

From: Steven Gunn <[sjgunn37@gmail.com](mailto:sjgunn37@gmail.com)>

Sent: Tuesday, September 30, 2025 5:17 PM

To: [mnaasz@gpna.com](mailto:mnaasz@gpna.com); Binegar, Brenda <[Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us)>

Cc: Blair, Steven <[Steven.Blair@state.sd.us](mailto:Steven.Blair@state.sd.us)>; Neyhart, Melissa

<[Melissa.Neyhart@state.sd.us](mailto:Melissa.Neyhart@state.sd.us)>; McVey, David <[David.McVey@state.sd.us](mailto:David.McVey@state.sd.us)>

Subject: [EXT] Clean Nuclear Energy Corp. EXNI 453

Good afternoon.

Attached please find the following:

- Interrogatories and Requests for Production Directed to Clean Nuclear Energy Corp. by Cheyenne River Sioux Tribe and Oglala Sioux Tribe
- Notice of Deposition Directed to Clean Nuclear Energy Corp. by Cheyenne River Sioux Tribe and Oglala Sioux Tribe

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.	)	INTERROGATORIES AND
URANIUM EXPORATON PERMIT	)	REQUESTS FOR PRODUCTION
APPLICATION	)	DIRECTED TO CLEAN NUCLEAR
	)	ENERGY CORP. BY CHEYENNE
	)	RIVER SIOUX TRIBE AND
EXNI 453	)	OGLALA SIOUX TRIBE

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To: Matthew Naasz  
Gunderson, Palmer, Nelson and Ashmore, LLP  
506 6th Street  
P.O. Box 8045  
Rapid City, SD 57709

PLEASE TAKE NOTICE that, in accordance with S.D.C.L. 15-6-33 and 15-6-34, the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe request that Clean Nuclear Energy Corp. ("CNEC"), the Applicant in the above-captioned administrative proceeding, respond to the following Interrogatories and Requests for Production within thirty (30) days.

**Instructions**

1. Any information held by any person acting or providing answers on your behalf should be revealed in the answers.
2. These Interrogatories shall be deemed to be continuing. If information is discovered by or becomes known to you, your attorney or anyone acting on your behalf after answering these interrogatories, which would change or add to the answer given, you are requested to furnish the information in a timely manner, under oath, to the undersigned.
3. Any word written in these interrogatories that is in the singular shall be considered as plural, and vice versa, when necessary to facilitate any answer.
4. Where an answer to an interrogatory is based in whole or in part on any documents, please identify with specificity each document on which an answer is based.
5. If, and to the extent an interrogatory is objected to on the basis that the answer requires identification of a document containing privileged information, state with particularity the privilege claimed and all underling facts upon which the privilege is based.

6. Any objection to answering an interrogatory or claim of privilege or other exemption from discovery shall state in detail the grounds for the objection.

7. If there are documents not currently in your possession, but which you can obtain from former employees, agents or contractors, such additional documents are included in this request.

8. If your response to any request for production is that the documents are not in your possession or custody, describe in detail the unsuccessful efforts you have made to locate the records.

9. If your response to any request for production is that the documents are not in your control, identify the location and person with control of the records, and provide any documents that contain all or part of the information contained in the requested document or category of documents.

### **Definitions**

1. The term “documents” has the meaning ascribed to it in SDCL §15-6-34(a), and shall include all originals, drafts and revisions of such documents and attachments to such documents. It shall include any electronic or written copy, regardless of origin or location, of any written, typed, printed, recorded or graphic material of any kind, however produced, including but not limited to any book, manual, pamphlet, memorandum, letter, email, report, record, data sheet, tape or digital recording, or other written, printed or recorded material.

2. The term “identify” means (i) to provide the name, address, telephone number, job title and position or description of duties for each individual; (ii) to provide the date, author, recipient and subject matter of each document; (iii) to provide, with respect to any oral communication, the time and place of making, the substance of the communication and the identity of the makers, recipients and witnesses to the communication.

3. The term “person” shall include a natural person, or agency or other group however organized.

4. The terms “relate to” or “relating to” means discussing, describing, reflecting, containing, analyzing, studying, evidencing, constituting, setting forth, considering, concerning, recommending or pertaining to, the event, person or object.

5. The term “application” or “proposed project” means the Clean Nuclear Corp. uranium exploration application identified in the above caption and docket.

## **Interrogatories**

1. State the name, current address and telephone number of each person, other than your legal counsel, who assisted you in answering these interrogatories or who provided information you relied upon in answering these interrogatories.
2. State the name, current address and phone number of all witnesses that shall testify at the hearing in this matter on behalf of the applicant.
3. State the name, current address and phone number of any consulting experts, including consulting archaeologists and engineers, for the application and project.
4. Explain in detail the process of delineating the boundaries of the “project disturbance footprint” for the purpose of determining any potential impacts to historic properties or traditional cultural properties, including all parties consulted in making such determination.
5. What is the depth of the groundwater at the sites of the proposed drill pads?
6. What are the effects of the proposed uranium exploration operation on the long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas.
7. What are the effects of the proposed uranium exploration operation on groundwater, including the depth of the groundwater at proposed drill sites and within the exploration area. Identify all substances that may potentially be discharged into groundwater water as a result of the proposed project.
8. What are the effects of the proposed uranium exploration operation on threatened or endangered wildlife indigenous to the area.
9. What approvals have been sought or obtained by municipal water sources in Edgemont or Hot Springs, or any other water sources, for use in the proposed project?
10. Identify the number and location of the proposed monitoring wells?
11. Identify all additives, including the composition of non-hazardous polymers, to the drill mud or to be inserted into the drill bore.
12. What agency is conducting the “NEPA process” referred to in the proposed plan of operation, and what is the status of that process?
13. If the application is approved, and uranium deposits are located, and the mining of such uranium is approved, describe in detail the process or processes to be utilized for its extraction.
14. What are the benefits of the proposed uranium exploration?

