

**From:** Neyhart, Melissa <[Melissa.Neyhart@state.sd.us](mailto:Melissa.Neyhart@state.sd.us)>  
**Sent:** Monday, December 22, 2025 1:43 PM  
**To:** Binegar, Brenda <[Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us)>  
**Cc:** bobmorris@westriverlaw.com; McVey, David <[David.McVey@state.sd.us](mailto: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 the Notice of Entry of Order Fall River Ordinance and Certificate of Service and the Notice of Entry of Order Denying Change of Venue and Certificate of Service that I am sending on behalf of Assistant Attorney General David M. McVey in the above matter. We are sending you the original documents via inter-office mail. We are also providing a courtesy copy of the documents to Hearing Officer 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  
Facsimile: 605-773-4106

The information contained in this communication is confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please resend this communication to the sender and delete the original message or any copy of it from your computer system.

STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East SD Highway 1889, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
<http://atg.sd.gov>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

December 22, 2025

Brenda Binengar  
Department of Agriculture  
and Natural Resources  
523 East Capitol Avenue  
Pierre, SD 57501  
Email: [Brenda.Binengar@state.sd.us](mailto: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 Order Fall River Ordinance and Certificate of Service and the original Notice of Entry of Order Denying Change of Venue 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 AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

---

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

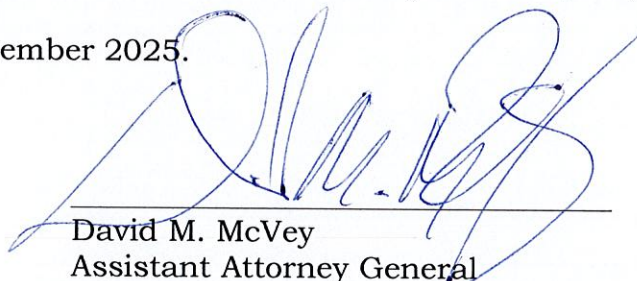
NOTICE OF ENTRY OF ORDER  
FALL RIVER ORDINANCE

---

TO: ALL INTERESTED PARTIES:

Please take notice that on December 21, 2025, Hearing Officer Bob Morris entered his Order Fall River Ordinance in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 22nd day of December 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](mailto: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 FALL RIVER ORDINANCE 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](mailto: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  
Attorney At Law  
506 6th Street  
P.O. Box 8045  
Rapid City, SD 57709  
*Counsel for Clean Nuclear Energy Group*

Sanders Schaller  
322 4th Street  
Smithwick, SD 57782

Cheryl Angel  
1212 Columbus Street  
Rapid City, SD 57701

Sarah Peterson  
510 Jennings  
Hot Springs, SD 57747

Elizabeth Lone Eagle  
c/o Lakota Prairie Ranch  
P.O. Box 656  
Kyle, SD 57752

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

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

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

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

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

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

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.*

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

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

Law Office of Bruce Ellison  
PO Box 2508  
Rapid City, SD 57709

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

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

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

Marla Cooley  
145 South Garden Street  
Hot Springs, SD 57747

George Nelson  
Attorney at Law  
2640 Jackson Boulevard  
Suite 1  
Rapid City, SD 57702  
*Counsel for Black Hills Sierra Club*

Brenda Gamache  
2337 Wilson Avenue  
Hot Springs, SD 57747

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

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

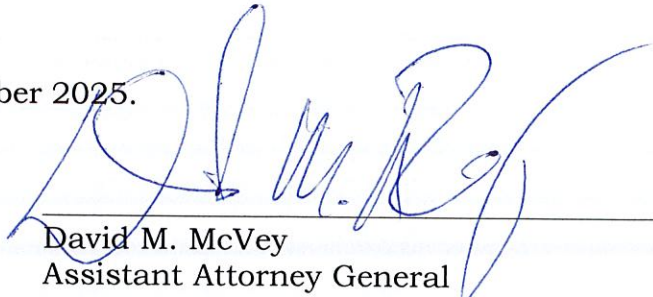
Tonya Stands  
202 Bald Eagle Lane #8  
Rapid City, SD 57701

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 22nd day of December 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
APPLICATION	)	FALL RIVER ORDINANCE
	)	
EXNI 453	)	
	)	
	)	

---

**In response to motions regarding the applicability of Ordinance declaring uranium mining a nuisance in Fall River County, the Board hereby finds:**

Prior to August 11, 2022, citizens of Fall River County obtained signatures for a County Initiative Petition for a proposed ordinance in the following form: URANIUM MINING IS A NUISANCE IN FALL RIVER COUNTY.

On August 11, 2022, the Fall River County Commission voted to submit the petition to a vote pursuant to SDCL 7-18A-13. A vote on the initiated measure was held in the General Election on November 8, 2022. The measure was passed by the majority of voters. On November 10, 2022, the County Board of Canvassers certified the votes for the measure. On November 15, 2022, the State Board of Canvassers certified the votes for the measure.

SDCL § 45-6B-3(11) defines "Mining operation" as

[T]he development or extraction of a mineral from its natural occurrence on affected land. The term includes surface mining and surface operations, in situ mining, the reprocessing of tailings piles the disposal of refuse from underground mining, milling and processing located on the land described in the application for a mining permit, and stand-alone milling and processing facilities utilizing chemical or biological leaching

agents. *The term does not include* extraction of sand, gravel, or rock to be crushed and used in construction, *exploration activities*, bulk sampling, the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe, borrow excavation for embankments, or the extraction of geothermal resources.

