

From: Neyhart, Melissa <Melissa.Neyhart@state.sd.us>
Sent: Thursday, November 13, 2025 12:12 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Cc: bobmorris@westriverlaw.com; McVey, David <David.McVey@state.sd.us>
Subject: In the Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application; EXNI 453

Dear Ms. Binegar:

Attached please find a letter, the Notice of Entry of Order on Motion Requesting Lakota Language Interpreter Services and Certificate of Service that I am sending on behalf of Assistant Attorney General David M. McVey in the above matter. The original documents will be inter-office mailed to you and a courtesy copy is being provided to Hearing Chair Bob Morris via this email.

Melissa Neyhart, Paralegal
Office of the Attorney General
1302 East SD Highway 1889, Suite 1
Pierre, South Dakota 57501-8501
Telephone: 605-773-3215
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STATE OF SOUTH DAKOTA



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ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

November 13, 2025

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

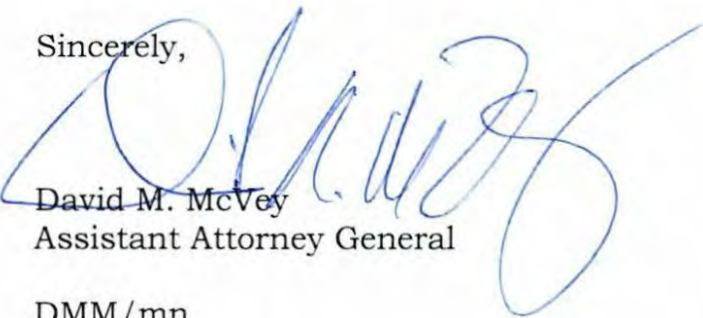
Re: *In the Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application; EXNI 453*

Dear Ms. Binegar:

Enclosed please find the original Notice of Entry of Order on Motion Requesting Lakota Language Interpreter Services 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 U.S. mail
cc/encs: Parties on Attached Certificate of Service

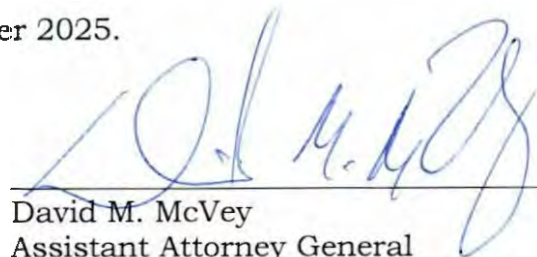
STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF CLEAN NUCLEAR)	
ENERGY CORP. URANIUM)	
EXPLORATION PERMIT APPLICATION)	NOTICE OF ENTRY OF ORDER ON
	MOTION REQUESTING LAKOTA
	LANGUAGE INTERPRETER
EXNI 453)	SERVICES
)	

TO: ALL INTERESTED PARTIES:

Please take notice that on November 10, 2025, Hearing Chair Bob Morris entered his Order on Motion Requesting Lakota Language Interpreter Services in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 13th day of November 2025.



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 ORDER ON MOTION REQUESTING LAKOTA LANGUAGE INTERPRETER SERVICES 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
& 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 or hand-delivered upon the following:

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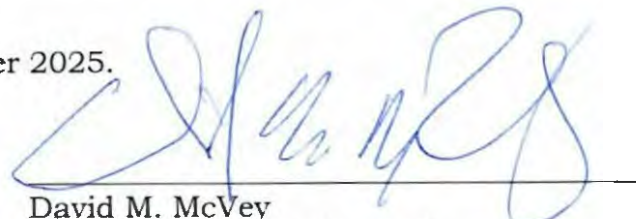
Tonya Stands
202 Bald Eagle Lane #8
Rapid City, SD 57701

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

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

Dated this 13th day of November 2025.



David M. McVey
Assistant Attorney General

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	)	ORDER ON
APPLICATION	)	MOTION REQUESTING LAKOTA
	)	LANGUAGE INTERPRETER
EXNI 453	)	SERVICES
	)	
	)	

Before the Board is Elizabeth Lone Eagle's August 15, 2025, motion requesting that the board, *inter alia*, "enter a procedural order requiring the State to provide, at its expense, Lakota language interpretation services...for the benefit of intervenors and witnesses throughout all phases of this proceeding."

The instant matter is governed by S.D. Codified Laws ("SDCL") Rule 45-9-74, which applies SDCL 1-26 to the proceeding. SDCL Chapter 1-26 requires that in a contested case, parties be afforded an opportunity for hearing, the ability to appear in person or by counsel, or both, to be present during the giving of all evidence, to have reasonable opportunity to inspect all documentary evidence, to examine and cross-examine witnesses, to present evidence in support of the party's interest, and may request subpoenas be issued to compel attendance of witnesses and production of evidence in the party's behalf in a manner consistent with state law.

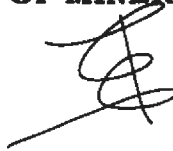
There is, however, no affirmative duty on the State to provide interpreter services at a contested case hearing within Chapter 1-26.

Additionally, “[p]arties to a contested case proceeding are entitled to due process of law.” *Application of Farmers State Bank of Viborg*, 466 N.W.2d 158, 162 (S.D. 1991). A fundamental notion of procedural due process is that it “requires that before a person is deprived of a property right that person is entitled to notice and a meaningful opportunity to be heard.” *Matter of Est. of Washburn*, 1998 S.D. 11, ¶ 18, 575 N.W.2d 245, 249-50. However, the procedural due process standard is “flexible and calls for such procedural protections as the particular situation demands.” *Mathews v. Eldridge*, 424 U.S. 319, 321, 96 S. Ct. 893, 896, 47 L. Ed. 2d 18 (1976) (cleaned up) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 481, 92 S.Ct. 2593, 2600, 33 L.Ed.2d 484). Here the potential that the intervenors will be deprived of a property right is minimal. As such, sufficient procedural protections are afforded all intervenors under SDCL § 1-26 because it provides all intervenors a meaningful opportunity to be heard.

Accordingly, after considering the requirements of SDCL §1-26 and procedural due process rights of the intervenors, the motion is denied.

Dated this 10 day of November 2025

BOARD OF MINERALS & ENVIRONMENT



Bob Morris, Hearing Chair