1 2 3	BEFORE THE BOARD OF ENVIRONMENTAL QUALITY STATE OF IDAHO
4	
5	IN THE MATTER OF AIR QUALITY) PERMIT TO CONSTRUCT P-2019.0047) Agency Case No.
) 0101-22-01
6	NEZ PERCE TRIBE, IDAHO)
7	CONSERVATION LEAGUE, and SAVE THE)
7	SOUTHFORK SALMON,) OAH Case No.
8	Petitioners,) 23-245-01
0	vs.
9	IDAHO DEPARTMENT OF ENVIRONMENTAL)
	QUALITY,)
10	Respondent,)
	and)
11)
	PERPETUA RESOURCES IDAHO, INC.,)
12	Intervenor-Respondent.)
)
13	
14	
15	
16	
17	SPECIAL MEETING
18	MAY 1, 2024
19 20	BOISE, IDAHO
20 21	
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23	
24	
25	REPORTED BY: DORIS M. BAILEY, CSR, RPR, CRR
	Idaho CSR License Number SRL-1074
	Page 1

CON	IRLETED COLT
1 APPEARANCES 2	1 PROCEEDINGS
BOARD MEMBERS:	2oOo
3	3 BOARD CHAIR BOWEN: It's Monday, May 1st, 2024,
MIKE BOWEN, Chair	4 9:00 AM. This is Mark Bowen, Chairman of the Idaho Board
BETH ELROY	5 of Environmental Quality.
5 JOHN R. MACMILLAN, Vice Chair (Remote)	6 I call to order this special meeting of the
6	7 Idaho Board of Environmental Quality. In addition to
JOHN SIGLER (Remote)	8 being a public meeting, we are also on the record on the
7 CLAYTON STEELE (Remote)	9 matter of Air Quality Permit to Construct Issued to
8	10 Perpetua Resources Idaho, Inc., agency case number
PAT PURDY (Remote)	11 0101-22-01, OAH case number 23-245-01.
10 ALSO PRESENT:	This special meeting is being held in the state
11 ANN YRIBAR, ESQ.	13 office of the Department of Environmental Quality.
Deputy Attorney General 12	For those present in the meeting room, please
ELAINE GANINO	15 sign in on the sheet provided at the entrance.
Board ClerkPAULA WILSON	There won't be an opportunity for public comment
Board Coordinator	17 today.
15	18 Elaine, could you please take roll?
16oOo 17	19 BOARD CLERK GANINO: Yes, Mr. Chairman.
18	20 Mark Bowen.
19 20	21 BOARD CHAIR BOWEN: Here.
21	22 BOARD CLERK GANINO: Dr. Randy MacMillan.
22	Randy? He's there, I see him there. Randy?
23 24	24 He's not responding. I'll go back and try him again.
25	25 Beth Elroy.
	Page 2 Page 4
1 INDEX	1 BOARD MEMBER ELROY: Here.
Page 3	2 BOARD CLERK GANINO: John Sigler.
Proceedings 4	3 BOARD MEMBER SIGLER: Here.
4 Agenda Item Number 1	4 BOARD CLERK GANINO: Clayton Steele.
5 Motion 6	5 He's online also.
Modeli 6	6 BOARD MEMBER STEELE: Here.
Vote 6	7 BOARD CHAIR BOWEN: There we go.
Executive Session 7	8 BOARD CLERK GANINO: Pat Purdy.
8 Motion 7	9 BOARD MEMBER PURDY: Here.
9	10 BOARD CLERK GANINO: We'll go back to Randy
Vote 8	11 MacMillan.
Agenda Item Number 2	12 VICE CHAIR MACMILLAN: Here.
Motion 9	BOARD MEMBER BOWEN: There we go.
Discussion 10	14 VICE CHAIR MACMILLAN: I'm here.
13	BOARD CHAIR BOWEN: We got you, Randy. Thanks.
Vote 18 14	16 VICE CHAIR MACMILLAN: All right.
Closing 18	17 BOARD CHAIR BOWEN: And Carol's not joining us;
15 Motion 18	18 correct?
16 Vote 19	19 BOARD CLERK GANINO: Correct.
17	20 BOARD CHAIR BOWEN: Okay. All right. So the
18oOo 19	21 Board
20	22 BOARD MEMBER STEELE: Clayton Steele here.
21 22	23 BOARD CHAIR BOWEN: Clayton, we've got
23	24 everybody. Thank you.
24 25	25 BOARD MEMBER STEELE: Okay. Thanks.
	Page 3 Page 5