(emphasis added)

SDCL § 45-6D-3(10) defines "Uranium exploration operation" as

[T]he act of searching for or investigating a uranium deposit, including sinking shafts, tunneling, drilling test holes, digging pits, or cuts or other works for the purpose of extracting samples, including bulk samples, *before commencement of development or extraction operations* and test facilities to prove the commercial grade of a uranium deposit. The term does not include those activities which cause very little or no surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, annual assessment work required to maintain the validity of a mineral claim or any other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not exploring for uranium deposits.

(emphasis added)


Pursuant to these provisions, mining and exploration constitute separate actions.

The Fall River County ordinance declaring uranium mining a nuisance in Fall River County is extraneous to the application under issue and the Board will not recognize the ordinance as applicable.

Dated this 21st day of December, 2025.

**BOARD OF MINERALS & ENVIRONMENT**

By:

  
\_\_\_\_\_  
Bob Morris, Hearing Officer



STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

---

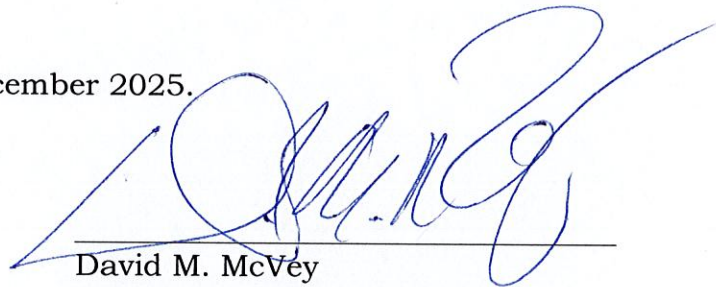
IN THE MATTER OF CLEAN NUCLEAR )	
ENERGY CORP. URANIUM )	
EXPLORATION PERMIT APPLICATION )	NOTICE OF ENTRY OF ORDER
	DENYING CHANGE OF VENUE
EXNI 453 )	
)	

---

TO: ALL INTERESTED PARTIES:

Please take notice that on December 21, 2025, Hearing Officer Bob Morris entered his Order Denying Change of Venue in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 22nd day of December 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](mailto: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 DENYING CHANGE OF VENUE 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](mailto: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*

Matthew Naasz  
Attorney At Law  
506 6th Street  
P.O. Box 8045  
Rapid City, SD 57709  
*Counsel for Clean Nuclear Energy Group*

Cheryl Angel  
1212 Columbus Street  
Rapid City, SD 57701

Elizabeth Lone Eagle  
c/o Lakota Prairie Ranch  
P.O. Box 656  
Kyle, SD 57752

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

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

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

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

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

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

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

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.*

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

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

Law Office of Bruce Ellison  
PO Box 2508  
Rapid City, SD 57709

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

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

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

Marla Cooley  
145 South Garden Street  
Hot Springs, SD 57747

George Nelson  
Attorney at Law  
2640 Jackson Boulevard  
Suite 1  
Rapid City, SD 57702  
*Counsel for Black Hills Sierra Club*

Brenda Gamache  
2337 Wilson Avenue  
Hot Springs, SD 57747

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

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

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 22nd day of December 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 APPLICATION )

EXNI 453 )  
)  
)  
)  
)

ORDER  
DENYING CHANGE OF VENUE

---

This Board has received numerous motions and requests from intervenors to move the location of venue for this matter to either Hot Springs, the Pine Ridge Indian Reservation, or Rapid City, South Dakota. In addition, the Fall River County Commission sent a letter dated October 15, 2025, requesting a change of venue to Hot Spring or other venue in Western South Dakota.

**In response to these motions and to the Fall River Commission letter, the Board hereby finds:**

SDCL 45-6D-27 provides:

The board of county commissioners of a county containing affected land may request that the hearing on the application for a uranium exploration operation permit be held in that county. Such request *shall* be filed with the Board of Minerals and Environment not more than twenty days after the date of last publication of notice pursuant to § 45-6D-12. Such request *shall* contain the reason for requesting the hearing and the location where the hearing is to be held. The Board of county commissioners *shall* pay travel and per diem costs as established by state statute or rule to the boards staff if the request designates the hearing at a location other than Pierre. [emphasis added].


SDCL 45-6D-27 requires that the request that the hearing be held in Fall River County, “.... *shall* be filed with the Board ... not more than twenty days after the date of last publication of notice pursuant to § 45-6D-12. ....” SDCL 2-14-2.1(2) provides the term “shall” manifests a mandatory directive and does not confer any discretion in carrying out the action so directed.” The Fall River Commission letter was sent to the Board long after the date of last publication of the notice as per SDCL 45-6D-12.

The Fall River County Commission's request to change venue is therefore denied. In addition, all other requests to change the venue of the hearing on EXNI 453 from Pierre to another location is denied.

Dated this **21st** day of December, 2025

**BOARD OF MINERALS & ENVIRONMENT**

By:

  
\_\_\_\_\_  
Bob Morris, Hearing Officer