

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

221 MALL DRIVE, SUITE #201
RAPID CITY SD 57701
605-394-2229
danr.sd.gov

April 8, 2026

Brenda Binegar
Dept. of Agriculture & Nat. Resources
523 E. Capitol Ave.
Pierre, SD 57501

Re: In re Matter of Clean Nuclear Energy Corp. Uranium Exploration Permit
Application

Dear Ms. Binegar:

Enclosed please find the Department's Supplemental Exhibit List to be filed in the above-referenced matter. This supplement is being filed to comply with Hearing Chair Morris' Protective Order. The supplemented exhibits are enclosed. A copy of this filing has been served upon the parties and Hearing Chair Morris as indicated in the attached Certificate of Service.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Steven R. Blair
General Counsel – Dept. of Agriculture & Natural Resources

Enclosures

Cc/encl: Roberta Hudson – DANR Minerals, Mining, & Superfund Program (via email only)
David McVey – Counsel, Brd. Of Minerals & Environment (via email only)

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

IN THE MATTER OF CLEAN)	DANR
NUCLEAR ENERGY CORP.)	SUPPLEMENTAL
URANIUM EXPLORATION PERMIT)	EXHIBIT LIST
APPLICATION)	
)	
EXNI 453)	

The Minerals, Mining, and Superfund Program of the Department of Agriculture and Natural Resources (Department), through the undersigned counsel of record, hereby submits the following Supplemental Exhibit List in the above captioned matter.

SUPPLEMENTAL EXHIBITS

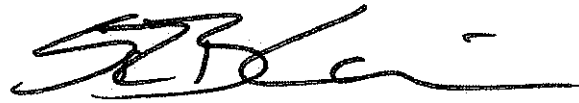
The Department supplements its previous Exhibit List by providing copies of the following redacted exhibits:

- 8: Redacted February 21, 2025, State Historic Preservation Office Report
- 10: Redacted June 6, 2025, Archeological Research Center Report

Copies of the supplemental exhibits are attached to this filing.

The Department reserves the right to amend any disclosed exhibit as it further develops its case in chief. The Department also reserves the right to designate further exhibits should the need arise, and reserves the right to introduce any exhibit in rebuttal that may be necessitated by the testimony and evidence presented during the hearing of this matter.

Dated this 8th day of April, 2026.



Steven R. Blair
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*Counsel for Department of Agriculture
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original of the Department of Agriculture & Natural Resources' SUPPLEMENTAL EXHIBIT LIST was submitted electronically, and via United States Mail, First Class, Postage Prepaid upon the following to be filed in the above captioned matter:

Brenda Binegar
Dept. of Agr. & Nat. Resources
523 E. Capitol Ave.
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brenda.binegar@state.sd.us
Secretary, Board of Minerals & Environment

Further, a true and correct copy of the above referenced document(s) was served by United States Mail, First Class, Postage Prepaid, upon:

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Ashemore, LLP
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*Hearing Chair – Brd. of Min.
& Env.*

Kimberly Craven
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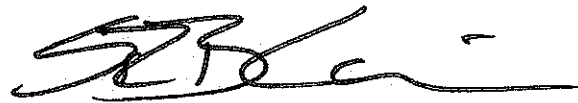
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Intervenor

Dated this 8th day of April, 2026.



Steven R. Blair – DANR



February 21, 2025

Crystal Hocking
RESPEC
3824 Jet Drive
Rapid City, SD 57703

Redacted

SDCL 1-19A-11.1 Consultation

Project: 240312001S – Clean Nuclear Energy Corp. Uranium Exploration Permit
Location: Fall River
DANR - South Dakota Department of Agriculture and Natural Resources

**EXHIBIT
DANR 8**

Dear Ms. Hocking,

Thank you for the opportunity to comment on the above referenced project pursuant to SDCL 1-19A-11.1. SDCL 1-19A-11.1 outlines a specific process that must be followed prior to any governmental action, including the issuance of permits, that may harm any historic property that is included in the National or State Registers of Historic Places. The South Dakota Office of the State Historic Preservation Officer (SHPO) would like to provide the following comments concerning effect of the proposed project on the non-renewable cultural resources of South Dakota.