21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. 26 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD MEMBER STELE: Aye. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CHAIR BOWEN: There we go. 13 BOARD MEMBER PURDY: Aye. 14 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 20 executive session. 21 Slake to Perpetua Resources Idaho, Inc., Agency Case Page 8 22 We're now on agenda item number 2, Amended 23 Petition for Review of Preliminary Orders Filed in the 24 Matter of Air Quality Permit to Consent Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 26 Inumber 0101-22-01, OAH case number 23-245. 27 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 26 BOARD MEMBER SIGLER: Aye. 27 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 28 Number one. DEQ acted responsibly in determining to etermining that Perpetua will have legal control of the Stibnite Road access route such that it could properly be excluded from consideration as ambient air. 29 Stibilite Road access route such that it could properly be excluded from the consideration as ambient air. 20 Most of the Stibnite Road access route such that it is could properly be excluded from the consideration as ambient air. 21 Number 2. DEQ acted responsibly in determining 13 that Perpetua with will have physical and practical 14 control of the Stibnite Road access route such that it 15 coul				
3 BOARD CHAIR BOWEN: We have a motion and a 4 is present to record the Board's discussion. 5 We will now move on to the agenda items. Agenda 6 mumber 1 is the option for the Board to go into executive 7 session. 1 will entertain a motion. 8 BOARD MEMBER ELENDY: I move the Board enter into 9 executive session pursuant to IC 74-206(1)(D to 10 communicate with legal counsel for the public agency to 11 discuss the legal ramifications of and legal options for 12 pending litigation, or controversies not yet being 13 litigated but minimently likely to be litigated. 14 I request that a roll call vote be taken and 15 that vote be recorded in the minutes of this meeting. 16 BOARD CHAIR BOWEN: We have a motion. 17 second? 18 VICE CHAIR MACMILLAN: Aye. 18 VICE CHAIR MACMILLAN: Second. 19 (Reporter clarification.) 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 roll vote. 22 roll vote. 23 BOARD CHAIR BOWEN: Aye. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 BOARD CLERK GANINO: Yes, Mr. Chairman. 26 BOARD CLERK GANINO: Yes, Mr. Chairman. 27 Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Yes, Mr. Chairman. 28 Page 7 1 BOARD CHAIR BOWEN: Aye. 3 BOARD CLERK GANINO: Horizon. 4 BOARD CLERK GANINO: Horizon. 5 BOARD CLERK GANINO: Or. Randy MacMillan. 5 VICE CHAIR MACMILLAN: Aye. 6 BOARD CLERK GANINO: Par Pardy. 7 BOARD MEMBER FLEADY: Aye. 8 BOARD CLERK GANINO: Horizon. 8 BOARD CLERK GANINO: Horizon. 9 BOARD CLERK GANINO: Horizon. 9 BOARD CLERK GANINO: Horizon. 10 BOARD CLERK GANINO: Horizon. 11 mumber 0101-22-01, OAH case number 23-245. 12 BOARD CLERK GANINO: Horizon. 13 final order prior to service of a written order within 56 14 days of the March 14th, 2024 oral argument. 15 Till entertain a motion. 16 Thank you. 17 Gheeupon there was a brief recess.) 18 BOARD CLERK GANINO: The motion has carried. We have a motion as taken during the substantial thank you. 19 GOARD CLERK GANINO: Horizon. 10 GOARD CLERK GANINO: Seed. 11 BOARD CLERK GANINO: Seed. 12 BOARD CLERK GANINO: Seed. 13 Final Page Page 10 BOARD GARD CLERK GANINO: Se	1 BOARD CHA	IR BOWEN: The Board intends to take	1	BOARD CHAIR BOWEN: Do we have a second?
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13 litigated but imminently likely to be litigated. 14 I request that a roll call vote be taken and 15 that vote be recorded in the minutes of this meeting. 16 BOARD CLERK GANINO: John Sigler. 17 a second? 18 VICE CHAIR MACMILLAN: Second. 19 (Reporter clarification.) 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Pat Purdy. 25 Mark Bowen. 26 BOARD CLERK GANINO: Pat Purdy. 27 Page 6 28 Page 8 29 Li BOARD CLERK GANINO: Pat Purdy. 29 BOARD CLERK GANINO: Pat Purdy. 20 BOARD CLERK GANINO: Pat Purdy. 20 BOARD CLERK GANINO: Pat Purdy. 21 BOARD MEMBER PICEDY: Aye. 22 We're now on agenda item number 2, Amended 23 Petition for Review of Preliminary Orders Filed in the 24 Matter of Air Quality Permit to Consent - Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 21 BOARD CLERK GANINO: Beth Eiroy. 22 We're now on agenda item number 2, Amended 23 Petition for Review of Preliminary Orders Filed in the 24 Matter of Air Quality Permit to Consent - Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 21 BOARD CLERK GANINO: Beth Eiroy. 22 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 days of the March 14th, 2024 oral argument. 23 Page 7 24 BOARD CLERK GANINO: Clayton Steele. 25 BOARD MEMBER STEELE: Aye. 26 BOARD CLERK GANINO: Steele. 27 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 days of the March 14th, 2024 oral argument. 26 BOARD MEMBER STEELE: Aye. 27 The Steep of the March 14th, 2024 oral argument. 28 BOARD CLERK GANINO: Pat Purdy. 39 BOARD MEMBER STEELE: Aye. 40 days of the March 14th, 2024 oral argument. 41 BOARD CLERK GANINO: Pat Purdy. 42 BOARD CLERK GANINO: Pat Purdy. 43 BOARD MEMBER STEELE: Aye. 44 days of the March 14th, 2024 oral argument. 45 Will now move to executive session. 46 BOARD CLERK GANINO: Pat Purd	11 discuss the legal ran	nifications of and legal options for	11	VICE CHAIR MACMILLAN: Aye.
