

RECEIVED

FEB 17 2026

Department of Agriculture
and Natural Resources

**STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS & ENVIRONMENT**

IN THE MATTER OF CLEAN)	
NUCLEAR ENERGY CORP.)	CLEAN NUCLEAR ENERGY
URANIUM EXPLORATION)	CORP.'S RESPONSE TO
PERMIT APPLICATION)	INTERVENORS JOINT APPEAL ON
)	HEARING DATES
EXNI 453)	
)	
)	
)	

Clean Nuclear Energy Corp. (“CNEC”), by and through its undersigned counsel of record, submits this Response to the Intervenor Joint Appeal on Hearing Dates.

1. INTRODUCTION

Several Intervenor have appealed the decision of Hearing Chair Bob Morris regarding the scheduling of the hearing in this matter for March 18th through the 20th, 2026. Intervenor have filed two similar appeals on this matter, this Response applies to both such appeals. It appears from the various filings that the Intervenor request a delay in the scheduled hearing and additional days for the hearing. Because this matter has been delayed far too long already, and three days is sufficient time to hear this matter presuming only relevant evidence is admitted, the appeals of the various Intervenor should be denied.

2. TIMELINESS

SDCL § 45-60-28 provides “upon receipt of an application for a permit and all fees due from the operator, the board of minerals and environment shall set a date for the hearing on such application not more than 60 days after the date of filing.... A final decision on the application shall be made within 90 days of the receipt of the application. In the event of serious unforeseen circumstances or significant snow cover on the affected land that prevents on site inspection, the board may reasonably extend the maximum time 60 days.” Here Applicant originally submitted

its application for the instant exploration permit on March 15, 2024. The Application was determined to be procedurally complete by DANR in April of 2025. Pursuant to the above referenced statute, a final decision on the application should have been made at the very latest by September of 2025. This would include the additional 60 days for unforeseen circumstances which have not been identified in this matter. Instead, this matter is not to be heard until March of 2026.

Applicant has a statutory right to have this Board consider its Application consistent with the relevant statutes. This Exploration Permit Application has drug on for several months longer than allowed by statute. At this point, additional delays in the Board's consideration of the Application would seriously jeopardize the Applicant. The Applicant needs to be able to prepare for a exploration project and should be allowed to rely on the time frame articulated in statute for that application to be considered.

The hearing on the merits of this Application has finally been set. The Applicant has arranged for its representatives and witnesses to appear in Pierre. Flights have been scheduled, and lodging has been acquired. Delaying this matter further would seriously jeopardize the interests of Applicant and damage Applicant by the continued unwarranted delay of these proceedings.

3. LENGTH OF HEARING

The hearing in this matter has been set for three days. Pursuant to SDCL § 45-6D-29:

The Board of Minerals and Environment shall grant a permit to an operator if the application complies with the requirements of this chapter and all applicable local, state, and federal laws. The board may not deny a permit, except for one or more of the following reasons:

- (1) The application is incomplete or the surety has not been posted;
- (2) The applicant has not paid the required fee;

- (3) The adverse effects of the proposed uranium exploration operation on the historic, archaeological, geologic, scientific, or recreational aspects of affected or surrounding land outweigh the benefits of the proposed uranium exploration operation;
- (4) The proposed uranium exploration operation will result in the loss or reduction of long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas; or
- (5) The proposed uranium exploration operation will adversely affect threatened or endangered wildlife indigenous to the area.

Pursuant to this statute, there are very limited inquiries that are relevant to this Board's consideration. Three days is sufficient time to allow evidence that is well tailored to the relevant inquiries, not duplicative and efficiently presented. Certainly, it is anticipated that the Intervenors will do whatever they can to delay this matter further and extend the hearing. However, presuming strict conformity with the rules of evidence, especially those regarding relevance, three days is enough to for this Board to hear the relevant evidence regarding this exploration permit.

CONCLUSION

For the foregoing reasons, the Hearing Chair's order on scheduling and length of hearing should be affirmed.

Respectfully submitted this 12 day of February, 2026.

