

From: Lillas Jarding <lillasjarding@gmail.com>
Sent: Thursday, August 14, 2025 5:41 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT] Proposed CNEC Craven Canyon Exploration

Dear Ms. Binegar --

As an intervenor in the above proceeding, I would request the following:

1. That the hearing in the above matter be held in the Black Hills and preferably in Hot Springs.
2. That the Fall River County Ordinance passed in November 2022 be recognized as binding by the Board of Minerals and Environment.
3. That the hearing be scheduled for a realistic amount of time -- i.e., longer than two days -- but that the hearing be scheduled for no more than two days within a month to allow intervenors and Board members to handle other matters of importance.

Thank you for receiving this information on behalf of Hearing Officer Morris.

Lillas Jarding

From: Steven Gunn <sjgunn37@gmail.com>
Sent: Friday, August 15, 2025 5:00 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT]

--

Steven J. Gunn
Telephone: (314) 920-9129
Facsimile: (800) 520-8341

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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.	)	OGLALA SIOUX TRIBE'S
URANIUM EXPORATON PERMIT	)	PROPOSED PROCEDURAL
APPLICATION	)	AND SCHEDULING ORDERS
	)	
EXNI 453	)	
	)	

COMES NOW INTERVENOR OGLALA SIOUX TRIBE (Tribe), by and through the undersigned counsel, and hereby responds to the Order Setting a Pre-Hearing Conference on Motions, dated August 5, 2025, by submitting the following proposed procedural and scheduling orders:

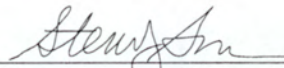
1. The Board should enter a reasonable discovery schedule including:
 - a. Setting a date for the filing of discovery requests, at least 30 days after the Pre-Hearing Conference;
 - b. Setting a date for compliance with and response to discovery requests, at least 30 days after the date of service of the request;
 - c. Setting a date for the filing of any motions to compel discovery, at least 30 days after the date for compliance and response to discovery requests;
 - d. Setting a date for a hearing on any motions to compel; and
 - e. Setting a date for compliance with discovery ordered by the Board.
2. The Board should schedule a prehearing conference at least four weeks prior to the date scheduled for the start of the Hearing of this matter.

3. The Board should schedule the Hearing of this matter at least 60 days after completion of the U.S. Forest Service environmental review of the Clean Nuclear Energy Corporation's (CNEC's) proposed uranium mining exploratory drilling project in Craven Canyon, which includes adjacent federally-administered lands. The federal environmental review will include extensive research and analysis of potential consequences of CNEC's proposed project, and the Board can benefit from that research and analysis.

4. The Board should schedule the Hearing of this matter in Rapid City.

5. The Board should enter an order allowing the Tribe the opportunity to participate in any surveys, reports, and any other matters relating to the assessment of adverse effects on historic properties impacted by this Project prior to the Hearing of this matter.

Dated: August 15, 2025



Steven J. Gunn, SD Bar No. 3284
In-house Counsel to the Oglala Sioux Tribe
Oglala Sioux Tribe Legal Department
P.O. Box 1204
Pine Ridge, SD 57770
Telephone: (314) 920-9129
Facsimile: (605) 867-2140
Email: sjgunn@wustl.edu; sjgunn37@gmail.com

Attorney for Oglala Sioux Tribe

-----Original Message-----

From: Steven Gunn <sjgunn37@gmail.com>

Sent: Friday, August 15, 2025 4:59 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Oglala Sioux Tribe's Proposed Procedural and Scheduling Orders in EXNI 453

Dear Ms. Binegar:

Please see the attached.

The hearing should be scheduled in Rapid City.

Steven J. Gunn

Attorney for the Oglala Sioux Tribe

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	OGLALA SIOUX TRIBE'S
URANIUM EXPORATON PERMIT	)	PROPOSED PROCEDURAL
APPLICATION	)	AND SCHEDULING ORDERS
	)	
EXNI 453	)	
	)	

COMES NOW INTERVENOR OGLALA SIOUX TRIBE (Tribe), by and through the undersigned counsel, and hereby responds to the Order Setting a Pre-Hearing Conference on Motions, dated August 5, 2025, by submitting the following proposed procedural and scheduling orders:

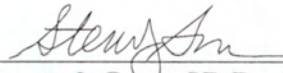
1. The Board should enter a reasonable discovery schedule including:
 - a. Setting a date for the filing of discovery requests, at least 30 days after the Pre-Hearing Conference;
 - b. Setting a date for compliance with and response to discovery requests, at least 30 days after the date of service of the request;
 - c. Setting a date for the filing of any motions to compel discovery, at least 30 days after the date for compliance and response to discovery requests;
 - d. Setting a date for a hearing on any motions to compel; and
 - e. Setting a date for compliance with discovery ordered by the Board.
2. The Board should schedule a prehearing conference at least four weeks prior to the date scheduled for the start of the Hearing of this matter.

3. The Board should schedule the Hearing of this matter at least 60 days after completion of the U.S. Forest Service environmental review of the Clean Nuclear Energy Corporation's (CNEC's) proposed uranium mining exploratory drilling project in Craven Canyon, which includes adjacent federally-administered lands. The federal environmental review will include extensive research and analysis of potential consequences of CNEC's proposed project, and the Board can benefit from that research and analysis.

4. The Board should schedule the Hearing of this matter in Rapid City.

5. The Board should enter an order allowing the Tribe the opportunity to participate in any surveys, reports, and any other matters relating to the assessment of adverse effects on historic properties impacted by this Project prior to the Hearing of this matter.

Dated: August 15, 2025



Steven J. Gunn, SD Bar No. 3284
In-house Counsel to the Oglala Sioux Tribe
Oglala Sioux Tribe Legal Department
P.O. Box 1204
Pine Ridge, SD 57770
Telephone: (314) 920-9129
Facsimile: (605) 867-2140
Email: sjgunn@wustl.edu; sjgunn37@gmail.com

Attorney for Oglala Sioux Tribe

From: Taylor Gunhammer <taylor@ndncollective.org>

Sent: Friday, August 15, 2025 4:46 PM

To: Binengar, Brenda <Brenda.Binenar@state.sd.us>

Subject: RE: [EXT] motion to change hearing location and date

Hello Ms. Binengar,

My comments are attached below. Thank you.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNEC
ENERGY CORP.'s Uranium Exploration permit application hearing.

To: Brenda Binegar,
Brenda.Binegar@state.sd.us

I am writing as an enrolled Tribal member, a Black Hills resident, and an individual Intervenor regarding the motion to change the hearing location from Pierre, SD. I would like to suggest possible locations for the hearing that improve the robustness of public participation. For the best result, which we should strive for always, the hearing should be held not only in the portion of the State where most of the intervenors reside, but also in the area that is being threatened by this potential uranium exploration project. The following are my humbly offered suggestions.