15. State each contention or fact to be presented at the hearing in this matter for the purpose of asserting that benefits of the proposed uranium exploration outweigh adverse impacts on historic, archaeological, geologic, scientific or recreational aspects of the surrounding land.

16. Explain in detail the basis for CNEC's estimation that "the nearest listed cultural feature is 0.8 miles from the project."


17. Describe all meetings, in person or virtual, that have taken place between the applicant and South Dakota officials in relation to the application, including the date, attendees, and matters discussed.

18. What is the relationship, if any, between Cowboy Exploration and Development LLC, RESPEC Company LLC, Clean Nuclear Energy Corp., Basin Uranium Corp. and Nexus Uranium Corp. and what are their roles, if any, in the Application and Project

### **Requests for Production**

1. All documents relied upon in answering any of the Interrogatories above.
2. All exhibits CNEC intends to introduce at the hearing in this matter.
3. All surveys, case reports and other documents relating to archaeological resources, cultural resources, historic properties or traditional cultural or religious properties, that were prepared or consulted in relation to the application.
4. If and to the extent CNEC or its officers, directors, employees, agents or representatives are in possession or control of the exploration area or surrounding lands of the Project, or any part thereof, the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe request that CNEC permit entry upon those lands for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property and any historic, archaeological, geologic, scientific, recreational, cultural or religious aspects of the lands.

Dated: September 30, 2025

By:   
Steven J. Gunn  
1301 Hollins Street  
St. Louis, MO 63135  
Telephone: (314) 920-9129  
Facsimile: (800) 520-8341  
Email: sjgunn@wustl.edu;  
sjgunn37@gmail.com

*Attorney for Cheyenne River Sioux Tribe and  
Oglala Sioux Tribe*

## **CERTIFICATE OF SERVICE**

I certify that on September 30, 2025, I caused a true and accurate copy of the foregoing to be served upon the following by electronic mail, facsimile, and U.S. mail, postage prepaid:

Matthew Naasz  
Gunderson, Palmer, Nelson and Ashmore, LLP  
506 6th Street  
P.O. Box 8045  
Rapid City, SD 57709  
Facsimile: (605) 342-9503  
Electronic mail: mnaasz@gpna.com

I further certify that on September 30, 2025, I caused true and accurate copies of the foregoing to be served upon the following by U.S. mail, postage prepaid:

Steven R. Blair  
Deputy Attorney General  
P.O. Box 70  
Rapid City, SD 57702

David McVey  
Beverly Katz  
Assistant Attorneys General  
1302 East SD Highway 1889, Suite 1  
Pierre, SD 57501-8501

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1212 Columbus Street  
Rapid City, SD 57701

Ruddell Bear Shirt  
P.O. Box 88  
Wounded Knee, SD 57794

Robert Bordeaux  
740 University Street  
Apartment 3  
Spearfish, SD 57783

Candi Brings Plenty  
725 Saint Charles Street  
Rapid City, SD 57701

Mashanaposhe Camp  
P.O. Box 339  
Porcupine, SD 57772

Marla Cooley  
145 South Garden Street  
Hot Springs, SD 57747

Jeremiah Davis  
130 East Centennial Street  
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Elizabeth Lone Eagle  
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Black Hills Group Sierra Club  
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Lincoln, NE 68510

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Eugene, OR 97440

George Nelson  
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Rapid City, SD 57702

  
Steven J. Gunn

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

IN THE MATTER OF CLEAN	)	
NUCLEAR ENERGY CORP.	)	NOTICE OF DEPOSITION
URANIUM EXPORATON PERMIT	)	DIRECTED TO CLEAN NUCLEAR
APPLICATION	)	ENERGY CORP. BY CHEYENNE
	)	RIVER SIOUX TRIBE AND
	)	OGLALA SIOUX TRIBE
EXNI 453	)	
	)	

To: Matthew Naasz  
Gunderson, Palmer, Nelson and Ashmore, LLP  
506 6th Street  
P.O. Box 8045  
Rapid City, SD 57709

PLEASE TAKE NOTICE that, in accordance with S.D.C.L. 15-6-30(b)(6), and by agreement with counsel, the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe shall take the deposition upon oral examination of Clean Nuclear Energy Corp., the Applicant in the above-captioned administrative proceeding. The deposition shall take place at the location listed below and shall commence on the date and time listed below, and continue thereafter until completed before an officer authorized by law to take said depositions, who shall record the testimony by stenographic means.

Clean Nuclear Energy Corp.  
Date: Monday, November 3, 2025\*  
Time: 10:00 A.M. MDT  
Location: Law Offices of Gunderson, Palmer, Nelson and Ashmore, LLP, 506 6th Street, Rapid City, SD 57709\*\*

The deposition of Clean Nuclear Energy Corp. shall be taken in accordance with S.D.C.L. 15-6-30(b)(6) through one or more officers, directors, agents, or other representatives who shall be designated to testify on the behalf of Clean Nuclear Energy Corp. regarding all information known or reasonably available to Clean Nuclear Energy Corp. with respect to the subject matters identified in Exhibit A. The Cheyenne River Sioux Tribe and the Oglala Sioux Tribe request that Clean Nuclear Energy Corp. provide written notice at least five (5) business days before the deposition of the name(s) and employment position(s) of the individual(s) designated to testify on behalf of Clean Nuclear Energy Corp.


