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Attorneys for Petitioners-Appellants Idaho Conservation League
and Save the South Fork Salmon

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

IDAHO CONSERVATION LEAGUE, a non-
profit corporation, and SAVE THE SOUTH
FORK SALMON, a non-profit corporation,

Petitioners-Appellants,

vs.

IDAHO DEPARTMENT OF
ENVIRONMENTAL QUALITY, and
PERPETUA RESOURCES IDAHO, INC.,

Respondents.

Case No. CV01-25-13306

NOTICE OF APPEAL

(Appeal to the Idaho Supreme Court)

TO: THE ABOVE-NAMED RESPONDENTS, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY AND PERPETUA RESOURCES IDAHO, INC.; THEIR RESPECTIVE ATTORNEYS OF RECORD, MICHAEL A. SHORT AND SHANE HENDERSON, DEPARTMENT OF ENVIRONMENTAL QUALITY, AND CHRISTOPHER C. McCURDY, KATY RIKER, EMILY C. SCHILLING, AND ANDREW P. REVELLE, HOLLAND & HART LLP; AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Petitioners-Appellants, Idaho Conservation League and Save the South Fork Salmon (together, “Appellants”), appeal against the above-named Respondents, Idaho Department of Environmental Quality (“DEQ”) and Perpetua Resources Idaho, Inc. (“Perpetua”), to the Idaho Supreme Court from the Judgment entered in the above-entitled proceeding on July 7, 2026, the Honorable Jason D. Scott, District Judge, presiding, which affirmed the final agency order of the Idaho Board of Environmental Quality upholding DEQ’s issuance of Air Quality Permit to Construct No. P-2019.0047 to Perpetua for the Stibnite Gold Project. The Judgment was entered pursuant to the Court’s Opinion, also entered July 7, 2026. Pursuant to I.A.R. 17(e)(1), this appeal is deemed to include, and to present on appeal, the Opinion and all other judgments, orders, and rulings entered in this proceeding, whether entered before or after the Judgment. Copies of the Judgment and the Opinion are attached to this Notice as required by I.A.R. 11 and I.A.R. 17(e)(1).

2. Appellants have a right to appeal to the Idaho Supreme Court. This proceeding is a petition for judicial review of final agency action brought under the Idaho Administrative Procedure Act, Idaho Code §§ 67-5270 through 67-5279, and Rule 84 of the Idaho Rules of Civil

Procedure. The Judgment is a final judgment as defined in Rule 54(a) of the Idaho Rules of Civil Procedure and constitutes the final determination of the district court on the petition for judicial review. The Judgment is appealable as a matter of right pursuant to I.A.R. 4 and I.A.R. 11(f)(1).

3. A preliminary statement of the issues on appeal that Appellants presently intend to assert, which shall not prevent Appellants from asserting other issues on appeal, is as follows:

(a) Whether the district court erred in affirming DEQ's use of the "16/70 Adjustment"—multiplying the Stibnite Gold Project's modeled maximum annual ambient concentration of arsenic, a carcinogenic toxic air pollutant, by the fraction sixteen-seventieths (16/70)—to determine an "approved T-RACT ambient concentration" for arsenic and to find preconstruction compliance with the toxic air pollutant carcinogenic increments under IDAPA 58.01.01.161, .203, .210, and .586;

(b) Whether the district court erred in affirming DEQ's determination that the Permit's conditions are sufficient, and enforceable, to achieve 93.3% fugitive dust control efficiency;

(c) Whether the district court erred in affirming DEQ's exclusion of the Stibnite Access Route from the Project's ambient air boundary under the definition of "ambient air" in IDAPA 58.01.01.006;

(d) Whether the district court erred in affirming DEQ's issuance of the Permit while allowing Perpetua to defer submission of the Fugitive Dust Control Plan, Haul Road Capping Plan, Operation and Maintenance Manual, and Stibnite Road Access Management Plan until after issuance of the Permit and without opportunity for public comment, under IDAPA 58.01.01.202 and .209;

(e) Whether the issuance of the Permit prejudices Appellants' substantial rights under Idaho Code § 67-5279(4); and

(f) Whether any party is entitled to attorney fees and costs on appeal under Idaho Code § 12-117 or other applicable law.