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15 that vote be recorded in the minutes of this meeting. 16 BOARD CHAIR BOWEN: We have a motion. Is there 17 a second? 18 VICE CHAIR MACMILLAN: Second. 19 (Reporter clarification.) 19 (Reporter clarification.) 19 (Reporter clarification.) 19 BOARD MEMBER STEELE: Aye. 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. 26 Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CHAIR BOWEN: Aye. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Pr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD MEMBER SIGLER: Aye. 11 BOARD MEMBER SIGLER: Aye. 11 BOARD MEMBER SIGLER: Aye. 11 BOARD MEMBER SIGLER: Aye. 12 BOARD MEMBER SIGLER: Aye. 13 Final order prior to service of a written order within 56 days of the March 14th, 2024 oral argument. 5 Till entertain a motion. 6 BOARD MEMBER SIGLER: Aye. 10 BOARD MEMBER SIGLER: Aye. 11 BOARD MEMBER SIGLER: Aye. 12 BOARD MEMBER SIGLER: Aye. 13 BOARD MEMBER SIGLER: Aye. 14 BOARD CLERK GANINO: Pat Purdy. 15 Will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session and that the meeting of 21 conditions that will achieve 93.3 percent dust control. 20 BOARD MEMBER ELROY: I move that the Board 21 conditions that will achieve 93.3 percent dust control. 21 tesolve out of executive session and that the meeting of 22 the minutes reflect that no action was taken during the 23 support DEQs evaluation of the ambient air 24 concentration. 25 MS. YRIBAR: Clayton. 26 BOARD CHAIR BOWEN: We have a motion. 27 The DEQ Board moves to remand this matt	13 litigated but immine	ntly likely to be litigated.	13	BOARD MEMBER ELROY: Aye.
16 BOARD CHAIR BOWEN: We have a motion. Is there 17 a second? 18 VICE CHAIR MACMILLAN: Second. 19 (Reporter clarification.) 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 21 orll vote. 22 BOARD CLERK GANINO: Yes, Mr. Chairman. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. 26 Page 6 1 BOARD CHAIR BOWEN: Aye. 27 BOARD CHAIR BOWEN: Aye. 28 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 10 BOARD MEMBER SIGLER: Aye. 11 BOARD MEMBER SIELE: Aye. 12 BOARD CLERK GANINO: Clayton Steele. 13 BOARD CLERK GANINO: Pat Purdy. 14 BOARD CLERK GANINO: We'll now call a 15 will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: The motion has carried. We 19 motion. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 21 essolve out of executive session and that the meeting of 22 executive session. 21 BOARD CHAIR BOWEN: We have a motion. 22 Me're now on agenda item number 2, Amended 21 resolve on free roor of after executive session. 23 Page 8 24 BOARD CHAIR BOWEN: Aye. 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 26 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 26 BOARD MEMBER SIGLER: Aye. 27 Ill entertain a motion. 28 Number one. DEQ acted responsibly in determining the 24 control of the Stibnite Road access route such that it could properly be 2 could properly be excluded from the consideration as ambient air. 29 Number 3. DEQ did not violate the air rules by 3 allowing Perpetua to submit some plans after the PTC was 1 issued. 20 Number 4. The PTC includes enforceable 21 conditions that will achieve 93.3 percent dust control. 21 Evolve out of execut	14 I request that a	roll call vote be taken and	14	BOARD CLERK GANINO: John Sigler.
16 BOARD CHAIR BOWEN: We have a motion. Is there 17 a second? 18 VICE CHAIR MACMILLAN: Second. 19 (Reporter clarification.) 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 21 orl vote. 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Yes, Mr. Chairman. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: John Sigler. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: Clayton Steele. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 10 BOARD MEMBER STEELE: Aye. 11 BOARD CLERK GANINO: Pat Purdy. 12 BOARD CLERK GANINO: Pat Purdy. 13 BOARD CLERK GANINO: Pat Purdy. 14 BOARD CLERK GANINO: Pat Purdy. 15 Will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: The motion has carried. We board out of executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: All right. I'll entertain a motion. 19 BOARD CHAIR BOWEN: All right. I'll entertain a motion. 19 Mordon. 10 BOARD MEMBER STEELE: Aye. 11 BOARD CLERK GANINO: Pat Purdy. 12 Number 2. DEQ acted responsibly in determining that Perpetua will have physical and practical and ambient air. 19 motion. 10 We the was a brief recess.) 11 excluded from consideration as ambient air. 11 Poet Qualter of the Stibnite Road access route such that it could properly be excluded from the consideration as ambient air. 19 motion. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 21 conditions that will achieve 93.3 percent dust control. 21 Evestive of Preliminary Orders Filed in the entermining the 24 more price of a written order within 56 days of the March 14th, 2024 oral argument. 25 I this is an action item to discuss and adopt a days of the March 14th,	15 that vote be recorded	d in the minutes of this meeting.	15	BOARD MEMBER SIGLER: Aye.
18 BOARD CLERK GANINO: Pat Purdy. 19 GReporter clarification.) 20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CLERK GANINO: Yes, Mr. Chairman. 26 Ve're now on agenda item number 2, Amended 27 Sesued to Perpetua Resources Idaho, Inc., Agency Case 28 Page 8 1 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 9 He's online also. 10 BOARD MEMBER STEELE: Aye. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CHAIR BOWEN: The motion has carried. We'll will now move to executive session. 14 BOARD CHAIR BOWEN: All right. I'll entertain a motion. 15 Will now move to executive session and that the meeting of which will now move to executive session and that the meeting of the mimutes reflect that no action was taken during the 28 executive session. 18 BOARD CHAIR BOWEN: All right. I'll entertain a protion. 29 BOARD MEMBER ELROY: I move that the Board 1 resolve out of executive session and that the meeting of 2 executive session. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 2 executive session and that the meeting of 2 executive session. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 2 executive session. 3 BOARD MEMBER ELROY: I move that the Board 20 Number 4. The PTC includes enforceable 21 conditions that will achieve 93.3 percent dust control. 24 BOARD CHAIR BOWEN: We have a motion. 25 MS. YRIBAR: Clayton. 26 SABORD MEMBER	16 BOARD CHA	IR BOWEN: We have a motion. Is there	e 16	BOARD CLERK GANINO: Clayton Steele.
18 BOARD CLERK GANINO: Pat Purdy.	17 a second?		17	•
