

From: Bridger Advocate <bridgeradvocate@gmail.com>
Sent: Thursday, October 2, 2025 8:52 AM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT] Addendum

Attached please find an Addendum to my most recent Motion to Reconsider Electronic Service, file yesterday.

Respectfully Submitted,

Elizabeth Lone Eagle
605-200-6800

From: Bridger Advocate <bridgeradvocate@gmail.com>
Sent: Wednesday, October 1, 2025 7:42 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: Re: [EXT] Motions

Attached please find Notice of Change of Address.

Respectfully Submitted,

Elizabeth Lone Eagle
605-200-6800

On Wed, Oct 1, 2025 at 6:31 PM Bridger Advocate <bridgeradvocate@gmail.com> wrote:
Attached please find motions for consideration by Hearing Officer Bob Morris.

Respectfully Submitted,

Elizabeth Lone Eagle
605-200-6800

From: Bridger Advocate <bridgeradvocate@gmail.com>
Sent: Wednesday, October 1, 2025 7:32 PM
To: Binegar, Brenda <Brenda.Binegar@state.sd.us>
Subject: [EXT] Motions

Attached please find motions for consideration by Hearing Officer Bob Morris.

Respectfully Submitted,

Elizabeth Lone Eagle
605-200-6800

STATE OF SOUTH DAKOTA

BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for a Permit to Conduct Uranium Exploration Drilling in Fall River County, South Dakota

EXNI 453

INTERVENOR'S MOTION FOR RECONSIDERATION OF ELECTRONIC SERVICE

COMES NOW, Intervenor Elizabeth Lone Eagle, appearing pro se, and respectfully moves the Hearing Officer to reconsider his denial of electronic service, as set forth in the August 5, 2025 Order and reaffirmed during the August 21, 2025 prehearing conference.

I. BACKGROUND

The Hearing Officer has required that all service be made exclusively by United States Postal Service (USPS) or fax. This requirement has created significant hardships for pro se intervenors, particularly those residing in rural and reservation areas, where fully staffed and fully resourced USPS facilities are not available. Facilities that do exist operate with limited hours, further restricting access.

In practice, this order has denied intervenors timely service. Intervenor has not yet received certain orders by mail, but only learned of them second-hand. The resulting delays obstruct the ability of intervenors to prepare motions and responses within the deadlines set forth by the Hearing Officer's orders.

II. ARGUMENT

Due process requires that parties in an administrative proceeding have a meaningful opportunity to be heard. Requiring USPS-only service disproportionately impacts pro se intervenors, delays filings, and creates unequal burdens compared to represented parties.

Additionally, a precedent for electronic service already exists. The South Dakota Public Utilities Commission allowed electronic service for parties requesting it during the Keystone XL Pipeline proceedings (2014–2015), and the South Dakota Water Management Board similarly allowed electronic service during permit proceedings in 2019–2020. Although these agencies are distinct from the Board of Minerals and Environment, the proceedings were administrative in nature, and electronic service was recognized as an appropriate, efficient, and fair method of ensuring participation.

Electronic service would significantly reduce the financial burden on pro se intervenors, who must otherwise print, copy, and mail dozens of pages to all parties listed on the

certificate of service. These costs are compounded by postage and travel expenses to reach fully staffed USPS sites. The financial and logistical burdens serve as a barrier to meaningful participation.

III. RELIEF REQUESTED

Intervenor respectfully requests that the Hearing Officer reconsider his denial of electronic service and allow documents to be served electronically via email in addition to USPS or fax. Such relief would:

- Ensure timely access to filings for all parties.
- Reduce the undue financial and logistical burdens on pro se intervenors.
- Align with established precedent in similar South Dakota administrative proceedings.

At minimum, electronic service should be permitted for any party who affirmatively requests it, while retaining USPS service for those unable to access electronic methods.

IV. CONCLUSION

By denying electronic service, the Hearing Officer's orders unintentionally obstruct due process and meaningful participation for pro se intervenors. Allowing electronic service, consistent with prior state administrative practice, will both protect the rights of intervenors and improve efficiency for all parties.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: bridgeradvocate@gmail.com

Filed via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order.