1. It would be appropriate for the hearing to be held in Hot Springs, SD, located in Fall River County. As the population most directly impacted by this proposal, there is no reasonable call to deny them a chance to participate in it because of geography. The Mueller Center would be an appropriate-sized venue.
2. My second suggestion is to move the hearing to the Prairie Wind Casino on the Pine Ridge reservation, where many citizens who would be directly negatively affected by this project also live. Given that greater than 99% of the area's residents also have Constitutionally-recognized treaty rights at stake in this matter, they are entitled to the Board's best effort to include them.
3. My third suggestion for the hearing location is Rapid City, SD. It is a convenient central spot with many hotels and venues large enough to host this hearing, such as the Monument. It also exists in a sort of "middle ground" between the diverse interests of the citizens who stand to be impacted by CNEC's proposal.
4. Regarding the hearing date: there has been no reasonable discovery period in this process. Not only should the hearing not occur until that process has been fully completed, it also stands to reason that the Board could simply wait until the EPA has completed its study and assessment of the federal lands involved in the project in order to be best informed when making a decision.

Thank you for your time and consideration in this matter.

Best Regards,

Taylor Gunhammer
taylor@ndncollective.org

From: Peter Capossela <pcapossela@nu-world.com>
Sent: Friday, August 15, 2025 4:29 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Cc: Chase Iron Eyes <chase@sacreddefense.org>
Subject: [EXT] EXNI 453 Clean Nuclear Energy Corp application

Ms. Binegar -- on behalf of my co-counsel Chase Iron Eyes with the Great Plains Tribal Water Alliance, attached for filing in the above-referenced docket, please find --

Statement on Alternate Hearing Location

Proposed Scheduling order

Brief on the Issue of the Fall River County Nuisance Ordinance

Certificate of Service

Thank you very much.

Peter

--

Peter Capossela
Attorney at Law PC
Post Office Box 10643
Eugene, Oregon 97440
(541) 505-4883

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BEFORE THE 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	)
	)

INTERVENOR GREAT PLAINS TRIBAL WATER ALLIANCE, INC.

STATEMENT ON PROPOSED ALTERNATE HEARING LOCATION

Intervenor Great Plains Tribal Water Alliance, Inc. respectfully expresses its support for the hearing in this matter to take place in Fall River County, as properly requested by Dakota Rural Action, the Black Hills Clean Water Alliance and numerous intervenors, including residents of Fall River and Oglala Lakota Counties.

RESPECTFULLY SUBMITTED this 15th day of August 2025

By: /s/ _____
Chase Iron Eyes
Attorney at Law
Post Office Box 393
Pine Ridge, South Dakota 57770
(605) 415-9238
Chase@Lakotalaw.org
S.D. Bar No. 3981

Peter Capossela

Peter Capossela, PC
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pcapossela@nu-world.com

**BEFORE THE 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	)
	)

SCHEDULING ORDER

A hearing was held on the schedule for the above-captioned matter on August 21, 2025. Good cause appearing therefor, the following schedule shall apply:

September 30, 2025	Deadline for discovery requests
October 31	Deadline to complete discovery
November 28	Deadline for discovery motions
December 31	Deadline for all pre-hearing motions
February 2, 2026	Commence hearing

IT IS SO ORDERED this ____ day of _____, 2025

Hearing Officer

BEFORE THE 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	)
	)

INTERVENOR GREAT PLAINS TRIBAL WATER ALLIANCE, INC.

BRIEF ON THE ISSUE OF THE

2022 FALL RIVER COUNTY NUISANCE ORDINANCE

The 2022 Fall River County Ordinance provides simply “Uranium mining is a nuisance in Fall River County.” *Citation omitted.* The applicant seeks approval under state law to conduct activities constituting a nuisance under the laws of the county in which the project would be located. *E.g. City of Custer v. Preserve French Creek*, 2024 S.D. 45 (denying writ of mandamus to close sewage plant whose operation was required by state law, and which was declared a nuisance by ordinance passed after it commenced operation). Regardless of whether SDCL Chap. 45-6D pre-empts the Fall River County Ordinance, *see id.*, the fact that the residents of the county where the proposed project is located have determined that the activity constitutes a nuisance directly relates to whether “the adverse effects of the proposed uranium exploration operation... outweigh the benefits.” SDCL §45-6D-29(3).

The local residents arguably possess the best information on the “historic, archaeologic, geologic, scientific, or recreational aspects,” *id.*, of the proposed activity in

their county. Their defining the proposed activity as a nuisance is relevant to the application, regardless of whether the ordinance may or may not be ultimately declared to be pre-empted by state law. *City of Custer v. Preserve French Creek, supra*. Any pre-emption argument is purely speculative at this point, in any event.

South Dakota law prescribes that, "A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal." SDCL §21-10-3. Under SDCL §21-10-5,

Remedies against any nuisance are:

- (1) A civil action;
- (2) Abatement; and
- (3) In cases of public nuisance, the additional remedy of indictment or information as prescribed by statute and rules thereto.

SDCL §21-10-5.

The Fall River Nuisance Ordinance is in effect. The fact that the proposed activity constitutes a nuisance under local law could give rise to enforcement proceedings and protracted litigation against the applicant under §21-10-5. This penultimate reality cannot be easily dismissed by the Board. The Fall River nuisance ordinance must be considered if properly raised by an intervenor.

RESPECTFULLY SUBMITTED this 15th day of August 2025

By: /s/ _____
Chase Iron Eyes
Attorney at Law
Post Office Box 393
Pine Ridge, South Dakota 57770

(605) 415-9238
Chase@Lakotalaw.org
S.D. Bar No. 3981

Peter Capossela

Peter Capossela, PC
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Certificate of Service

The undersigned hereby certifies that the afore documents were served via U.S. mail with proper postage attached to –

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Steven Gunn
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Bob Morris
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Belle Fouche, S.D. 57717
bobmorris@westriverlaw.com

The following were served by electronic mail only -

Glenn Blumhardt
gablum@abe.midco.net

Gregg Greenfield
ggreenfield@grlaw.us

Dated this 15th day of August 2025

Peter Cepossela

From: Taylor Gunhammer <taylor@ndncollective.org>

Sent: Friday, August 15, 2025 4:28 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Input on Fall River Co. ordinance

Hello Ms. Binegar,

My commentary is attached below. Thank you.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES
BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNAC
ENERGY CORP.'s Uranium Exploration permit application hearing.

