



**Board of Minerals
and Environment**

523 East Capitol Avenue
Pierre, South Dakota 57501-3182
(605)773-3886

The public may participate in-person or via telephone by dialing 1 605-679-7263 and entering Conference ID 536933764#. The full board packet, the link for live streaming, and instructions for joining the meeting are available on the South Dakota Boards and Commissions Portal at <https://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>.

AGENDA

Board of Minerals and Environment
State Capitol Building
Room 414
500 East Capitol Avenue
Pierre, SD

March 18, 2026

10:00 a.m. Central Time

Call to order and roll call

Approve agenda

Approval of February 19, 2026, meeting minutes

Transfer of Small Scale Mine Permit 397 from Wade's Gold Mill, Inc. to Robert Wade – Eric Holm

Annual update of post closure financial assurance for Homestake Mining Company, Mine Permits 332 and 456 and Mine Permit 445 – Eric Holm

Mining issues consent calendar – Tom Cline

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.

Public comment period in accordance with SDCL 1-25-1

Upcoming board meetings

Adjourn

Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 as soon as possible but no later than two business days prior to the meeting to ensure accommodations are available.

The audio recording for this meeting is available on the South Dakota Boards and Commissions Portal at <http://boardsandcommissions.sd.gov/Meetings.aspx?BoardID=67>

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

February 19, 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: Glenn Blumhardt (participated via telephone), Bob Ewing, Gregg Greenfield, Gary Haag, Doyle Karpen, Rhett Miller, Bob Morris, and Laurie Schultz.

BOARD MEMBERS ABSENT: Jessica Gruenwald.

OTHERS PARTICIPATING: See attached attendance sheet.

Chairman Blumhardt stated that since he was participating via telephone from out-of-state, Vice Chairman Gregg Greenfield would chair the meeting.

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

APPROVAL OF JANUARY 15, 2026, MEETING MINUTES: Motion by Ewing, seconded by Miller, to approve the January 15, 2026, Board of Minerals and Environment meeting minutes. 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 Karpen, to approve the consent calendar, as presented. A roll call vote was taken, and the motion carried unanimously.

PETITIONERS' REQUESTS FOR THE BOARD-AT-LARGE TO OVERRULE THE ORDER ON PRE-HEARING MOTIONS ISSUED BY HEARING CHAIR MORRIS ON JANUARY 20, 2026, 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.

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

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

Intervenors present were Bruce Ellison, Dr. Liliias Jarding, Denise Giago, Taylor Gunhammer, Sarah Peterson, Caryn Lerman, Dr. Ben Sharp, Jeremiah Davis, Marla Cooley, Gene Parkhurst, and Elizabeth Lone Eagle

Vice Chairman Greenfield stated that the board will first consider a motion for continuance of today's hearing. Following that decision, the board will determine whether to overturn the following specific rulings made by Hearing Chairman Morris: change of hearing date and change of venue, ruling regarding the Fall River Ordinance declaring uranium mining a nuisance, applicant's motion in limine to preclude evidence regarding mining, electronic service, and translation services.

The following intervenors stated that the parties did not receive notice of today's hearing, today's hearing conflicts with the site visit of Craven Canyon, and several other reasons the board should continue today's proceedings to a future date: Mr. Ellison, Dr. Jarding, Dr. Sharp, Mr. Gunhammer, Ms. Lone Eagle.

Kimberly Craven, Attorney General of the Cheyenne River Sioux Tribe, stated that Steven Gunn was hired to represent the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe, but he is not present today because he did not receive notice and he is attending the site visit. Ms. Craven stated that she is not attending as counsel for the tribe in this matter.

Mr. Naasz requested the board consider the requests to overrule Hearing Chair's orders today rather than continuing this matter to a later date.

Mr. Blair stated that continuing to a later date is up to the board.

Motion by Greenfield, seconded by Karpen, to enter executive session in accordance with SDCL 1-25-2(3) to consult with the board's legal counsel about pending litigation.

Several of the intervenors objected to the board entering executive session.

A roll call vote was taken on the motion to enter executive session, and the motion carried with Ewing, Haag, Karpen, Miller, Schultz, Blumhardt and Greenfield voting aye. Morris abstained.

The board entered executive session at 11:01 a.m.

The board exited executive session at 11:47 a.m.