On March 12, 2024, the SHPO received a cover letter regarding the submission of a Uranium Exploration Permit Application to the South Dakota Department of Agriculture and Natural Resources (DANR) from Mike Blady of Clean Nuclear Energy Corp. as well as the Uranium Permit Application itself as a notification of the above-referenced project to conduct exploratory drilling for uranium ore at Township 7S, Range 2E, Section 36. A letter from DANR was received on March 20, 2024 which acknowledged the receipt of the aforementioned Uranium Exploration Permit Application.

On March 22, 2024, SHPO requested an abbreviated case report to investigate potential direct, indirect, and cumulative effects of the proposed exploratory drilling on the nearby historic properties. On October 29, 2024, SHPO received the abbreviated case report titled, "Black Hills National Forest Craven Canyon Rock Art Abbreviated Case Report VPS #SD24-7 Fall River County, South Dakota Section 31, Township 7 S, Range 3 Section 25, Township 7 South, Range 2 E Section 30, Township 7 South, Range 3 September 9, 2024" prepared by Corinne Headley and Jana Morehouse of Vantage Point Solutions and a cultural resource inventory report for the portions of the project located on State lands titled, "Cultural Resource Inventory for the Clean Nuclear Energy Craven Canyon Uranium Exploration Project VPS #SD24-7 Fall River County, South Dakota Township 7S, Range 2E, Section 36 September 6, 2024 SD State Permit # SP-24-009" prepared by Will Alexander, Sydney Russell, and Jana Morehouse of Vantage Point Solutions. Additional Information clarifying the project scope was received on December 6, 2024. Further information, including the on-site Plan of Operations (PoO), was received on January 13, 2025. GIS shapefiles of the drilling locations on state land was received by SHPO on January 24, 2025.

Based upon the information provided, the proposed drilling project consists of up to 50 drill platforms on State-owned land, each creating a vertical exploration hole with a maximum depth of 213 m (700 ft). Each drill hole will require approximately two weeks to complete exploratory drilling activities and abandon. Drilling will occur on a 18.3-meter by 18.3-meter (60-feet by 60-feet) drill pad with 335 square meters



(0.08 acres) or less of disturbance per site. A recirculation mud pit measuring approximately 3.05-meter by 1.52-meter by 1.83-meter (10-feet by 5-feet by 6-feet) will be excavated on each site.

The abbreviated case report indicated that of the twelve rock art and petroglyph sites within the 1-mile study area, four rock art sites [REDACTED] will be partially visible within the viewshed of the project area. Additionally, one drill pad (Pad 33) is within the boundaries of a suspected burial site [REDACTED]. Given the nature of the site, this drill pad should be moved to another location or removed from the project entirely. Given the distance, geology of the area, and the delicate nature of the archaeological sites potentially affected by the proposed drilling, a case report was requested to further assess potential visual, fluid, vibratory, and auditory effects.

The abbreviated case report indicated that vibratory effects from drilling are difficult to detect past 50 meters from the drilling equipment, with the nearest site being over 260 meters away from the drill site. As such, the risk of damage to these sites is low, given their distance from the drilling equipment.

The abbreviated case report also indicated that while dust created during operations is unavoidable, the dust's effects to the sites will be mitigated by following OSHA guidelines for protecting drill crews from silica dust, which includes ground saturation by a water truck during dry and high wind conditions, wet drilling, wet dust suppression of drill exhaust, and use of extended drill shrouds. Fluid impacts will be managed by the creation of a berm lined with a geomembrane around the fuel storage area, which will be designed to accommodate a 110% spill. Additionally, spill absorbing material will be on site for use in the event of a petroleum spill. Once drilling is completed, the drill solids will be buried in a sump lined with a biodegradable liner or a plastic liner, and the entirety of that will be removed. Once the sump is closed, the ground will be mulched and seeded.

There will be temporary effects to the sites during drilling operations which may consist primarily of auditory and visual effects, but may include particulate effects during dry and windy conditions. These effects, however, should only last during drilling activities.

Therefore, SHPO has made the following determination that the proposal will not encroach upon, damage, or destroy a historic property which is included in the National and State Registers of Historic Places, pursuant to SDCL 1-19A-11.1, provided that the twelve listed rock art sites are inspected pre- and post-construction by qualified personnel, a report documenting the condition of the sites will be submitted to SHPO within forty-five days after drilling has concluded, the environmental mitigation measures outlined in the case report are followed, and site [REDACTED] is avoided by all drilling activities.