To: Brenda Benegar,
Brenda.Binegar@state.sd.us

My name is Taylor Gunhammer. I am writing as an enrolled Tribal member, a Black Hills resident, and an intervenor in the Craven Canyon exploratory drilling project regarding the issue of the Fall River County Ordinance passed by voters in November of 2022, designating uranium mining as a public nuisance within Fall River County.

As stated in the South Dakota Legislature codified law:

46-1-4. Beneficial use of water resources--Prevention of waste--Right to water from natural stream or watercourse.

"It is hereby declared that, because of conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or watercourse in this state is limited to an amount of water reasonably required for the beneficial use to be served, and such right does not extend to the waste or unreasonable use or unreasonable method of diversion of water."

There should be no further consideration of the ordinance other than perhaps to strengthen its capacity to allow the citizens you serve to protect themselves as they see fit and within the law. There is no conflict between the Fall River County ordinance and federal law, as nothing like a "mining ban" is remotely taking place. The people of Fall River County have simply participated in civic government so robustly that their collective welfare is now being governed by their collective will. Truly, no greater result is possible in the civic process. Therefore, no efforts to repeal, weaken, or nullify the Fall River County ordinance in question should be considered at any time.

Thank you for your time and consideration in this matter.

Best Regards,

Taylor Gunhammer
taylor@ndncollective.org

From: Rajni Lerman <rajni1love@gmail.com>

Sent: Friday, August 15, 2025 3:37 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Proposed Procedural & Scheduling orders In the Matter of PRE-CONFERENCE HEARING: Clean Nuclear Energy Corp. Uranium Exploration Permit Application; EXNI 453

Dear Ms Binegar,

As an Intervenor in this case, I am writing to address matters regarding recent motions filed & the letter I received in the mail on Tues, August 12th.

Ordered;

1) Hearing Schedule: I am requesting the hearing be scheduled for the Spring of 2026. I am a new business owner who is very busy. I need ample time for research, gathering, witnessing and documentation etc. While I know some would like this hearing to occur this winter, I already have plans to be out of state Jan - Feb.

2) Thank you for providing an opportunity to attend the pre-hearing conference by phone, this relieves a heavy burden.

3) The purpose of my letter.

4) N/A

5) I am requesting the hearing location be moved to Hot Springs, SD. Since this is the closest city that will be affected by this permit and a good majority of Intervenor's live in or near by this area, it makes sense that the hearing be here. Making all of us drive to Pierre & stay in hotels is costly and puts an unnecessary burden on the Intervenor's.

I'm aware that one of the Intervenors was proactive in checking for available dates at the Mueller Center, a location that is large enough to hold the hearing and is most suitable.

6) In November 2022, Residents in Fall River County passed an ordinance designating uranium mining as an unlawful nuisance that pre-existed this application. The will of the people is clear- This is our home. Our lives and business would be negatively affected by any mining activity, including exploration. I find the State Preemption to override local decisions an abuse of power & why this whole permit should be immediately denied.

Furthermore, there are significant historical artifacts in Craven Canyon that have been there for over 7,000 years. This project not only violates indigenous rights, it excludes society and future generations a valuable cultural resource.

7) The denial of electronic service makes no sense. This use of electronic service via this pre-conference procedural communication is already in place via this correspondence. As we are in a modern time that uses electronic communications as a standard mode of operation- I see no good reason for why it was denied.

The antiquated practice of copying and mailing extensive legal documents throughout this case, is a colossal waste of time, money & precious resources, yours and ours!

I am asking that this decision be reversed to allow for electronic service.

Lastly, let me remind you that protecting clean water is DNR 's responsibility! Our Public Water Trust and the Historical Resources are in your hands.

Sincerely,

Caryn Lerman

337 S. 5th Street

Hot Springs, SD 57747

From: Bruce Ellison <bruce.ellison4@gmail.com>
Sent: Friday, August 15, 2025 4:13 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT] Submissions - EXNI 453 - CNEC PERMIT

Ms. Binegar:

I am an intervenor in the above entitled permit application.

Attached for filing are various response directed by the Hearing Chair in the August 5, 2025 Order.

Thank you.

Bruce Ellison

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

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	RESPONSE TO DIRECTION
URANIUM EXPORATON PERMIT	)	OF CHAIR IN PARAGRAPH
APPLICATION	)	3 OF ORDER DATED
	)	AUGUST 5, 2025
EXNI 453	)	

INTERVENOR, Bruce Ellison, hereby responds to the chair's direction to submit a proposed procedural and scheduling order:

1. A reasonable discovery schedule including:
 - a. Setting a date for the filing of discovery requests, at least 30 days after the Pre-Hearing Conference;
 - b. Setting a date for compliance with and response to discovery requests, at least 30 days after the date of service of the request;
 - c. Setting a date for the filing of any motions to compel discovery, at least 30 days after the date for compliance and response to discovery requests;
 - d. Setting a date for a hearing on any motions to compel;
 - e. Setting a date for compliance with discovery ordered by the Board;
2. The scheduling of a prehearing conference at least several weeks prior to the date scheduled for the start of the Hearing;
3. The scheduling of the Hearing of this matter at least 60 days after completion of the U.S. Forest Service environmental review of the CNEC proposed uranium mining exploratory drilling project in Craven Canyon which includes adjacent federal

administered lands. The federal environmental review requires greater disclosures of the details of CNEC's proposed project and will conduct more extensive studies of potential consequences thereof than this Board. It therefore only makes sense that the federal review be completed first so that the Board can benefit from the research and analysis conducted.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/ Bruce Ellison

Bruce Ellison, Intervenor

P.O. Box 2508

Rapid City, South Dakota 57709

Telephone: (605) 858-1850

Email: Bruce.Ellison4@gmail.com

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

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	RESPONSE TO DIRECTION
URANIUM EXPORATON PERMIT	)	OF CHAIR IN PARAGRAPH
APPLICATION	)	5 OF ORDER DATED
	)	AUGUST 5, 2025
EXNI 453	)	

INTERVENOR, Bruce Ellison, hereby responds to the chair's direction to submit proposed "alternate hearing locations":

As previously proposed in my Motion for Change of Location of Hearing, the most appropriate venue for the Hearing on the merits of this matter would be Hot Springs, Fall River County, South Dakota.

A second choice would Rapid City, S.D. A third appropriate venue would be Oglala Lakota County.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/ Bruce Ellison

Bruce Ellison, Intervenor
P.O. Box 2508
Rapid City, South Dakota 57709
Telephone: (605) 858-1850
Email: Bruce.Ellison4@gmail.com

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

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	RESPONSE TO DIRECTION
URANIUM EXPORATON PERMIT	)	OF CHAIR IN PARAGRAPH
APPLICATION	)	6 OF ORDER DATED
	)	AUGUST 5, 2025
EXNI 453	)	

INTERVENOR, Bruce Ellison, hereby responds to the chair’s direction that “to the extent a party wishes to be heard regarding the issue of the Fall River County Ordinance passed by voters in November of 2022 designating uranium mining as an unlawful nuisance,” the party shall submit a brief on the issue.

