

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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Nos. 98-5428, 98-5451 (consolidated)

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PUEBLO OF SANDIA,

Plaintiff-Appellee

v.

BRUCE BABBITT, et al.,

Defendants-Appellants,

SANDIA MOUNTAIN COALITION and COUNTY OF BERNALILLO, NEW MEXICO,

Intervenor-Defendants-Appellants

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**STATEMENT THAT DEFERRED APPENDIX WILL BE UTILIZED**

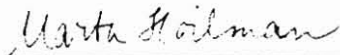
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Pursuant to this Court's order of September 18, 1998, the federal appellants state that a deferred appendix will be utilized in this appeal. The undersigned conferred with counsel for appellee Pueblo of Sandia and for appellants Sandia Mountain Coalition and County of Bernalillo, and counsel for those parties agreed with the suggestion that a deferred appendix be utilized.<sup>1/</sup>

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<sup>1/</sup>The undersigned is authorized to represent to the Court that this agreement supersedes the Statement as to Use of Deferred Appendix filed by appellants Sandia Mountain Coalition and County of Bernalillo on September 21, 1998, which stated that a deferred appendix would not be used.

Respectfully submitted.



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Marta Hoilman  
Attorney, Department of Justice  
Environment and Natural Resources Division  
Appellate Section  
P.O. Box 23795  
L'Enfant Plaza Station  
Washington, D.C. 20026  
*Counsel for the federal appellants*

October 19, 1998  
90-2-4-1743