

From: Blair, Steven <Steven.Blair@state.sd.us>
Sent: Tuesday, February 10, 2026 3:00 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>; Bob Morris <bobmorris@westriverlaw.com>
Cc: Steven Gunn <sjgunn37@gmail.com>; Matthew Naasz <mnaasz@gpna.com>; Hudson, Roberta <Roberta.Hudson@state.sd.us>; McVey, David <David.McVey@state.sd.us>
Subject: Stipulated Motion for Protective Order, Clean Nuclear Uranium EXNI Application

Brenda,

Hello! Attached please find for filing a Stipulated Motion for a Protective Order. The stipulated motion was entered into by the Department, CNEC, and the Oglala and Cheyenne River Sioux Tribes. Copies of these documents have also been served on the parties as indicated in the attached certificate of service.

If you have any questions, please don't hesitate to reach out.

Thanks!



Steven R. Blair
General Counsel
Dept. of Agriculture & Natural Resources 221
Mall Drive, Suite 201
P.O. Box 6221
Rapid City, South Dakota 57709
Telephone: (605) 394-2229
Email: steven.blair@state.sd.us

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

221 MALL DRIVE, SUITE #201
RAPID CITY SD 57701
605-394-2229
danr.sd.gov

February 10, 2026

Brenda Binegar
Dept. of Agriculture & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: In re Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application

Dear Ms. Binegar:

Enclosed please find a Stipulated Motion for Protective Order to be filed in the above-referenced matter. The motion has been stipulated to by the Department, Clean Nuclear Energy Corporation, and the Oglala Sioux Tribe and Cheyenne River Sioux Tribe. Included with the Stipulated Motion is a proposed Order and proposed Acknowledgment. A copy of these documents has been served upon the parties and Hearing Chair Morris as indicated in the attached Certificate of Service.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Steven R. Blair
General Counsel – Dept. of Agriculture & Natural Resources

Enclosures

Cc/encl: Matthew E. Naasz – Counsel, Clean Nuclear Energy Corp.
Steven J. Gunn – Counsel, Oglala and Cheyenne River Sioux Tribes
Roberta Hudson – DANR Minerals, Mining, & Superfund Program (via email only)
David McVey – Counsel, Brd. Of Minerals & Environment (via email only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN)	STIPULATED MOTION FOR
NUCLEAR ENERGY CORP.)	PROTECTIVE ORDER
URANIUM EXPLORATION PERMIT)	
APPLICATION)	
)	
EXNI 453)	

Applicant in the above captioned matter, Clean Nuclear Energy Corporation (“CNEC”), along with the Department of Agriculture & Natural Resources (“Department”), and the Oglala Sioux Tribe and Cheyenne River Sioux Tribe (“Tribes”), all do stipulate to entry of a Protective Order according to the terms and conditions contained below.

In this matter the Tribes have requested that CNEC produce documents relating to: “All surveys, case reports and other documents relating to archaeological resources, cultural resources, historic properties or traditional cultural or religious properties, that were prepared or consulted in relation to the application [by CNEC for a uranium exploration permit].” Responsive documents include one or more reports prepared by Vantage Point Solutions on behalf of CNEC, as well as reports prepared by the state Archeological Research Center (“ARC”) and the State Historic Preservation Office (“SHPO”).

The material contained in the various cultural resource reports includes information regarding the location and character of known archeological sites in the

proposed project area. The Department represents that this information is deemed confidential by SDCL § 1-20-21.2 which states:

Any records maintained pursuant to § 1-20-21 pertaining to the location of an archaeological site shall remain confidential to protect the integrity of the archaeological site. The state archaeologist may make the information from the records of an archeological site available to any agency of state government and any political subdivision of the state or to any tribe, which, in the opinion of the state archaeologist, may conduct an activity that affects any such site. The state archaeologist shall also make the information from the records of an archeological site available to the owner of the land that is an archeological site and may make the information available to any qualified researcher or research entity.

The state archeologist is required to maintain records of archeological sites in South Dakota. SDCL § 1-20-21.

The Department, the Tribes, and CNEC agree that the parties to this proceeding are entitled to reasonable access to review these reports and information in order to allow the parties to engage in meaningful examination of witnesses and in order to allow the parties and the Board to engage in meaningful assessment of the project exploration project.

