

The Law Office of
GEORGE J. NELSON
G J N

RECEIVED

FEB 23 2026

Department of Agriculture
and Natural Resources

AttorneyRapidCity.com
Tel: 605-719-9470

2800 Jackson Boulevard, Suite 3
Rapid City, South Dakota 57702

gjnlaw@gmail.com

February 17, 2026

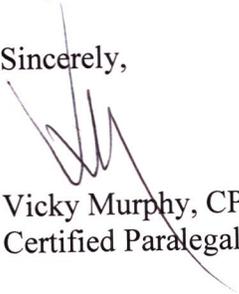
Brenda Binegar
Department of Agriculture & Natural Resources
523 E Capitol Ave
Pierre, SD 57501

Re: The Black Hills Group of the Sierra Club

Dear Ms. Binegar:

Find enclosed filing a copy of The Black Hills Group of the Sierra Club and Jeremiah Davis's *Motion for Access to Unredacted Archaeological Report Pursuant to Protective Order*, in the above-referenced matter. Should you have any questions or concerns, please contact our office. Thank you.

Sincerely,


Vicky Murphy, CP
Certified Paralegal to George Nelson

Enclosure

FEB 23 2026

Department of Agriculture
and Natural Resources

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

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

EXNI 453

MOTION FOR ACCESS TO
UNREDACTED ARCHAEOLOGICAL
REPORTS
PURSUANT TO PROTECTIVE ORDER
(¶ 8)

COMES NOW the Black Hills Group of the Sierra Club and Jeremiah "Jay" Davis ("Intervenors"), by and through undersigned counsel, and pursuant to Paragraph 8 of the Protective Order entered February 12, 2026, respectfully move the Board for an Order granting Intervenors and their designated expert access to the unredacted archaeological reports filed under seal in this matter, including Exhibit 10 (June 6, 2025 letter from the State Archaeological Research Center authored by Dustin Lloyd), under the terms of the existing Protective Order.

I. PROCEDURAL BASIS

1. On February 12, 2026, the Hearing Chair entered a Protective Order governing disclosure of archaeological and cultural resource reports in this proceeding.
2. Paragraph 8 of that Protective Order expressly provides that:
"All parties that have formally made an appearance in this action may, by motion served on all parties, request access to the unredacted reports..."
3. Intervenors are formally appearing parties in this contested case.
4. This Motion is filed pursuant to that provision.

II. BASIS FOR REQUEST

5. Intervenors have designated Dr. Linea Sundstrom as their expert witness in this matter.
6. Dr. Sundstrom is a nationally recognized archaeologist and rock art specialist and qualifies as a "qualified researcher" under SDCL § 1-20-21.2.
7. Access to the unredacted report is necessary for:

- o Meaningful expert review;
 - o Preparation of testimony;
 - o Evaluation of the conclusions reached by the State's archaeologist;
 - o Effective participation in the contested case hearing.
8. Intervenors do not seek public disclosure of the unredacted materials.
 9. Intervenors and Dr. Sundstrom agree to be fully bound by all terms and conditions of the Protective Order previously entered in this matter.

III. REQUEST FOR RELIEF

WHEREFORE, Intervenors respectfully request that the Board enter an Order:

1. Granting the Black Hills Group of the Sierra Club, Jeremiah "Jay" Davis, undersigned counsel, and Dr. Linea Sundstrom access to the unredacted archaeological reports filed under seal in this proceeding;
2. Requiring execution of the Acknowledgment of Protective Order by Dr. Sundstrom prior to disclosure;
3. Confirming that such access is subject to all terms and restrictions of the existing Protective Order.

DATED this 17th day of February, 2026.

Respectfully submitted,

/s/ George J. Nelson
George J. Nelson
Attorney for the Black Hills Group of the
Sierra Club
and Jeremiah "Jay" Davis
2800 Jackson Blvd., Suite 3
Rapid City, SD 57702
(605) 719-9470
gjnlaw@gmail.com

CERTIFICATE OF SERVICE

I certify that on the 17th day of February, 2026, I caused to be served via U.S. mail, postage prepaid, a true and correct copy of **MOTION FOR ACCESS TO UNREDACTED ARCHAEOLOGICAL REPORTS PURSUANT TO PROTECTIVE ORDER (§ 8)** to:

Brenda Binegar Department of Agriculture & Natural Resources 523 E Capitol Ave Pierre, SD 57501	Denise Giago 221 E Jackson St Rapid City, SD 57701
Steven R. Blair Deputy Attorney General Counsel Minerals, Mining, & Superfund Program PO Box 70 Rapid City, SD 57702	Taylor Gunhammer 221 E Jackson St Rapid City, SD 57701
Bob Morris, Hearing Chair Board of Minerals & Environment PO Box 370 Belle Fourche, SD 57717	Jean Roach 3711 Ivy Ave Rapid City, SD 57701
Matthew Naasz, CNEC Counsel Gunderson, Palmer, Nelson, & Ashmore PO Box 8045 Rapid City, SD 57709	Caryn Lerman 337 S. 5 th St Hot Springs, SD 57747
CT Corporation System, Resident Agent Clean Nuclear Energy Corporation 319 S Coteau St Pierre, SD 57501	Helen Red Feather PO Box 173 Wounded Knee, SD 57794
Cheryl Angel 1212 Columbus St Rapid City, SD 57701	Ailine Maea 715 Haines Ave #3 Rapid City, SD 57701
Elizabeth Lone Eagle 202 Bald Eagle Lane Box 11 Rapid City, SD 57701	Darlene Hawk Wing PO Box 25 Wounded Knee, SD 57794
Thomas O'Connor 4601 Mohawk St Lincoln, NE 68510	Beverly Larson PO Box 82 Wounded Knee, SD 57794
Candi Brings Plenty 725 Saint Charles St Rapid City, SD 57701	Ruddell Bear Shirt PO Box 88 Wounded Knee, SD 57794
Robert Bordeaux 740 University St #3 Spearfish, SD 57783	Mashanaposhe Camp PO Box 339 Porcupine, SD 57772

Seth Eagle Bear, Jr. PO Box 44 Wounded Knee, SD 57794	Law Office of Bruce Ellison PO Box 2508 Rapid City, SD 57709
Sanders Schaller 322 4th St Smithwick, SD 57782	Lilias Jones Jarding PO Box 591 Rapid City, SD 57709
Sarah Peterson 510 Jennings Ave Hot Springs, SD 57747	Marla Cooley 145 S Garden St Hot Springs, SD 57747
Julie Plachta PO Box 635 Hot Springs, SD 57747	Michael Melius Black Hills Group Sierra Club PO Box 1624 Rapid City, SD 57709
Susan McPhail Pang 28017 Cascade Rd Hot Springs, SD 57747	Reno L. Red Cloud PO Box 4052 Pine Ridge, SD 57770
Ben R. Sharp 28290 W Flagpole Rd Hot Springs, SD 57747	Kimberly Craven, Attorney General Cheyenne River Sioux Tribe PO Box 590 Eagle Butte, SD 57625
Great Plains Tribal Water Alliance, Inc PO Box 271 Pine Ridge, SD 57770	Brenda Gamache 2337 Wilson Ave Hot Springs, SD 57747
Chase Iron Eyes, Attorney at Law PO Box 393 Pine Ridge, SD 57770	Gena Parkhurst 514 Americas Way #20805 Box Elder, SD 57719
Peter Capossela, Attorney at Law PO Box 10643 Eugene, OR 97440	Steven Gunn, Attorney at Law Oglala Sioux Tribe PO Box 1204 Pine Ridge, SD 57770
Jeremiah Davis 130 E Centennial St Rapid City, SD 57701	Tonya Stands 202 Bald Eagle Lane #8 Rapid City, SD 57701
Michelle Tyon PO Box 1838 Pine Ridge, SD 57770	Susan Hey 312 N 40th St Rapid City, SD 57702

/s/ George J. Nelson
George Nelson

Law Office of George Nelson
2800 Jackson Blvd Ste 3
Rapid City SD 57702-3477

RECEIVED

FEB 23 2026

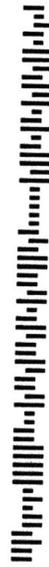
Department of Agriculture
and Natural Resources

RAPID CITY SD 577
19 FEB 2026 AM 1 L



US POSTAGE IMI
FIRST-CLASS
FROM 57702
02/17/2026
Stamps.com

063S0010172111



Brenda Binegar
Dept of Agriculture & Natural Resou
523 E Capitol Ave
PIERRE SD 57501-3182