The credentials and work experience of the inspection candidate can be submitted to SHPO for review. Previous experience in identifying and documenting rock art is preferred.

During the pre-construction inspection, there must be significant background research of the sites identified. Background research should include details of the sites from previous reports, site files, the original National Register of Historic Places (NRHP) nomination forms, or other available forms of previous documentation of these sites. During the inspection, these sites must be identified, mapped with accurate geospatial data (including the rock art panels themselves), and rigorously documented with sketches as well as National Register quality photos (at least 2000x3000 pixels and 300dpi, submitted in TIFF format). These photos must be submitted to SHPO via hard disk along with the final report. Scans of previous sketches may be used to document any changes that have happened between the original sketch and the pre-construction sketch. Then, any post-construction changes should be documented relative to their pre-construction condition.

The post-construction inspection will document any changes in the integrity of the sites after the drilling has completed. In the final report, the condition of the sites pre- and post-construction will be compared in



order to assess any effects to the sites or deterioration which may have occurred during work. This includes, but is not limited to, increased dust coverage, stone layers peeling-off the rock face, or hydraulic extrusion through or over the canyon walls. SHPO must respond within thirty days of their receipt of this final report, to acknowledge that the stipulations were followed, and to assess effects to these sites.

Additionally, if any tribes with an interest in this project wish to participate in the inspections, reasonable and good-faith accommodations should be made to facilitate this.

Finally, if any pertinent information is discovered during public meetings or hearings, or if specific concerns regarding effects to Historic Properties are brought forth by the public, SHPO would like the opportunity to comment on these concerns.

Should you require additional information or clarification on these stipulations or SHPO's comments on this project, please contact Jozef Lamfers at Jozef.Lamfers@state.sd.us or at 605-773-6004. Your concern for the non-renewable cultural heritage of our state is appreciated.

Sincerely,
Garry Guan
State Historic Preservation Officer

Jozef Lamfers
Review & Compliance Archaeologist

CC:

Katie Lamie - Archaeological Research Center
Lynn Griffin - Archaeological Research Center
Megan Ostrenga Fabricius - Archaeological Research Center
Dustin Lloyd - Archaeological Research Center
Roberta Hudson - DANR
Eric Holm - DANR
Mike Lees - DANR
Mike Blady - Clean Nuclear Energy Corporation
John Glasscock - Clean Nuclear Energy Corporation
Jana Morehouse - Vantage Point Solutions



south dakota
STATE HISTORICAL SOCIETY
DEPARTMENT OF EDUCATION



June 6, 2025

Mike Blady
Clean Nuclear Energy
503-905 Pender Street West
Vancouver, British Columbia V6A 1V3, Canada

CONFIDENTIAL

RE: ARC #2024.024- Exploration Notice of Intent (EXNI) 453, Sec. 36, T7S, R2E Fall River County, South Dakota, SDCL 45-6C-11 Restrictions.

Dear Sir or Madam:

On March 12, 2024, the Archaeological Research Center (ARC), a program of the South Dakota State Historical Society, received an Exploration Notice of Intent from the Department of Agriculture and Natural Resources (DANR) on behalf of Clean Nuclear Energy for review as required under SDCL 45-6C. The proposed disturbance is within N ½ NE ¼ Section 36, Township 7S, Range 2E, Fall River County, South Dakota (Figure 1). In general, the proposed project area is north of Edgemont, SD. On May 21, 2025, ARC's databases of cultural sites and surveys of the proposed disturbance were reviewed.

Record Search:

Previous Archaeological Surveys

- Five cultural resource survey has been conducted within the inventory area; however, two are outside of the 20-year survey window established by SHPO Guidelines (SHPO 2023). Additionally, the older surveys only cover small portions of the inventory areas.
- Vantage Point Solutions conducted a survey of the proposed project area summarized in a report dated September 6, 2024.
 - The report resulted in the recordation of [REDACTED]

Archaeological Resources

- Four previously recorded archaeological sites are within the inventory areas
 - [REDACTED] is recommended **Unevaluated** for listing on the National Register of Historic Places (NRHP). It is a Native American artifact scatter [REDACTED]. The site was originally recorded in 1981 by Kerry Lippincott during a TVA survey. [REDACTED]
 - [REDACTED] Lippincott recommended avoidance of the area. In a July 11, 2024, letter, State Archaeologist Cassie Vogt expressed concern [REDACTED]. The July 15-19, 2024, survey identified [REDACTED]. On October 1 and 3, 2024, representatives from Cheyenne River Sioux (CRST) and Standing Rock Sioux