This Intervenor objects to the directive that only parties who want to be heard at the Pre-Hearing Conference must submit a brief regarding the Ordinance. Most of the Intervenor are not attorneys and do not even know what a “brief” is. Due process requires that when the Motion is heard at the Hearing, that all intervenors have a right to be orally heard prior to any decision by the chair thereon, regardless of whether they previously submitted a legal brief thereon.

SDCL 45-6D-29 requires that the Board “shall” grant a permit for a uranium mining exploration project “if the application complies with the requirements of this chapter **and all applicable local, state, and federal laws.**” (Emphasis added). The failure of the Applicant to address the applicability or inapplicability of a local law in its permit application, is a statutory ground which requires this Board deny the application as incomplete. SDCL 45-6D-29(1).

It would seem the unsatisfied burden is on the Applicant in the first instance to present authority and argument in its application as to the implications and applicability of the County nuisance ordinance on its proposed permit application. It should be noted that the CNEC leases in issue in this application were purchased from another uranium mining exploration company, up for sale after the Fall River County Ordinance passed in 2022.

The instant matter does not involve a local law, including a county ordinance passed subsequent to the filing of an application for uranium mining exploration in an effort by the county to limit a state granted permit therefore. This case involves whether an ordinance created by a referendum, passed by an overwhelming majority of the voters of Fall River County to declare uranium mining operations a prohibited nuisance – years prior to CNEC seeking a permit in seeming contravention of the ordinance, shall be considered by the Board in determining whether to grant the permit.

Further argument and authority to be presented at the Pre-Hearing Conference.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/ Bruce Ellison

Bruce Ellison, Intervenor
P.O. Box 2508
Rapid City, South Dakota 57709
Telephone: (605) 858-1850
Email: Bruce.Ellison4@gmail.com

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

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	MOTION FOR RECONSIDERATION
URANIUM EXPORATON PERMIT	)	OF DENIAL OF MOTION TO PERMIT
APPLICATION	)	ELECTRONIC SERVICE
	)	
EXNI 453	)	

INTERVENOR, Bruce Ellison, hereby moves the Board of Minerals and Environment to reconsider its denial of the Motion to Permit Electronic Service filed by numerous intervenors.

In an Order dated August 5, 2025, the Board Chair, without waiting for a response from the Applicant, without permitting an opportunity to be heard at the scheduled August 21, 2025 Pre-Hearing Conference, and following three Paragraphs (¶¶ 3, 5, and 6) ordering electronic service of responses to inquiries from the chair, the chair denied Intervenors the ability to file and serve pleadings electronically. This Intervenor contends such action is in violation of the Due Process rights of the Intervenors, arbitrarily denied Intervenors the most efficient, cost-effective, expeditious, and with greater certainty of proof and service, and required we use only the U.S. mail or the antiquated and generally unavailable fax machine.

Respectfully, there is nothing is the SDCL or the ARSD which requires service of a hard-copy by U.S. mail. There is only the requirement that service on the chair of the hearing and all parties be had for all motions filed by a party of record. See, ARSD 74:09:01:09.

Additionally, the ARSD also gives the chair the authority at the pre-hearing conference, to “decide prehearing motions...at this conference.” ARSD 74:09:01:10. There is nothing

which authorizes the chair to decide prehearing motions. There is the Constitutional requirement for due process to occur for contested uranium mining exploration permit applications, such as this matter, is there not?

With all due respect, the chair's arbitrary and capricious order constituting an abuse of discretion or otherwise not being in accordance with law or constitutional rights of the party-intervenors, can be exemplified by the Order itself. As the Order states, service of a response thereto the Chair wants expeditiously received, shall be conducted by electronic service upon Brenda.Binegar@state.sd.us. No paper service required. It appears that when the chair wants some input or response from the Intervenors, the U.S. mail required filing and service otherwise required of the parties seems to not apply.

Further, although the Order is dated August 5, 2025, it was apparently not received at the U.S. mail boxes of most Intervenors until August 12, 2025, with Intervenors then having only three days or until August 15, 2025, to respond. Thus, Intervenors lost 7 of 10 days to prepare a response most helpful to the chair in making its decisions at the pre-hearing conference, simply due to the practice of the ordered ban on the use of electronic service.

The Motion for Reconsideration should be granted and electronic service and filing be ordered after the parties are heard at the Pre-Hearing Conference.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/ Bruce Ellison

Bruce Ellison, Intervenor

P.O. Box 2508

Rapid City, South Dakota 57709

Telephone: (605) 858-1850

Email: Bruce.Ellison4@gmail.com

From: Denise Giago <denisergiago@gmail.com>

Sent: Friday, August 15, 2025 3:21 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Regarding Motion to change hearing location

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNAC ENERGY CORP.'s Uranium Exploration permit application hearing.

To: Brenda Benegar,

(letter is attached)

I am writing as an intervenor regarding the motion to change the hearing location from Pierre, SD, and to suggest possible locations for the hearing. It makes sense that the hearing be held not only where most of the intervenors reside, but also in the area that is being threatened by this potential uranium exploration project.

1. My first suggestion is that the hearing be held in Hot Springs, SD, in Fall River County. The Mueller Center would be an appropriate-sized venue.
2. My second suggestion is to move the hearing to the Prairie Wind Casino on the Pine Ridge reservation, where many citizens who would be directly negatively affected by this project live.
3. My third suggestion for the hearing location is Rapid City, SD. It is a convenient central spot with many hotels and venues large enough to host this hearing, such as the Monument.

Thank you for considering this matter,

Denise Giago

denisergiago@gmail.com

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNAC ENERGY CORP.'s Uranium Exploration permit application hearing.

To: Brenda Benegar,
Brenda.Binegar@state.sd.us

I am writing as an intervenor regarding the motion to change the hearing location from Pierre, SD, and to suggest possible locations for the hearing. It makes sense that the hearing be held not only where most of the intervenors reside, but also in the area that is being threatened by this potential uranium exploration project.

1. My first suggestion is that the hearing be held in Hot Springs, SD, in Fall River County. The Mueller Center would be an appropriate-sized venue.
2. My second suggestion is to move the hearing to the Prairie Wind Casino on the Pine Ridge reservation, where many citizens who would be directly negatively affected by this project live.
3. My third suggestion for the hearing location is Rapid City, SD. It is a convenient central spot with many hotels and venues large enough to host this hearing, such as the Monument.

