

# **Exhibit 337/437**

Offered by

Cheyenne River Sioux Tribe and Oglala Sioux Tribe

for

Contested Case Hearing in the Matter of Clean Nuclear Energy Corp.

Uranium Exploration Permit Application

EXNI 453

**STATE OF SOUTH DAKOTA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
BOARD OF MINERALS & ENVIRONMENT**

**IN THE MATTER OF CLEAN )  
NUCLEAR ENERGY CORP. )  
URANIUM EXPLORATION )  
PERMIT APPLICATION )  
EXNI 453 )  
)  
)  
)**

**AFFIDAVIT OF MIKE BLADY**

I, Mike Blady, being duly sworn upon my oath, depose and state as follows:

1. I was deposed in this matter, as representative of applicant. During the deposition certain questions were asked requiring further responses. I have set out the responses to these questions herein.
2. As it relates to the question posed in the deposition on pages 45:9 - 45:15, the updated map provided to the Department of Agriculture and Natural Resources was an updated map of exploration holes, reducing the number of holes from 50 to 38. The exploration area itself remains the same as that identified on Exhibit 2.
3. As it relates to the questions regarding safety protocols for drilling high grade uranium found at deposition pages 87:8 - 87:12; the likelihood of encountering high grade uranium ore is extremely unlikely in this exploration project. Additionally, the safety protocols in place for high grade uranium ore typically relate to extraction, rather than exploration which will be conducted under the instant application. Should it be determined that the possibility of encountering high grade uranium ore exists in the exploration project process, appropriate safety measures will be implemented, consistent with those implemented in other high grade uranium projects located in the Athabasca Basin, Saskatchewan and Alberta, Canada. Those safety measures include: regular monitoring of radiation levels throughout operations; providing personal protective equipment to workers; conducting thorough training programs on radiation safety; maintaining strict control measures to limit exposure times and rates; and having a radiation monitoring device at each drill rig and at the logging/handling facility.
4. As it relates to the CNEC's contingency plan for handling hazardous materials, identified at pages 91:17 to 91:18 of the deposition the contingency plan and safety protocols will be as follows:

**Equipment and Vehicles.**

Diesel fuel used by the drilling rigs will be transported to the drill site in a fuel tank mounted on a pickup truck and transferred to the fuel tank on the drill rig on site. Pickup trucks may use either diesel fuel or gasoline, which will be stored in mounted tanks.

Gasoline will be used to power water pumps and a generator at the drill site. Gasoline may be stored in portable containers.

Fuel stored at the drill rig will be placed on a flat platform with a raised berm around the perimeter and then lined with a geomembrane to mitigate a spill or leakage event. The containment area will be sufficiently sized to accommodate a 110 percent spill.

Spill kits will also be on site in case of petroleum spills, and equipment will be cleaned before arriving and departing the site, removing all soil, plant parts, seeds, vegetative matter, or other debris that could contain seeds to prevent the spread of noxious weeds into or out of the Project area.

**Hazardous Substances.**

Diesel, gasoline, and standard petroleum lubricants will be used in this operation. A limited amount of fuel will be contained in the fuel tanks of the equipment used on site. In addition, no more than a total of 5 gallons of petroleum product will be stored in gearboxes of equipment on site. The total estimated volume of fuel contained in the tanks and gearboxes of the equipment on site is outlined below and will be approximately 350 gallons:

- Excavator or backhoe – 40 gallons
- Forklift – 30 gallons
- Water truck – 90 gallons
- Water pump – 5 gallons
- Generator – 5 gallons
- Hydraulic fluid - 50 gallons
- Pickup truck – 30 gallons
- Drill truck – 90 gallons
- Motor oil (1 can) – 5 gallons
- Supplemental Fuel Cans (2) – 3 gallons each, 6 gallons total

All fuel will be brought to the site in proper petroleum storage containers, via pickup truck. The storage and transportation containers will be properly labeled, and the contents will be identified. Fueling will not occur in or immediately adjacent to water sources. Empty fuel containers will be disposed of properly.

Fuel stored at the drill rig will be placed on a flat platform with a raised berm around the perimeter then lined with a geomembrane to mitigate a spill or leakage event. The containment area will be sufficiently sized to accommodate a 110 percent spill. Absorbent spill kits will be used for cleanup and spill confinement, if required. Small fluid leaks and spills from construction equipment would be promptly cleaned up, and any contaminated soil would be removed and disposed of offsite. Reportable spills would be reported to the SD DANR.

5. As it relates to measures CNEC will take to prevent groundwater contamination identified at deposition pages 94:4 - 94:12, those measures will include:

- Drill contractors hired by CNEC will use only biodegradable, nontoxic muds certified for use in drilling drinking water wells.

- Holes will be plugged and abandoned and reclaimed as laid out in the EXNI and following state standards to prevent cross-aquifer contamination (Administrative Rules of South Dakota (ARSD) 74:11:08 and South Dakota Codified Law (SDCL) 45-6D-33 through 45-6D-34). If an aquifer is penetrated, the completed exploration drillholes will be plugged from bottom to top using bentonite grout, which complies with the requirements of ARSD 74:11:08:05 and ARSD 74:11:08:05:01 (i.e., requirements for plugging exploration drillholes that penetrate single unconfined aquifers and confined or multiple aquifers). If a confined aquifer is penetrated, the weight of the bentonite grout column will either be sufficient to overcome formation pressure or the hole will be plugged using cement grout. The collar elevations of the planned holes are higher than the static water level to be encountered in the exploration holes; therefore, no natural artesian discharge from drillholes is anticipated. The injected grout does not expand far beyond the hole within the overburden, typically not more than a few inches to a foot. As such, the effect of the grout in the overburden is very local. Even where fractures are encountered, grout is unlikely to migrate more than a few feet from the drillhole within the narrow width of the fractures.

- Lined mud recirculation pits. During active drilling operations, CNEC will continuously monitor and manage sump fluid levels and available freeboard closely, especially if the boring is beginning to make excessive water, if artesian conditions are encountered, and during precipitation events.

- Erosion control as needed. Reseeding and contouring post drilling.

- Secondary containment shall accommodate 110 percent capacity to ensure any potential leak is contained and that there is adequate freeboard to accommodate a small precipitation event.

- Grout will be used as a high-viscosity or cemented material to prevent drill water from penetrating the adjacent rock, fix the casing into the hole, or reclaim drillholes upon completion.

6. As it relates to the question of whether or not additional cultural resource reports were prepared after the State Historic Preservation Officer letter, the answer is that no such reports were prepared by Clean Nuclear Energy after the February 21, 2025 letter.
7. Regarding biological and habitat assessments identified at pages 136:2 - 136:15 of the deposition, the reports requested are available on the EXNI application website for the October Jinx Project with the link here:

<https://danr.sd.gov/Environment/MineralsMining/Exploration/docs/EXNI462App.pdf>

FURTHER YOUR AFFIANT SAYETH NOT.

Dated this 2<sup>nd</sup> day of ~~December~~, 2028. <sup>6</sup>  
January

*M.B.*



Mike Blady  
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Subscribed and sworn to before me on the 2<sup>nd</sup> day of ~~December~~, 2028. <sup>6</sup>  
January *K.I.* *M.B.*



Notary Public:

My Commission Expires: N/A

(SEAL)

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### CERTIFICATE OF SERVICE

I hereby certify on January 5, 2026, a true and correct copy of AFFIDAVIT OF MIKE BLADY 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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By: /s/ Matthew E. Naasz  
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