\* The undersigned attorney for the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe has conferred with the attorney for Clean Nuclear Energy Corp.



regarding the date of the deposition, and the attorneys have agreed that the date of the deposition is subject to change, as necessary, to accommodate the schedule(s) of the person(s) designated by Clean Nuclear Energy Corp. to testify at the deposition.

\*\* The undersigned attorney for the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe has conferred with the attorney for Clean Nuclear Energy Corp. regarding the location of the deposition, and the attorneys have agreed that the deposition shall be taken at the law offices of Gunderson, Palmer, Nelson and Ashmore, LLP, in Rapid City, South Dakota, provided that video teleconferencing shall be made available, as necessary, to accommodate the needs of the person(s) designated by Clean Nuclear Energy Corp. to testify at the deposition.

Dated: September 30, 2025

By:   
Steven J. Gunn  
1301 Hollins Street  
St. Louis, MO 63135  
Telephone: (314) 920-9129  
Facsimile: (800) 520-8341  
Email: sjgunn@wustl.edu;  
sjgunn37@gmail.com

*Attorney for Cheyenne River Sioux Tribe and  
Oglala Sioux Tribe*

## **Exhibit A**

In accordance with S.D.C.L. 15-6-30(b)(6), the Cheyenne River Sioux Tribe and the Oglala Sioux Tribe designate the matters identified below for examination.

1. The preparation and contents of the Clean Nuclear Energy Corp. (“CNEC”) Uranium Exploration Permit Application (hereafter “Application”) for the Chord Project (hereafter “Project”).
2. The nature and scope of the Project, including the uranium exploration operations to be conducted, location and depth of drill holes, size of drill platforms, drilling methods, travel to, from and between drill sites, other minerals to be explored, if any, and other Project operations and activities, including the schedule and timeframe for all such operations and activities.
3. The Project area, exploration area, test hole and drill platform locations, and Project disturbance footprint, including CNEC’s method for delineating the same.
4. Reclamation plan for the affected and surrounding land, including the exploration area and Project disturbance footprint.
5. Review of the Application and Project by the State Historic Preservation Office (SHPO), including the Case Report and cultural resource surveys of the exploration area and Project disturbance footprint. Correspondence and communications between CNEC and the SHPO concerning the Application or Project.
6. Cultural resource studies of the Project area, exploration area, Project disturbance footprint, and surrounding areas.
7. Concerns of surface owners and lessees of affected and surrounding land, including concerns of the South Dakota Office of Schools and Public Lands. Correspondence and communications between CNEC and surface owners and lessees of affected and surrounding land concerning the Application or Project.
8. Restrictions proposed, and surveys requested, by South Dakota Game, Fish and Parks (“GFP”) for the Clean Nuclear Energy Corp. Exploration Permit 453. Correspondence and communications between CNEC and GFP concerning the Application or Project.
9. Correspondence and communications between CNEC and any other South Dakota officials in relation to the Application or Project.
10. Historic, archaeologic, geologic, scientific, or recreational aspects of affected or surrounding land.
11. Adverse effects of the proposed uranium exploration operation on the historic, archaeologic, geologic, scientific, or recreational aspects of affected or surrounding land.

12. Benefits of the proposed uranium exploration operation and whether they outweigh the adverse effects of the proposed uranium exploration operation on the historic, archaeologic, geologic, scientific, or recreational aspects of affected or surrounding land.
13. Watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas on the affected and surrounding land.
14. Adverse effects of the proposed uranium exploration operation on the long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas.
15. Adverse effects of the proposed uranium exploration operation on groundwater, including the depth of the groundwater at proposed drill sites and within the exploration area.
16. Threatened or endangered wildlife indigenous to the area.
17. Adverse effects of the proposed uranium exploration operation on threatened or endangered wildlife indigenous to the area.
18. CNEC's compliance with the National Environmental Protection Act ("NEPA") and the status of any actions, operations or activities undertaken to comply with NEPA.
19. Municipal or other water sources that CNEC intends to use for the Project, and approvals sought or obtained by CNEC for the use of such water sources.
20. CNEC's suitability and qualifications to perform the obligations of a uranium exploration permit holder, within the meaning of SDCL 1-41-20(1), including whether CNEC, any officer, director, partner, or general manager has engaged in any of the conduct set forth in subsections (a)-(e) of SDCL 1-41-20(1).
21. The relationship, if any, between Cowboy Exploration and Development LLC, RESPEC Company LLC, Clean Nuclear Energy Corp., Basin Uranium Corp. and Nexus Uranium Corp. and their roles, if any, in the Application and Project.
22. Expert consultants, including archaeologists and engineers, retained by Clean Nuclear Energy Corp. for the Application and Project and the services and expert opinions, if any, of those consultants in relation to the Application and Project.
23. Witnesses CNEC intends to call at the hearing in this matter.
24. Exhibits CNEC intends to introduce at the hearing in this matter.