Thank you for considering this matter,
Denise Giago
denisergiago@gmail.com

From: Denise Giago <denisergiago@gmail.com>

Sent: Friday, August 15, 2025 3:24 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Regarding Fall River County Ordinance

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNAC ENERGY CORP's Uranium Exploration permit application hearing.

To: Brenda Benegar,

I am writing as an intervenor regarding the issue of the Fall River County Ordinance passed by voters in November of 2022, designating uranium mining as an unlawful nuisance within Fall River County.

As stated in the South Dakota Legislature codified law:

46-1-4. Beneficial use of water resources--Prevention of waste--Right to water from natural stream or watercourse.

"It is hereby declared that, because of conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or watercourse in this state is limited to an amount of water reasonably required for the beneficial use to be served, and such right does not extend to the waste or unreasonable use or unreasonable method of diversion of water."

This ordinance is of importance because it represents the will of the People. This ordinance pre-existed the permit process for this project. Therefore, CNAC was fully aware that the People of the area had voted, in a significant win, that uranium be considered a nuisance and a danger to the community's water supply and overall health and well-being. This was disregarded entirely by CNAC when they applied for this permit.

Thank you for considering this matter,

Denise Giago

denisergiago@gmail.com

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES BOARD OF MINERALS AND ENVIRONMENT (DANR) in the matter of CNAC ENERGY CORP.'s Uranium Exploration permit application hearing.

To: Brenda Benegar,
Brenda.Binegar@state.sd.us

I am writing as an intervenor regarding the issue of the Fall River County Ordinance passed by voters in November of 2022, designating uranium mining as an unlawful nuisance within Fall River County.

As stated in the South Dakota Legislature codified law:

46-1-4. Beneficial use of water resources--Prevention of waste--Right to water from natural stream or watercourse.

"It is hereby declared that, because of conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable method of use of water be prevented, and that the conservation of such water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or watercourse in this state is limited to an amount of water reasonably required for the beneficial use to be served, and such right does not extend to the waste or unreasonable use or unreasonable method of diversion of water."

This ordinance is of importance because it represents the will of the People. This ordinance pre-existed the permit process for this project. Therefore, CNAC was fully aware that the People of the area had voted, in a significant win, that uranium be considered a nuisance and a danger to the community's water supply and overall health and well-being. This was disregarded entirely by CNAC when they applied for this permit.

Thank you for considering this matter,
Denise Giago
denisergiago@gmail.com

From: Bridger Advocate <bridgeradvocate@gmail.com>

Sent: Friday, August 15, 2025 2:35 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Re: [EXT] Subject: Filing – Multiple Motions and Proposed Orders – EXNI 453

Trying again. Please let me know if these come through. Sending each separately.

On Fri, Aug 15, 2025 at 1:32 PM Bridger Advocate <bridgeradvocate@gmail.com> wrote:

On Fri, Aug 15, 2025 at 12:37 PM Bridger Advocate <bridgeradvocate@gmail.com> wrote:

I just checked my pdf file when getting ready to print an mail and the actual text of the motions is missing. I'm resaving and resending.

Sorry for the mistake

Elizabeth Lone Eagle

On Fri, Aug 15, 2025 at 12:29 PM Bridger Advocate <bridgeradvocate@gmail.com> wrote:

Thank you for the update.

On Fri, Aug 15, 2025 at 12:27 PM Binegar, Brenda <Brenda.Binegar@state.sd.us> wrote:

Received and forwarded to Hearing Chair Morris

From: Bridger Advocate <bridgeradvocate@gmail.com>

Sent: Friday, August 15, 2025 1:24 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Subject: Filing – Multiple Motions and Proposed Orders – EXNI 453

Dear Hearing Officer Morris and Ms. Binegar,

Please find attached my filings in the above-referenced matter, submitted in accordance with the Hearing Officer's August 5, 2025 Order. The attached PDF contains:

- Motion to Reconsider Denial of Electronic Service
- Motion to Extend Filing Deadlines
- Motion to Schedule an Additional Pre-Hearing Conference
- Proposed Procedural Order for Lakota Language Interpretation Services
- Proposed Procedural & Scheduling Order
- Certificate of Service

Pursuant to the August 5, 2025 Order, this submission is also being served via United States Mail, First Class, Postage Prepaid upon all parties listed in the attached Certificate of Service.

Respectfully submitted,

/s/ Elizabeth Lone Eagle
c/o Tatanka Itancan Lone Eagle
202 Bald Eagle Lane, Box 11
Rapid City, SD 57701
Email: bridgeradvocate@gmail.com

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 RECONSIDER DENIAL OF ELECTRONIC SERVICE

COMES NOW Intervenor **Elizabeth Lone Eagle**, and respectfully moves the Hearing Officer to reconsider the August 5, 2025 denial of joint motions for electronic service in the above-captioned matter.

1. Lack of Timely Service of the August 5, 2025 Order.

The undersigned has not yet received a copy of the August 5, 2025 Order by United States Postal Service. The only notice received was from another intervening party approximately two (2) days ago. Upon contacting the DANR office, the undersigned was instructed to locate the Order online. This demonstrates that reliance solely on postal service can result in delays in receiving important filings.

2. Time Sensitivity in Pre-Hearing Proceedings.

The August 5, 2025 Order imposes critical deadlines of August 15, 2025 for submission of proposed procedural and scheduling orders, alternate hearing locations, and briefs on certain legal issues. The undersigned and other parties risk prejudice if orders or filings are not received promptly.

3. Practical Benefits of Electronic Service.

Electronic service ensures same-day delivery of filings to all parties, reduces delays inherent in postal delivery, and allows for better preparation and participation in proceedings. Many agencies and courts in South Dakota and nationwide use electronic service to expedite pre-hearing matters.

4. Accessibility Considerations.

While not all parties may have reliable internet access — particularly those in rural or reservation communities — this concern can be addressed by allowing **dual service**:

- Primary service by email (electronic service) for those who consent, and
- USPS mail service for those without reliable electronic access.

5. Inconsistency with Filing Requirements in the August 5, 2025 Order.

The August 5, 2025 Order expressly directs that certain filings — including proposed procedural and scheduling orders, proposed alternate hearing locations, and briefs on the Fall River County ordinance — be submitted **by email** to Brenda.Binegar@state.sd.us no later than August 15, 2025. This requirement effectively mandates the very method of service (email) that the Order simultaneously denies. Respectfully, this inconsistency further supports the need to reconsider the denial of electronic service, as it demonstrates both the necessity and practicality of electronic communication in this proceeding.

6. Impact on Due Process for All Intervenors.

The denial of electronic service has already hindered the undersigned's ability to adequately address the matters set forth in the August 5, 2025 Order within the time allowed. It is reasonable to believe other intervenors, particularly those in rural and reservation areas, have faced or will face the same difficulties. Timely notice is essential to due process, and limiting service to USPS delivery alone deprives parties of the fair opportunity to prepare meaningful responses before deadlines expire.

