

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

NEZ PERCE TRIBE,

Plaintiff,

v.

PERPETUA RESOURCES CORP., *et al.*

Defendants.

Case No. 1:19-cv-00307-BLW

**ORDER APPROVING STIPULATION
OF DISMISSAL**

Before the Court is a Stipulation of Dismissal and Settlement Agreement jointly submitted by Plaintiff Nez Perce Tribe and Defendants Perpetua Resources Corp., Perpetua Resources Idaho, Inc., and Idaho Gold Resources Company, LLC, ECF No. 98.

Pursuant to 33 U.S.C. § 1365(c)(3), said Stipulation of Dismissal and Settlement Agreement were provided to the Attorney General of the United States and the Administrator of the U.S. Environmental Protection Agency (EPA) to allow them a 45-day period for review, which period has now expired.

Upon review of the Stipulation of Dismissal and Settlement Agreement, and considering the facts and circumstances relevant to this litigation as reflected in the Court's records, the Court concludes that the Stipulation of Dismissal and Settlement Agreement are proper, fair, reasonable and in the public interest. Accordingly,

IT IS HEREBY ORDERED that said Stipulation of Dismissal and Settlement Agreement are APPROVED pursuant to Federal Rule of Civil Procedure 41(a)(2) and 33 U.S.C. § 1365, and this case IS HEREBY DISMISSED.

IT IS FURTHER ORDERED that, pursuant to the Stipulation of Dismissal and Settlement Agreement, such dismissal is without prejudice pending completion of the Parties' obligations under Section I of the Settlement Agreement, and the Court will retain jurisdiction to enforce the terms of Section I of the Settlement Agreement, pursuant to *Kokkonen v. Guardian Life Ins.*, 511 U.S. 375, 381 (1994). The Parties will submit semi-annual status reports to the Court during the interim period while Section I of the Settlement Agreement is being implemented.

IT IS FURTHER ORDERED that, upon full performance of the Parties' obligations under Section I of the Settlement Agreement, the Parties will file a Stipulation of Dismissal with Prejudice, and the Tribe's claims will thereafter be deemed dismissed with prejudice.

IT IS SO ORDERED.



DATED: October 2, 2023

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
U.S. District Court Judge