

STATE OF SOUTH DAKOTA



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July 23, 2026

Brenda Binengar
Department of Agriculture
and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
Email: 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 on Clean Nuclear Energy Corp.'s Motion to Expedite Hearing 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,

/s/ *David M. McVey*

David M. McVey
Assistant Attorney General

DMM/mn
Enclosures

Via electronic mail and interoffice 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)	NOTICE OF ENTRY OF
)	ORDER ON CLEAN NUCLEAR
EXNI 453)	ENERGY CORP.'S MOTION TO
)	EXPEDITE HEARING
)	

TO: ALL INTERESTED PARTIES:

Please take notice that on July 22, 2026, Hearing Officer Bob Morris entered his Order on Clean Nuclear Energy Corp.'s Motion to Expedite Hearing in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 23rd day of July 2026.

/s/ David M. McVey
David M. McVey
Assistant Attorney General
1302 East SD Highway 1889, Suite 1
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Telephone: (605) 773-3215
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*Counsel for the Board of Minerals and
Environment*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 23, 2026, the original NOTICE OF ENTRY OF ORDER ON CLEAN NUCLEAR ENERGY CORP.'S MOTION TO EXPEDITE HEARING was served via electronic mail and interoffice 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 and 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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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 23rd day of July 2026.

/s/ David M. McVey
David M. McVey
Assistant Attorney General
*Counsel for the Board of Minerals and
Environment*

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

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ORDER

CLEAN NUCLEAR ENERGY
CORP.'S MOTION TO EXPEDITE
HEARING

On June 16, 2026, Clean Nuclear Energy, Corp. ("CNEC") moved the Board expedite the hearing process, "[p]ursuant to SDCL § 1-206-19 {sic} hereby moves this board to expedite the hearing process by receiving testimony and cross examination in written form. Should this board not to not determined to receive all testimony written form, applicant respectfully request this court allow for written direct examination of all witnesses, and cross examination of all witnesses via video conference." While not stated on the face of the motion, in its' Brief in Support of the Motion the Applicant clarifies the intent of the motion and expressly requests:

1. Order that all direct testimony be submitted in written form two weeks prior to the hearing; and
2. Authorize all participants in the hearing to appear remotely; and
3. Limit cumulative cross-examination of each witness to no more than four hours; and
4. Schedule this hearing to re-commence as quickly as possible.

On June 30, 2026 Intervenor Elizabeth Lone Eagle filed an Objection and Response in Opposition to the Motion. On July 6, 2026, the Black Hills Group of the Sierra Club and Jeremiah "Jay" Davis filed an Objection to Applicant's Motion. Also on July 6, 2026, Intervenor Marla Cooley filed a Brief Opposing the Motion. On July 9, 2026 Intervenor Michelle Tyon, Ruddell Bear Shirt, Beverly Larson, Seth Eagle Bear, Jr., Helen Red Feather, and Darlene Hawk Wing filed a Joint Brief Opposing the Motion.

1. Motion to order that all direct testimony be submitted in written form two weeks prior to the hearing.

SDCL 1-26-19(1) states in relevant part that “Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.” The Applicant asserts that the cited provision “allows the Board to authorize receipt of direct examination *via* written submission. In their argument, the Applicant generally argues that requiring direct examination be submitted in writing will serve to streamline and expedite the proceedings. They do not however make any showing that such methodology will not substantially prejudice the interests of the other parties. The other parties consist of sovereign tribal governments, environmental organizations, neighboring landowners, local governmental interests, individual citizens, and numerous *pro se* participants. The broad range of parties with different access to counsel, access to necessary technology, and economic resources suggests that at least some parties will be substantially prejudiced by requiring direct examination be submitted in writing.

The burden rests upon the Applicant to establish that no substantial prejudice will result and it has failed to demonstrate that replacing live testimony with written submissions will preserve the procedural rights guaranteed to every party in this proceeding.

Therefore, the Motion to require all direct testimony be submitted in written form two weeks prior to the hearing is hereby **DENIED without prejudice.**

2. Motion to authorize all participants in the hearing to appear remotely.

Upon consideration of the arguments put forth by the Applicant and the briefs submitted in opposition, the motion to authorize all participants in the hearing to appear remotely is hereby **DENIED without prejudice.**

3. Motion to limit cumulative cross-examination of each witness to no more than four hours.

More than thirty intervenors have been granted party status because each possesses an independent interest that may be affected by the Board's decision. Each therefore possesses an independent right to examine witnesses concerning that particular interest. South Dakota authority recognizes that intervenors who have been granted party status possess independent procedural rights, including the right to examine and cross-examine witnesses in support of their own interests.

The Hearing Chair, not arbitrary limitations on time, will prevent repetitive or cumulative questioning at the hearing. Therefore, the Motion to limit cumulative cross-examination of each witness to no more than four hours is hereby **DENIED without prejudice.**

4. Motion to Schedule this hearing to re-commence as quickly as possible.

This issue will be discussed by the Board at the August 20, 2026, regularly scheduled meeting. The motion as written is **DENIED without prejudice for vagueness.**

Dated this 22nd day of July 2026

BOARD OF MINERALS & ENVIRONMENT

By:



Bob Morris, Hearing Officer