



**OFFICE OF ATTORNEY GENERAL**

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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**RECEIVED**

AUG 07 2025

**Department of Agriculture  
and Natural Resources**  
**BRENT K. KEMPEMA**  
CHIEF DEPUTY

August 6, 2025

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

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 Setting a Pre-Hearing Conference on Motions 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

cc/encl: Parties on Attached Certificate of Service

RECEIVED

AUG 07 2025

Department of Agriculture  
and Natural Resources

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

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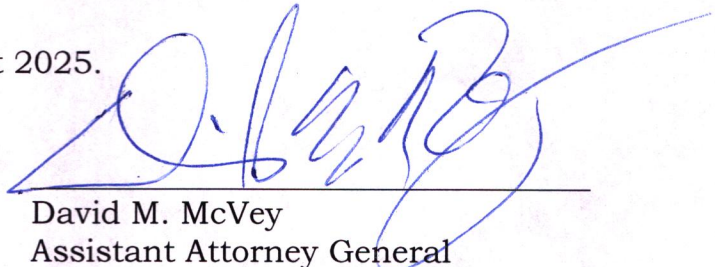
IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	NOTICE OF ENTRY OF ORDER
URANIUM EXPLORATION PERMIT	)	SETTING A PRE-HEARING
APPLICATION	)	CONFERENCE ON MOTIONS
	)	
EXNI 453	)	

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TO: ALL INTERESTED PARTIES:

Please take notice that on August 5, 2025, Hearing Officer Bob Morris entered his Order Setting a Pre-Hearing Conference on Motions in the above-referenced contested action. A copy of the signed Order is attached to this Notice and hereby served upon you.

Dated this 6th day of August 2025.



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](mailto: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 OF ORDER SETTING A PRE-HEARING CONFERENCE ON MOTIONS was served via 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  
*Secretary, Board of Minerals & Environment*

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  
P.O. Box 70  
Rapid City, SD 57702  
*Counsel for Department of Agriculture  
& Natural Resources Minerals, Mining,  
& Superfund Program*

Robert Bordeaux  
740 University Street  
Apartment 3  
Spearfish, SD 57783

Cheryl Angel  
1212 Columbus Street  
Rapid City, SD 57701

Denise Giago  
221 East Jackson Street  
Rapid City, SD 57701

Elizabeth Lone Eagle  
P.O. Box 160  
Howes, SD 57748

Taylor Gunhammer  
221 East Jackson Street  
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Thomas O'Connor  
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Darlene Hawk Wing  
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Beverly Larson  
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Ruddell Bear Shirt  
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Great Plains Tribal Water Alliance, Inc.  
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Jeremiah Davis  
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Reno L. Red Cloud  
P.O. Box 4052  
Pine Ridge, SD 57770

Cheyenne River Sioux Tribe  
Kristen Craven, Attorney General  
P.O. Box 590  
Eagle Butte, SD 57625

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

Brenda Gamache  
2337 Wilson Avenue  
Hot Springs, SD 57747

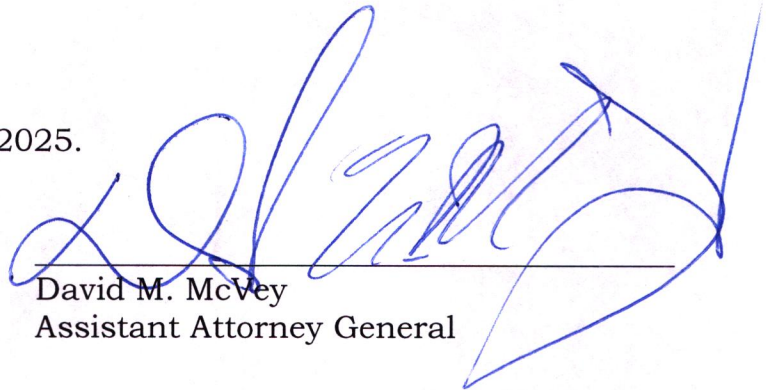
Tonya Stands  
202 Bald Eagle Lane #8  
Rapid City, SD 57701

Gena Parkhurst  
514 Americas Way #20805  
Box Elder, SD 57719

A courtesy copy of the above referenced document(s) was served by  
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 6th day of August 2025.



David M. McVey  
Assistant Attorney General

AUG 07 2025

STATE OF SOUTH DAKOTA and  
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

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

# ORDER SETTING A PRE-HEARING CONFERENCE ON MOTIONS

On July 11, 2025, intervenor Denise Giago filed a motion to resolve outstanding pre-Hearing Motions, set a discovery schedule, and resolve other matters.

On July 14, 2025 the Minerals, Mining, and Superfund Program of the South Dakota Department of Agriculture and Natural Resources (DANR) filed a motion to request a scheduling conference and requested that a scheduling and procedural order be issued.

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On July 14, 2025 various intervenors filed joint motions to permit electronic service.

On July 14, 2025 various intervenors filed joint motions for a change of hearing location.

On July 18, 2025 the Sierra Club, by and through their attorney, filed an amended petition to intervene, a motion to transfer location, and a motion requesting a pre-hearing conference to clarify procedural issues, establish discovery deadlines, and address scheduling and evidentiary matters including expert witness disclosures, site inspections, and possible stipulations.

The foregoing motions are approved or denied in a manner consistent with the following order.

**ORDERED,**

1. The hearing scheduled for August 20-21, 2025 is hereby postponed until such date and time set forth in a subsequent order by the Hearing Officer.

2. A pre-hearing conference is set for August 21, 2025 at 11:00 A.M.

CDT to be held at the Matthew Environmental Training Center, Foss Building 23 East Capitol Avenue Pierre, SD 57501. Attorneys for all represented parties are directed to appear in person. All other parties and the general public may dial in to the conference by calling 1-605-679-7263, Access Code 123834098#.

3. Parties are directed to submit proposed procedural and scheduling orders by sending them to Brenda.Binegar@state.sd.us no later than August 15, 2025 no later than 5:00 P.M. CDT.

4. Discovery is limited to the scope of the factors set forth in SDCL §45-6D-29.

5. Parties are directed to submit proposed alternate hearing locations by sending them to Brenda.Binegar@state.sd.us no later than August 15, 2025 no later than 5:00 P.M. CDT.

6. 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 in within the county, the parties are directed to submit a brief on the issue to Brenda.Binegar@state.sd.us no later than August 15, 2025 no later than 5:00 P.M. CDT.

7. The joint motions to permit electronic service are hereby **DENIED.**

8. All remaining pre-hearing issues raised on motion will be determined at the pre-hearing conference.

Dated this 5<sup>th</sup> day of August 2025

**BOARD OF MINERALS & ENVIRONMENT**

By: \_\_\_\_\_

Bob Morris, Hearing Officer