## **CERTIFICATE OF SERVICE**

I certify that on September 30, 2025, I caused a true and accurate copy of the foregoing to be served upon the following by electronic mail, facsimile, and U.S. mail, postage prepaid:

Matthew Naasz  
Gunderson, Palmer, Nelson and Ashmore, LLP  
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P.O. Box 8045  
Rapid City, SD 57709  
Facsimile: (605) 342-9503  
Electronic mail: mnaasz@gpna.com

I further certify that on September 30, 2025, I caused true and accurate copies of the foregoing to be served upon the following by U.S. mail, postage prepaid:

Steven R. Blair  
Deputy Attorney General  
P.O. Box 70  
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David McVey  
Beverly Katz  
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P.O. Box 10643  
Eugene, OR 97440

George Nelson  
2640 Jackson Boulevard, Suite 1  
Rapid City, SD 57702

  
Steven J. Gunn

From: Bridger Advocate <[bridgeradvocate@gmail.com](mailto:bridgeradvocate@gmail.com)>

Sent: Tuesday, September 30, 2025 6:05 PM

To: Binegar, Brenda <[Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us)>

Subject: Re: [EXT] Discovery Request

The first email had some errors that occurred when I copied the text of the document. I have figured out the problem, and am attaching the correct document.

Respectfully Submitted,

Elizabeth Lone Eagle

605-200-6800

On Tue, Sep 30, 2025, 4:13 PM Bridger Advocate <[bridgeradvocate@gmail.com](mailto:bridgeradvocate@gmail.com)> wrote:

I have been trying most of the afternoon to get the document to attach. It is now past deadline and I still cannot get it to work.

I am therefore cutting and pasting into this email the text of the document with the additional note:

Hearing Officer Bob Morris has ordered, to the detriment of due process to pro se intervenors, that all documents be served via USPS or fax, to ALL participating, regardless of reasonable arguments set forth by pro se intervenors, including myself. As a result of lack of access to fully staffed and equipped USPS sites, with regular business hours, located within the reservation boundaries, printed copies of Discovery Requests are unable to be mailed until Thursday afternoon, when I am able to travel to the Rapid City, SD USPS site, where I can access in full capacity, the requirements necessary to meet the order of Hearing Officer, Bob Morris.

Respectfully Submitted,



Elizabeth Lone Eagle

605-200-6800

## STATE OF SOUTH DAKOTA

### BOARD OF MINERALS AND ENVIRONMENT

In the Matter of the Application of Clean Nuclear Energy Corp. for Permits to Conduct In-Situ Recovery Uranium Mining in Fall River County, South Dakota

EXN 1453

### INTERVENOR'S FIRST DISCOVERY REQUESTS TO APPLICANT CLEAN NUCLEAR ENERGY CORP.

Pursuant to SDCL ch. 1-26, the orders of Pre-Hearing Officer Bob Morris, and subject to the statutory denial criteria in SDCL § 45-6D-29, Intervenor Elizabeth Lone Eagle serves the following discovery requests on Applicant Clean Nuclear Energy Corp. These requests are continuing and must be supplemented as additional information becomes available.

Scope & Preservation Statement. Intervenor proceeds within the scope identified by the Pre-Hearing Officer (SDCL § 45-6D-29) and, to preserve issues for the record, includes narrowly-tailored requests related to federal treaty obligations and access considerations that affect due process and meaningful participation by first-language Lakota speakers. Intervenor notes that first-language Lakota intervenors include: Cheryl Angel, Darlene Hawk Wing, Helen Red Feather, Beverly Larson, Ruddell Bear Shirt.

### INSTRUCTIONS & DEFINITIONS

1. "Applicant" or "CNEC" means Clean Nuclear Energy Corp., its officers, agents, employees, consultants, contractors, predecessors, successors, and anyone acting on its behalf.
2. "Document(s)" includes all writings, emails, letters, notes, studies, permits, maps, models, data, recordings, and electronically stored information (ESI).
3. Timeframe: from January 1, 2020 to the present, unless otherwise stated.



4. If any request is deemed objectionable, answer the unobjectionable part and state the basis for the objection.

## **I. DISCOVERY**

1. Identify all documents, permits, approvals, and data relied upon to assert the application is “complete” under SDCL § 45-6D-29(1).

2. State the amount, form, issuer, and effective dates of the surety posted for EXN 1453, and identify the documents evidencing posting and acceptance.

3. State the total fees paid to the Department for EXN 1453 and identify proof of payment (amount, date, method, receipt or voucher numbers).

4. Describe in detail all measures taken to identify and mitigate adverse effects of the proposed exploration on historic, archaeological, geologic, scientific, or recreational aspects of affected or surrounding land, and identify all supporting studies.

5. Identify each study, report, or assessment relied upon to claim that benefits of the proposed uranium exploration outweigh adverse effects under SDCL § 45-6D-29(3).

6. Describe anticipated impacts of drilling on long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, and significant agricultural areas within five miles of the project footprint; identify each supporting study or model.

7. Identify all hydrologic/hydrogeologic studies, models, baseline data, and monitoring plans addressing aquifer interactions, well impacts, and recharge effects.

8. Identify all threatened or endangered species potentially affected by the proposed operation and describe measures to avoid or minimize adverse effects; identify all biological surveys or consultations relied upon.

9. State whether Applicant has consulted with USFWS, SD GFP, Tribal wildlife or THPO offices, SHPO, BIA, or any Tribal governments; identify the dates, participants, and outcomes of each consultation and the documents reflecting the same.

## **II. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents evidencing posting of surety for EXN 1453 as required by SDCL § 45-6D-29(1).