7. Financial and Practical Burden on Pro Se Intervenors.

For the filings due August 15, 2025, the undersigned's submissions total approximately **15 pages**. Given that the Certificate of Service lists approximately **45 recipients**, compliance with the current mailing-only service requirement requires the printing and mailing of **nearly 700 pages** for a single filing. This figure does not include the substantial cost of postage to all recipients. For pro se intervenors, particularly those in rural and reservation communities with limited resources, such requirements impose an **undue financial and logistical burden**. Allowing electronic service, in addition to USPS mail for those who request it, would substantially reduce these costs while ensuring timely and equitable distribution of filings.

WHEREFORE, Intervenor respectfully requests that the Hearing Officer reconsider and modify the August 5, 2025 Order to allow for **electronic service of all filings and orders** in this proceeding, with USPS mail service as a supplemental method for parties who lack access to electronic communication.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/**Elizabeth Lone Eagle**

c/o Tatanka Itancan Lone Eagle

202 Bald Eagle Lane, Box 11

Rapid City, SD 57701

Email: bridgeradvocate@gmail.com

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 EXTEND FILING DEADLINE

COMES NOW Intervenor **Elizabeth Lone Eagle**, and respectfully moves the Hearing Officer to extend the August 15, 2025 filing deadlines set forth in the August 5, 2025 Order to **Friday, August 22, 2025**, for the reasons stated below.

1. Lack of Proper and Timely Service.

The undersigned has not yet received the August 5, 2025 Order by United States Postal Service. Notice of the Order was only obtained from another intervening party two (2) days ago, and a copy was accessed online after contacting the DANR office.

2. Prejudice to Parties Without Timely Notice.

The August 5, 2025 Order imposes a same-day deadline (August 15, 2025) for submission of proposed procedural and scheduling orders, alternate hearing locations, and briefs on the Fall River County ordinance issue. Parties who have not yet received the Order by mail — particularly those in rural and reservation communities with slower postal delivery — are denied fair and reasonable opportunity to respond.

3. Due Process Considerations.

Due process requires that parties be given adequate and timely notice of deadlines that affect their rights and ability to participate in proceedings. Extending the deadline will prevent inadvertent waiver of important procedural rights due to delayed service.

4. Minimal Prejudice from Extension.

Granting an extension to **Friday, August 22, 2025** will allow all parties a fair opportunity to submit their filings, without significantly delaying the pre-hearing process, as the pre-hearing conference is scheduled for August 21, 2025 and the main evidentiary hearing date has already been postponed.

5. Inconsistency in the August 5, 2025 Order Regarding Service and Filing.

The August 5, 2025 Order requires that certain filings be submitted **by email** to Brenda.Binegar@state.sd.us no later than August 15, 2025. However, the same Order also denies motions for electronic service. This creates a conflict: parties are being required to use email for submissions while being denied its use for receiving orders and filings. This

inconsistency further justifies an extension, as it highlights the importance of ensuring all parties have the same timely access to documents and adequate opportunity to respond.

6. Impact on Due Process for All Intervenors.

The denial of electronic service has not only reduced the undersigned's available time to prepare and submit filings, but also likely affects other intervenors in similar ways. Many parties reside in areas with slower or less reliable postal service, making the current deadlines effectively shorter for them. This obstructs due process by limiting the ability of all intervenors to fully address the orders and deadlines set forth in the August 5, 2025 Order.

WHEREFORE, Intervenor respectfully requests that the Hearing Officer extend the August 15, 2025 filing deadlines in the August 5, 2025 Order to **Friday, August 22, 2025**, to ensure all parties have adequate time to prepare and submit their motions, briefs, and proposals after receiving actual notice.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/Elizabeth Lone Eagle

c/o Tatanka Itancan Lone Eagle

202 Bald Eagle Lane, Box 11

Rapid City, SD 57701

Email: bridgeradvocate@gmail.com

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 SCHEDULE AN ADDITIONAL PRE-HEARING CONFERENCE

COMES NOW Intervenor **Elizabeth Lone Eagle**, and respectfully moves the Hearing Officer to schedule an additional pre-hearing conference in this matter, to occur after the extended filing deadline requested in the undersigned's **Motion to Extend Filing Deadlines**.

1. Relationship to Motion to Extend Filing Deadlines.

This motion is intended to work in conjunction with the undersigned's Motion to Extend Filing Deadlines. If the August 15, 2025 deadline is extended, an additional pre-hearing conference will allow the Hearing Officer and all parties to review, discuss, and address any motions, briefs, and procedural proposals submitted after the extension.

2. Lack of Adequate Time Due to Denial of Electronic Service.

The August 5, 2025 Order denied joint motions for electronic service. As noted in other filings, this denial has already resulted in delayed receipt of the Order by the undersigned and likely by other intervenors. Relying solely on USPS service — particularly for rural and reservation communities — reduces the amount of time available to prepare meaningful responses and motions. This obstructs due process and undermines the ability of all intervenors to fully address the matters raised in the August 5, 2025 Order.

3. Ensuring Full Participation of All Parties.

An additional pre-hearing conference would ensure that all parties, including those who receive delayed notice by mail, have the opportunity to be heard on procedural and substantive matters before the evidentiary hearing.

4. Minimal Impact on Proceedings.

Given that the main evidentiary hearing date has already been postponed, the scheduling of one additional pre-hearing conference would not materially delay resolution of this matter, but would significantly improve fairness and completeness of the record.

WHEREFORE, Intervenor respectfully requests that the Hearing Officer schedule an additional pre-hearing conference to occur after any extended filing deadline, so that all parties have adequate opportunity to review and address pending motions, briefs, and procedural proposals in a manner consistent with due process.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/Elizabeth Lone Eagle

c/o Tatanka Itancan Lone Eagle

202 Bald Eagle Lane, Box 11

Rapid City, SD 57701

Email: bridgeradvocate@gmail.com

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

**PROPOSED PROCEDURAL ORDER FOR LAKOTA LANGUAGE
INTERPRETATION SERVICES**

COMES NOW Intervenor **Elizabeth Lone Eagle**, on behalf of herself and other intervenors who require Lakota language interpretation services, and respectfully requests that the Board of Minerals & Environment provide adequate resources and time for such services in the above-captioned matter, including but not limited to:

1. **Spoken language interpretation** of motions, orders, exhibits, and other documents;
2. **English-to-Lakota translation** of in-person proceedings;
3. **Lakota-to-English translation** of intervenor examinations of witnesses; and
4. **Lakota-to-English translation** of any testimony provided by witnesses for whom Lakota is their primary language.