20 BOARD CHAIR BOWEN: Randy, Dr. MacMillan. 21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CLERK GANINO: Pr. Randy MacMillan. 26 BOARD CLERK GANINO: Dr. Randy MacMillan. 27 This is an action item to discuss and adopt a 28 BOARD CLERK GANINO: Beth Eiroy. 29 BOARD CLERK GANINO: Beth Eiroy. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Eiroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD MEMBER SIGLER: Aye. 8 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD MEMBER STEELE: Aye. 11 BOARD MEMBER STEELE: Aye. 12 BOARD CLERK GANINO: Pat Purdy. 13 BOARD CLERK GANINO: Pat Purdy. 14 BOARD CLERK GANINO: Pat Purdy. 15 will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: All right. I'll entertain a pomotion. 20 BOARD MEMBER ELROY: I move that the Board cression. 21 BOARD MEMBER ELROY: I move that the Board cression. 22 Member 3. DEQ did not violate the air rules by 18 allowing Perpetua to submit some plans after the PTC was insufficient evidence to 23 support DEQ's evaluation of the ambient air 24 Matter of Air Quality Permit to Consent - Construct 24 Matter of Air Quality Permit to Consent - Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 24 Matter of Air Quality Permit to Consent - Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 25 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 5 Ill entertain a motion. 6 BOARD MEMBER ELROY: I move based on the 6 foregoing, the DEQ Board finds: 8 Number one. DEQ acted responsibly in determining that Perpetua will have legal control of the 20 Stibnite Road access route such that it control of the Stibnite Road access route such that it control of the Stibnite Road access route such that it control of the Stibnite Road access route s	18 VICE CHAIR	MACMILLAN: Second.	18	BOARD CLERK GANINO: Pat Purdy.
21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. 26 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD MEMBER STELE: Aye. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CHAIR BOWEN: There we go. 13 BOARD MEMBER PURDY: Aye. 14 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 20 executive session. 21 Slake to Perpetua Resources Idaho, Inc., Agency Case Page 8 22 We're now on agenda item number 2, Amended 23 Petition for Review of Preliminary Orders Filed in the 24 Matter of Air Quality Permit to Consent Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 26 Inumber 0101-22-01, OAH case number 23-245. 27 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 26 BOARD MEMBER SIGLER: Aye. 27 This is an action item to discuss and adopt a 3 final order prior to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 28 Number one. DEQ acted responsibly in determining to etermining that Perpetua will have legal control of the Stibnite Road access route such that it could properly be excluded from consideration as ambient air. 29 Stibilite Road access route such that it could properly be excluded from the consideration as ambient air. 20 Most of the Stibnite Road access route such that it is could properly be excluded from the consideration as ambient air. 21 Number 2. DEQ acted responsibly in determining 13 that Perpetua with will have physical and practical 14 control of the Stibnite Road access route such that it 15 coul	19 (Reporter clari	fication.)	19	BOARD MEMBER PURDY: Aye.
21 We have a motion and a second. We'll now call a 22 roll vote. 23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 9 He's online also. 10 BOARD CHAIR BOWEN: There we go. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CHAIR BOWEN: There we go. 13 BOARD CHAIR BOWEN: The motion has carried. We will now move to executive session. 22 More now on agenda item number? Amended 23 Petition for Review of Preliminary Orders Filed in the Matter of Air Quality Permit to Consent	20 BOARD CHA	IR BOWEN: Randy, Dr. MacMillan.	20	BOARD CHAIR BOWEN: Motion carries. So we ar
23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD MEMBER STEELE: Aye. 11 BOARD CHAIR BOWEN: There we go. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CLERK GANINO: Pat Purdy. 13 BOARD MEMBER PURDY: Aye. 14 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: I move that the Board protocolor of the received of the minutes reflect that no action was taken during the pool of the ambient air. 20 BOARD MEMBER ELROY: I move that the meeting of 22 the minutes reflect that no action was taken during the 23 support DEQ's evaluation of the ambient air. 24 BOARD CHAIR BOWEN: We have a motion. 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 26 Matter of Air Quality Permit to Consent Construct 25 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 26 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 27 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 28 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 29 Issued to Perpetua Resources Idaho, Inc., Agency Case Page 8 20 Inumber 0101-22-01, OAH case number 23-245. 2 This is an action item to discuss and adopt a final or page of the March 14th, 2024 oral argument. 5 I'll entertain a motion. 6 BOARD MEMBER ELROY: I move based on the 6 BOARD MEMBER ELROY: I move based on the 7 foregoing, the DEQ Board finds: 8 Number one. DEQ acted responsibly in 9 determining that Perpetua will have legal control of the 10 Stibnite Road access route such that it could properly be 11 excluded from consideration as ambient air. 12 Number 2. DEQ acted responsibly in determining 13 that Perpetua what will have physical and			21	back on the record after executive session.
23 Elaine. 24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD CLERK GANINO: Clayton Steele. 9 He's online also. 10 BOARD CLERK GANINO: Pat Purdy. 11 BOARD CHAIR BOWEN: There we go. 12 BOARD CLERK GANINO: Pat Purdy. 13 BOARD MEMBER STEELE: Aye. 14 BOARD CHAIR BOWEN: The motion has carried. We 15 will now move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: I move that the Board protein of the Stibnite Road access route such that it could properly be excluded from the consideration as ambient air. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: I move that the Board protein of the Stibnite Road access route such that it could properly be excluded from the consideration as afficient air. 15 could properly be excluded from the consideration as afficient air. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: All right. I'll entertain a protein to service of a written order within 56 days of the March 14th, 2024 oral argument. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD CHAIR BOWEN: There we go. 19 Could properly be excluded from the consideration as ambient air. 19 motion. 10 BOARD MEMBER ELROY: I move that the Board land what will have physical and practical and practical land properly be excluded from the consideration as affect the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to submit some plans after the PTC was lallowing Perpetua to su	22 roll vote.		22	We're now on agenda item number 2, Amended