Motion by Ewing, seconded by Karpen, to continue this matter until March 18, 2026. A roll call vote was taken, and the motion carried with Ewing, Greenfield, Haag, Karpen, Miller, Schultz, and Blumhardt voting aye. Morris abstained.

Motion by Miller, seconded by Karpen, to move the contested case hearing in the matter of Clean Nuclear Energy Corporation, Inc. EXNI 453 from March 18, 19 and 20, 2026, to April 14, 15, and 16, 2026.

Mr. Naasz objected to changing the hearing dates.

A roll call vote was taken, and the motion carried with Ewing, Greenfield, Haag, Karpen, Miller, Schultz, and Blumhardt voting aye. Morris abstained.

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

UPCOMING BOARD MEETINGS: The next meeting is scheduled for March 18, 2026, in Room 414 of the State Capitol Building.

The contested case hearing in the matter of Clean Nuclear Energy Corporation Uranium Exploration Permit Application is scheduled for April 14, 15, and 16, 2026, in Room 413 of the State Capitol Building.

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

Secretary, Board of Minerals and Environment Date

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

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<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		

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Consent Calendar
South Dakota Board of Minerals & Environment

March 18, 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>					
Amy Costa Sioux Falls, SD	01-717		\$1,000	First National Bank – Pierre, SD	Transfer Liability & Release \$1,000
		717001	NE1/4 Section 24; T96N-R48W, Lincoln County		
Transfer to:					
Boyer Sand & Rock, Inc. Hawarden, IA	86-319		\$20,000	First State Bank – Hawarden, IA	
<u>Release of Liability & Surety Release:</u>					
Royal E. Peterson Lower Brule, SD	99-680		\$1,000	First National Bank – Pierre, SD	Release Liability & \$1,000
		680001	NW1/4 SW1/4 Section 22; T108N-R73W, Lyman County		
<u>Release of Liability:</u>					
63 Industries, LLC Rapid City, SD	21-1094		\$20,000	First National Bank – Pierre, SD First National Bank – Rapid City, SD	Release Liability
		1094002	NE1/4 Section 16; T2N-R9E, Pennington County		

Consent Calendar
South Dakota Board of Minerals & Environment

March 18, 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>Release of Liability:</u>					
Corson County Highway Dept. McIntosh, SD	83-239		Exempt	NA	Release Liability
		239012	N1/2 Section 35; T21N-R24E, Corson County		
		239013	NW1/4 Section 30; T20N-R20E, Corson County		
		239017	N1/2 Section 10; T21N-R28E, Corson County		
		239019	NE1/4 Section 18; T22N-R19E, Corson County		
		239041	SE1/4 Section 30; T22N-R27E, Corson County		
Gregory County Highway Dept. Burke, SD	83-171		Exempt	NA	Release Liability
		171012	NE1/4 Section 34; T97N-R69W, Gregory County		

South Dakota Board of Minerals & Environment

March 18, 2026

<u>Permit Holder</u>	<u>Permit No.</u>	<u>Surety Amount</u>	<u>Surety Company or Bank</u>	<u>DANR Recommendation</u>
<u>Transfer of Small Scale Mine Permit 397:</u>				
Wade's Gold Mill, Inc. Hill City, SD	397	\$11,900	First Interstate Bank, Custer, SD	Transfer Permit 397 and liability from Wade's Gold Mill, Inc. to Robert Wade. Accept CD No. 6601016434, First Interstate Bank, Custer in the amount of \$11,900. Release CD No. 80138, First Interstate Bank, Hill City, in the amount of \$1,000.
Transfer to:	SE1/4 Section 26; T4S-R3E, Custer County			
Robert Wade Hill City, SD				
<u>Annual Update of Post Closure Financial Assurance:</u>				
Homestake Mining Company Lead, SD	332 & 456	\$86,035,509	Federal Insurance Company	Accept rider to Bond No. 8233-63-10, Federal Insurance Company, increasing the Post Closure Financial Assurance amount to \$86,035,509.
Homestake Mining Company Lead, SD	445	\$42,939,910	Fidelity & Deposit Company of Maryland Zurich American Insurance Company	Accept rider to Bond No. 09177703, Fidelity & Deposit Company of Maryland and Zurich American Insurance Company, increasing the Post Closure Financial Assurance amount to \$42,939,910.