STATE OF SOUTH DAKOTA

BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for a Permit to Conduct Uranium Exploration Drilling in Fall River County, South Dakota

EXNI 453

INTERVENOR'S MOTION FOR PROTECTIVE ORDER ON SERVICE AND DEADLINES

COMES NOW, Intervenor Elizabeth Lone Eagle, appearing pro se, and respectfully requests that the Hearing Officer issue a Protective Order to safeguard the due process rights of intervenors in light of service restrictions and delays.

I. BACKGROUND

On August 5, 2025, Hearing Officer Bob Morris ordered that service of documents in this proceeding be made exclusively by United States Postal Service (USPS) or fax. During the August 21, 2025 prehearing conference, the Hearing Officer reaffirmed this requirement, denying requests for electronic service.

Subsequently, on September 2, 2025, the Hearing Officer issued a Scheduling Order setting deadlines for discovery, witness lists, and other filings. These deadlines are tied, in part, to service of documents.

As a result, intervenors who reside in rural and reservation communities face unique obstacles. Within the Pine Ridge and Cheyenne River Reservations, there are no fully staffed, fully resourced USPS facilities with the necessary capacity to process filings in compliance with the Hearing Officer's order. Facilities within reservation boundaries often operate with limited hours of service, reducing access even further.

Intervenors must therefore travel significant distances—often more than an hour to Rapid City, South Dakota—to access USPS sites that are fully equipped to handle filing requirements. These travel and access limitations, coupled with inherent mail delays, have already caused pro se intervenors' filings to fall behind ordered deadlines despite diligent preparation.

II. GROUNDS FOR RELIEF

The restriction to USPS or fax service disproportionately impacts pro se intervenors, particularly First-Language Lakota speakers and others in rural areas, who are entitled to

meaningful and timely participation in these proceedings. Without protective measures, the Scheduling Order unfairly penalizes parties for circumstances beyond their control, including:

- Mail transit delays that make timely compliance impossible.
- Lack of fully staffed, fully resourced USPS facilities within reservation boundaries.
- Limited hours of operation in rural and reservation USPS locations, preventing timely access.

These barriers threaten fundamental due process rights.

III. RELIEF REQUESTED

Intervenor respectfully requests that the Hearing Officer enter a Protective Order providing that:

1. Where applicable in the Scheduling Order, deadlines shall run from the date of actual receipt of service rather than the date of postmark. This ensures that intervenors served by mail are not prejudiced by postal delays beyond their control.
2. Deadlines shall be automatically extended where access to USPS services is limited, including but not limited to lack of access to fully staffed, fully resourced USPS facilities, or facilities with limited hours of operation within reservation boundaries and other rural areas.
3. This Protective Order shall be retroactive to the discovery filing deadline of September 30, 2025, as established by the Hearing Officer's September 2, 2025 Scheduling Order, ensuring that no intervenor is prejudiced by mail delays or lack of USPS access that have already occurred.

IV. CONCLUSION

Without a protective order, intervenors' rights are compromised by systemic barriers to timely service and filing. By ensuring that deadlines reflect actual receipt, access realities, and retroactive relief back to the September 30, 2025 discovery deadline, the Hearing Officer can uphold the fairness and due process required in these proceedings.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: bridgeradvocate@gmail.com

Filed via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order.

STATE OF SOUTH DAKOTA

BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for a Permit to Conduct Uranium Exploration Drilling in Fall River County, South Dakota

EXNI 453

INTERVENOR'S MOTION TO RECONSIDER AND MODIFY SCHEDULING ORDER

COMES NOW, Intervenor Elizabeth Lone Eagle, appearing pro se, and respectfully moves the Hearing Officer to reconsider and modify the Scheduling Order dated September 2, 2025, in order to ensure that all intervenors are afforded full due process protections in these proceedings.

I. BACKGROUND

On September 2, 2025, the Hearing Officer issued a Scheduling Order establishing deadlines for discovery, witness lists, expert disclosures, motions, and related filings. These deadlines assume equal access to resources and services across all parties.

However, several unique factors affect the ability of pro se intervenors—particularly those residing in rural and reservation communities, as well as First-Language Lakota speakers—to comply with the existing schedule:

- The volume of paperwork required in this case is substantial, with multiple parties, overlapping discovery requests, and responses.
- Service restrictions to USPS and fax create unavoidable delays in receipt and response, as described in Intervenor's Motion for Protective Order.
- Language access requirements for First-Language Lakota speakers necessitate additional time for oral and written translation to ensure equal understanding and participation.

Without accommodations, the current schedule creates an undue burden and risks depriving intervenors of their rights to meaningful participation.

