

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 CONSERVATION LEAGUE, and SAVE THE SOUTH FORK SALMON,)	Agency Case No. 0101-22-01
Petitioners,)	
v.)	NOTICE OF REASSIGNMENT OF PENDING MATTERS
)	
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY,)	
Respondent,)	
)	
and)	
)	
PERPETUA RESOURCES IDAHO, INC.,)	
Intervenor.)	
_____)	

TO ALL PARTIES AND COUNSEL OF RECORD

Pursuant to Idaho Code §§ 67-5280(2)(a) and 67- 5286(1), this matter is hereby reassigned to the Office of Administrative Hearings (OAH), effective January 1, 2023. The Contested Case Transmittal Sheet is attached.

OAH will assign a hearing officer to handle this matter.

DATED December 19, 2022

By 
Jess Byrne, Director
Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, a true and correct copy of the **Notice of Reassignment of Pending Matters** was served on the following:

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CONTESTED CASE TRANSMITTAL SHEET
 State of Idaho – Office of Administrative Hearings

TO: OFFICE OF ADMINISTRATIVE HEARINGS (email: bryan.nickels@oah.idaho.gov)

DATE	December 13, 2022
FROM (Referring Agency/Board)	Board of Environmental Quality
AGENCY CASE/ PROCEEDING NO.	0101-22-01

PARTY/LICENSEE

NAME	Petitioners Nez Perce Tribe, Idaho Conservation League (ICL), Save the South Fork Salmon
ADDRESS	N/A Petitioners' addresses, emails, and phone numbers were not included in petition
EMAIL	N/A
PHONE	N/A

PARTY/LICENSEE ATTORNEY (if any)

NAME	Attorneys for Petitioners Nez Perce Tribe and ICL Bryan Hurlbutt Laird Lucas	Attorney for Petitioner Save the South Fork Salmon Julia Thrower
ADDRESS	Advocates for the West P.O. Box 1612 Boise, ID 83701	Mountain Top Law PLLC 614 Thompson Ave. McCall, ID 83638
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NON-PETITIONER LICENSEE/PERMITTEE (potential intervenor)

NAME	Intervenor Perpetua Resources Idaho, Inc. (Order Approving Petition to Intervene issued 8/22/22)
ADDRESS	N/A Intervenor's address, email, and phone number was not included in petition
EMAIL	N/A
PHONE	N/A

NON-PETITIONER LICENSEE/PERMITTEE ATTORNEY (potential intervenor)

NAME	Attorneys for Intervenor Perpetua Resources Idaho, Inc. Krista McIntyre W. Christopher Pooser Wade Foster	
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AGENCY/BOARD ATTORNEY

NAME	John Shackelford
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SHORT STATEMENT OF THE NATURE OF THE CASE (e.g., "Suspension of license based on following grounds . . .") AND GOVERNING STATUTES

Short statement of the nature of the case
Petitioners are seeking Board review of Air Quality Permit to Construct P-2019.0047 issued by the Department of Environmental Quality on June 17, 2022, to Perpetua Resources Idaho, Inc. for its proposed Stibnite Gold Project.
Governing statutes and administrative rules
The Board of Environmental Quality has legal authority to hear this matter pursuant to the Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code . This proceeding is governed by the Administrative Procedure Act, Chapter 52, Title 67, Idaho Code ; IDAPA 04.11.01, Idaho Rules of Administrative Procedure of the Attorney General ; IDAPA 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records ; and IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho .

ARE THERE SPECIFIC STATUTORY/REGULATORY RULES ON THE TIME FOR HEARING OR DECISION?

YES: NO: X

[OAH typically sets hearings based on parties' availability and agreement with written decision no later than the end of the month following the month the hearing was held]

If yes:

Deadline for hearing		
Deadline for decision		
Statute(s)/Rule(s) citation		

HAS ANY PARTY TO THE CONTESTED CASE PROCEEDING REQUESTED INTERIM, EXPEDITED, OR EMERGENCY RELIEF?

YES: NO: X

If yes, briefly explain	
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DO ANY HEARING PROCEDURAL RULES, OTHER THAN THE IDAHO RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL, APPLY TO THIS PROCEEDING?

YES: X NO:

If yes, statute(s)/rule(s) citation	IDAPA 58.01.23, Contested Case Rules and Rules for Protection and Disclosure of Records IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho
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