

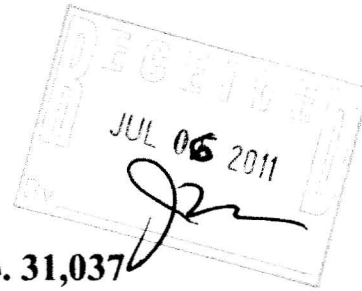
1       **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2       **HELENA CHEMICAL COMPANY,**

3                       **Petitioner-Appellant,**

4               **vs.**

5                                       **No. 31,037**  
6                                       **EIB 10-02(A)**  
   **EIB 10-11(A)**



7       **NEW MEXICO ENVIRONMENT**  
8       **DEPARTMENT,**

9                       **Respondent-Appellee.**

10                                       **COURT OF APPEALS OF NEW MEXICO**  
   **FILED**  
   **JUL 05 2011**  
   *B. A. [Signature]*

11                                       **ORDER**

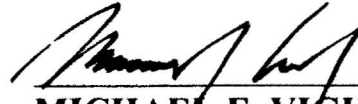
12               This matter came before the Court on the motion of the Mesquite  
13       Community Action Committee (MCAC) to intervene as appellee in this matter  
14       and the response in opposition of the motion of Appellant, Helena Chemical  
15       Company. The New Mexico Environment Department takes no position on the  
16       motion.

17               MCAC was not a party to the administrative proceedings that are the  
18       subject of this appeal and now seeks to become a party on appeal. There is no  
19       provision in the Rules of Appellate Procedure allowing for intervention under  
20       these circumstances. In addition, the motion fails to set forth any reason why  
21       intervention is necessary in lieu of seeking leave to file an amicus brief, which  
22       is provided for in the Rules of Appellate Procedure.

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It is hereby **ORDERED** that the motion to intervene is **DENIED**.

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**MICHAEL E. VIGIL, Judge**

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