2. All records of fee payments for EXN 1453, including invoices, checks, ACH/credit receipts, and agency acknowledgments.



3. All cultural resource, historic, archaeological, geologic, scientific, or recreational resource studies, surveys, assessments, or reviews within the affected or surrounding lands.
4. All hydrologic/hydrogeologic studies, groundwater models, well logs, baseline water quality/quantity data, aquifer recharge analyses, and monitoring plans related to the project.
5. All wildlife surveys, biological assessments, or expert reports addressing threatened or endangered species potentially affected by the project.
6. All correspondence with USFWS, SD GFP, SHPO/THPO, BIA, or Tribal governments regarding cultural resources, water resources, agriculture, wildlife, or related impacts.
7. Documentation that Applicant followed protocols and procedures to obtain free, prior, and informed consent from all Tribes party to the 1851 and 1868 Fort Laramie Treaties for activities affecting unceded treaty territory in the Black Hills, including all notices, meeting records, consent resolutions, and memoranda.
8. Documentation evidencing Applicant's understanding and acknowledgement that the State of South Dakota is not a "government agent" as defined by the 1851 and 1868 Fort Laramie Treaties and cannot waive or substitute for required Tribal consent.
9. All communications with any Tribal government, THPO, or federal agency (including BIA and USFWS) regarding treaty rights, consent, consultation, or objections related to EXN 1453.
10. All internal policies, procedures, or directives used by Applicant concerning treaty territory, consultation, or consent in connection with uranium exploration activities.

### III. REQUESTS FOR ADMISSION

1. Admit that the application for EXN 1453 does not include a cultural resource survey of the project area conducted to current professional standards.
2. Admit that Applicant has not conducted a hydrologic study specifically addressing potential impacts to aquifer recharge areas and domestic wells within five miles of the project area.
3. Admit that Applicant has not conducted consultation with affected Tribal governments regarding historic or cultural sites within the project area in connection with EXN 1453.



4. Admit that Applicant has not conducted a threatened and endangered species survey within the project area to current professional standards.
5. Admit that exploration drilling for EXN 1453 may intersect groundwater within the Inyan Kara or related aquifers.
6. Admit that Applicant did not obtain the free, prior, and informed consent of Tribes party to the 1851 and 1868 Fort Laramie Treaties before applying for permits affecting unceded treaty territory in the Black Hills.
7. Admit that the State of South Dakota is not a government agent as defined by the 1851 and 1868 Fort Laramie Treaties and cannot waive or substitute for Tribal consent.

#### IV. RESERVATION OF RIGHTS

Intervenor reserves all rights to supplement these requests, to move to compel, and to seek additional discovery as permitted by the Pre-Hearing Officer, including to ensure due process and meaningful participation by first-language Lakota speakers in light of service and access constraints.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: [bridgeradvocate@gmail.com](mailto:bridgeradvocate@gmail.com)

Filed via email to [Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us) pursuant to the Hearing Officer's September, 30, 2025 Order.

## **STATE OF SOUTH DAKOTA**

### **BOARD OF MINERALS AND ENVIRONMENT**

In the Matter of the Application of Clean Nuclear Energy Corp. for Permits to Conduct In-Situ Recovery Uranium Mining in Fall River County, South Dakota

#### **EXNI 453**

### **INTERVENOR'S FIRST DISCOVERY REQUESTS TO APPLICANT CLEAN NUCLEAR ENERGY CORP.**

Pursuant to SDCL ch. 1-26, the orders of Pre-Hearing Officer Bob Morris, and subject to the statutory denial criteria in SDCL § 45-6D-29, Intervenor Elizabeth Lone Eagle serves the following discovery requests on Applicant Clean Nuclear Energy Corp. These requests are continuing and must be supplemented as additional information becomes available.

Scope & Preservation Statement. Intervenor proceeds within the scope identified by the Pre-Hearing Officer (SDCL § 45-6D-29) and, to preserve issues for the record, includes narrowly-tailored requests related to federal treaty obligations and access considerations that affect due process and meaningful participation by first-language Lakota speakers. Intervenor notes that first-language Lakota intervenors include: Cheryl Angel, Darlene Hawk Wing, Helen Red Feather, Beverly Larson, Ruddell Bear Shirt, and Seth Eagle Bear, Jr.

#### **INSTRUCTIONS & DEFINITIONS**

1. "Applicant" or "CNEC" means Clean Nuclear Energy Corp., its officers, agents, employees, consultants, contractors, predecessors, successors, and anyone acting on its behalf.
2. "Document(s)" includes all writings, emails, letters, notes, studies, permits, maps, models, data, recordings, and electronically stored information (ESI).
3. Timeframe: from January 1, 2020 to the present, unless otherwise stated.
4. If any request is deemed objectionable, answer the unobjectionable part and state the basis for the objection.

#### **I. DISCOVERY**

1. Identify all documents, permits, approvals, and data relied upon to assert the application is "complete" under SDCL § 45-6D-29(1).
2. State the amount, form, issuer, and effective dates of the surety posted for EXNI 453, and identify the documents evidencing posting and acceptance.

