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BEFORE THE BOARD OF ENVIRONMENTAL QUALITY
STATE OF IDAHO

IN THE MATTER OF AIR QUALITY)	
PERMIT TO CONSTRUCT)	
P-2019.0047)	
)	
NEZ PERCE TRIBE, IDAHO)	Agency Case No.
CONSERVATION LEAGUE, and)	0101-22-01
SAVE THE SOUTH FORK SALMON,)	
)	OAH Case No. 23-245-01
Petitioners,)	
)	
vs.)	
)	
IDAHO DEPARTMENT OF)	
ENVIRONMENTAL QUALITY,)	
)	
Respondent,)	
)	
and)	
)	
PERPETUA RESOURCES, IDAHO,)	
INC.,)	
)	
)	
Intervenor-Respondent.)	
)	

BOARD OF ENVIRONMENTAL QUALITY MEETING

June 12, 2024

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 NORTH HILTON STREET
BOISE, IDAHO

Reported by:
Misti L. Alcalde, ID CSR #1137, CA CSR #13338, RPR

Board of Environmental Quality Meeting June 12, 2024


<p>1 BOARD OF ENVIRONMENTAL QUALITY MEETING 2 3 4 BOARD MEMBERS APPEARING IN PERSON: 5 MARK BOWEN, Chair 6 DR. JOHN RANDY MACMILLAN, Vice Chair 7 BOARD MEMBERS APPEARING REMOTELY: 8 CAROL MASCAREÑAS, Secretary 9 CLAYTON STEELE 10 PAT PURDY 11 ALSO PRESENT: PAULA WILSON, Paralegal, DEQ ELAINE GANINO, Clerk to the Board 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 2</p>	<p>1 BOARD CLERK GANINO: Carol Mascareñas. 2 BOARD MEMBER MASCAREÑAS: Here. 3 BOARD CLERK GANINO: Clayton Steele. 4 BOARD MEMBER STEELE: Here. 5 BOARD CLERK GANINO: Pat Purdy. 6 Pat, I think you're still on mute. 7 BOARD MEMBER STEELE: Pat, are you here? 8 Pat, are you here for roll? 9 BOARD MEMBER PURDY: Yes. I'm sorry, I 10 thought I said "here." 11 BOARD CHAIR BOWEN: Okay. Thank you. 12 The board attempts to take action at 13 this meeting. No additional statements or oral 14 arguments will be taken at this meeting. The court 15 reporter is present to record the board's decision. 16 We'll now move on to agenda items. 17 Agenda item no. 1, executive session pursuant to 18 Idaho Code 74-206(1)(f). 19 I'll entertain a motion. 20 VICE CHAIR MACMILLAN: Mr. Chairman, I move 21 the board enter into an executive session pursuant 22 to Idaho Code 74-206(1)(f) to communicate with 23 legal counsel for the public agency to discuss the 24 legal ramifications of and legal options for 25 pending litigation or controversies not yet being</p> <p style="text-align: right;">Page 4</p>
<p>1 PROCEEDINGS 2 BOARD CHAIR BOWEN: Okay. We'll call this 3 meeting to order. It's Wednesday, June 12th, 2024, 4 9:00 [sic] a.m. 5 My name is Mark Bowen, chairman of the 6 Idaho Board of Environmental Quality. I call to 7 order the special meeting of the Idaho Board of 8 Environmental Quality. 9 In addition to being a public meeting, 10 we're also on record in the matter of Air Quality 11 Permit to Construct issued to Perpetua Resources 12 Idaho, Inc., agency case no. 0101-22-01, OAH case 13 no. 23-245-01. 14 This special meeting is being held in 15 the state office of The Department of Environmental 16 Quality. For those present in the meeting room, 17 please sign in on the sheet provided by the 18 entrance, but there won't be an opportunity today 19 for public comment. 20 Elaine, could you please take the roll. 21 BOARD CLERK GANINO: Yes, Mr. Chairman. 22 Mark Bowen. 23 BOARD CHAIR BOWEN: Here. 24 BOARD CLERK GANINO: Dr. Randy Macmillan. 25 VICE CHAIR MACMILLAN: Here.</p> <p style="text-align: right;">Page 3</p>	<p>1 litigated but imminently likely to be litigated. I 2 request that a roll call vote be taken and that 3 vote be recorded in the minutes of this meeting. 4 BOARD CHAIR BOWEN: We have a motion. Do we 5 have a second? 6 BOARD MEMBER STEELE: Second. 7 BOARD CHAIR BOWEN: We have a motion and a 8 second. 9 Is there any discussion? 10 Hearing none, we have a motion and a 11 second. We'll now conduct a roll call vote. 12 Elaine. 13 BOARD CLERK GANINO: Mark Bowen. 14 BOARD CHAIR BOWEN: Aye. 15 BOARD CLERK GANINO: Dr. Randy MacMillan. 16 VICE CHAIR MACMILLAN: Aye. 17 BOARD CLERK GANINO: Carol Mascareñas. 18 CAROL MASCAREÑAS: Aye. 19 BOARD CLERK GANINO: Clayton Steele. 20 BOARD MEMBER STEELE: Aye. 21 BOARD CLERK GANINO: Pat Purdy. 22 BOARD MEMBER PURDY: Aye. 23 BOARD CHAIR BOWEN: The motion is carried. 24 We'll now move into executive session. 25 (EXECUTIVE SESSION COMMENCED.)</p> <p style="text-align: right;">Page 5</p>