II. GROUNDS FOR RELIEF

1. Paperwork Volume and Complexity

The number of intervenors and the breadth of the issues raised guarantee a high volume of discovery and filings. Without adequate time, parties cannot meaningfully participate.

2. Service Limitations

As detailed in the Motion for Protective Order, mail delays and limited USPS access impede the timely exchange of documents, further compressing the schedule.

3. Language Access for First-Language Lakota Speakers

Interpretation requires both translation of written documents and real-time interpretation of proceedings. This essential process extends preparation time and must be built into the schedule.

III. RELIEF REQUESTED

Intervenor respectfully requests that the Hearing Officer modify the Scheduling Order to provide the following adjustments:

1. That discovery deadlines be extended to thirty (30) days, provided that adequate and timely interpretation services are made available to First-Language Lakota speakers.
2. That responsive filings and motions deadlines be extended to twenty-one (21) days, to account for both interpretation and service realities.
3. That all deadlines in the Scheduling Order reflect the requirements of due process and equal participation, recognizing the unique barriers faced by intervenors in rural and reservation communities.
4. That where interpretation delays occur, the Hearing Officer grant automatic extensions to ensure that First-Language speakers are not disadvantaged.

IV. CONCLUSION

The September 2, 2025 Scheduling Order does not adequately reflect the realities of pro se intervenors' circumstances, nor does it provide sufficient accommodations for First-Language Lakota speakers. Modifying the deadlines to thirty (30) days for discovery and twenty-one (21) days for filings, with additional accommodations for interpretation delays, will better balance the goals of timeliness and fairness while protecting the due process rights of all parties.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: bridgeradvocate@gmail.com

Filed via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order.

STATE OF SOUTH DAKOTA

BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for a Permit to Conduct Uranium Exploration Drilling in Fall River County, South Dakota

EXNI 453

ADDENDUM TO INTERVENOR'S MOTION FOR RECONSIDERATION OF ELECTRONIC SERVICE

COMES NOW, Intervenor Elizabeth Lone Eagle, appearing pro se, and respectfully submits this Addendum to her Motion for Reconsideration of Electronic Service, filed October 1, 2025, to provide additional evidence and considerations in support of the relief requested.

I. ADDITIONAL EVIDENCE

Recent evidence further illustrates the systemic failures of USPS service in South Dakota. On September 18, 2025, U.S. Senator Mike Rounds publicly pressed Postmaster General David Steiner to restore reliable mail service in South Dakota, citing widespread delays that have harmed veterans, delayed medications, and disrupted timely communications. Senator Rounds noted that letters and newspapers mailed within the state are routinely taking weeks to arrive, and he concluded his letter with the statement: "P.S. I am emailing this to you because if I mailed it, you might not receive this letter in time." These official statements and constituent reports confirm that intervenors' concerns about delayed service are not isolated incidents, but part of a broader systemic failure in South Dakota's mail system. Reliance on USPS-only service in these proceedings, therefore, unavoidably deprives intervenors of timely notice and obstructs their due process rights.

II. RELIEF REQUESTED

Intervenor respectfully requests that the Hearing Officer consider this additional evidence in support of her original Motion for Reconsideration of Electronic Service. For the reasons stated herein and in the original motion, electronic service should be allowed for any party who affirmatively requests it, while retaining USPS service for those unable to access electronic methods.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: bridgeradvocate@gmail.com

Filed via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order.

STATE OF SOUTH DAKOTA

BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for a Permit to Conduct Uranium Exploration Drilling in Fall River County, South Dakota

EXNI 453

NOTICE OF CHANGE OF ADDRESS

TO: Hearing Officer Bob Morris

AND TO: Brenda Binegar, Board of Minerals and Environment

COMES NOW, Intervenor Elizabeth Lone Eagle, appearing pro se, and respectfully provides notice of a change of mailing address for all future service of filings and correspondence in the above-captioned matter.

NEW MAILING ADDRESS

Elizabeth Lone Eagle

c/o Lakota Prairie Ranch

P.O. Box 656

Kyle, SD 57752

REQUEST

Intervenor respectfully requests that all service of documents and correspondence in this matter be directed to the above-listed address effective immediately.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: bridgeradvocate@gmail.com

Filed via email to Brenda.Binegar@state.sd.us pursuant to the Hearing Officer's August 5, 2025 Order.