24 BOARD CLERK GANINO: Yes, Mr. Chairman. 25 Mark Bowen. Page 6 Page 6 26 Matter of Air Quality Permit to Consent Construct 27 Issued to Perpetua Resources Idaho, Inc., Agency Case 28 Page 8 29 BOARD CHAIR BOWEN: Aye. 20 BOARD CLERK GANINO: Dr. Randy MacMillan. 31 VICE CHAIR MACMILLAN: Aye. 41 BOARD CLERK GANINO: Beth Elroy. 42 BOARD CLERK GANINO: Beth Elroy. 43 final order prior to service of a written order within 56 44 days of the March 14th, 2024 oral argument. 45 I'll entertain a motion. 46 BOARD MEMBER SIGLER: Aye. 47 BOARD MEMBER SIGLER: Aye. 48 BOARD CLERK GANINO: Clayton Steele. 49 He's online also. 40 BOARD MEMBER STEELE: Aye. 41 BOARD CHAIR BOWEN: There we go. 41 BOARD CHAIR BOWEN: The motion has carried. We 41 BOARD CHAIR BOWEN: The motion has carried. We 41 BOARD CHAIR BOWEN: The motion has carried. We 42 Will now move to executive session. 43 BOARD MEMBER ELROY: I move that the Board 44 BOARD CHAIR BOWEN: All right. I'll entertain a 45 motion. 46 Thank you. 47 CIThereupon there was a brief recess.) 48 BOARD MEMBER ELROY: I move that the Board 49 motion. 40 BOARD MEMBER ELROY: I move based on the 41 control of the Stibnite Road access route such that it could properly be 41 control of the Stibnite Road access route such that it 41 control of the Stibnite Road access route such that it 42 control of the Stibnite Road access route such that it 43 BOARD CHAIR BOWEN: All right. I'll entertain a 44 BOARD CHAIR BOWEN: All right. I'll entertain a 45 motion. 46 MS. YRIBAR: Clayton. 47 Matter of Air Quality Permit to Consent Construct 48 Matter of Air Quality Permit to Consent Construct 49 BOARD CHAIR BOWEN: Ape. 40 Matter of Air Quality Permit to Consent and adopt a 41 days of the March 14th, 2024 oral argument. 51 Fill entertain a motion. 61 BOARD MEMBER ELROY: I move based on the 62 BOARD CHAIR BOWEN: The motion has carried. We 63 BOARD CHAIR BOWEN: We have a motion. 64 MS. YRIBAR: Clayton. 65 BOARD MEMBER ELROY: I move based on the 76 foregoing, the DEQ Board index. 66 BOARD MEMBER ELROY: I	23 Elaine.		23	
25 Mark Bowen. Page 6 BOARD CHAIR BOWEN: Aye. DOARD CLERK GANINO: Dr. Randy MacMillan. WICE CHAIR MACMILLAN: Aye. BOARD CLERK GANINO: Beth Elroy. BOARD MEMBER ELROY: Aye. BOARD MEMBER ELROY: John Sigler. BOARD MEMBER SIGLER: Aye. BOARD MEMBER SIGLER: Aye. BOARD MEMBER STEELE: Aye. BOARD MEMBER STEELE: Aye. BOARD MEMBER STEELE: Aye. BOARD MEMBER STEELE: Aye. BOARD MEMBER FURDY: Aye. BOARD MEMBER PURDY: Aye. BOARD MEMBER PURDY: Aye. Collaboration of the motion has carried. We board or executive session. Mill mow move to executive session and that the meeting of motion. BOARD MEMBER ELROY: I move that the Board or the motion was taken during the minutes reflect that no action was taken during the minutes reflect that no action was taken during the motion. 25 MS. YRIBAR: Clayton. 10 BOARD CHAIR BOWEN: We have a motion. 25 MS. YRIBAR: Clayton. 26 BOARD CHAIR BOWEN: We have a motion. 27 Stibute to Perpetua Resources Idaho, Inc., Agency Case Page 8 BOARD CHAIR BOWEN: Age. 1 number 0101-22-01, OAH case number 23-245. 2 This is an action item to discuss and adopt a days of the March 14th, 2024 oral argument. 5 The is an action item to discuss and adopt a days of the March 14th, 2024 oral argument. 5 The number 0101-22-01, OAH case number 23-245. 1 number 0101-22-01, OAH case number 23-245. 1 number 0101-22-01, OAH case number 23-245. 1 This is an action item to discuss and adopt a days of the March 14th, 2024 oral argument. 5 The hem Carrier to service of a written order within 56 4 days of the March 14th, 2024 oral argument. 5 The treat in a motion. 1 number 0101-22-01, OAH case number 23-245. 1 number 0101-22-01, OAH case number 23-245. 1 huther of 101-22-01, OAH case number 23-245. 1 huther of 10	24 BOARD CLEI	RK GANINO: Yes, Mr. Chairman.	I	•
1 BOARD CHAIR BOWEN: Aye. 2 BOARD CLERK GANINO: Dr. Randy MacMillan. 3 VICE CHAIR MACMILLAN: Aye. 4 BOARD CLERK GANINO: Beth Elroy. 5 BOARD MEMBER ELROY: Aye. 6 BOARD CLERK GANINO: John Sigler. 7 BOARD MEMBER SIGLER: Aye. 8 BOARD MEMBER SIGLER: Aye. 9 He's online also. 9 determining that Perpetua will have legal control of the 10 BOARD MEMBER STEELE: Aye. 10 BOARD MEMBER STEELE: Aye. 11 BOARD MEMBER PURDY: Aye. 12 BOARD MEMBER STEELE: Aye. 13 BOARD MEMBER PURDY: Aye. 14 BOARD CLERK GANINO: Pat Purdy. 15 BOARD MEMBER PURDY: Aye. 16 BOARD MEMBER PURDY: Aye. 17 Stibnite Road access route such that it could properly be 20 determining that Perpetua what will have physical and practical 4 dontrol of the 2 move to executive session. 16 Thank you. 17 (Thereupon there was a brief recess.) 18 BOARD MEMBER ELROY: I move that the Board 19 motion. 29 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 21 conditions that will achieve 93.3 percent dust control. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 22 concentration. 20 BOARD MEMBER ELROY: I move that the Board 21 resolve out of executive session and that the meeting of 22 concentration. 24 BOARD CHAIR BOWEN: We have a motion. 25 MS. YRIBAR: Clayton. 26 BOARD CHAIR BOWEN: We have a motion. 27 BOARD CHAIR BOWEN: We have a motion. 28 BOARD CHAIR BOWEN: We have a motion. 29 BOARD MEMBER ELROY: I move that the Board 21 conditions that will achieve 93.3 percent dust control. 20 Number 5. There was insufficient evidence to 23 support DEQ's evaluation of the ambient air 24 concentration. 29 Concentration. 20 Support DEQ's evaluation of the ambient air 24 concentration.	25 Mark Bowen.		I	
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Page 7 Page 9	25 MS. YRIBAR	: Clayton.	25	The DEQ Board moves to remand this matter to the
		P	age 7	Page 9