Based upon the foregoing, and in order to protect the confidential and sensitive nature of the identified information, CNEC, the Department, and the Tribes agree that disclosure of this information should be subject to the conditions set forth in a protective order to be entered by the Hearing Chair consistent with the following terms.

TERMS

1. The archeological and cultural resource reports prepared by the ARC, and the reports prepared by Vantage Point Solutions, shall be filed with the Board, under seal, and in unredacted format. The

Cheyenne River Sioux Tribe and the Oglala Sioux Tribe shall have access to review these unredacted report (1) since the Tribes have already made a formal demand for the unredacted reports in the discovery process, (2) since the Tribes require an opportunity to evaluate the sensitive nature of the information contained in the unredacted reports before any further disclosure of the unredacted reports, and (3) to allow the Tribes to participate in the redaction process.

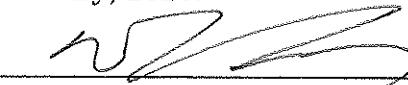
2. The Tribes shall agree to abide by the terms and conditions of the proposed Protective Order.
3. The information contained in the sealed, unredacted reports, shall not under any circumstances be disclosed to the general public. The term “general public” being defined as any person or entity that has not been granted access to the unredacted reports by order of the Board of Minerals and Environment.
4. All parties have an interest in ensuring that the general public does not have access to confidential information in the reports or the ability to identify the locations or character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties identified in the reports.
5. The parties to this Stipulation shall cause redacted copies of the reports to be filed with the Board. The redactions shall remove from the reports any information relating to the location and character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties in the proposed exploration area and surrounding lands, including but not limited to names, tags, labels, and other specific site identifiers.
6. Concerning the report issued by the SHPO, a redacted copy of that report shall be filed with the Board. Any copies of the report already disclosed and made available on the Department’s contested case webpage for these proceedings must be redacted.
7. All parties that have formally made an appearance in this action shall have access to the redacted copies of the reports discussed herein. The redacted copy of any report may be introduced into evidence at the contested hearing in this matter. Witnesses will be permitted to testify about the information in the redacted reports, but to protect the confidentiality of the information contained therein, they shall be directed to do so in a general manner, without

identifying the locations or character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties located at the proposed exploration area and surrounding lands.

8. All parties that have formally made an appearance in this action may, by motion served on all parties, request access to the unredacted reports discussed herein, provided that if such access is granted, they shall acknowledge receipt of any order entered pursuant to this Stipulated Motion and indicate that they have reviewed the order and agree to abide by its terms and conditions.

The parties agree that this stipulated motion may be executed in individual counterparts, each party having signed an identical copy of the stipulated motion, each signature page deemed an original, and all signature pages taken together shall constitute one and the same agreement.

Dated this 10th day of February, 2026.


Matthew E. Naasz
Gunderson, Palmer, Nelson & Ashmore, LLP
P.O. Box 8045
Rapid City, SD 57709-8045
(605) 342-1078
mnaasz@gpna.com
Counsel for Clean Nuclear Energy Corp.

Dated this 10th day of February, 2026.


Steven R. Blair
Dept. of Agriculture & Natural Resources
221 Mall Drive, Suite 201
P.O. Box 6221
Rapid City, SD 57709
(605) 394-2229
steven.blair@state.sd.us
Counsel for DANR – Minerals, Mining, & Superfund Program

Dated this 6th day of February, 2026.



Steven J. Gunn
1301 Hollins Street
St. Louis, MO 63135
(314) 920-9129
Sjgunn37@gmail.com
*Counsel for Cheyenne River Sioux Tribe and
Oglala Sioux Tribe*

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN)	PROTECTIVE ORDER
NUCLEAR ENERGY CORP.)	
URANIUM EXPLORATION PERMIT)	
APPLICATION)	
)	
EXNI 453)	

Applicant in the above captioned matter, Clean Nuclear Energy Corporation (“CNEC”), along with the Department of Agriculture & Natural Resources (“Department”), and the Oglala Sioux Tribe and Cheyenne River Sioux Tribe (“Tribes”), submitted a Stipulated Motion for a Protective Order to govern the disclosure of certain documents containing information relating to archaeological or cultural resources, historic properties, or traditional cultural or religious properties. It is asserted that the information contained in these documents is confidential pursuant to SDCL § 1-20-21.2.

