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**RECEIVED**

AUG 01 2025

Department of Agriculture  
and Natural Resources

gjnlaw@gmail.com

July 18, 2025

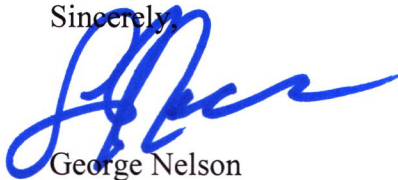
Brenda Binegar  
Department of Agriculture & Natural Resources  
523 E Capitol Ave  
Pierre, SD 57501

Re: The Black Hills Group of the Sierra Club

Dear Ms. Binegar:

Find enclosed a copy of *Amended Petition to Intervene*, *Motion to Transfer Location of Hearing*, *Motion for a Prehearing Conference*, and *Motion to Permit Electronic Service* being filed on behalf of Intervenor The Black Hills Group of the Sierra Club. This is considered as service upon you. Should you have any questions or concerns, please contact my office. Thank you.

Sincerely,



George Nelson

GN/vlm

Enclosures

CC: Steven Blair, Bob Morris, Matthew Naaz, Clean Nuclear Energy Corp., Cheryl Angel, Elizabeth Lone Eagle, Thomas O'Connor, Candi Brings Plenty, Robert Bordeaux, Denise Giago, Taylor Gunhammer, Jean Roach, Caryn Lerman, Helen Red Feather, Ailine Maea, Darlene Hawk Wing, Beverly Larson, Ruddell Bear Shirt, Mashanaposhe Camp, Seth Eagle Bear, Jr., Sanders Schaller, Sarah Peterson, Julie Plachta, Susan McPhail Pang, Ben Sharp, Great Plains Tribal Water Alliance, Chase Iron Eyes, Peter Capossela, Jeremiah Davis, Michelle Tyon, Susan Hey, Bruce Ellison, Lillas Jones Jarding, Marla Cooley, Michael Melius, Reno Red Cloud, Kimberly Craven, Brenda Gamache, Gene Parkhurst, Steven Gunn, Tonia Stands

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

Department of Agriculture  
and Natural Resources

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

EXNI 453

AMENDED PETITION TO  
INTERVENE

COMES NOW the Black Hills Group of the Sierra Club, by and through its undersigned counsel, and respectfully submits this *Amended Petition to Intervene* pursuant to SDCL §§ 1-26-17.1 and 45-6D-14, and the applicable administrative rules of the Department of Agriculture and Natural Resources. In support of this Petition, the Petitioner states as follows:

**I. INTERVENOR INFORMATION**

- Name: Black Hills Group of the Sierra Club
- Mailing Address: P.O. Box 164, Rapid City, SD 57709
- Contact Person: Michael Melius, Chair
- Email: [mmmelius@hotmail.com](mailto:mmmelius@hotmail.com)
- Telephone: (605) 515-1323

Counsel for Intervenor:

George Nelson  
Attorney for The Black Hills Group of The Sierra Club  
2640 Jackson Boulevard #1  
Rapid City, SD 57702  
(605) 719-9470  
[gjnlaw@gmail.com](mailto:gjnlaw@gmail.com)

## **II. STATEMENT OF INTEREST**

The Sierra Club is the nation's largest and oldest grassroots environmental organization, with over 3.8 million members and supporters, including hundreds residing in the Black Hills region of South Dakota. The Black Hills Group has actively worked to protect the natural and cultural resources of western South Dakota for over fifty years.

The Intervenor's members live, work, recreate, and derive water in close proximity to the area affected by Clean Nuclear Energy Corp.'s ("CNEC") proposed uranium exploratory drilling project adjacent to Craven Canyon, located in Fall River County. Intervenor and its members will be directly and adversely affected by the proposed drilling activities. Accordingly, Intervenor has standing under SDCL §§ 1-26-17.1 and 45-6D-14 to intervene in this contested case proceeding.

## **III. GROUNDS FOR INTERVENTION**

The proposed uranium exploration permit should be denied because:

1. **Environmental and Cultural Impacts:** The proposed drilling poses a clear risk of irreversible harm to the historic, archaeological, geologic, and scenic values of Craven Canyon and its surrounding state and federal lands. The area is listed on the National Register of Historic Places due to its extensive prehistoric pictographs and petroglyphs, and further degradation through increased traffic, noise, dust, and the risk of vandalism is a significant and foreseeable threat.
2. **Risk to Water Resources:** CNEC proposes drilling as many as fifty (50) 60-foot by 60-foot drill pads, each with boreholes up to 700 feet deep, in a region historically damaged by uranium exploration. Intervenor asserts that such activity risks permanent

contamination of local groundwater aquifers, springs, and seeps, contrary to public interest and environmental stewardship.

3. Violation of Statutory Criteria: Under SDCL § 45-6D-15, a permit must be denied where the adverse effects on historical, scientific, or recreational resources outweigh the economic benefits of the proposed exploration. In this case, the cultural and ecological value of Craven Canyon and its public trust lands clearly outweighs any speculative benefit from uranium development.