Board of Environmental Quality Meeting June 12, 2024

<p>1 BOARD CHAIR BOWEN: I'll now entertain a 2 motion to get out of executive session. 3 VICE CHAIR MACMILLAN: Mr. Chairman, I move 4 that the board resolve out of executive session and 5 that the meeting of the minutes reflect that no 6 action was taken during the executive session. 7 BOARD CHAIR BOWEN: We have a motion. 8 Do we have a second? 9 BOARD MEMBER MASCAREÑAS: I second. 10 BOARD CHAIR BOWEN: We have a motion and a 11 second. 12 Elaine, will you take the roll, please. 13 BOARD CLERK GANINO: Yes, Mr. Chairman. 14 Mark Bowen. 15 BOARD CHAIR BOWEN: Aye. 16 BOARD CLERK GANINO: Dr. Randy MacMillan. 17 VICE CHAIR MACMILLAN: Aye. 18 BOARD CLERK GANINO: Carol Mascareñas. 19 BOARD MEMBER MASCAREÑAS: Aye. 20 BOARD CLERK GANINO: Clayton Steele. 21 BOARD MEMBER STEELE: Aye. 22 BOARD CLERK GANINO: Pat Purdy. 23 BOARD MEMBER PURDY: Aye. 24 BOARD CHAIR BOWEN: Motion carries. We're 25 now back on record after executive session. We're</p> <p style="text-align: right;">Page 6</p>	<p>1 denies the request for additional clarification or 2 instructions to the hearing officer. 3 BOARD CHAIR BOWEN: We have a motion. 4 Do we have a second? 5 BOARD MEMBER STEELE: Second. 6 BOARD CHAIR BOWEN: We have a motion and a 7 second. That was Clayton who seconded. 8 Is there any discussion? I'm going to 9 go through the roster for any discussion. 10 Dr. MacMillan, any discussion? 11 VICE CHAIR MACMILLAN: None. 12 BOARD CHAIR BOWEN: Carol Mascareñas, any 13 discussion? 14 BOARD MEMBER MASCAREÑAS: No comments. 15 BOARD CHAIR BOWEN: Clayton Steele, any 16 discussion? 17 BOARD MEMBER STEELE: No. 18 BOARD CHAIR BOWEN: Pat Purdy, any comments? 19 BOARD MEMBER PURDY: No. 20 BOARD CHAIR BOWEN: We will call for a vote. 21 Elaine, would you call for a vote, 22 please. 23 BOARD CLERK GANINO: Yes, Mr. Chairman. 24 Mark Bowen. 25 BOARD CHAIR BOWEN: Aye.</p> <p style="text-align: right;">Page 8</p>
<p>1 moving to agenda item no. 2, discuss and adopt 2 order relative to motions filed on May 23rd, 2024. 3 Petitioners motion for clarification and/or 4 reconsideration and respondent's and intervener 5 respondent's joint motion for reconsideration 6 and/or clarification of final order. 7 This is an action item to discuss and 8 make a decision prior to service of the written 9 order. I'll entertain a motion. 10 VICE CHAIR MACMILLAN: Mr. Chairman, I move 11 that the board order the following: 12 Petitioner's motion for clarification 13 and/or reconsideration is denied. The joint motion 14 for reconsideration and/or clarification of final 15 order is granted in part and denied in part. 16 The Board of Environmental Quality 17 clarifies its decision as to the effective date of 18 the final order. The Board of Environmental 19 Quality denies the request to reconsider its 20 decision on the ambient arsenic concentration 21 issue. 