4. No order has been entered sealing all or any portion of the record or transcript in this proceeding.

5. (a) A reporter's transcript is requested. (b) Appellants request preparation of a transcript, as defined in I.A.R. 25, in electronic format, of the following hearing: the oral argument on the petition for judicial review held on May 27, 2026, before the Honorable Jason D. Scott (FTR recording, approximately 1 hour 8 minutes). (c) The transcripts of the underlying administrative proceedings are contained in the settled agency record and transcript filed with the district court and are designated for inclusion in the clerk's record in paragraph 6 below.

6. Appellants request the following documents to be included in the clerk's record, in addition to those automatically included pursuant to I.A.R. 28:

(a) The Settled Agency Record and Settled Agency Transcript filed with the district court pursuant to I.R.C.P. 84, in their entirety;

(b) Summary Order on Motion to Dismiss, filed on September 18, 2025;

(c) The Stipulated Motion to Augment the Agency's Record, filed on September 29, 2025;

(d) The Order Granting Stipulated Motion to Augment, filed on October 3, 2025;

(e) The Order of Dismissal of Idaho Board of Environmental Quality as a Part, filed on October 24, 2025;

(f) Petitioners' Opening Brief and Declarations of Allison Fowle, Mary Faurot Petterson, Jonathan Oppenheimer, Zak Sears, and Will Tiedemann, filed on November 7, 2025;

(g) Idaho Department of Environmental Quality Respondent Brief, filed on December 12, 2025;

(h) Perpetua's Opening Brief, filed on December 12, 2025;

(i) Petitioner's Reply Brief in Support of Petition for Review, filed on January 16, 2026;

(j) Order on Joint Motion to Strike, filed on April 27, 2026;

(k) Notice of Opinion, filed on July 7, 2026; and

(l) Judgment, filed on July 7, 2026.

7. No documents, charts, or pictures were offered or admitted as exhibits in any trial or hearing before the district court in this proceeding. The evidentiary record consists of the settled agency record and transcript designated in paragraph 6 above, and the documents attached to the Stipulated Motion to Augment the Agency's Record.

8. I certify:

(a) That a copy of this Notice of Appeal has been served on Transcript Office, c/o Ada County Courthouse, 200 W. Front Street, Room 4172, Boise, Idaho 83702;

(b) That the clerk of the district court has been paid the estimated fee for preparation of the reporter's transcript requested in this Notice, as required by I.A.R. 24(c);

(c) That the estimated fee for preparation of an electronic copy of the clerk's record has been paid, as required by I.A.R. 27(c);

- (d) That all appellate filing fees have been paid; and
- (e) That service of this Notice of Appeal has been made upon all parties required to be served pursuant to I.A.R. 20 and, this being a case referred to in Idaho Code § 67-1401(1), upon the Attorney General of the State of Idaho.

DATED this 18th day of August 2026.

MOUNTAIN TOP LAW PLLC

/s/ *Julia Thrower*
Julia S. Thrower

ADVOCATES FOR THE WEST

/s/ *Bryan Hurlbutt*
Bryan Hurlbutt

/s/ *Andrew Hursh*
Andrew Hursh

Attorneys for Petitioners-Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2026, I caused a true and correct copy of the foregoing NOTICE OF APPEAL to be served upon the following, by the method indicated:

Transcript Office
c/o Ada County Courthouse
200 W. Front Street, Room 4172
Boise, Idaho 83702
transcripts@ada.idcourt.gov
(Service pursuant to I.A.R. 17(l)(1) and I.A.R. 20)
☐ iCourt File & Serve ☒ Email ☒ U.S. Mail

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By: /s/ Julia Thrower
Julia S. Thrower