@hgnlaw.com; MGoodstein@hgnlaw.com; ALynch@hgnlaw.com; vinceyazzie@yahoo.com; Bartlett, Brad; barthlawoffice@gmail.com; Janette Brimmer; Amanda Goodin
Cc: Lea Anderson; Lyons, Ann; Smith, Rodney
Subject: RE: NGS petitions, Nos. 14-73055, 14-73100, 14-73101, 14-73102 (9th Cir.)

Thanks everyone for talking earlier today. EPA will agree to 28,000 words combined for petitioners, and 28,000 words in response for EPA, if petitioners will agree to April 10 for EPA's response brief (assuming Petitioners' deadline is January 16).

Still to work out are the deadline, length, and number of Intervenors brief(s), and the deadline and length of Petitioners replies.

From: Dertke, Daniel (ENRD)
Sent: Monday, November 10, 2014 10:16 AM
To: MShapp@hgnlaw.com; MGoodstein@hgnlaw.com; ALynch@hgnlaw.com; vinceyazzie@yahoo.com; 'Bartlett, Brad'; barthlawoffice@gmail.com; jbrimmer@earthjustice.org; agoodin@earthjustice.org
Cc: Lea Anderson; Lyons, Ann; Smith, Rodney
Subject: RE: NGS petitions, Nos. 14-73055, 14-73100, 14-73101, 14-73102 (9th Cir.)

Ok, here is my proposal; perhaps petitioners and respondent can talk at 10 Pacific/1 Eastern today, and invite movant-intervenors to join us (or we could initiate a new call) at 10:30?

1. EPA will file the certified index by 11/14.
2. EPA is ok with 1/16/15 for petitioners opening briefs.
3. EPA is ok with two petitioners briefs but thinks that 28,000 words is excessive, and proposes 18,000 words, split between TNA/NPCA and the Hopi however they want to.
4. EPA cannot accept 14,000 words in response, and instead wants parity, i.e., 18,000 words for EPA.
5. EPA needs more than 30 days for our response, and instead wants 60 days, i.e., 3/17/15.
6. EPA believes Intervenors (assuming intervention is granted) have legitimate concerns about filing one brief of 14,000 words, but thinks they are better positioned to express their concerns and thus I suggested the joint call.
7. EPA proposes Intervenors filing deadline comes after EPA's, i.e., staggered briefing, but again thinks Intervenors are better positioned to discuss specific timeframes in a joint call.
8. Replies are typically half of opening briefs, so EPA proposes two reply briefs that together total 9,000 words, and that are filed 2 weeks after Intervenors' brief(s).

-Dan

From: Bartlett, Brad [mailto:bbartlett@law.du.edu]
Sent: Friday, November 07, 2014 3:38 PM
To: Dertke, Daniel (ENRD)
Cc: MShapp@hgnlaw.com; MGoodstein@hgnlaw.com; ALynch@hgnlaw.com; vinceyazzie@yahoo.com; barthlawoffice@gmail.com; jbrimmer@earthjustice.org; agoodin@earthjustice.org; Lea Anderson; Lyons, Ann; Smith, Rodney
Subject: Re: NGS petitions, Nos. 14-73055, 14-73100, 14-73101, 14-73102 (9th Cir.)

Hello Dan,

Speaking only for TNA Appellants, we would prefer to hear from you first on whether the proposed briefing enlargements/schedule we provided to EPA by email last week is acceptable and **before** talking with movant-intervenors.

If EPA accepts Appellants' proposal, than yes, we would be comfortable with doing a call with movant-intervenors.

If there are items in Appellants' proposal EPA would like to modify or suggest changes too, TNA Appellants would prefer to address those first and on a separate call.

Note that I have removed counsel for movant-interevnors from this email list. Thanks for all of your work on this Dan.

Sincerely,

Brad A. Bartlett, Assistant Professor
University of Denver
Environmental Law Clinic
2225 E. Evans Ave., Suite 335
Denver, CO 80208
Phone: (303) 871-7870
Email: bbartlett@law.du.edu

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On Nov 7, 2014, at 11:56 AM, Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov> wrote:

All: I am copying the four movant-intervenors on this email. I have spoken separately with petitioners and with movant-intervenors about a briefing format and schedule, and I think the best way to make progress is to have everyone on one call. The petitioners and I have a call scheduled for this Monday at 10 Pacific/1 Eastern. Would petitioners object to the movant-intervenors joining that call? If anyone feels strongly that there are matters that only the parties should discuss, then I would be ok with two calls back to back, with different conference lines, one with just petitioners and respondents, and one with petitioners, respondents, and movant-intervenors.
- Dan