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*Attorneys for Respondent*

BEFORE THE BOARD OF ENVIRONMENTAL QUALITY  
STATE OF IDAHO

IN THE MATTER OF:	)	Docket No. 0102-19-02
	)	
HECLA LIMITED LUCKY FRIDAY UNIT	)	STIPULATION TO STAY
NPDES PERMIT NOT ID0000175; IDEQ	)	CONTESTED CASE
401 CERTIFICATION (June 3, 2019)	)	
_____	)	

Petitioner, Hecla Limited (Hecla), and Respondent, the Idaho Department of Environmental Quality (DEQ) (collectively "Parties"), hereby stipulate and agree to stay the contested case process in this matter under IDAPA 58.01.23.212.03. Hecla and DEQ agree as follows:

1. Hecla filed a Petition to Initiate Contested Case and Request to Stay 401 Certification (Petition) on July 26, 2019, challenging a final Clean Water Act § 401 water quality certification issued by DEQ on June 3, 2019, in connection with the Environmental Protection Agency's National Pollutant Discharge Elimination System

permit for Hecla's Lucky Friday Unit (Permit No. ID0000175). Hecla and DEQ agree to discuss resolution of the matters raised in the Petition in a good faith effort to avoid litigation.

2. While the Parties discuss resolution, all procedures, actions, deadlines, and other rights or obligations applicable to contested cases under the Idaho Environmental Protection and Health Act (Idaho Code §§ 39-101, *et seq.*), Idaho Administrative Procedure Act (Idaho Code §§ 67-5201, *et seq.*), and the Rules of Administrative Procedure Before the Board of Environmental Quality (IDAPA 58.01.23)—including but not limited to notice, service, filings, motions, petitions, discovery requests, and pleadings—are suspended and stayed from the date of the last signature below until the end of the discussion period specified in Paragraph 3.

3. The discussion period ends on October 15, 2019, unless the Parties agree to an extension in a writing filed with the Hearing Coordinator.

4. If the Parties proceed with the contested case, DEQ must file its initial motion or response to the Petition within 21 days after the end of the discussion period specified in Paragraph 3, unless an extension is agreed by the Parties or ordered by the Hearing Officer.

DATED: 7-30-19

FOR PETITIONER:

HECLA LIMITED

By: Kevin Burton

Its ATTORNEY

DATED: 7-30-19

FOR RESPONDENT:

STATE OF IDAHO, DEPARTMENT OF  
ENVIRONMENTAL QUALITY

By: MCD

Its Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of July 2019, a true and correct copy of the foregoing STIPULATION TO STAY CONTESTED CASE was served on the following via electronic mail to the indicated address:

Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, ID 83706-1255  
[Paula.wilson@deq.idaho.gov](mailto:Paula.wilson@deq.idaho.gov)

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