The Hearing Chair, being otherwise fully informed of the facts and issues pertinent to the matter, hereby issues the following:

It is ORDERED that the disclosure of any document containing information relating to archaeological or cultural resources, historic properties, or traditional cultural or religious properties shall be disclosed only according to the following terms:

1. The archeological and cultural resource reports prepared by the ARC, and the reports prepared by Vantage Point Solutions, shall be

filed with the Board, under seal, and in unredacted format. The Cheyenne River Sioux Tribe and the Oglala Sioux Tribe shall have access to review these unredacted reports (1) since the Tribes have already made a formal demand for the unredacted reports in the discovery process, (2) since the Tribes require an opportunity to evaluate the sensitive nature of the information contained in the unredacted reports before any further disclosure of the unredacted reports is made to any other party, and (3) to allow the Tribes to participate in the redaction process.

2. The Tribes shall abide by the terms and conditions of this Protective Order.
3. The information contained in the sealed, unredacted reports, shall not under any circumstances be disclosed to the general public. The term “general public” being defined as any person or entity that has not been granted access to the unredacted reports by order of the Board of Minerals and Environment.
4. All parties have an interest in ensuring that the general public does not have access to confidential information in the reports or the ability to identify the locations or character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties identified in the reports.
5. CNEC, the Department, and the Tribes shall cause redacted copies of the reports to be filed with the Board. The redactions shall remove from the reports any information relating to the location and character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties in the proposed exploration area and surrounding lands, including but not limited to names, tags, labels, and other specific site identifiers.
6. Concerning the report issued by the SHPO, a redacted copy of that report shall be filed with the Board. Any copies of the report already disclosed and made available on the Department’s contested case webpage for these proceedings must be redacted.
7. By this order, all parties that have formally made an appearance in this action shall have access to the redacted copies of the reports discussed herein. The redacted copy of any report may be introduced into evidence at the contested hearing in this matter. Witnesses will be permitted to testify about the information in the

redacted reports, but to protect the confidentiality of the information contained therein, they shall be directed to do so in a general manner, without identifying the locations or character of specific archaeological resources, cultural resources, historic properties or traditional cultural or religious properties located at the proposed exploration area and surrounding lands.

8. All parties that have formally made an appearance in this action may, by motion served on all parties, request access to the unredacted reports discussed herein, provided that if such access is granted by order of the Board of Minerals and Environment, they shall acknowledge receipt of this Protective Order and indicate that they have reviewed the order and agree to abide by its terms and conditions by executing the attached Acknowledgement and returning it to the Board for filing.

Dated this _____ day of _____, 2026

BOARD OF MINERALS & ENVIRONMENT

By: _____
Bob Morris, Hearing Chair

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN)	ACKOWLEDGMENT OF
NUCLEAR ENERGY CORP.)	PROTECTIVE ORDER
URANIUM EXPLORATION PERMIT)	
APPLICATION)	
)	
EXNI 453)	

I, _____, a party to the above captioned proceedings, or a party's duly notice legal counsel, acknowledge that I have received a copy of the Protective Order entered by the Hearing Chair in this matter. I have read the terms and conditions of that Order. I, or my client, agree to abide by the Protective Order and agree not to disclose any protected information except in accordance with the terms of the Protective Order.

I declare and affirm under the penalty of perjury that this Acknowledgment has been examined by me and that the statements made and information provided herein are true and correct.

Dated this _____ day of _____, 2026

Signature: _____

Printed Name: _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the STIPULATED MOTION FOR PROTECTIVE ORDER was submitted electronically, and via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binegar
Dept. of Agr. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
brenda.binegar@state.sd.us
Secretary, Board of Minerals & Environment

Further, a true and correct copy of the above referenced document(s) was served by United States Mail, First Class, Postage Prepaid, upon:

Matt Naasz Gunderson, Palmer, Nelson, & Ashemore, LLP 506 6 th Street Rapid City, SD 57701 <i>Counsel for Applicant –</i> <i>Clean Nuclear Energy Corp.</i>	Bob Morris 704 7 th Avenue, Suite 2 P.O. Box 370 Belle Fourche, SD 57717 <i>Hearing Chair – Brd. of Min.</i> <i>& Env.</i>	Kimberly Craven Attorney General – Cheyenne River Sioux Tribe P.O. Box 590 Eagle Butte, SD 57625 <i>Counsel for Intervenor –</i> <i>Cheyenne River Sioux Tribe</i>
Cheryl Angel 1212 Columbus Street Rapid City, SD 57701 <i>Intervenor</i>	Ailine Maea 715 Haines Ave., Apt 3 Rapid City, SD 57701 <i>Intervenor</i>	Chase Iron Eyes P.O. Box 393 Pine Ridge, SD 57770 <i>Counsel for Intervenor –</i> <i>Great Plains Tribal Water</i> <i>Alliance</i>
Elizabeth Lone Eagle c/o Lakota Prairie Ranch P.O. Box 656 Kyle, SD 57752 <i>Intervenor</i>	Darlene Hawk Wing P.O. Box 25 Wounded Knee, SD 57794 <i>Intervenor</i>	Michelle Tyon P.O. Box 1838 Pine Ridge, SD 57770 <i>Intervenor</i>
Thomas O'Connor 4601 Mohawk St. Lincoln, NE 68510 <i>Intervenor</i>	Beverly Larson P.O. Box 82 Wounded Knee, SD 57794 <i>Intervenor</i>	Susan Hey 312 N. 40 th Street Rapid City, SD 57702 <i>Intervenor</i>
Candi Brings Plenty 725 Saint Charles St. Rapid City, SD 57701 <i>Intervenor</i>	Ruddell Bear Shirt P.O. Box 88 Wounded Knee, SD 57794 <i>Intervenor</i>	Bruce Ellison P.O. Box 2508 Rapid City, SD 57709 <i>Intervenor</i>
Robert Bordeaux 740 University St., Apt. 3 Spearfish, SD 57783 <i>Intervenor</i>	Mashanaposhe Camp P.O. Box 339 Porcupine, SD 57772 <i>Intervenor</i>	Lilias Jones Jarding P.O. Box 591 Rapid City, SD 57709 <i>Intervenor</i>

Denise Giago 221 E Jackson St. Rapid City, SD 57701 <i>Intervenor</i>	Seth Eagle Bear Jr. P.O. Box 44 Wounded Knee, SD 57794 <i>Intervenor</i>	Marla Cooley 145 S. Garden St. Hot Springs, SD 57747 <i>Intervenor</i>
Taylor Gunhammer 221 E. Jackson St. Rapid City, SD 57701 <i>Intervenor</i>	Sanders Schaller 322 4 th Street Smithwick, SD 57782 <i>Intervenor</i>	Tonya Stands 202 Bald Eagle Lane, #8 Rapid City, SD 57709 <i>Intervenor</i>
Jean Roach 3711 Ivy Ave Rapid City, SD 57701 <i>Intervenor</i>	Sarah Peterson 510 Jennings Hot Springs, SD 57747 <i>Intervenor</i>	Reno L. Red Cloud P.O. Box 4052 Pine Ridge, SD 57770 <i>Intervenor</i>
Caryn Lerman 337 S. 5 th St Hot Springs, SD 57747 <i>Intervenor</i>	Julie Plachta P.O. Box 635 Hot Springs, SD 57747 <i>Intervenor</i>	Steven Gunn Oglala Sioux Tribe Legal Department P.O. Box 1204 Pine Ridge, SD 57770 <i>Counsel for Intervenor – Oglala Sioux Tribe</i>
Helen Red Feather P.O. Box 173 Wounded Knee, SD 57794 <i>Intervenor</i>	Susan McPhail Pang 28017 Cascade Road Hot Springs, SD 57747 <i>Intervenor</i>	Brenda Gamache 2337 Wilson Ave. Hot Springs, SD 57747 <i>Intervenor</i>
Ben R Sharp 28290 W. Flagpole Rd. Hot Springs, SD 57747 <i>Intervenor</i>	Jeremiah Davis 130 E. Centennial St. Rapid City, SD 57701 <i>Intervenor</i>	Gena Parkhurst 514 Americas Way, #20805 Box Elder, SD 57719 <i>Intervenor</i>
George J. Nelson 2640 Jackson Blvd., Suite 1 Rapid City, SD 57702 <i>Counsel for Intervenor Black Hills Group – Sierra Club</i>	Peter Capossela P.O. Box 10643 Eugene, OR 97440 <i>Counsel for Intervenor – Great Plains Tribal Water Alliance</i>	

Dated this 10th day of February, 2026.


 Steven R. Blair – DANR General Counsel