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Minutes of the
Board of Minerals and Environment
Matthew Training Center
523 East Capitol Avenue
Pierre, South Dakota

March 18, 2026
10:00 a.m. Central Time

CALL TO ORDER: The meeting was called to order by Chairman Glenn Blumhardt. The roll was called, and a quorum was present.

The meeting was streaming live on SD.net, a service of South Dakota Public Broadcasting.

BOARD MEMBERS PRESENT: Bob Ewing, Gregg Greenfield, Jessica Gruenwald, Gary Haag, Doyle Karpen, Rhett Miller, and Bob Morris participated in person. Chairman Glenn Blumhardt and Laurie Schultz participated via telephone.

BOARD MEMBERS ABSENT: None.

OTHERS PARTICIPATING: See attached attendance sheet.

APPROVE AGENDA: Motion by Karpen, seconded by Miller, to approve the agenda. The motion carried unanimously.

Chairman Blumhardt turned the gavel over to Vice Chairman Gregg Greenfield.

APPROVAL OF FEBRUARY 19, 2026, MEETING MINUTES: Motion by Ewing, seconded by Karpen, to approve the February 19, 2026, Board of Minerals and Environment meeting minutes. The motion carried unanimously.

TRANSFER OF SMALL SCALE MINE PERMIT 397 FROM WADE'S GOLD MILL, INC. TO ROBERT WADE: Eric Holm reported that Robert Wade requested transfer of Small Scale Mine Permit 397 from Wade's Gold Mill, Inc.

The general location of the permitted operation is approximately 10 miles southwest of Custer, SD. Under SDCL 45-6B-47 any mine permit can be transferred from one operator to another with the successor operator assuming all reclamation liability.

The complete transfer application form was submitted on February 2, 2026. The \$100 transfer fee was submitted on June 17, 2025.

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The \$11,900 replacement surety was submitted on February 10, 2026, and the application was deemed complete on February 10, 2026.

The department's recommendation to transfer the permit was prepared February 12, 2026, and was published in the Custer County Chronicle on March 4 and 11, 2026. The Affidavit of Publication was received March 16, 2026. The recommendation was also posted on the DANR public notice web page.

No petitions to intervene were received.

Under SDCL 45-6B-47, the board cannot deny a mine permit transfer unless the operation is not or cannot be brought into compliance with all applicable federal, state or local laws or the successor operator is in violation of state mining laws or mine permit conditions for any mining operation in the state.

The current mine permit and Robert Wade are in compliance with all federal, state, and local laws and regulations. Robert Wade also submitted a Certification of Applicant form and disclosed no violations.

Regarding the replacement surety, DANR currently holds a \$1,000 CD, and the US Forest Service holds \$4,500 in reclamation bonding for a total of \$5,500.

During staff review of the mine permit transfer application, DANR reviewed the reclamation surety and calculated a replacement surety amount of \$11,900. Since the maximum small scale reclamation bond amount has been increased from \$2,500 to \$38,500, the US Forest Service has agreed to allow DANR to hold the entire \$11,900 reclamation surety per the MOU between DANR and the Forest Service. Upon acceptance of the \$11,900 replacement surety by the board, the existing \$1,000 CD held by DANR will be released to Wade's Gold Mill Inc.

DANR recommended the board transfer Small Scale Mine Permit 397 and liability from Wade's Gold Mill, Inc. to Robert Wade; accept CD No. 6601016434, First Interstate Bank, Custer, SD, in the amount of \$11,900; and release CD No. 80138, First Interstate Bank, Hill City, SD in the amount of \$1,000.

Motion by Karpen, seconded by Miller to transfer Small Scale Mine Permit 397 and liability from Wade's Gold Mill, Inc. to Robert Wade; accept CD No. 6601016434, First Interstate Bank, Custer, SD, in the amount of \$11,900; and release CD No. 80138, First Interstate Bank, Hill City, SD in the amount of \$1,000. A roll call vote was taken, and the motion carried unanimously.