**EXHIBIT
DANR 10**

Tribes (SRST) visited the site. [REDACTED]

- [REDACTED] is recommended **Not Eligible** for listing on the NRHP. It is a sparse Native American artifact scatter [REDACTED]. The site was originally recorded by William Alexander during a 2024 survey of the inventory area. [REDACTED] A diagnostic projectile point [REDACTED]. The point would likely be classified as Hanna Stemmed; however, it is definitively within the McKean cluster. The McKean cluster is associated with the Middle to Late Archaic period (~1500 – 5500 years ago or ~3500 BC – ~500 AD) (Sundstrom 2019). The point cluster contains various medium sized lanceolate type points that are broadly characterized by elliptical cross sections, excavate blades, slightly concaved to fully notched bases, and in some variations well-defined shoulders and stems. They are found through the southern, central, and north plains ranging from southern Colorado and Kansas to central Manitoba, Saskatchewan, and Alberta. [REDACTED]
- [REDACTED] is recommended **Not Eligible** for listing on the NRHP. It is a sparse Native American artifact scatter [REDACTED]. The site was originally recorded by William Alexander during a 2024 survey of the inventory area. [REDACTED]
- [REDACTED] is recommended **Not Eligible** for listing on the NRHP. It is a sparse Native American artifact scatter [REDACTED]. The site was originally recorded by William Alexander during a 2024 survey of the inventory area. [REDACTED]

Inspection:

- Inspection occurred on May 14, 2025. The inspection included a walkthrough of the inventory area, and pads. [REDACTED]
- During the inspection, the author reported that the inventory area has been surveyed recently (Alexander et al 2024). The most recent survey within any project area is 2024. This survey covered the entire inventory as no roads or predesignated paths between drill pads were determined. Mike Blady of Clean Nuclear Energy said that overland travel is expected; however, there will be no road construction or

blading/grading of soil to accommodate this. Overland travel will have minimal impact within the inventory area under dry to normal soil conditions.

- [REDACTED]. Overall, the inventory area displays an elevated probability for unrecorded surface archaeological resources and sites due its proximity with Craven Canyon and its position within the broader Paha Sapa cultural landscape. [REDACTED]
- The author voiced his concern about the vibrational and hydrogeologic effects of the project on both immediate and surrounding areas. After speaking with Clean Nuclear Energy representatives, the author learned that very little water is pumped down into the drill holes and that the sump utilized at each drill pad will be lined to prevent water loss. The author remains concerned about vibrational effects of the drilling; however, there do not appear to be any studies that detail the effects of drilling vibrations at distance in a setting similar to the geological and rural setting of the inventory area. [REDACTED]
- Mike Blady also stated that it is very unlikely they will drill at all the drill pads. The northern most line is where they plan to begin as the current geological data for the Jinx-October ore body ends near that line.
- **This inspection is not equivalent to a full archaeological survey and does not meet the requirements of a Section 106 cultural resources survey.**

Recommendations

- Care should be taken to not further disturb the ground (road widening, meandering, deepening, grading, etc.) more than is necessary when on roads or during overland travel across the project area with the auger drill rig.
- If any surface or subsurface evidence of human remains, animal bones, artifacts, cultural features, foundation remnants, or other evidence of previously unrecorded past human use are discovered within the inventory area during project operations or related activities, all work should halt. The area in and around the discovery should be protected. Then, State Archaeologist Cassie Vogt (605.209.1443 or Cassie.Vogt@state.sd.us), CRST THPO Steve Vance (605.964.7554 or steve.vance@crstmail.com), SRST THPO Courtney Yellow Fat (701.854.8645 or courtneyyellowfat@standingrock.org) should be notified at once.

Under 45-6C-11, the operator shall abide by any restrictions ARC makes concerning site disturbances, the restrictions are as follows.