3. State the total fees paid to the Department for EXNI 453 and identify proof of payment (amount, date, method, receipt or voucher numbers).
4. Describe in detail all measures taken to identify and mitigate adverse effects of the proposed exploration on historic, archaeological, geologic, scientific, or recreational aspects of affected or surrounding land, and identify all supporting studies.
5. Identify each study, report, or assessment relied upon to claim that benefits of the proposed uranium exploration outweigh adverse effects under SDCL § 45-6D-29(3).
6. Describe anticipated impacts of drilling on long-range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, and significant agricultural areas within five miles of the project footprint; identify each supporting study or model.
7. Identify all hydrologic/hydrogeologic studies, models, baseline data, and monitoring plans addressing aquifer interactions, well impacts, and recharge effects.
8. Identify all threatened or endangered species potentially affected by the proposed operation and describe measures to avoid or minimize adverse effects; identify all biological surveys or consultations relied upon.
9. State whether Applicant has consulted with USFWS, SD GFP, Tribal wildlife or THPO offices, SHPO, BIA, or any Tribal governments; identify the dates, participants, and outcomes of each consultation and the documents reflecting the same.

## **II. REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. All documents evidencing posting of surety for EXNI 453 as required by SDCL § 45-6D-29(1).
2. All records of fee payments for EXNI 453, including invoices, checks, ACH/credit receipts, and agency acknowledgments.
3. All cultural resource, historic, archaeological, geologic, scientific, or recreational resource studies, surveys, assessments, or reviews within the affected or surrounding lands.
4. All hydrologic/hydrogeologic studies, groundwater models, well logs, baseline water quality/quantity data, aquifer recharge analyses, and monitoring plans related to the project.
5. All wildlife surveys, biological assessments, or expert reports addressing threatened or endangered species potentially affected by the project.
6. All correspondence with USFWS, SD GFP, SHPO/THPO, BIA, or Tribal governments regarding cultural resources, water resources, agriculture, wildlife, or related impacts.
7. Documentation that Applicant followed protocols and procedures to obtain free, prior, and informed consent from all Tribes party to the 1851 and 1868 Fort Laramie Treaties for

activities affecting unceded treaty territory in the Black Hills, including all notices, meeting records, consent resolutions, and memoranda.

8. Documentation evidencing Applicant's understanding and acknowledgement that the State of South Dakota is not a "government agent" as defined by the 1851 and 1868 Fort Laramie Treaties and cannot waive or substitute for required Tribal consent.

9. All communications with any Tribal government, THPO, or federal agency (including BIA and USFWS) regarding treaty rights, consent, consultation, or objections related to EXNI 453.

10. All internal policies, procedures, or directives used by Applicant concerning treaty territory, consultation, or consent in connection with uranium exploration activities.

### **III. REQUESTS FOR ADMISSION**

1. Admit that the application for EXNI 453 does not include a cultural resource survey of the project area conducted to current professional standards.

2. Admit that Applicant has not conducted a hydrologic study specifically addressing potential impacts to aquifer recharge areas and domestic wells within five miles of the project area.

3. Admit that Applicant has not conducted consultation with affected Tribal governments regarding historic or cultural sites within the project area in connection with EXNI 453.

4. Admit that Applicant has not conducted a threatened and endangered species survey within the project area to current professional standards.

5. Admit that exploration drilling for EXNI 453 may intersect groundwater within the Inyan Kara or related aquifers.

6. Admit that Applicant did not obtain the free, prior, and informed consent of Tribes party to the 1851 and 1868 Fort Laramie Treaties before applying for permits affecting unceded treaty territory in the Black Hills.

7. Admit that the State of South Dakota is not a government agent as defined by the 1851 and 1868 Fort Laramie Treaties and cannot waive or substitute for Tribal consent.

### **IV. RESERVATION OF RIGHTS**

Intervenor reserves all rights to supplement these requests, to move to compel, and to seek additional discovery as permitted by the Pre-Hearing Officer, including to ensure due process and meaningful participation by first-language Lakota speakers in light of service and access constraints.

Respectfully submitted,

/s/ Elizabeth Lone Eagle

Phone: 605-200-6800

Email: [bridgeradvocate@gmail.com](mailto:bridgeradvocate@gmail.com)

Filed via email to [Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us) pursuant to the Hearing Officer's September 2, 2025 Order.



From: Anna Applegate <[aapplegate@gpna.com](mailto:aapplegate@gpna.com)>

Sent: Tuesday, September 30, 2025 2:38 PM

To: Bob Morris <[bobmorris@westriverlaw.com](mailto:bobmorris@westriverlaw.com)>; Binegar, Brenda  
<[Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us)>

Cc: Matthew Naasz <[mnaasz@gpna.com](mailto:mnaasz@gpna.com)>

Subject: [EXT] Clean Nuclear Energy Corp.

Greetings,

Attached please find Clean Nuclear Energy Corp.'s Interrogatories and Requests for Production of Documents.

Thank you,

Anna Applegate



Legal Assistant to Talbot J. Wieczorek and Matthew E. Naasz

Phone: (605) 342-1078 | Fax: (605) 342-9503

506 Sixth Street | P.O. Box 8045 | Rapid City, SD 57709

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Gunderson | Palmer | Nelson | Ashmore | LLP • [www.gpna.com](http://www.gpna.com)

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

IN THE MATTER OF CLEAN	)	<b>CLEAN NUCLEAR ENERGY</b>
NUCLEAR ENERGY CORP.	)	<b>CORP.'S INTERROGATORIES</b>
URANIUM EXPLORATION PERMIT	)	<b>AND REQUESTS FOR</b>
APPLICATION	)	<b>PRODUCTION OF DOCUMENTS</b>
	)	
EXNI 453	)	

TO: ALL INTERESTED PARTIES:

COMES NOW, Clean Nuclear Energy Corp., by and through Matthew E. Naasz of Gunderson, Palmer, Nelson & Ashmore, LLP, its attorneys, and respectfully submits its Interrogatories and Requests for Production of Documents.

