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Department of Agriculture
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STATE OF SOUTH DAKOTA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
BOARD OF MINERALS & ENVIRONMENT

IN THE MATTER OF CLEAN)	
NUCLEAR ENERGY CORP.)	CLEAN NUCLEAR ENERGY
URANIUM EXPLORATION)	CORP.'S RESPONSE TO
PERMIT APPLICATION)	INTERVENOR GREAT PLAINS
)	TRIBAL WATER ALLIANCE, INC.
EXNI 453)	MOTION FOR
)	RECONSIDERATION OF THE
)	"ORDER FALL RIVER
)	ORDINANCE" AND THE
)	INTERVENORS JOINT APPEAL

Clean Nuclear Energy Corp. ("CNEC"), by and through its undersigned counsel of record, submits this Response to the Intervenor Great Plains Tribal Water Alliance, Inc. Motion for reconsideration of the "Order Fall River Ordinance" and the Intervenors Joint Appeal regarding the Hearing Chair's applicability of the 2022 Fall River Uranium Mining Nuisance Ordinance.

The Fall River County Ordinance at issue attempts to declare uranium mining a nuisance in Fall River County. This current proceeding involves an application for a uranium exploration permit pursuant to SDCL § 45-6D, not a mining permit pursuant to SDCL § 45-6B. As identified in the Order filed in this matter, mining and exploration constitute separate actions. Most specifically, SDCL § 45-6B-3 (11) specifically excludes exploration activities from the definition of a "mining operation."

Should there come a time when a large scale mining permit pursuant to SDCL § 45-6B is requested, the Applicant will need to submit an application for that permit to this Board. At that time, the question of the applicability of the ordinance to the large scale mining permit application will be before the Board. At this point however the present application seeks an

exploration permit rather than a mining permit rendering the Fall River county ordinance and any testimony regarding that ordinance irrelevant to the current proceedings.

CONCLUSION

The Hearing Chairman's Order Fall River Ordinance should be affirmed by the Board of Minerals and Environment.

Respectfully submitted this 12 day of February, 2026.

By: /s/ Matthew E. Naasz

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CERTIFICATE OF SERVICE

I hereby certify on February 12, 2026, a true and correct copy of CLEAN NUCLEAR ENERGY CORP.'S RESPONSE TO INTERVENOR GREAT PLAINS TRIBAL ALLIANCE, INC. MOTION FOR RECONSIDERATION OF THE "ORDER FALL RIVER ORDINANCE" AND THE INTERVENORS JOINT APPEAL was served upon the following individuals as indicated below:

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Further, the undersigned certifies that a true and correct copy of the above-referenced document was served via U.S. First Class Mail, Postage Prepaid upon the following:

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A courtesy copy of the above referenced document(s) was served by electronic mail upon the following:

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