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CHIEF DEPUTY

February 13, 2026

Brenda Binengar
Department of Agriculture
and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
Email: Brenda.Binengar@state.sd.us

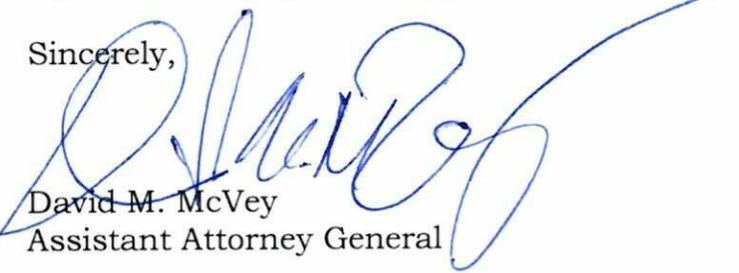
Re: *In the Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application*; EXNI 453

Dear Ms. Binengar:

Enclosed please find the original Notice of Entry of Protective Order and Certificate of Service intended for filing in the above-referenced matter. True and correct copies have been sent to those individuals listed in the attached Certificate of Service.

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

Sincerely,


David M. McVey
Assistant Attorney General

DMM/mn

Enclosures

Via electronic mail and inter-office mail

cc/encs: Parties on Attached Certificate of Service

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT

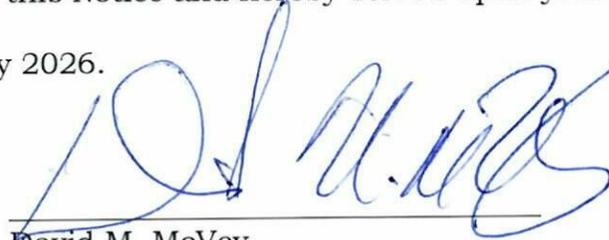
IN THE MATTER OF CLEAN NUCLEAR)
ENERGY CORP. URANIUM)
EXPLORATION PERMIT APPLICATION)
)
EXNI 453)
)

NOTICE OF ENTRY OF
PROTECTIVE ORDER

TO: ALL INTERESTED PARTIES:

Please take notice that on February 12, 2026, Hearing Chair Bob Morris entered his Protective Order in the above-referenced contested action. A copy of the signed Protective Order is attached to this Notice and hereby served upon you.

Dated this 13th day of February 2026.



David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: (605) 773-3215
Email: David.McVey@state.sd.us
Counsel for the Board of Minerals and Environment

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the NOTICE OF ENTRY OF PROTECTIVE ORDER was served via electronic mail and inter-office mail upon the following to be filed in the above-captioned matter:

Brenda Binegar
Department of Agriculture
and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
Email: Brenda.Binegar@state.sd.us
Secretary, Board of Minerals & Environment

Further, the undersigned certifies that true and correct copies of the above-referenced document(s) were served via United States Mail, First Class, Postage Prepaid, upon the following:

Steven R. Blair
General Counsel
221 Mall Drive, Suite 201
P.O. Box 6221
Rapid City, SD 57709
*Counsel for Department of Agriculture &
Natural Resources Minerals, Mining &
Superfund Program*

Seth Eagle Bear Jr.
P.O. Box 44
Wounded Knee, SD 57794

Matthew Naasz
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Counsel for Clean Nuclear Energy Group

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Cheyenne River Sioux Tribe
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Great Plains Tribal Water Alliance, Inc.
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Mashanaposhe Camp
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Porcupine, SD 57772

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Counsel for Black Hills Sierra Club

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514 Americas Way #20805
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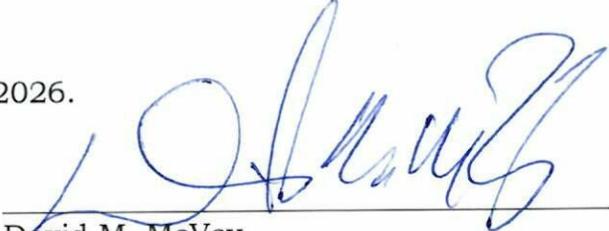
Tonya Stands
202 Bald Eagle Lane #8
Rapid City, SD 57701

Steven Gunn
Oglala Sioux Tribe
Oglala Sioux Tribe Legal Department
P.O. Box 1204
Pine Ridge, SD 57770

Courtesy copies of the above-referenced document were served via electronic mail upon the following:

Bob Morris, Hearing Officer
704 7th Avenue, Suite 2
P.O. Box 370
Belle Fourche, SD 57717
bobmorris@westriverlaw.com

Dated this 13th day of February 2026.



David M. McVey
Assistant Attorney General

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.

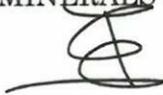
2. The Tribes shall abide by the terms and conditions of this Protective Order.
3. The information contained in the sealed, unredacted reports, shall not under any circumstances be disclosed to the general public. The term "general public" being defined as any person or entity that has not been granted 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 12 day of February, 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)	ACKNOWLEDGMENT 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: _____