- **No work may occur at areas within the Areas to Avoid (Red) area (Figure 2).** [REDACTED]
Due to the type and density of artifacts previously found there, this area should not be disturbed. [REDACTED]

- If the line to the north of this area is utilized, care should be taken to not further disturb the area more than is necessary when driving, positioning vehicles, setting up pad and/or drill equipment, and working in this area.
- **Additionally, SDCLs 1-20-21 and 34-27-33 provides confidentiality of archaeological records pertaining to locations of sites and burial sites.** Thus, all information contained in this letter should remain confidential and only shared according to the exceptions listed in the SDCLs and after prior approval from the State Archaeologist, Cassie Vogt.

- **Follow all guidelines, recommendations, and restrictions in Jozef Lamfers' letter dated February 21, 2025.** Principle among them are the pre- and post-project inspections

The pre-construction inspection should include significant background research on these sites. Previous experience identifying, recording, and/or preserving rock art is preferred for the investigators. Background research should include but not necessarily be limited to previous reports, site files, original NRHP nomination forms, publications/other scholarly sources of information, and tribal knowledge and information about the sites. The inspections should include mapping, accurate geospatial data, and sketches when possible and culturally appropriate to produce. The post-construction inspections should document any changes in integrity to the rock art panels including but not limited to aeolian fugitive dust abrasion, rock face peeling, and hydraulic extrusion through and/or over canyon walls.

- **A good faith effort to include any tribal nations interested in attending these pre- and post-project inspection should be made by both Clean Nuclear Energy and the contracting archaeological investigators.**
- Inspections should adhere to all restrictions as detailed in SHPO letter 240312001S dated February 21, 2025.
- **Coordinate with the ARC or a qualified archaeologist/cultural resources management group to conduct weekly site visits to assess damage and condition of rock art panels.** Because of the proximity to culturally and archaeologically important sites and an overall concern for their safety, [REDACTED] should be visited and assessed weekly to determine if any damage has occurred and to prevent further damage. These visits should include photographic documentation of the panels that can be compared to previous week to assess damage, abrasion, or other types of deterioration. Photos should be compared to the pre-project assessment and any previous week's photo

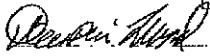
to look for evidence of damage or project-derived changes. Clean Nuclear Energy will identify a point of contact at the outset of construction, and this person will be notified in the event that any project-derived damage to the rock art sites is noticed. Work should be temporarily stopped until the degree and cause of damage can be identified, and additional safety and protection measures can be implemented in collaboration, coordination, and consultation with Native American tribes.

- **A good faith effort to include any tribal nations interested in attending these weekly inspections should be made by both Clean Nuclear Energy and the contracting archaeological investigators.**
- The ARC is willing to conduct these weekly visits and coordinate the required permits with the United States Forest Service (USFS) at no cost to Clean Nuclear Energy. Once a work schedule is determined, please provide this to Dustin Lloyd at the ARC so that he can coordinate with the appropriate Tribal and Federal representatives. Alternatively, the qualified archaeologist or consulting firm utilized for the pre- and post-project site visit may be utilized for the weekly visits.
- Visits should occur each week that the project is active including but not limited to drilling, transporting water, collecting samples, plugging platforms, or any other type activities with the potential to cause fugitive dust particles, vibratory effects, or otherwise create conditions favor to damage to the nearby rock art panels.
- **Avoid the area [REDACTED]. Contact CRST and SRST THPO to establish an appropriate boundary [REDACTED] subject to any ground disturbing activities. Any additional restrictions, treatment preferences, or mitigative measures for this area should be established through consultation with each tribe's respective THPO, Tribal Archaeologist, or appropriate representative.**
- **Consultation is required for [REDACTED].** [REDACTED] As suggested in the VPS report from July 2024, input through consultation should be sought regarding the interpretation and future treatment of these sites. Although they have been recommended as **Not Eligible** for listing on the NRHP, they are positioned closely within the sacred geography and landscape of Craven Canyon, the greater Paha Sapa landscape, [REDACTED]. Given this information, additional precautions, avoidance, or monitoring may be necessary when working near these locations. Tribal preferences for work near or within these sites should be obtained prior to work taking places at the pads near these locations. [REDACTED]
- **Finally, if any pertinent or new information is discovered or disclosed during the discovery and public hearing process, the ARC reserves the right to comment on that information and impose new, additional restrictions.**
- If there are any questions about these restrictions, please contact Dustin Lloyd (605-391-2928 or dustin.lloyd@state.sd.us) at the ARC.