**INSTRUCTIONS**

1. Any information held by any person acting or providing answers on your behalf will be revealed in the answers.
2. These Interrogatories shall be deemed to be continuing. If information is discovered by or becomes known to you, your attorney or anyone acting on your behalf after answering these interrogatories, which would change or add to the answer given, you are requested to furnish the information in a timely manner, under oath, to the undersigned.
3. Any word written in these interrogatories that is in the singular shall be considered as plural, and vice versa, when necessary to facilitate any answer.
4. Where an answer to an interrogatory is based in whole or in part on any documents, please identify with specificity each document on which an answer is based.
5. If, and to the extent an interrogatory is objected to on the basis that the answer requires identification of a document containing privileged information, state with particularity the privilege claimed and all underling facts upon which the privilege is based.



6. Any objection to answering an interrogatory or claim of privilege or other exemption from discovery shall state in detail the grounds for the objection.
7. If there are documents not currently in your possession, but which you can obtain from former employees, agents or contractors, such additional documents are included in this request.
8. If your response to any request for production is that the documents are not in your possession or custody, describe in detail the unsuccessful efforts you have made to locate the records.

### **DEFINITIONS**

1. The term "documents" has the meaning ascribed to it in SDCL §15-6-34(a), and shall include all originals, drafts and revisions of such documents and attachments to such documents. It shall include any electronic or written copy, regardless of origin or location, of any written, typed, printed, recorded or graphic material of any kind, however produced, including but not limited to any book, manual, pamphlet, memorandum, letter, email, report, record, data sheet, tape or digital recording, or other written, printed or recorded material.

2. The term "identify" means (i) to provide the name, address, telephone number, job title and position or description of duties for each individual; (ii) to provide the date, author, recipient and subject matter of each document; (iii) to provide, with respect to any oral communication, the time and place of making, the substance of the communication and the identity of the makers, recipients and witnesses to the communication.

3. The term "person" shall include a natural person, or agency or other group however organized.

4. The terms "relate to" or "relating to" means discussing, describing, reflecting, containing, analyzing, studying, evidencing, constituting, setting forth, considering, concerning, recommending or pertaining to, the event, person or object.

5. The term "application" or "proposed project" means the Clean Nuclear Corp. uranium exploration application identified in the above caption and docket.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Describe in detail all adverse effects you allege will be caused by the proposed uranium exploration project operation on the historic, archaeologic, geologic, scientific, or recreational aspects of affected or surrounding land.

**INTERROGATORY NO. 2:** Describe in detail all information relating to any alleged loss or reduction of long range productivity of watershed lands, public and domestic water wells, aquifer recharge areas, or significant agricultural areas you allege will be caused by the proposed project.

**INTERROGATORY NO. 3:** Explain in detail all information relating to any alleged adverse effects to threatened or endangered wildlife indigenous to the area that you allege will be caused by the proposed uranium exploration operation.

**INTERROGATORY NO. 4:** Please state the full name of the person or persons answering these interrogatories and the person's position, title, and or relationship to the named intervenor.

**INTERROGATORY NO. 5:** Prior to answering these Interrogatories, have you made a due and diligent search of your books, records, papers, and documents, and a due diligent inquiry of your employees, agents, or representatives and their books, records, papers, and documents, for the purpose of eliciting and securing all of the information which is required to answer these Interrogatories?

**INTERROGATORY NO. 6:** Please identify any person you expect to call to testify at the time of trial. For each potential witness, please identify:

- a) Each person's full legal name and any other names by which he/she has been or is presently known;
- b) Each person's occupation, and the name and address of the person's employer(s), if any;
- c) Each person's present residence address, giving the street number, city, and state;
- d) What information each witness is expected to testify about.

**INTERROGATORY NO. 7:** Have You made any investigations, examinations, test or analysis concerning any manner relating to the subject matter of the pending action? If so, for each investigation, examination, test, or analysis, please state:

- (a) It's nature of the method used to make it;
- (b) It's subject matter;
- (c) The name and present address of each person who made it;

- (d) The time and place where it was made; and
- (e) The purpose of making it.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please provide a copy of all investigations, examinations, tests or analysis identified in Interrogatory No. 7.
2. Please produce a copy of all documents related to your responses to Interrogatories Nos. 1-3.

Submitted this 30th day of September, 2025.

GUNDERSON, PALMER, NELSON  
& ASHMORE, LLP

By: */s/ Matthew E. Naasz*

---

Matthew E. Naasz  
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Telephone: (605) 342-1078  
Telefax: (605) 342-9503  
E-mail: [mnaasz@gpna.com](mailto:mnaasz@gpna.com)  
*Attorneys for Clean Nuclear Energy Corp*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies on September 30, 2025, that the original of CLEAN NUCLEAR ENERGY CORP.'S ANSWERS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS was electronically, and via U.S. First Class Mail, Postage Prepaid upon the following:

Brenda Binegar Department of Agriculture  
&. Natural Resources 523 East Capitol Avenue Pierre, SD 57501  
Email: [Brenda.Binegar@state.sd.us](mailto:Brenda.Binegar@state.sd.us)  
*Secretary, Board of Minerals & Environment*

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

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Cheryl Angel  
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Sanders Schaller  
322 4th Street  
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Eagle Butte, SD 57625