1 hearing officer for further factual development in 1 became well versed in numerous aspects of cancer biology, 2 accordance with the terms of this order. 2 including how cancer is initiated, how it -- how cancer 3 We further direct our legal counsel to draft a 3 is promoted, and how it progresses. 4 final order in accordance with the terms of our decision, The biological processes associated with cancer 5 and to serve it on the parties by Thursday, May 9th. 5 are the same whether the cancer occurs in humans, other BOARD CHAIR BOWEN: We have a motion. Do we 6 mammals, fish, or mollusks. 7 have a second? The AACCs that we see in Section 586 of our air 8 BOARD MEMBER PURDY: Second by Pat Purdy. 8 quality rules are air emission concentration limits 9 BOARD CHAIR BOWEN: We have a motion and a 9 exclusively intended to minimize the risk of starting 10 second. We will now have a general discussion. I'd open 10 cancer. Cancer starts when a carcinogen such as arsenic 11 it to Board members to discuss any of the items, 1 11 is inhaled and causes mutation in cellular DNA. That 12 through 5. 12 mutation is inheritable, meaning it is passed from the 13 MS. YRIBAR: You want to just call on people? 13 mutate cell to daughter cells. 14 BOARD CHAIR BOWEN: Yeah, let's start. 14 Also, depending on various physiological 15 Dr. MacMillan, I'll start with you. 15 variables, cancer can quickly or slowly lead to 16 VICE CHAIR MACMILLAN: Mr. Chairman, I do not 16 uncontrolled, neoplastic cell growth that is cancerous 17 believe DEQ's creation and application of a 17 cell growth, and development of a tumor grossly 18 project-specific adjustment factor can be supported by 18 recognized as cancer. 19 Idaho's air quality rules. I believe DEQ has 19 One of the challenges of cancer as a human 20 misinterpreted how the acceptable ambient concentration 20 disease is that it is not readily recognized in its early 21 for carcinogens, the AACC, must be applied if it is to 21 stages. This should not be surprising when you consider 22 comply with our air quality rules. 22 that humans contain 10 to 100 trillion cells. 23 23 Further, and most disturbing to me, is that the Often it is only after considerable growth that 24 creation of a project-specific adjustment factor suggests 24 a grossly or histologically recognizable cancer becomes 25 that there is a significant ignorance about cancer, 25 evident. Sometimes it's not detected until a person Page 10 Page 12 1 carcinogens, and carcinogenosis. 1 feels ill, seeks medical attention, or dies. 2 To reiterate, once cancer is initiated, While DEQ experts correctly identified the AACC 3 neoplastic, uncontrolled cellular replication may occur 3 as the gold standard for minimizing cancer risk, they 4 relatively quickly, or it may take many years, perhaps 4 failed to recognize that the ACC -- the AACC 5 more than 70 years for detection of a recognizable 5 fundamentally functions to limit the initiation of 6 cancer. 6 cancer, not only after 70 years, but every day of a The take-home message is the cancer starts well 7 person's life, starting at birth. By applying the, what I would call short-sighted 8 before it is recognized. You don't need 70 years for it 9 project-specific adjustment factor to the Stibnite Gold 9 to appear. There are multiple variables that impact the 10 Project, DEQ created a misleading risk analysis that 10 initiation, promotion, and progression of cancer, such as 11 age, immune status, comorbidities, and co-factors. 11 greatly underestimates the actual cancer risk. 12 The co-factor with the Stibnite Gold Project 12 With your permission, Mr. Chairman, I would like 13 would be dust, particularly pm 2.5 or smaller particles, 13 to explain further. 14 BOARD CHAIR BOWEN: Go ahead, Dr. MacMillan. 14 all of which contain arsenic. 15 BOARD MEMBER MCMAHON: Mr. Chairman? 15 Inhaled dust can linger for extended periods in 16 our lungs. Such dust is associated with a variety of 16 BOARD CHAIR BOWEN: Yes, go ahead. 17 BOARD MEMBER MCMAHON: By way of background, the 17 pathologic processes that can amplify or enhance the 18 development. 18 Board should know that I have received considerable 19 19 graduate education, was a senior research fellow But most germane in this contested case are 20 carcinogen dose and duration. The greater the dose of 20 conducting post-doctoral research, and spent considerable 21 carcinogen exposure, the greater is the chance of cancer 21 part of my career as a research comparative pathologist. 22 initiation; the longer the duration of carcinogen 22 Prior to entering a private enterprise here in Idaho, I exposure, the greater is the risk of developing cancer. 23 was a professor of veterinary and aquatic animal 24 24 medicine. Low dose exposure, as embodied in the AACC and

