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CHIEF DEPUTY

RECEIVED
AUG 15 2025
MINERALS & MINING PROGRAM

August 15, 2025

Brenda Binegar
Dept. of Agriculture & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: In re Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit Application

Dear Ms. Binegar:

Enclosed please find the Department's Motion for a Procedural & Scheduling Order, including a proposed Order, intended to be filed in the above referenced matter. Copies of these documents will be served upon the parties and Hearing Chair Morris, as indicated in the attached Certificate of Service.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Steven R. Blair
Deputy Attorney General

Enclosures

Cc/encl: Mike Lees – DANR Minerals, Mining, & Superfund Program (via email only)
David McVey – Counsel, Brd. Of Minerals & Environment (via email only)

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN NUCLEAR ENERGY CORP. URANIUM EXPLORATION PERMIT APPLICATION EXNI 453	)	DANR MOTION FOR PROCEDURAL & SCHEDULING ORDER

The Minerals, Mining, and Superfund Program of the Department of Agriculture and Natural Resources (Department), through the undersigned counsel of record, hereby moves that the Hearing Chair enter a Procedural & Scheduling Order consistent with the attached draft Order.

Dated this 15th day of August, 2025.

Steven R. Blair
Deputy Attorney General
P.O. Box 70
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Telephone: (605) 394-2258
steven.blair@state.sd.us
Counsel for Department of Agriculture and Natural Resources – Minerals, Mining, & Superfund Program

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the Department of Agriculture & Natural Resources' MOTION FOR PROCEDURAL & SCHEDULING ORDER was submitted electronically, and via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binegar
Dept. of Agr. & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501
brenda.binegar@state.sd.us
Secretary, Board of Minerals & Environment

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

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Intervenor

Dated this 15th day of August, 2025.

Steven R. Blair
Deputy Attorney General

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN NUCLEAR ENERGY CORP. URANIUM EXPLORATION PERMIT APPLICATION EXNI 453	)	PROCEDURAL & SCHEDULING ORDER (DANR PROPOSED)

The Minerals, Mining, and Superfund Program of the Department of Agriculture and Natural Resources (Department), through the undersigned counsel of record, hereby proposes the following Procedural & Scheduling Order to be entered in the above captioned matter.

1. Discovery in this matter is limited to the scope of factors set forth in SDCL § 45-6D-29. Discovery is further limited in the following manner:

    a. Each party may serve no more than 10 interrogatories, including subparts on any other party;

    b. Each party may serve no more than 10 requests for production, including subparts, on any other party;

    c. Each party may serve no more than 10 requests for admission, including subparts, on any other party;

    d. One deposition of each party, or party representative, may be taken;

    e. Each party may take the deposition of up to two nonparties; including expert witnesses.

    The provisions of this section may be modified by the Hearing Chair upon establishment of good cause. Any request to modify the requirements of this section must be in writing, detailing the proposed additional discovery, and establishing good cause for the additional discovery.

2. Discovery requests, including Notices of Deposition, must be initiated (served upon the applicable party) no later than **September 12, 2025**. Discovery requests must be served upon all parties.

3. Each party must disclose in writing no later than **September 26, 2025**, the names of the expert witnesses it intends to call as a witness at the contested case hearing held in this matter. Each party must include in the submission copies of any curricula vitae as well as copies of any expert report prepared by the expert witness.

4. Discovery must be completed by **October 31, 2025**.

5. Substantive motions, together with supporting briefs, must be filed and served upon all parties no later than **November 14, 2025**. Any responding party shall have until **November 26, 2025**, to serve any responsive brief. Rebuttal briefs will be allowed only if requested by the Hearing Chair.

6. Each party must disclose in writing no later than **November 14, 2025**, the name of each witness the party intends to call during the hearing of this matter.

7. Each party must provide to all other parties, no later than **November 14, 2025**, a list identifying all exhibits the party intends to offer as evidence in its case in chief. Copies of said exhibits must also be provided; the copies may be provided by electronic means.

8. Stipulations may be made at any time and filed with the Board, with service upon all parties and the Hearing Chair.

9. A prehearing conference will be scheduled for **December 5, 2025,** to consider any substantive motion filed by any party and any other item or issue to be resolved

prior to hearing in this matter. The parties may appear telephonically or by means of remote video.

10. Each party must mark in advance of the hearing all exhibits the party intends to introduce at the hearing of this matter. Each party shall be required to contact David McVey, counsel for the Board of Minerals & Environment, to obtain a block of exhibit numbers.

11. Each party to the contested case proceeding must provide 11 copies of each exhibit for use by the Board, its counsel, and the court reporter during the hearing of this matter.

12. It is anticipated that the hearing of this matter will require 3-4 days. The contested case hearing in this matter will be held at a time determined by the Hearing Chair in consultation with the parties, and at a location determined by the Hearing Chair. A majority of the Board will be present at the hearing.

13. The original of all pleadings, motions, and other documents filed in this proceeding must be filed with Brenda Binegar, Secretary of the Board, Department of Agriculture & Natural Resources, 523 E. Capitol Ave., Pierre, SD 57501-3182. Discovery requests and responses are not required to be filed with the Board.

14. A copy of all pleadings, motions, and other documents filed in this matter must be served on the Hearing Chair, the Board's counsel, and all parties. Service must be made by first class mail, personal service, or facsimile.

15. This scheduling order may only be modified by subsequent Order of the Hearing Chair upon written motion and a showing of good cause.

[*signature on following page*]

Dated this _____ day of August, 2025

BOARD OF MINERALS & ENVIRONMENT

By: _____
Bob Morris, Hearing Chair