

STATE OF SOUTH DAKOTA



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May 1, 2026

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

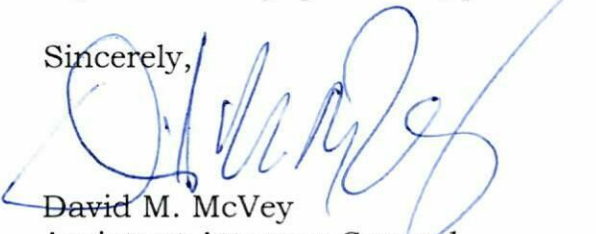
Re: *In the Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application; EXNI 453*

Dear Ms. Binegar:

Enclosed please find the original Notice of Entry of Order on Motion to Preclude Consideration of Treaty Rights, Notice of Entry of Order on Motion for Access to Unredacted Archeological Reports 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 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

IN THE MATTER OF CLEAN)	
NUCLEAR ENERGY CORP.)	NOTICE OF ENTRY OF
URANIUM EXPLORATION PERMIT)	ORDER ON MOTION TO
APPLICATION)	PRECLUDE CONSIDERATION OF
)	TREATY RIGHTS
EXNI 453)	

TO: ALL INTERESTED PARTIES:

Please take notice that on May 1, 2026, Hearing Officer Bob Morris entered his Order on Motion to Preclude Consideration of Treaty Rights in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 1st day of May 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

Additionally, the Intervenors argue, by analogy, that within Federal laws such as the Native American Graves Repatriation Act and the National Historic Preservation Act, Treaty rights are considered in the review and management of Federal and Tribal lands. Thus, Intervenors urge this Board to do likewise. It is unclear whether in the narrow context of SDCL 45-6D-29(3), such analogies are applicable or that the consideration of the history of Treaty rights for an analysis of the affected or surrounding land is necessary.

Considering the lenient evidentiary standard for relevance, CNEC's Motion to Preclude Consideration of Treaty Rights is **DENIED** without prejudice.

Dated this 1st day of May 2026

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)	NOTICE OF ENTRY OF
APPLICATION)	ORDER ON MOTION FOR ACCESS
)	TO UNREDACTED
EXNI 453)	ARCHEOLOGICAL REPORTS

TO: ALL INTERESTED PARTIES:

Please take notice that on May 1, 2026, Hearing Officer Bob Morris entered his Order on Motion for Access to Unredacted Archeological Reports in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 1st day of May 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

2. Paragraph 8 of the Protective Order states:

All parties that have formally made an appearance in this action may, by motion served on all parties, request access to the unredacted reports discussed herein, provided that if such access is granted by order of the Board of Minerals and Environment, they shall acknowledge receipt of this Protective Order and indicate that they have reviewed the order and agree to abide by its terms and conditions by executing the attached Acknowledgement and returning it to the Board for filing.

3. Along with his motion, Mr. Ellison filed a signed acknowledgement which comports with the requirements of Paragraph 8 of the Protective Order.

ORDERED, the movants' request for access to the unredacted archeological reports filed under seal in this proceeding is **Granted** only according to the following conditions:

1. Access by Movant is limited to those persons who have a need to access the documents for the preparation and prosecution of the hearing in this matter and for no other purpose.
2. All individuals accessing the Records must acknowledge receipt of the Protective Order and indicate that they have reviewed the order and agree to abide by its terms and conditions by executing the Acknowledgement of Protective Order and returning it to the Board for filing.
3. All access is subject to the terms and conditions of the Protective Order.

Dated this 1st day of May 2026

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)	CERTIFICATE OF SERVICE
EXPLORATION PERMIT APPLICATION)	
)	
EXNI 453)	
)	

The undersigned hereby certifies that the originals of the NOTICE OF ENTRY OF ORDER ON MOTION TO PRECLUDE CONSIDERATION OF TREATY RIGHTS and NOTICE OF ENTRY OF ORDER ON MOTION FOR ACCESS TO UNREDACTED ARCHEOLOGICAL REPORTS 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
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
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P.O. Box 4052
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Gena Parkhurst
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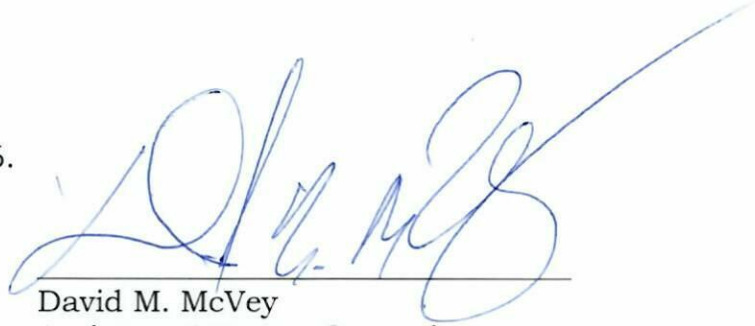
Tonya Stands
202 Bald Eagle Lane #8
Rapid City, SD 57701

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

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 1st day of May 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