ANNUAL UPDATE OF POST-CLOSURE FINANCIAL ASSURANCE FOR HOMESTAKE MINING COMPANY, MINE PERMITS 332 AND 456 AND MINE PERMIT 445: Mr. Holm reported that in the May 18, 2006, Order regarding the post-closure financial assurance for Mine Permits 332 and 456, it states the financial assurance shall be automatically extended for periods of one year. At the time of each annual extension, the face value of the financial assurance shall

be adjusted to the bonding schedule set by the board in 2006 and updated in 2012, 2018, and 2023 during the five-year financial assurance reviews.

For 2026, the face value of the surety bond that serves as the post-closure financial assurance is required to be \$86,035,509. This is an increase from the \$84,000,056 amount which was submitted last year. For the increase, Homestake submitted a rider to Surety Bond No. 8233-63-10, Federal Insurance Company which increases the amount to the new face value. Federal Insurance is licensed in South Dakota and is on the US Department of Treasury list of approved surety companies. Ratings for the company from AM Best, Standard and Poor's, Moody's, and Fitch's are superior, very strong, high quality, and very high credit respectively. Outlooks are stable.

DANR recommended that the board accept the rider to Surety Bond No. 8233-63-10, Federal Insurance Company, increasing the post-closure financial assurance amount to \$86,035,509.

In the post-closure conditions for Mine Permit 445, which were approved by the board on January 21, 2016, it states the financial assurance shall be automatically extended for periods of one year. At the time of each annual extension, the face value of the financial assurance shall be adjusted to the bonding schedule set by the board in 2016 and updated in April 2022 as part of the five-year financial assurance review.

For 2026, the face value of the surety bond that serves as the post-closure financial assurance is required to be \$42,939,910. This is an increase from the \$41,773,222 amount, which was submitted last year. For the increase, Homestake Mining submitted a rider to Surety Bond No. 09177703, Fidelity & Deposit Company of Maryland and Zurich American Insurance Company, which increases the amount to the new face value. Both surety companies are licensed in South Dakota and are on the US Department of Treasury's list of approved surety companies. Ratings for both companies from AM Best, Standard and Poor's, Moody's, and Fitch's are superior, very strong, high quality, and very high credit respectively. Outlooks are stable.

As part of the January 21, 2016, conditions approved by the board, the department is required to do reviews of the Permit 445 post-closure bond beginning in 2021 and every five years thereafter in order to recalculate and update the bond. The next five-year review is scheduled for this year. The department will begin its review this spring, with a revised post-closure bond amount anticipated for board approval before the end of this year or early 2027.

DANR recommended that the board accept the rider to Surety Bond No. 09177703, Fidelity & Deposit Company of Maryland and Zurich American Insurance Company, increasing the post-closure financial assurance amount to \$42,939,910.

Motion by Karpen, seconded by Gruenwald, to accept the rider to Surety Bond No. 8233-63-10, Federal Insurance Company, increasing the post-closure financial assurance amount to \$86,035,509 for Homestake Mining Company Mine Permits 332 and 456, and to accept the rider to Surety Bond No. 09177703, Fidelity & Deposit Company of Maryland and Zurich American Insurance Company, increasing the post-closure financial assurance amount to \$42,939,910 for

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Homestake Mining Company Mine Permit 445. A roll call vote was taken, and the motion carried unanimously.

MINING ISSUES CONSENT CALENDAR: Prior to the meeting the board received a copy of the consent calendar (see attachment).

Tom Cline with the Minerals, Mining, and Superfund Program was available for questions from the board. There were no questions.

Motion by Ewing, seconded by Miller, to approve the consent calendar, as presented. A roll call vote was taken, and the motion carried unanimously.

REQUESTS FOR THE BOARD TO OVERRULE PRE-HEARING ORDERS ISSUED BY HEARING CHAIR MORRIS IN THE MATTER OF CLEAN NUCLEAR ENERGY CORPORATION URANIUM EXPLORATION PERMIT APPLICATION; EXNI 453: A transcript of these proceedings may be obtained by contacting Carla Bachand, Capital Reporting Services, PO Box 903, Pierre SD 57501, pcbachand@pie.midco.net, or (605) 222-4235.

David McVey, Assistant Attorney General, appeared on behalf of the Board of Minerals and Environment.

