

STATE OF SOUTH DAKOTA



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MARTY J. JACKLEY
ATTORNEY GENERAL

RECEIVED

APR 21 2026

Department of Agriculture
and Natural Resources

BRENT K. KEMPEMA
CHIEF DEPUTY

April 20, 2026

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

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

Dear Ms. Binigar:

Enclosed please find the original Notice of Entry of Order on Requests for the Board to Overturn Certain Orders of the Hearing Chair and accompanying 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,

A handwritten signature in blue ink, appearing to read "David M. McVey".

David M. McVey
Assistant Attorney General

DMM/mn

Enclosures

Via electronic mail and inter-office mail

cc/encs: Parties on Attached Certificate of Service

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

RECEIVED

APR 21 2026

Department of Agriculture
and Natural Resources

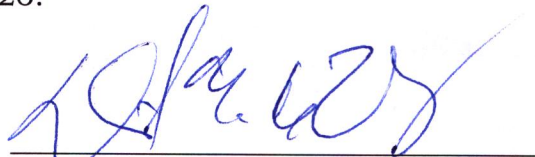
IN THE MATTER OF CLEAN NUCLEAR)
ENERGY CORP. URANIUM)
EXPLORATION PERMIT APPLICATION)
EXNI 453)

NOTICE OF ENTRY OF
ORDER ON REQUESTS FOR THE
BOARD TO OVERTURN CERTAIN
ORDERS OF THE HEARING CHAIR

TO: ALL INTERESTED PARTIES:

Please take notice that on April 13, 2026, Acting Chair Gregg Greenfield entered his Order on Requests for the Board to Overturn Certain Orders of the Hearing Chair in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 20th day of April 2026.



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 ORDER ON REQUESTS FOR THE BOARD TO OVERTURN CERTAIN ORDERS OF THE HEARING CHAIR was served via electronic mail and inter-office mail upon the following to be filed in the above-captioned matter:

Brenda Binigar
Department of Agriculture
and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
Email: Brenda.Binigar@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
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*Counsel for Department of Agriculture &
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Cheyenne River Sioux Tribe
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Reno L. Red Cloud
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Gena Parkhurst
514 Americas Way #20805
Box Elder, SD 57719

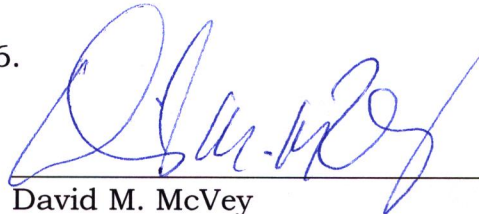
Tonya Stands
202 Bald Eagle Lane #8
Rapid City, SD 57701

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 20th day of April 2026.



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 ON
REQUESTS FOR THE BOARD TO
OVERTURN CERTAIN ORDERS
OF THE HEARING CHAIR

On March 18, 2026, a hearing was held for the Board-at-large to consider requests to overturn various orders of the Hearing Chair pursuant to ARSD § 74:09:01:08. Appearances were made by Steven R. Blair, General Counsel, South Dakota Department of Agriculture and Natural Resources, Matthew Naasz of Gunderson, Palmer, Nelson & Ashmore, on behalf of Clean Nuclear Energy Group (“CNEC”), The intervenors who were present in person, online, or by telephone were: Bruce Ellison, Liliias Jones Jarding, Denise Giago, Taylor Gunhammer, Sarah Peterson, Caryn Lerman, Ben R. Sharp, Jeremiah Davis, Marla Cooley, Elizabeth Lone Eagle, Jean Roach, Helen Red Feather, Tonya Stands, Michael Melius, Brenda Gamache, Julie Plachta, Seth Eagle, Bear Jr., Rudell Bear Shirt, Mashanaposhe Camp, and Susan McPhail Pang.

All Parties having had a full and fair opportunity to have their arguments heard on the pending requests, and upon consideration of the Board, the requests to overturn the orders of the Hearing Chair are resolved as follows.

It is hereby **ORDERED**:

I. Change of Venue

The request to overturn that portion of the Hearing Chair's Order dated August 28, 2025 denying Intervenors' motions to change venue is **Granted**. The Hearing will be held at the Mueller Civic Center, 801 S. 6th St., Hot Springs, South Dakota.

II. Fall River County ordinance

The request to overturn the Hearing Chair' Order dated December 21, 2025 is **Denied**.

III. Motion *in limine* to Preclude Evidence Regarding Mining

The request to overturn that portion of the Hearing Chair's Order dated January 20, 2026 granting Applicant's Motion *in limine* to preclude evidence regarding mining is **Granted**.

IV. Motion Requesting Lakota Language Interpreter Services

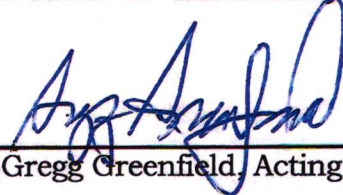
The request to overturn the Hearing Chair' Order dated November 10, 2025 is **Granted**. The Department of Agriculture and Natural Resources shall appoint and compensate a Lakota Language interpreter for the Hearing in this matter.

V. Motion requesting that service be completed by electronic means

The request to overturn that portion of the Hearing Chair's Order dated August 28, 2025 requesting that service be completed by electronic means is **Denied**.

Dated this 13th day of April 2026.

BOARD OF MINERALS & ENVIRONMENT



Gregg Greenfield, Acting Chair