This letter does not clear the project or materials for use in federally funded, South Dakota Department of Transportation (SDDOT) contractor options, or related projects which require a National Historic Preservation Act (NHPA) of 1966, as amended, Section 106 review process. As a reminder, the information contained herein is **protected by state law SDCL 1-20-21.2** and is **NOT for public distribution.**

Under SDCL 45-6C-11, Notice to State Archaeologist, ARC acknowledges your partial fulfillment of this law. If you have any questions or require further information, please call (605) 391-2928 or email me at Dustin.Lloyd@state.sd.us. Thank you for your concern in preserving South Dakota's cultural heritage.

Sincerely,



Dustin Lloyd, MA
Senior Archaeologist

cc: Roberta Hudson, Engineer Manager I, DANR
cc: Katie Wasley, Review and Compliance Coordinator, SHPO
cc: Jozef Lamfers, Review and Compliance Archaeologist, SHPO

References Cited

Alexander, Will et al

2024 *Cultural Resource Inventory for the Clean Nuclear Energy Craven Canyon Uranium Exploration Project VPS #SD24-7*. SD State Permit # SP-24-009, expires 12/31/2024. Vantage Points Solutions, Rapid City, South Dakota.

South Dakota State Historic Preservation Office

2023 *South Dakota Guidelines for Complying with Federal and State Preservation Laws*. Contract No. 89C-349. Prepared by the South Dakota State Preservation Office, Pierre, South Dakota. Prepared in part with federal funds from the National Parks Service. <https://history.sd.gov/docs/2023%20Revised%20Guidelines.pdf>

Sundstrom, Linea

2019 *South Dakota State Plan for Archaeological Resources, 2018 Update*, Volumes I–V. Prepared for the South Dakota State Historical Society Historic Preservation Office. Prepared under a National Park Service for Historic Preservation Fund Grants-In-Aid Program (CFDA #15.904).