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25 applied daily for up to 70 years, would be expected to

Page 11

25

During my training, teaching, and research, I

1 limit cancer to only a one in one million chance. 1 new cancer risks. 2 The higher dose, such as associated with this 2. Thank you. 3 short-term project in a T-RACT acceptable concentrations, 3 BOARD CHAIR BOWEN: Thank you, Dr. MacMillan. 4 would be expected to limit cancer to one in 100,000 4 Ms. Elroy, any comments? BOARD MEMBER ELROY: Yes. Dr. MacMillan very 5 chances, even after 70 years. 5 DEO concluded that the Stibnite gold project 6 eloquently expressed my opinion as well. 7 cancer risk exceeds the AACC associated risk and exceeds I will share with all of the parties of this 8 the T-RACT associated risk. 8 case that the Board has extensive technical knowledge and The Idaho rules are not ambiguous. There is an 9 experience associated with, as Randy explained, as well 10 acceptable risk associated with the AACC standard. There 10 as decades of air permitting experience on this Board. 11 is an an acceptable risk associated with DEQ-approved 11 So we do feel like due to the Board's expertise, it 12 T-RACT projects, and there is an acceptable risk 12 greatly helped us navigate through a very challenging 13 associated with the short-term project that is five years 13 contested case. 14 or less. There are no other acceptable risks identified 14 I do want to call out the legal support that we 15 in Idaho's air quality rules. 15 received by the Deputy Attorney General Ann Yribar. Her 16 DEQ's project-specific adjustment factor creates 16 legal expertise absolutely helped us also navigate 17 a new, higher level of cancer risk for 16 years. DEQ 17 through this case, and I do want to just say thank you to 18 assumes 70 years is required for cancer to develop. That 18 Ann and recognize her for her expertise and support in 19 is an incorrect assumption. 19 navigating us through this case. 20 The AACC, the T-RACT, and short-term AACC 20 Thank you. 21 emission exposure limits are actually daily limits that 21 BOARD CHAIR BOWEN: Thank you. 22 apply over a person's entire lifetime, regardless of how 22 Mr. Sigler, any comments? 23 long they live. The acceptable cancer risk remains one 23 BOARD MEMBER SIGLER: Yes, this is John Sigler. 24 in one million or one in 100,000. Higher carcinogen 24 I concur with Dr. MacMillan's summary and added 25 doses increase the cancer risk every day of a person's 25 comments. I think that very adequately and accurately Page 14 Page 16 1 life. A higher daily dose for 16 years elevates the 1 puts forward not only the review that's been done by the 2 cancer risk even more. 2 Board, but technical experts and the legal staff, that 3 Application of the project-specific adjustment 3 going forward we will have a solid foundation for 4 factor allows DEQ to ignore 16 years of higher cancer 4 providing the instructions that we're going to do here 5 initiation risk. The PTC proposes to allow 16 years 5 shortly. 6 higher daily carcinogen doses, and disguises such doses 6 BOARD CHAIR BOWEN: Thank you. 7 using a non-rules-based mathematics. Use of the 7 BOARD MEMBER SIGLER: That's all. 8 project-specific adjustment factor ignores 16 years of BOARD CHAIR BOWEN: Thank you. 9 cancer initiation due to higher carcinogenic arsenic dose Mr. Steele, any comments? 10 that is otherwise allowed by rule. The AACC, the T-RACT, 10 BOARD MEMBER STEELE: No, I do not have any 11 and short-term project AACCs dictate an annual average 11 comments. 12 compliance. 12 BOARD CHAIR BOWEN: Thank you. 13 DEQ further violates this compliance point by Mr. Purdy, any comment? discussion? 13 14 instituting a five-year rolling average compliance. Such BOARD MEMBER PURDY: Sorry. Trying to find the 14 15 a creative compliance point allows even further departure 15 unmute button. 16 from our air quality goals, and specifically compliance 16 No, I do not have any comments. Thank you. 17 with Section 161 of our air quality rules. 17 BOARD CHAIR BOWEN: Thank you. I'd just like to 18 And personally it grieves me to disagree with 18 add a general discussion to just --19 DEQ. I regard DEQ staff as a team of environmental 19 The Board would like to acknowledge the effort 20 heroes. They have a daunting task to protect our 20 of all participants. There's been a tremendous amount of 21 environment and, in particular, help the people, animals, 21 work on everybody's behalf on this. We understand how

