

Exhibit 335/435

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

Risk Factors Regarding the CNEC Exploration Permit Application

MAY 2026

RICHARD B. WHITE, PE, PLLC ON BEHALF OF
CHEYENNE RIVER SIOUX TRIBE AND
OGLALA SIOUX TRIBE



Expert Qualifications of Mr. White

- BS degree, Watershed Science, Utah State University, 1976
- MS degree, Civil and Environmental Engineering, Utah State University, 1977
- 49 years experience as a consulting civil and environmental engineer
- Registered in six States as a Professional Engineer
- Practice areas have focused on
 - Design of stormwater control systems and reclamation plans for mining operations
 - Surface and groundwater assessments
 - Groundwater supply development
 - Soil and groundwater characterization and remediation
 - Design of stream channel stabilization measures
 - Hydrologic and hydraulic modeling
- Mine reclamation plans prepared by Mr. White have received State, national, and international awards

Summary of Risk Factors

- Risk factors regarding loss or reduction of long-range productivity of watershed lands
 1. Topsoil handling plans not adequately addressed.
 2. Site sediment control not adequately addressed.
 3. Post-exploration soil regrading only partially addressed.
 4. Mulching to improve reclamation success not adequately addressed.
 5. Protection of revegetated area not addressed.
 6. Integrity of backfilled mud pits not addressed.
 7. Proposed reclamation bond is inadequate.
 8. Protection from long-term radiation exposure not adequately addressed.

Summary of Risk Factors

- Risk factors regarding loss or reduction of long-range productivity of public and domestic water wells and aquifer recharge areas
 9. Spill prevention and control plans not adequately addressed.
 10. Groundwater protection not adequately addressed.

Loss or Reduction of Long-Range Productivity of Watershed Lands

Risk Factor	Recommended Commitments Prior to Plan Approval:
1. <u>Topsoil handling</u> not addressed other than a general reference to follow NRCS Control Practice Standard 342.	<ul style="list-style-type: none">• All topsoil should be removed from areas to be occupied by drill pads and routes of ingress and egress prior to any other site disturbance.• Salvaged topsoil should be stored in areas that will not be impacted by site operations and provided with adequate erosion protection.
2. <u>Site sediment control</u> not addressed even though the site slope is not insignificant (sloping 3.4% to 6.0% N to S). NRCS data indicate the soil has a moderate to high runoff potential and a moderate to high erosion potential.	<ul style="list-style-type: none">• Prepare a stormwater pollution prevention plan. This plan should include provisions to install runoff and sediment control measures in all areas prior to disturbance. These controls should remain in place until disturbed areas are regraded and revegetated with an adequate stand of vegetation.

Loss or Reduction of Long-Range Productivity of Watershed Lands

Risk Factor	Recommended Commitments Prior to Plan Approval:
<p>3. <u>Extent of post-exploration regrading</u> is only generally addressed, without specific details for the State to determine if adequate regrading was completed. NRCS data indicate that soils in the area are moderately to highly susceptible to compaction.</p>	<ul style="list-style-type: none"> • All disturbed areas (dill pads, off-road travel routes, etc.) should be regraded within 2 weeks of the end of necessary access. • Final regrading should be to the approximate original contour. • All disturbed soils should be ripped along the contour to a depth of at least 2 feet, with the ripper occasionally lifted to reduce the creation of long water pathways. • Topsoil should be spread using tracked equipment on the ripped and regraded areas.
<p>4. <u>Mulching of topsoil</u> is not addressed other than a reference to NRCS Control Practice Standard 342. NRCS data indicate that natural soil organic matter in the area is insufficient for adequate revegetation success.</p>	<ul style="list-style-type: none"> • Shredded weed-free alfalfa or grass hay should be applied to topsoiled areas at a rate of at least 2 tons/acre. • Mulch should be crimped into or otherwise attached to the soil to minimize wind loss.

Loss or Reduction of Long-Range Productivity of Watershed Lands

Risk Factor	Recommended Commitments Prior to Plan Approval:
<p>5. <u>Protection of revegetated areas</u> is not addressed even though the area is used for grazing and as wildlife habitat. Multiple authors recommend a minimum of 2 years of non-grazing following revegetation of rangeland.</p>	<ul style="list-style-type: none">• Prepare a plan for excluding wildlife and livestock from revegetated areas.• Prepare a plan to monitor revegetation success.• Revegetation should not be considered successful until at least 90% of the vegetative cover found on adjacent undisturbed ground is achieved.
<p>6. <u>Integrity of backfilled mud pits</u> has only been generally addressed.</p>	<ul style="list-style-type: none">• Material used to backfill the mud pits should be compacted to at least 95% of standard Proctor density.• Each backfilled mud pit should be tested with at least one density test.• Only the final topsoil layer should be left in an uncompacted state.

Loss or Reduction of Long-Range Productivity of Watershed Lands

Risk Factor	Recommended Commitments Prior to Plan Approval:
7. The <u>proposed reclamation bond</u> is based on costs of \$2,400/drill pad and \$25/m of drill hole. The hole plugging cost is reasonable, but the surface reclamation cost is inadequate.	<ul style="list-style-type: none">• The bond amount for surface reclamation should be increased to at least \$5,370/drill pad.
8. No plan has been provided for <u>long-term protection from radiation exposure</u> , even though the permit application indicates that “excess materials [from drilling operations will be] spread evenly on the pad.”	<ul style="list-style-type: none">• Soil placed in the mud pits should be adequately compacted to minimize infiltration and percolation potential.• Human health and ecological risk assessments should be performed to develop standards for site cleanup.• Soil in all potentially disturbed and adjacent areas should be scanned for gamma radioactivity and sampled for uranium, radon, and radium-226 prior to disturbance. Disturbed areas should be cleaned to pre-disturbance conditions.

Loss or Reduction of Long-Range Productivity of Public and Domestic Water Wells and Aquifer Recharge Areas

Risk Factor	Recommended Commitments Prior to Plan Approval:
<p>9. The prevention and control of <u>petroleum hydrocarbon spills</u> is not addressed in the plan.</p>	<ul style="list-style-type: none"> • A spill prevention, control, and countermeasure plan should be prepared in accordance with 40 CFR 112.
<p>10. <u>Groundwater protection</u> is not adequately addressed even though:</p> <ul style="list-style-type: none"> • The region is extensively faulted and fractured. • The target zone is the principal aquifer in western Fall River County. • The Black Hills serve as a major recharge area for western South Dakota and northeastern Wyoming. • The target zone is an aquifer that contains the second highest quantity of groundwater with a total dissolved solids concentration of less than 1000 mg/L (i.e., the SDDH standard for domestic water supplies) of all aquifers in the region. • Drilling has the potential to mobilize uranium, vanadium, selenium, molybdenum, and other elements. • It is estimated that groundwater in the area flows several hundred to a few thousand feet per year, making containment difficult if contamination occurs. 	<ul style="list-style-type: none"> • Groundwater monitoring wells should be installed in a minimum of six locations prior to beginning exploration, with at least one monitoring location being upgradient from the exploration area and at least five monitoring locations being downgradient from the exploration area. • Monitoring wells should be completed in both the upper (Fall River Formation) and lower (Lakota Formation) of the Inyan Kara Group at each location. • All monitoring wells should be sampled at least quarterly for one year prior to the start of exploration activities. • Quarterly sampling of the monitoring wells should continue during exploration drill and for at least one year after site reclamation is completed. • All samples should be analyzed by a State-approved laboratory for a broad suite of parameters. • All data should be made available to the public. • Lost circulation materials should be stockpiled on site during drilling operations.