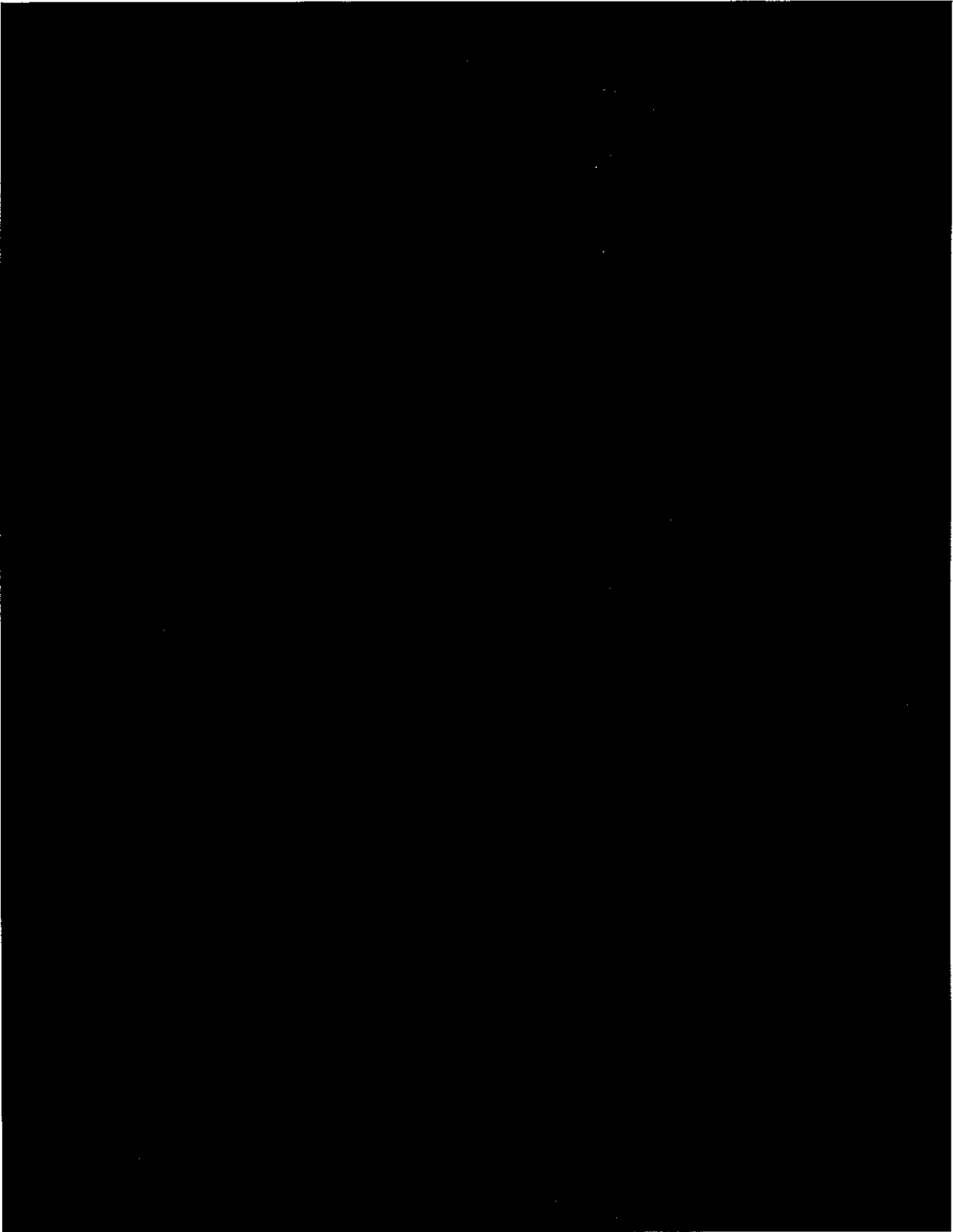


Figure 1. Inventory Areas and Pads for ARC Mining Review 2024.024/EXNI 453.