1. Necessity of Interpretation Services.

This matter involves proposed uranium exploration within treaty territory and in an area of immense historic and cultural importance to the Lakota people. It is expected that intervenors and witnesses will require the assistance of an interpreter to fully convey to the Board their knowledge, concerns, and understanding of the historical, cultural, and environmental significance of the affected lands. The historic and cultural value of these lands is expressly identified as a factor in the Board's decision-making process, making accurate and complete communication essential.

2. Financial Constraints of Intervenors.

Many intervenors who require Lakota language interpretation are elders, residents of rural or reservation areas, and individuals of limited means, often living on fixed incomes. Requiring them to bear the cost of interpretation services would effectively deny them the ability to meaningfully participate in this proceeding. Therefore, it is respectfully requested that the **State bear the cost of providing qualified interpretation services** for all phases of the hearing process, including pre-hearing conferences, evidentiary hearings, and review of written filings.

3. Due Process and Equal Access to Participation.

The undersigned has previously raised concerns about the denial of electronic service and its impact on timely notice to all parties, particularly those in rural and reservation communities. Those same due process concerns apply equally here: without the provision of timely and accurate interpretation services, intervenors who speak primarily Lakota will be unable to participate on equal footing with English-speaking parties. The Board's obligation to ensure a fair hearing process includes ensuring that all parties can understand and respond to the proceedings in a language they fully comprehend.

4. Qualified Interpreter List.

The undersigned and other intervenors are prepared to submit a list of qualified interpreters fluent in both Lakota and English, and available to assist the Board in fulfilling this request.

WHEREFORE, Intervenor respectfully requests that the Hearing Officer enter a procedural order requiring the State to provide, at its expense, Lakota language interpretation services as described above, for the benefit of intervenors and witnesses throughout all phases of this proceeding.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/Elizabeth Lone Eagle

c/o Tatanka Itancan Lone Eagle

202 Bald Eagle Lane, Box 11

Rapid City, SD 57701

Email: bridgeradvocate@gmail.com

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

PROPOSED PROCEDURAL & SCHEDULING ORDER

COMES NOW Intervenor **Elizabeth Lone Eagle**, and respectfully proposes the following procedural and scheduling order in the above-captioned matter.

1. Venue.

The undersigned proposes that the evidentiary hearing in this matter be held at a location that is both geographically and culturally accessible to the communities most directly impacted by the proposed uranium exploration. In order of preference, the following venues are proposed:

1. **Mueller Center, Hot Springs, Fall River County** (availability as of August 8, 2025):
 - October 27–31, 2025
 - January 5–9, 2026
 - January 19–23, 2026
 - January 26–30, 2026
2. **Prairie Winds Casino, Hotel & Conference Center**, Pine Ridge Reservation, Oglala Sioux Tribe — availability to be determined.
3. **Rapid City** — multiple potential venues, including Rushmore Plaza Civic Center / The Monument, Best Western Ramkota Conference Center, and Holiday Inn Rushmore Plaza — availability to be determined.

2. Rationale for Venue Selection.

Holding the evidentiary hearing in one of the above venues would:

- Place the proceedings within or near the affected community and county;

- Improve access for rural residents, elders, and tribal members;
- Increase transparency and allow for greater public participation;
- Reduce travel burdens and associated costs for intervenors.

3. Scheduling Principles.

In light of prior motions concerning denial of electronic service and its impact on timely receipt of filings, all procedural deadlines must be set with due process considerations in mind. This includes providing sufficient time for all parties, particularly those in rural and reservation communities, to receive, review, and respond to filings sent only by USPS mail.

The undersigned notes that she has **not yet received service by USPS** of the August 5, 2025 Hearing Officer's order — which set a filing deadline for today, August 15, 2025 — and only became aware of the order by informal notice from another intervenor. This demonstrates that the **14-day minimum** commonly used for responses is **inadequate** for some intervenors under these conditions, and that **21 days** from date of service by USPS mail is the minimum reasonable time to ensure due process.

4. Proposed Procedural Schedule.

- **Revised Filing Deadlines:** All pending and future deadlines for motions, briefs, and procedural proposals should allow no less than **21 days from the date of service by USPS mail** for responses.
- **Discovery Period:** Discovery to remain open until **60 days before the evidentiary hearing** to allow adequate time for exchanging documents, conducting depositions, and addressing SDCL §45-6D-29 factors. This extended period is necessary given extreme rural conditions, slower mail service, language barriers, and limited access to technology for several intervenors.
- **Expert Witness Disclosures:** Expert witness lists, reports, and summaries to be exchanged no later than **45 days before the evidentiary hearing**, with rebuttal disclosures due **30 days before** the hearing.
- **Site Inspections:** At least one site inspection for all interested parties and counsel to occur no later than **75 days before the evidentiary hearing**, with adequate notice to all participants.
- **Pre-Hearing Conferences:** A pre-hearing conference to occur **30 days before the evidentiary hearing** to address final motions, evidentiary stipulations, and witness scheduling. Additional pre-hearing conferences to be scheduled if needed to address procedural fairness concerns.

5. Conclusion.

This proposed procedural and scheduling order is intended to ensure that all parties, regardless of geographic location, language, or access to technology, have a fair and reasonable opportunity to participate in these proceedings. The undersigned respectfully requests that the Hearing Officer adopt the above venue preferences and procedural schedule, taking into account the due process concerns raised in prior motions.

Dated this 15th day of August, 2025.

Respectfully submitted,

/s/Elizabeth Lone Eagle

c/o Tatanka Itancan Lone Eagle

202 Bald Eagle Lane, Box 11

Rapid City, SD 57701

Email: bridgeradvocate@gmail.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the Intervenor's Motion(s) was served via United States Mail, First Class, Postage Prepaid, and **via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order**, upon the following to be filed in the above-captioned matter:

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

Further, the undersigned certifies that a true and correct copy of the above referenced document(s) was served via United States Mail, First Class, Postage Prepaid upon the following:

Steven R. Blair
Deputy Attorney General
Counsel Minerals, Mining, & Superfund
Program
PO Box 70
Rapid City, SD 57702

Bob Morris, Hearing Chair
Board of Minerals & Environment
PO Box 370
Belle Fourche, SD 57717

Matthew Nasz, CNEC Counsel
Gunderson, Palmer, Nelson, & Ashmore
LLP
PO Box 8045
Rapid City, SD 57709

CT Corporation System, Resident Agent
Clean Nuclear Energy Corporation
319 S Coteau St
Pierre, SD 57501

