

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

IN THE MATTER OF CLEAN)	
NUCLEAR ENERGY CORP.)	MOTION FOR CONTINUANCE
URANIUM EXPLORATION PERMIT)	OF APPARENTLY SCHEDULED
APPLICATION)	FEBRUARY 19, 2026 APPEAL
)	HEARING
EXNI 453)	

INTERVENOR, Bruce Ellison, hereby moves the Board of Minerals and Environment for a continuance of the apparently scheduled February 19, 2026 Hearing by the full Board on the appeals by Intervenors of numerous rulings by the designated Hearing Chair in this contested matter.

Absence of Notice of Hearing.

According the Transcript of the January 6, 2026 Preceding, Hearing Chair Morris advised: “File your motions for appeal of whatever decision you wish to appeal to the Board, and then notice will be provided as to when the board will make a determination as to those issues.” 1/6/26 Transcript of Proceedings Heard Before Hearing Chairman Bob Morris, p. 85. According the Chairman Morris: “[Y]ou file your appeal, the board will then all be present, you can make your arguments on the appeal, and then the board can decide as a collective body as to whether to overrule or affirm my rulings.”

As of the date and time of the filing of this Motion, no formal notice of the scheduled hearing has been received by this Intervenor. To my knowledge, no formal notice has been received by any Intervenor. Further, the “Contested Case” site of the DANR website does not

contain any reference to a hearing being scheduled on February 19, 2026 on CNEC's Application for a Uranium exploration permit.

Intervenor seeks a continuance of the Appeals Hearing until formal notice is given to the Intervenor as to the date, time, and place of the Hearing.

Site Visit.

Intervenor has received a Notice from Intervenor's Oglala Sioux and Cheyenne River Sioux Tribes that a site visit in Fall River County is scheduled for the Intervenor's February 17-19, 2026, creating an obvious conflict with any Appeals Hearing in Pierre. This Intervenor notes that after the filing of the Tribes Notice, including site visit days, there was no response or statement by the Board or the Hearing Chairman of this scheduling conflict alone.

A continuance of the Appeals Hearing is further sought until after the dates of the actually scheduled site visit.

Intervenor respectfully requests that the Board or the Hearing Chair or its Attorney immediately (today) notify Intervenor's by their respective email address (or by US mail in the absence thereof) as to any determination of this Motion for Continuance.

Dated this 17th day of February, 2026.

Respectfully submitted,

/s/ Bruce Ellison

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that due to the need for immediate relief, a copy of this Motion for Continuance was electronically served, in addition to the original of the Intervenor's Motion(s) being served via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binegar
Department of Agriculture & Natural
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Further, due to the immediacy of the need for relief, the undersigned certifies that a true and correct copy of the above referenced Motion was electronically served via e-mail upon the following:

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The following were served by U.S. Mail, postage paid to:

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Ruddell Bear Shirt

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Beverly Larson

PO Box 82 Wounded Knee, SD 57794

Dated this 17th day of February, 2026.

/s/ Bruce Ellison