22 The Board of Environmental Quality 23 denies the request to reopen the proceedings or 24 hold additional hearing before the board. 25 The Board of Environmental Quality</p> <p style="text-align: right;">Page 7</p>	<p>1 BOARD CLERK GANINO: Dr. Randy MacMillan. 2 VICE CHAIR MACMILLAN: Aye. 3 BOARD CLERK GANINO: Carol Mascareñas. 4 BOARD MEMBER MASCAREÑAS: Aye. 5 BOARD CLERK GANINO: Clayton Steele. 6 BOARD MEMBER STEELE: Aye. 7 BOARD CLERK GANINO: Pat Purdy. 8 BOARD MEMBER PURDY: Aye. 9 BOARD CHAIR BOWEN: The motion is carried. 10 The board will issue our final written 11 final order either today or tomorrow depending on 12 signatures. 13 We've reached the end of our agenda. 14 I'll entertain a motion to a adjourn. 15 VICE CHAIR MACMILLAN: So moved. 16 BOARD MEMBER STEELE: Second. 17 BOARD CHAIR BOWEN: We have a motion and a 18 second. 19 Will you call roll call vote, Elaine. 20 BOARD CLERK GANINO: Yes, Mr. Chairman. 21 Mark Bowen. 22 BOARD CHAIR BOWEN: Aye. 23 BOARD CLERK GANINO: Dr. Randy MacMillan. 24 VICE CHAIR MACMILLAN: Aye. 25 BOARD CLERK GANINO: Carol Mascareñas.</p> <p style="text-align: right;">Page 9</p>

Board of Environmental Quality Meeting June 12, 2024

1 BOARD MEMBER MASCAREÑAS: Aye.
2 BOARD CLERK GANINO: Clayton Steele.
3 BOARD MEMBER STEELE: Aye.
4 BOARD CLERK GANINO: Pat Purdy.
5 BOARD MEMBER PURDY: Aye.
6 BOARD CHAIR BOWEN: We stand adjourned.
7 Thank you everybody. Thanks for your
8 participation.
9 (Meeting adjourned.)
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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER
2
3 STATE OF IDAHO)
4) ss.
5 COUNTY OF ADA)
6
7 I, MISTI L. ALCALDE, Certified Shorthand
8 Reporter and Notary Public in and for the State of
9 Idaho, do hereby certify:
10 That the proceedings were transcribed by me
11 or under my direction, to the best of my ability;
12 That the foregoing is a true and correct
13 transcription of all proceedings, to the best of my
14 ability;
15 That I am not a relative or employee of any
16 attorney or party;
17 I further certify that I have no financial
18 interest in the event of the action.
19 WITNESS my hand and seal this 20th day of
20 June, 2024.
21
22 
23 MISTI L. ALCALDE
24 RPR and Notary
25 Public in and for the
State of Idaho.
My Commission Expires: 7-7-27

[0101-22-01 - clerk]

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[clerk - macmillan]

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[make - rpr]

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