Cheryl Angel
1212 Columbus St
Rapid City, SD 57701

Thomas O'Connor
4601 Mohawk St
Lincoln, NE 68510

Candi Brings Plenty
725 Saint Charles St
Rapid City, SD 57701

Robert Bordeaux
740 University St #3
Spearfish, SD 57783

Denise Giago
221 E Jackson St
Rapid City, SD 57701

Taylor Gunhammer
221 E Jackson St
Rapid City, SD 57701

Jean Roach
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Rapid City, SD 57701

Caryn Lerman
337 S 5th St
Hot Springs, SD 57747

Helen Red Feather
PO Box 173
Wounded Knee, SD 57794

Ailine Maea
715 Haines Ave #3
Rapid City, SD 57701

Darlene Hawk Wing
PO Box 25
Wounded Knee, SD 57794

Beverly Larson
PO Box 82
Wounded Knee, SD 57794

Ruddell Bear Shirt
PO Box 88
Wounded Knee, SD 57794

Mashanaposhe Camp
PO Box 339
Porcupine, SD 57772

Seth Eagle Bear, Jr.
PO Box 44
Wounded Knee, SD 57794

Sanders Schaller
322 4th St
Smithwick, SD 57782

Sarah Peterson
510 Jennings Ave
Hot Springs, SD 57747

Julie Plachta
PO Box 635
Hot Springs, SD 57747

Susan McPhail Pang
28017 Cascade Road
Hot Springs, SD 57747

From: Sarah Peterson <hummingbirdpottery@yahoo.com>

Sent: Friday, August 15, 2025 2:31 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Proposed Alternate Hearing Location

Sarah Peterson
510 Jennings Ave.
Hot Springs, SD 57747

August 15, 2025

Brenda Binegar
Department of Agriculture and
Natural Resources
523 East Capitol Avenue
Pierre, SD 57501

Dear Ms. Binegar,

I am requesting the Hearing location to be held in Hot Springs, SD. The Environmental Protection Agency (EPA) and Nuclear Regulatory Commission (NRC) have for over a decade scheduled Public Comment sessions about uranium mining at the Mueller Center in Hot Springs. They wanted to hear comments from the entire Fall River County as well the citizens of Oglala Lakota County and Pennington County. Fall River is approximately an hour drive from each population center.

These agencies have always considered Fall River County to have the greatest impact from any uranium activity and they realize the importance getting the public to participate. They have always respected and acknowledged our voices. However, some Lakota elders have given their comments in their Lakota language and neither agency ever arranged for Lakota translator. I trust the DANR will understand and provide a Lakota translator so all the people's voices will be heard and understood.

In 2022, a Ballot Initiative was passed by 12 points making "Uranium Mining in Fall River County a Nuisance". The mining company Pegasus, who owned the leases, within 2 weeks of the vote, announced they were pulling out of the leases as they didn't want to operate in an unfriendly mining county. Pegasus heard We the People's clear and strong voice.

I received the pre-Hearing notice in the mail post marked August 6th on August 12th at 4:30 pm. The contents were dated August 5th. The deadline to get comments emailed is August 15th. This three-day timeframe is very unrealistic or even impossible for all interveners to reply. I don't understand why electronic service is denied when you are requesting electronic service from the interveners.

I researched the availability for the Mueller Center.

October 27 – 31

November 10 – 14

January 5 – 9

January 19 – 23

January 26 – 30

Chris Kattke is the Facility Manager and his phone number is 605-745-3446.

I am requesting the dates for the Hearing to be January 19 – 23, 2026.

Sincerely,

Sarah Peterson

From: Brenda Gamache <brendagamache49@gmail.com>

Sent: Friday, August 15, 2025 1:50 PM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] In Matter of Clean Nuclear Energy Corp. Application ; EXNI 453

Ms. Binegar,

Thank you for your dedication to the State of South Dakota and the people.

This application should not be approved.

The people of Fall River County sent a strong message in 2022. Uranium mining is a nuisance. Voting to oppose any mining for uranium, that was the people's voice.

Our county contributes to the State of South Dakota in taxes. Tourism is very important revenue to Hot Springs. Who wrote a very strong letter, during comment period, opposing this permit.

Cattle ranching also is a tax base from our county. Cattle need water from streams, ponds, and wells. Which during pre hearing requests will surface water experts from state be part of this? I am requesting this, now.

Consider the State Game and Fish Rec. Areas that all bring in revenue for our great state. Angostura is fine example of how fragile water supply and pollution can occur.

Please consider the people's voices.

Thank you,

Brenda Gamache (intervenor)

From: Foothills.Farm tm <foothillsfarm@protonmail.com>

Sent: Friday, August 15, 2025 9:47 AM

To: Binegar, Brenda <Brenda.Binegar@state.sd.us>

Subject: [EXT] Letter for Proposed Procedural Changes for Craven Canyon

August 15, 2025

Letter for Proposed Procedural Changes

Bob Morris

Marla Cooley

145 South Garden Street

Hot Springs, S. D. 57747

marlacooleypm.me@protonmail.com

Bob Morris,

Your office did not issue and deliver the hard copy to me with enough time to respond back with a hard copy. I was in receipt of the hard copy issued by your office on August 12th, and bound by your requirements to submit a writ back to you within three days, by the 15th. With the way the mail service works these days that was impossible.

Therefore, the only choice that I see that I am given is to email to the address recipient above, Brenda.Binegar@state.sd.us, as requested in the hard copy.

Please alter the conditions of the hearing preliminary functions and communications to be via email as most court systems now so do.

Thank you.

Sincerely,

~marla cooley

Foothills.Farmtm

Marla Cooley

320 Steve Tate Highway

Holcomb, Georgia 30148

605.593.2926

Foothills.Farm

New Garden Community

145 South Garden Street

Hot Springs, South Dakota 57747

newgardencommunity.org/lander

Sent with Proton Mail secure email.

From: marla cooley <marlacooleypm.me@protonmail.com>
Sent: Friday, August 15, 2025 9:44 AM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT] Letter to Alternate Hearing Location for Craven Canyon

August 15th, 2025

Letter to Alternative Hearing Location

Bob Morris, Hearing Officer

Marla Cooley, Intervener

145 South Garden Street

Hot Springs, SD 57747

marlacooleypm.me@protonmail.com

Bob Morris,

The proposed exploration is slated at a site in this county, Fall River. The most logical location for the hearing for mining exploration naturally should be held at the Mueller Center in Hot Springs south Dakota where proposed exploration is being considered.

The Mueller Center, in Hot Springs has open dates already found available for the next few months and gracious addequate seating.

My second choice that makes sense for all would be to hold it somewhere in Rapid City. I am less familiar with venues there.

Thank you.

Sincerely,

~marla cooley

Marla Cooley

145 South Garden Street

Hot S, Springs, South Dakota 57747

605.593.2926

newgardencommunity.org/lander

Sent with [Proton Mail](#) secure email.