Steve Blair, General Counsel, appeared on behalf of the Department of Agriculture and Natural Resources.

Matthew Naasz, Gunderson, Palmer, Nelson, & Ashmore, appeared on behalf of the Applicant, Clean Nuclear Energy Corporation, Inc.

Intervenors present, online, or by telephone were Bruce Ellison, Dr. Liliias Jarding, Denise Giago, Taylor Gunhammer, Sarah Peterson, Caryn Lerman, Dr. Ben Sharp, Jeremiah Davis, Marla Cooley, Elizabeth Lone Eagle, Jean Roach, Helen Red Feather, Tonya Stands, Michael Melius, Brenda Gamache, Julie Plachta, Seth Eagle Bear, Jr., Rudel Bear Shirt, Mashanaposhe Camp, and Susan McPhail Pang.

Vice Chairman Greenfield stated that the board would determine whether to overturn the following specific rulings made by Hearing Chairman Morris: change of venue, the Fall River Ordinance declaring uranium mining a nuisance, applicant's motion in limine to preclude evidence regarding mining, translation services, electronic service, and other orders issued by the hearing chair at the request of the parties or the intervenors.

The following exhibits were offered and admitted into the record:

Exhibit A – May 14, 2025, letter to Minerals, Mining, and Superfund Program from Alyssa Comer, Chair, Oglala Lakota County Commission.

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Exhibit B – Undated letter to Glenn Blumhardt, Chairman of the Board of Minerals and Environment, from Allyssa Comer, Oglala County Commission Chair, Art Hopkins, Commissioner, and Wendell Yellow Bull, Commissioner.

Exhibit C – October 15, 2025, letter to Minerals, Mining, and Superfund Program from Joe Falkenburg, Chair, Deb Russell, Vice Chair, Joe Allen, Les Cope, and Sandra Wahlert, Fall River County Commissioners.

Exhibit D – Undated letter to Glenn Blumhardt, Chairman of the Board of Minerals and Environment, from Joe Falkenburg, Chairman, Deborah Russell, Vice Chair, Joe Allen, Les Cope, and Sandra Wahlert, Fall River County Board of Commissioners.

Exhibit E – March 16, 2026, Letter to SD Board of Minerals and Environment from Robert Nelson, Mayor, City of Hot Springs.

Exhibit F – October 20, 2025, letter to the Board of Minerals and Environment from Robert Nelson, Mayor of Hot Springs.

Exhibit G – Copy of email from Aerial Allison, city of Hot Springs administrator which includes a January 20, 2026, letter to Glenn Blumhardt, Chair of the Board of Minerals and Environment from Robert Nelson, Mayor of Hot Springs.

Exhibit H – Copy of SDCL 45-6D-29

Exhibit I – Copy of abstract of the votes cast in the jurisdiction of Fall River County on initiated measure: uranium mining is a nuisance in Fall River County

Change of Venue

The following presented statements in favor of a change of venue: Jay Davis, Dr. Ben Sharp, Robert Nelson, mayor of Hot Springs, Bruce Ellison, Mashanaposhe Camp, Taylor Gunhammer, Wendall Yellow Bull, Alyssa Comer, Tonya Stands, Dr. Liliias Jarding, Helen Red Feather, Bud Lone Eagle (translator for Helen Red Feather), Jeane Roach, Caryn Lerman, Sarah Peterson.

Mr. Blair and Mr. Naasz requested keeping the hearing venue in Pierre.

Motion by Gruenwald, seconded by Haag, to move the hearing to Hot Springs. A roll call vote was taken, and the motion carried with Gruenwald, Haag, Karpen, Schultz, and Greenfield voting aye, and Ewing, Miller, and Blumhardt voting no. Morris abstained.

Fall River County Ordinance

The following provided statements in favor of the board overruling Mr. Morris' Order regarding the Ordinance: Bruce Ellison, Dr. Ben Sharp, Elizabeth Lone Eagle, Sarah Peterson, Caryn Lerman, Mayor Robert Nelson, Taylor Gunhammer, Susan Hey, Jean Roach, Marla Cooley, Denise Giago, Jay Davis.