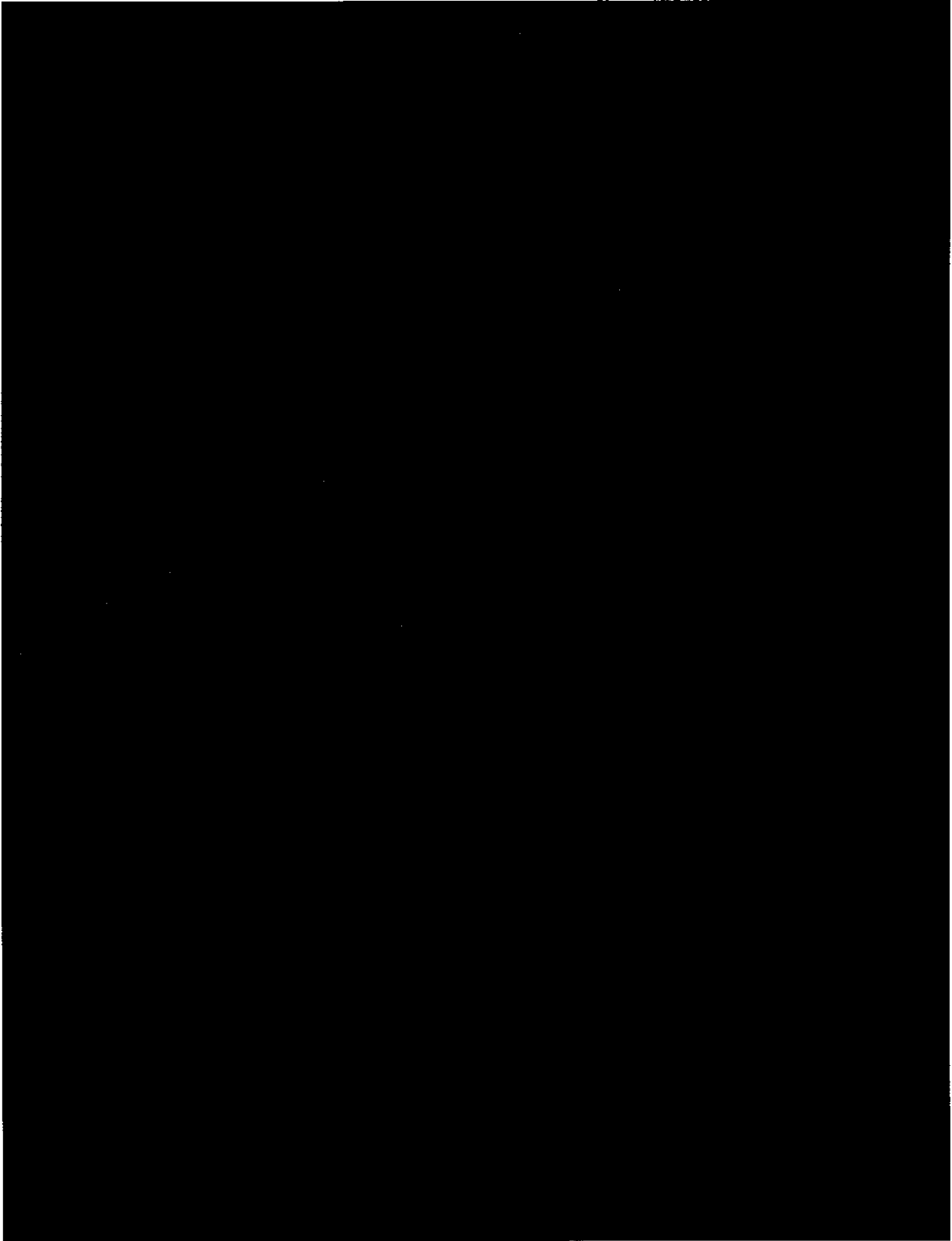


Figure 2. Inventory Area, Pads, and Area to Avoid for ARC Mining Review 2024.024/EXNI 453.

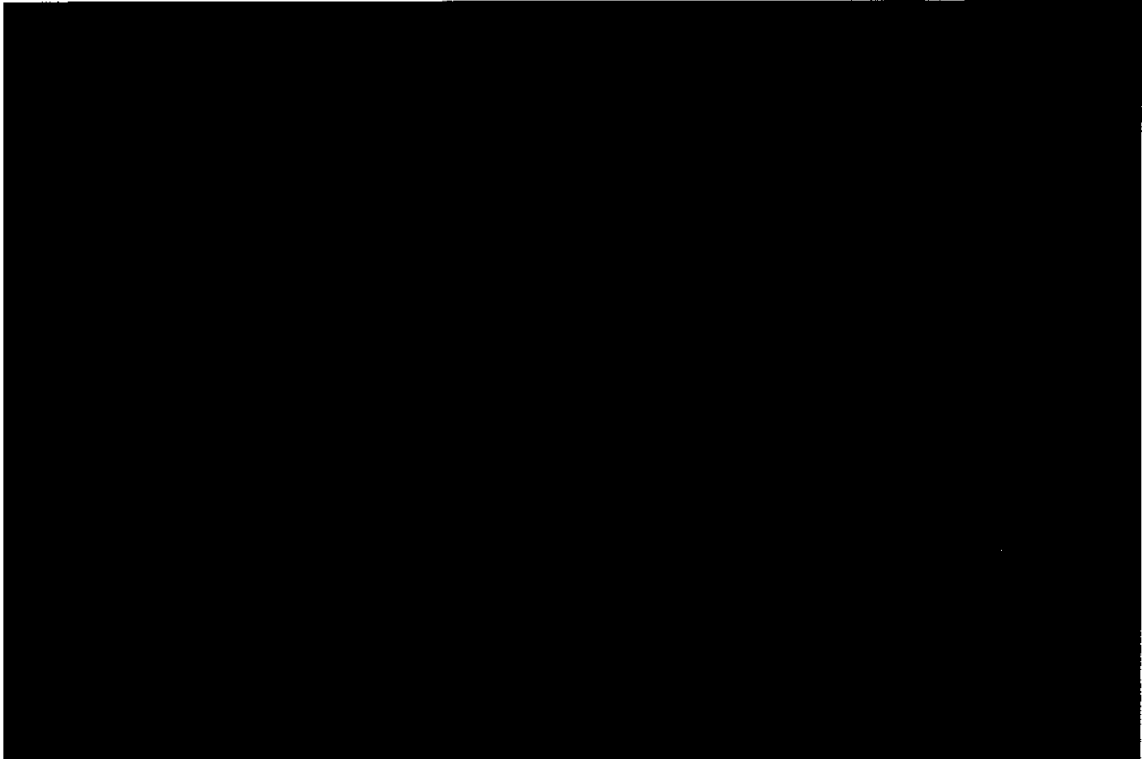


Figure 3. Overview of site 39FA0725, view is to the west. Date: 5/14/2025



Figure 4. Overview of site 39FA0725, view is to the east. Date: 5/14/2025