#### **IV. LEGAL BASIS FOR INTERVENTION**

This is a contested case proceeding under SDCL § 1-26-1(2), as it involves an agency determination of legal rights and responsibilities based on particular facts and impacts specific parties. As such, constitutional due process applies, including the right to present evidence, cross-examine witnesses, and submit legal argument. See *In re Union Carbide Corp.*, 308 N.W.2d 753, 757 (S.D. 1981); *B.K. ex rel. Kroupa v. 4-H*, 877 F. Supp. 2d 804 (D.S.D. 2012). Intervenor seeks full party rights as provided under SDCL §§ 1-26-17.1 and 1-26-18, including the right to participate in prehearing motions, submit expert and lay testimony, engage in discovery, and seek judicial review if necessary. See also *Matter of Water Permit No. 1791-2*, 351 N.W.2d 119 (S.D. 1984).

#### **V. REQUEST FOR RELIEF**

WHEREFORE, the Black Hills Group of the Sierra Club respectfully requests that the Board:

1. Grant this Amended Petition to Intervene and designate Intervenor as a party to the proceeding;

2. Permit Intervenor to fully participate in all aspects of the proceeding, including any prehearing conference, dispositive motions, hearings, and post-hearing briefing;
3. Schedule a prehearing conference to establish a procedural schedule;
4. Transfer the location of the evidentiary hearing to Hot Springs, South Dakota, to ensure full public participation from impacted stakeholders pursuant to SDCL § 1-26-18; and
5. Deny the uranium exploration permit sought by CNEC on the merits.

Dated this 18<sup>th</sup> day of July, 2025.

Respectfully submitted,

LAW OFFICE OF GEORGE NELSON

/s/ George J. Nelson  
George Nelson  
Attorney for The Black Hills Group of  
The Sierra Club  
2640 Jackson Boulevard #1  
Rapid City, SD 57702  
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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

**MOTION TO TRANSFER LOCATION  
OF HEARING**

COMES NOW Intervenor, The Sierra Club, by and through undersigned counsel, and respectfully moves this Board to transfer the location of the hearing in this matter from Pierre, South Dakota, to Hot Springs, South Dakota, pursuant to SDCL § 1-26-18 and the Board's inherent authority to ensure fair and accessible proceedings.

In support of this Motion, Intervenor states:

1. The proposed uranium exploration site is located near Edgemont, South Dakota, in Fall River County. The vast majority of potentially impacted residents and stakeholders reside in western South Dakota.
2. Holding the hearing in Pierre imposes substantial burdens on local landowners, tribal representatives, and members of the public wishing to participate.
3. Relocating the hearing would facilitate broader public engagement and allow for more meaningful participation in this matter.
4. The Board has the discretion under SDCL § 1-26-18 to fix the place of the hearing "to promote the convenience of the parties and the public."

WHEREFORE, Intervenor respectfully requests that the hearing in this matter be transferred to Hot Springs, South Dakota.

Dated this 18<sup>th</sup> day of July, 2025.

Respectfully submitted,

LAW OFFICE OF GEORGE NELSON

/s/ George J. Nelson

George Nelson  
Attorney for The Black Hills Group of the  
The Sierra Club  
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IN THE MATTER OF CLEAN  
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EXNI 453

MOTION FOR A PREHEARING  
CONFERENCE

COMES NOW Intervenor, The Black Hills Group of The Sierra Club, pursuant to SDCL § 1-26-18 and ARSD 74:09:01:08, and respectfully requests that the Board schedule a prehearing conference in this matter.

The purpose of this request is to clarify procedural issues, identify preliminary motions, establish discovery deadlines, and address scheduling and evidentiary matters, including expert witness disclosures, site inspections, and possible stipulations.

A prehearing conference will aid in the efficient and orderly conduct of the hearing and assist the parties in narrowing disputed issues.

DATED this 1<sup>st</sup> day of July, 2025.

Respectfully submitted,

LAW OFFICE OF GEORGE NELSON

/s/ George J. Nelson  
George Nelson  
Attorney for The Black Hills Group of  
The Sierra Club  
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EXNI 453

**MOTION TO PERMIT  
ELECTRONIC SERVICE**

Intervenor, The Black Hills Group of the Sierra Club, hereby moves the Board of Minerals and Environment to permit the Intervenors and the Parties to serve future pleadings on each other electronically by email.

The Board, by its Order Appointing Hearing Chair, authorized service of all pleadings, motions, and other documents by U.S. mail, personal service, or by fax. Fax is an antiquated electronic mailing system, which has been replaced in modern communications in the form of email. The current form of email should be permissible for electronic service.

Additionally, producing copies and mailings for service upon over 40 parties of all filings is an unnecessary and excessive cost. There is also a delay in mail service that can be cured by electronic service by email. Being required to mail each document can only negatively impact the notice purpose of service and timely filing of pleadings with this Board.

Dated this 18<sup>th</sup> day of July, 2025.

LAW OFFICE OF GEORGE NELSON

/s/ George J. Nelson  
George Nelson  
Attorney for The Black Hills Group  
of the Sierra Club  
2640 Jackson Boulevard #1  
Rapid City, SD 57702  
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CERTIFICATE OF SERVICE

Department of Agriculture  
and Natural Resources

I certify that on the 22nd day of July, 2025, I caused to be served via U.S. mail, postage prepaid, a true and correct copy of *Amended Petition to Intervene, Motion to Transfer Location of Hearing, Motion for a Prehearing Conference, and Motion to Permit Electronic Service* to:

Brenda Binegar  
Department of Agriculture & Natural  
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/s/ George J. Nelson  
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