Motion by Miller, seconded by Ewing, to uphold Mr. Morris' ruling that the Fall River County Ordinance does not apply to the EXNI permit.

Substitute motion by Blumhardt, seconded by Gruenwald, to put the proceedings on hold until the board receives clarification from the courts as to the validity and the reach of the Fall River County Ordinance. A roll call vote was taken, and the motion failed with Gruenwald, Haag, and Blumhardt voting aye and Ewing, Karpen, Miller, Schultz, and Greenfield voting no. Morris abstained.

A roll call vote was taken on the original motion, and the motion carried with Ewing, Karpen, Miller, Schultz, and Greenfield voting aye and Gruenwald, Haag, and Blumhardt voting no. Morris abstained.

Applicant's Motion in Limine to Preclude Evidence Regarding Mining

The following provided statements against Mr. Morris' ruling regarding the applicant's motion: Dr. Liliias Jarding, Dr. Ben Sharp, Bruce Ellison, Elizabeth Lone Eagle, and Jean Roach.

Steve Blair and Matt Naasz provided statements in favor of Mr. Morris' ruling.

Motion by Miller, seconded by Gruenwald, to overrule Mr. Morris' ruling on the applicant's motion in limine. A roll call vote was taken and the motion carried with Gruenwald, Haag, Karpen, Miller, Schultz, Blumhardt, and Greenfield voting aye and Ewing voting no. Morris abstained.

Translation Services

The following provided statements in favor of overruling Mr. Morris' ruling to not allow translation services: Bruce Ellison, Jean Roach, Tonya Stands, Helen Red Feather, Bud Lone Eagle translating for Ms. Red Feather, and Elizabeth Lone Eagle.

Motion by Gruenwald, seconded by Miller, to overturn Mr. Morris' ruling and proceed as outlined in House Bill 1219, which was approved during the 2026 Legislature. A roll call vote was taken, and the motion carried with Ewing, Gruenwald, Haag, Karpen, Miller, Schultz, Blumhardt, and Greenfield voting aye. Morris abstained.

Electronic Service

The following provided statements in favor of allowing electronic service: Elizabeth Lone Eagle, Bruce Ellison. Mr. Naasz and Mr. Blair both noted that the statute and rules do not allow for electronic service.

Motion by Ewing, seconded by Miller, to uphold Mr. Morris' ruling to not allow electronic service. A roll call vote was taken, and the motion carried with Ewing, Gruenwald, Haag, Karpen, Miller, Schultz, Blumhardt, and Greenfield voting aye. Morris abstained.

Other Orders Issued by the Hearing Chair at the Request of the Parties or Intervenors

Elizabeth Lone Eagle, Bruce Ellison, Dr. Liliias Jarding, Tonya Stands, Taylor Gunhammer, and Steve Blair, requested that the board expand the length of the hearing. Mr. Naasz requested that the hearing remain at three days, as scheduled.


Motion by Karpen to move the hearing to April 13-15.

Substitute motion by Gruenwald, seconded by Haag, to move the hearing to April 13-17, 2026. A roll call vote was taken, and the motion carried with Ewing, Gruenwald, Haag, Schultz, and Greenfield voting aye and Karpen, Miller, and Blumhardt voting no. Morris abstained.

PUBLIC COMMENT PERIOD IN ACCORDANCE WITH SDCL 1-25-1: There were no public comments

UPCOMING BOARD MEETINGS: The next meeting is April 13-17, 2026, at the Mueller Civic Center in Hot Springs, SD.

ADJOURN: Motion by Karpen, seconded by Miller, to adjourn. The motion carried unanimously.