By: /s/ Matthew E. Naasz
Matthew E. Naasz
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709
Telephone: (605) 342-1078
Telefax: (605) 342-9503
E-mail: mnaasz@gpna.com

CERTIFICATE OF SERVICE

I hereby certify on February 12, 2026, a true and correct copy of CLEAN NUCLEAR ENERGY CORP.'S RESPONSE TO INTERVENORS JOINT APPEAL ON HEARING DATES was served upon the following individuals as indicated below:

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

Further, the undersigned certifies that a true and correct copy of the above-referenced document was served via U.S. First Class Mail, Postage Prepaid upon the following:

Steven R. Blair
Deputy Attorney General
P.O. Box 70
Rapid City, SD 57702
Counselor Department of Agriculture & Natural Resources Minerals, Mining, & Superfund Program

Cheryl Angel
1212 Columbus Street
Rapid City, SD 57701

Elizabeth Lone Eagle
P.O. Box 656
Kyle, SD 57752

Thomas O'Connor
4601 Mohawk Street
Lincoln, NE 68510

Candi Brings Plenty
725 Saint Charles Street
Rapid City, SD 57701

Robert Bordeaux
740 University Street, Apartment 3
Spearfish, SD 57783

Denise Giago
221 East Jackson Street
Rapid City, SD 57701

Taylor Gunhammer
221 East Jackson Street
Rapid City, SD 57701

Jean Roach
3711 Ivy Avenue
Rapid City, SD 57701

Caryn Lerman
337 South 5th Street
Hot Springs, SD 57747

Helen Red Feather
P.O. Box 173
Wounded Knee, SD 57794

Ailine Maea
715 Haines Avenue
Apartment 3
Rapid City, SD 57701

Darlene Hawk Wing
P.O. Box 25
Wounded Knee, SD 57794

Beverly Larson
P.O. Box 82
Wounded Knee, SD 57794

Ruddell Bear Shirt
P.O. Box 88
Wounded Knee, SD 57794

Mashanaposhe Camp
P.O. Box 339
Porcupine, SD 57772

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

Sanders Schaller
322 4th Street
Smithwick, SD 57782

Sarah Peterson
510 Jennings
Hot Springs, SD 57747

Julie Plachta
P.O. Box 635
Hot Springs, SD 57747

Susan McPhail Pang
28017 Cascade Road
Hot Springs, SD 57747

Ben R. Sharp
28290 West Flagpole Road
Hot Springs, SD 57747

Great Plains Tribal Water Alliance, Inc.
P.O. Box 271
Pine Ridge, SD 57770

Chase Iron Eyes Attorney at Law
P.O. Box 393
Pine Ridge, SD 57770
Counsel for Great Plains Tribal Water Alliance, Inc.

Jeremiah Davis
130 East Centennial Street
Rapid City, SD 57701

Michelle Tyon
P.O. Box 1838
Pine Ridge, SD 57770

Susan Hey
312 North 40th Street
Rapid City, SD 57702

Tonya Stands
202 Bald Eagle Lane #8
Rapid City, SD 57701

Law Office of Bruce Ellison
P.O. Box 2508
Rapid City, SD 57709

Lilias Jones Jarding
P.O. Box 591
Rapid City, SD 57709

Marla Cooley
145 South Garden Street
Hot Springs, SD 57747

Michelle Melius
Black Hills Group Sierra Club
P.O. Box 1624
Rapid City, SD 57709

Reno L. Red Cloud
P.O. Box 4052
Pine Ridge, SD 57770

Cheyenne River Sioux Tribe
Kimberly Craven, Attorney General
P.O. Box 590
Eagle Butte, SD 57625

Peter Capossela Attorney At Law
P.O. Box 10643
Eugene, OR 97440

George Nelson
Attorney at Law
2640 Jackson Boulevard, Suite 1
Rapid City, SD 57702

Brenda Gamache
2337 Wilson Avenue
Hot Springs, SD 57747

Gena Parkhurst
514 Americas Way #20805
Box Elder, SD 57719

Steven J. Gunn
Attorney for Cheyenne River Sioux Tribe and Oglala Sioux Tribe
1301 Hollins Street

St. Louis, MO 63135

A courtesy copy of the above referenced document(s) was served by electronic mail upon the following:

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

By: /s/ Matthew E. Naasz
Matthew E. Naasz