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Sent: Monday, December 15, 2025 8:52 PM

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Subject: [EXT] CNEC EXNI 453

Good evening.

Attached for filing please find the Response of Cheyenne River Sioux Tribe and Oglala Sioux Tribe to Motions of Clean Nuclear Energy Corp.

Thank you.

Steven J. Gunn

Attorney for Cheyenne River Sioux Tribe and Oglala Sioux Tribe

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE & NATURAL RESOURCES

BOARD OF MINERALS AND ENVIRONMENT

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IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	<b>RESPONSE OF CHEYENNE</b>
URANIUM EXPLORATION PERMIT	)	<b>RIVER SIOUX TRIBE AND</b>
APPLICATION	)	<b>OGLALA SIOUX TRIBE TO</b>
	)	<b>MOTIONS OF CLEAN</b>
	)	<b>NUCLEAR ENERGY CORP.</b>
EXNI 453	)	

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COME NOW the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe (collectively “Intervenor Tribes”) and for their response to the motions of Clean Nuclear Energy Corp. (“CNEC”), state as follows:

**EVIDENCE ON MINING**

CNEC moves the Board to preclude evidence or argument at the hearing in this matter regarding potential future mining at or near the lands that are the subject of this uranium exploration permit application. CNEC seeks to restrict Intervenor Tribes from introducing evidence and argument concerning the threats posed by, and harms of, potential future mining. The Intervenor Tribes submit that, if the Board elects to preclude the introduction of evidence and argument concerning such threats and harms, it should also restrict CNEC (and all other parties) from introducing evidence or argument concerning the potential economic and other benefits of any future mining that may take place at or near the project location.

**TRIBAL TREATIES**

CNEC also filed a motion to preclude consideration of treaty rights. Both of the Intervenor Tribes are signatories to the Fort Laramie Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Fort Laramie Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868). The Intervenor Tribes disagree with CNEC’s characterization of their treaty rights, including the nature, extent, and continuing force and effect of those treaty rights. The Intervenor Tribes challenge CNEC’s standing to challenge the Tribes’ treaty rights with the United States, since CNEC is headquartered in Vancouver, British Columbia, and is a wholly-owned subsidiary of Nexus Uranium Corp., which is a Canadian corporation that was incorporated in British Columbia and is headquartered in Vancouver, British Columbia.

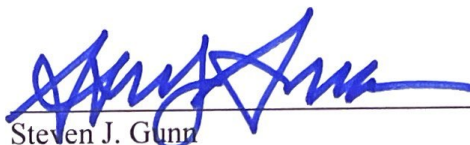
The Intervenor Tribes maintain that they have unextinguished treaty rights that touch and concern the proposed exploration area and the surrounding lands. They reserve those rights and do not, in any way, waive those rights in this proceeding or otherwise. That said, the Intervenor Tribes do not invite a ruling by this Board on their treaty rights or on the nature, extent, and continuing force and effect of those rights.

Like CNEC, the Intervenor Tribes assert that any ruling on the Tribes' treaties with the United States or on the Tribes' rights under those treaties would be beyond the scope of the Board's authority and jurisdiction. The Intervenor Tribes' federal treaty rights are not subject to interpretation, restriction, or limitation in a state administrative proceeding. Tribal treaty rights are supreme federal law and are subject to the exclusive jurisdiction of the federal government and tribal governments. State administrative agencies lack the authority to interpret, restrict, or limit tribal treaty rights absent express congressional authorization and tribal consent, neither of which is present in this case.

Further, the Intervenor Tribes assert that a ruling by the Board on any treaties to which the Intervenor Tribes are parties would be inappropriate without the full participation of all other Tribes that are signatories and parties to those treaties, since those Tribes would be necessary and indispensable parties.

Dated: December 15, 2025

By:



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## **CERTIFICATE OF SERVICE**

I certify that on December 15, 2025, I caused a true and correct copy of the foregoing to be served electronically and by U.S. mail, postage prepaid, for filing upon the following:

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I further certify that on December 1, 2025, I caused a true and correct copy of the foregoing to be served upon the following by electronic mail, facsimile, and U.S. mail, postage prepaid:

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