Secretary, Board of Minerals and Environment

4/16/26
Date

ATTENDANCE SHEET
 BOARD OF MINERALS AND ENVIRONMENT

DATE Room 414 - State Capitol - March 18, 2026

<u>NAME (PLEASE PRINT)</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Rudell Bear Shurt	WIKSD 57794	WICOMM
Linda White Face	porcupine SD 57772	Pahin Sinter
Beverly Larson	WK SD 57794	water
Josiah Hornbeek	porcupine SD 57772	pahin Sinter
Seth Eagle Bear Jr	Wounded Knee SD 57794	W, Knee
Thomas Clive JR	523 East Capital	SD DANR - M & M page
Steve Blair	Rapid City	DANR
Rob Nulcon	Hot Springs	City of Hot Springs
Rebecca Turk	Rapid City	
Bruce Elkraz	Rapid City SD	
Lilias Jarding	RC, SD	self
Jay Davis	Rapid City	Sierra Club
Bud Lone Eagles	Rapid City	Lacota Oyate
Elizabeth Lone Eagle	Kyle, SD	Self
Julie Plachta	Hot Springs, SD	self
Brenda Gamache	Hot Springs SD	self
Susan M. Pavez	Cascade Rd., 57744	self
Caryn Lerman	Hot Springs SD	self
Soreen Harding	Hot Springs SD	self 876
Ben Sharp	Hot Springs SD	self
Michael Melius	Hot Springs	Self
Marla Cooley	Hot Springs	self
Aran McCoy	Rapid City	Sierra Club

ATTENDANCE SHEET
BOARD OF MINERALS AND ENVIRONMENT
DATE _____

NAME (PLEASE PRINT)

ADDRESS

REPRESENTING

Alyssa Camer

1227 BIA 33 Porcupine SD 57772

O. Lakota County

Consent Calendar
South Dakota Board of Minerals and Environment

February 19, 2026

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<u>Transfer of Liability:</u>					
Beilke Construction, Inc. Wetonka, SD	83-221		\$20,000	Sun Surety Insurance Company - Rapid City, SD	Transfer Liability
		221008	NE1/4 Section 16 & NW1/4 Section 15; T128N-R67W McPherson County		
Transfer to:					
H.F. Jacobs Construction Inc. Aberdeen, SD	83-188		\$20,000	Fidelity & Deposit Company of Maryland - Omaha, NE	
<u>Transfer of Liability & Surety Release:</u>					
Patricia Boettcher DBA Twin Lakes Sand & Gravel Florence, SD	99-694		\$2,000	Great Western Bank - Watertown, SD	Transfer Liability & Release \$2,000
		694001	W1/2 Section 12; T118N-R54W, Codington County		
Transfer to:					
Trenton Witmer DBA Ag Drainage & Excavation Services Watertown, SD	25-1160		\$3,850	Minnwest Bank - Florence, SD	

Consent Calendar
South Dakota Board of Minerals and Environment

February 19, 2026

<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<u>Transfer of Liability & Surety Release:</u>					
L & G Inc. Milbank, SD	01-729		\$3,340	First Bank & Trust - Stockholm, SD Great Western Bank - Milbank, SD	Transfer Liability & Release \$3,340
		729001		N1/2 SE1/4 and S1/2 NE1/4 Section 3; T121N-R48W, Grant County	
Transfer to:					
Peters Gravel LLC Milbank, SD	10-892		\$6,629	Great Western Bank - Milbank, SD Minnwest Bank - Wilmot, SD	
<u>Release of Liability & Surety Release:</u>					
Todd Hanks St Lawrence, SD	83-86		\$1,000	Sun Surety Insurance Company - Rapid City, SD	Release Liability & \$1,000
		86001		SE1/4 Section 10; T114N-R68W, Hand County	
<u>Release of Liability & Surety Release:</u>					
Wharf Resources (USA) Inc. Lead, SD	90-40		\$1,000	Wells Fargo Bank - Lead, SD	Release Liability & \$1,000
		400001		S1/2 Section 34 and S1/2 Section 35; T5N-R2E, and N1/2 Section 2 and N1/2 Section 3; T4N-R2E, Lawrence County	

Consent Calendar
South Dakota Board of Minerals and Environment

					<i>February 19, 2026</i>
<u>License Holder</u>	<u>License No.</u>	<u>Site No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<u>Release of Liability:</u>					
Harding County Highway Dept. Buffalo, SD	83-66		Exempt	N/A	Release Liability
		66040	S1/2 NW1/4 Section 22; T22N-R7E, Harding County		
		66045	SE1/4 Section 19; T23N-R7E, Harding County		