25 health of the citizens of Idaho.
Page 17

5 (Pages 14 - 17)

22 complicated and how much work has gone into this. We

23 want to express gratitude for everybody's participation.

24 I think everybody here is interested in the safety and

Page 15

22 and plants, while fostering financial success. But even

25 quality rule, and they do not have authority to create

In my opinion, DEQ has misapplied the Idaho air

23 heroes make mistakes.

	CORRECT	
1	And I also would like to acknowledge and thank	1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER
2	the work of our Attorney General, Ms. Yribar, her	2 2 STATE OF IDALIO
3	assistance.	3 STATE OF IDAHO }
4	So with that, we have a motion and a second.	4 COUNTY OF ADA }
5	Elaine, will you take the roll, please?	5
6	BOARD CLERK GANINO: Yes, Mr. Chairman.	6 I, DORIS M. BAILEY, CSR NO. SRL-1074, a
7	Mark Bowen.	7 Certified Shorthand Reporter, certify:
8	BOARD CHAIR BOWEN: Aye.	8 That the proceedings were transcribed by me or
9	BOARD CLERK GANINO: Dr. Randy MacMillan.	9 under my direction, to the best of my ability;
10	BOARD CHAIR BOWEN: Randy, you need to unmute.	That the foregoing is a true and correct 11 transcription of all proceedings, to the best of my
11	VICE CHAIR MACMILLAN: I was, but aye.	12 ability;
12	BOARD CHAIR BOWEN: Thank you.	13 That I am not a relative or employee of any
13	BOARD CLERK GANINO: Beth Elroy.	14 attorney or party;
14	BOARD MEMBER ELROY: Aye.	15 I further certify that I am not financially
15	BOARD CLERK GANINO: John Sigler.	16 interested in the action.
16	BOARD MEMBER SIGLER: Aye.	17 IN WITNESS WHEREOF, I set my hand and seal this
17	BOARD CLERK GANINO: Clayton Steele.	18 9th day of May, 2024. 19
18	BOARD MEMBER STEELE: Aye.	20 planis M. Bauley
19	BOARD CLERK GANINO: Pat Purdy.	DUKIS M. BAILEY
20	BOARD MEMBER PURDY: Aye.	21 CSR #SRL-1074, RPR, CRR
21	BOARD CHAIR BOWEN: Motion carried.	Notary Public
22	We've reached the end of our agenda today. I'd	Post Office Box 2636
23	entertain a motion to adjourn.	Boise, Idaho 83701-2636
24	BOARD MEMBER ELROY: So moved.	24 My Commission Expires: June 12, 2028
25	BOARD CHAIR BOWEN: Do I have a second?	25 25
	Page 18	Page 20
1	BOARD MEMBER SIGLER: This is John. I second.	
2	BOARD CHAIR BOWEN: We have a motion and a	
	second. All in favor say Aye.	
4	(AYES.)	
5	BOARD CHAIR BOWEN: Any opposed?	
6	(NO RESPONSE.)	
7	BOARD CHAIR BOWEN: Hearing none, we stand	
	adjourned.	
9	(Proceedings concluded at 11:35 a.m.)	
10	(Troccounts concluded at 11.55 a.m.)	
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[0101-22-01 - applied]

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Idaho Rules of Civil Procedure

Rule 30

- (e) Review by the Witness; Changes.
- (1) Unless waived by the deponent and the parties, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which (A) to review the transcript or recording; and (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them. (2) Changes indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30 (f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period. (3) Witness Failure to Sign. (A) General, If the deposition is not signed by the witness within the 30-day period, the officer must sign it and state on

the record the fact of the waiver of

signature, or of the illness or absence

of the witness or the fact of the refusal to sign the deposition together with any reason given for not signing.

(B) Use of Unsigned Deposition. The deposition may be used as if it were signed, unless pursuant to Rule 32 (d) (4) the court determines that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES

ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1,

2019. PLEASE REFER TO THE APPLICABLE STATE RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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