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Great Plains Tribal Water Alliance, Inc.  
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Pine Ridge, SD 57770

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Rapid City, SD 57701

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Wounded Knee, SD 57794

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Gena Parkhurst  
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Box Elder, SD 57719

Steven Gunn Oglala Sioux Tribe  
Oglala Sioux Tribe Legal Department  
P.O. Box 1204  
Pine Ridge, SD 57770

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

Bob Morris, Hearing Chair  
704 7th Avenue, Suite 2  
P.O. Box 370  
Belle Fourche, SD 57717  
[bobmorris@westriverlaw.com](mailto:bobmorris@westriverlaw.com)

By: */s/ Matthew E. Naasz*

---

Matthew E. Naasz



**From:** Anna Applegate <aapplegate@gpna.com>  
**Sent:** Thursday, September 18, 2025 3:39 PM  
**To:** Bob Morris <bobmorris@westriverlaw.com>; Binegar, Brenda  
<Brenda.Binegar@state.sd.us>  
**Cc:** Matthew Naasz <mnaasz@gpna.com>  
**Subject:** [EXT] Clean Nuclear Energy Corp.

Greetings,

Attached please find Clean Nuclear Energy Corp.'s Answers to Great Plains Tribal Water Alliance Interrogatories and Requests for Production of Documents.

Thank you,



**Anna Applegate**

**Legal Assistant to Talbot J. Wieczorek and Matthew E. Naasz**

Phone: (605) 342-1078 | Fax: (605) 342-9503

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

IN THE MATTER OF CLEAN	)	<b>CLEAN NUCLEAR ENERGY</b>
NUCLEAR ENERGY CORP.	)	<b>CORP.'S ANSWERS TO GREAT</b>
URANIUM EXPLORATION	)	<b>PLAINS TRIBAL WATER</b>
PERMIT APPLICATION	)	<b>ALLIANCE INTERROGATORIES</b>
	)	<b>AND REQUESTS FOR</b>
EXNI 453	)	<b>PRODUCTION OF DOCUMENTS</b>

TO: Great Plains Tribal Water Alliance, Inc.

Clean Nuclear Energy Corp., by and through undersigned counsel, submit its Answers to the Interrogatories and Requests for Production by Great Plains Tribal Water Alliance, Inc.

GENERAL OBJECTIONS

Clean Nuclear Energy Corp., objects to any discovery request that is not relevant to the specific criteria set forth in SDCL § 45-6D-29. Additionally, Clean Nuclear Energy Corp objects to any discovery request that seeks information disproportionate to the needs of this exploration permit application. The following responses are provided subject to these objections and are provided without waiving the same.

INTERROGATORIES

INTERROGATORY NO. 1 State the name, current address and telephone number of each person, other than your legal counsel, who assisted you in answering these interrogatories or who provided information you relied upon in answering these interrogatories.

**ANSWER:** Mike Blady. 503-905 Pender St. W, Vancouver, British Columbia, Canada V6C 1L6. Crystal Hocking, RESPEC Engineering 3824 Jet Drive, Rapid City, SD 57703.

INTERROGATORY NO. 2 State the name, current address and phone number of all witnesses that shall testify at the hearing in this matter on behalf of the applicant.

**ANSWER:** Witnesses will be identified as set forth in a scheduling order signed by the pre-hearing officer.

INTERROGATORY NO. 3 State the name, current address and phone number of the consulting archaeologist for the application.

**ANSWER:** Vantage Point Solutions, 2211 N. Minnesota Street, Mitchell, S.D. 57301.

INTERROGATORY NO. 4 Explain in detail the process of delineating the boundaries of the "project disturbance footprint" for the purpose of determining any potential impacts to historic properties or traditional cultural properties, including all parties consulted in making such determination.

**ANSWER:** Disturbance for each drill pad was determined based upon the area necessary for the drill pad and associated activities, each approximately 18.3 meter by 18.3 meter per drill pad. The project exploration area, as presented in the EXNI, is a boundary box encompassing all drill holes.

INTERROGATORY NO. 5 Identify all substances that may potentially be discharged into groundwater as a result of the proposed project.

**ANSWER:** No substances are intended to be discharged into groundwater. Drilling and plugging materials including bentonite and potentially cement grout may contact near borehole pore water.

INTERROGATORY NO. 6 What is the depth of the groundwater at the sites of the proposed drill pads?

**ANSWER:** The exact depth to groundwater will be determined following drilling. Data from historic plugged monitoring wells in the area indicate the lower portion of the Chilson Member of the Lakota Formation lies within a saturated aquifer [Cohan 1984]. The potentiometric map of the Inyan Kara indicates the elevation of the water is above 3,800 ft [Strobel et al, 2000]<sup>1</sup>. The maximum depth of the holes will be 700 feet (213 m).

INTERROGATORY NO. 7 What approvals have been sought or obtained by municipal water sources in Edgemont or Hot Springs, or any other water sources, for use in the proposed project?

**ANSWER:** None at this time.

INTERROGATORY NO. 8 What is the precise distance of the "short distance of overland travel" referenced in the plan of operation?

**ANSWER:** No plan of operations is associated with EXNI 453. The EXNI application states "drilling will be completed from existing roads and trails to the extent practicable, though overland travel between closely space drill sites would be required." Overland travel will remain within the approved project areas.

INTERROGATORY NO. 9 Identify the number and location of the proposed monitoring wells.

**ANSWER:** Monitoring wells are not associated with EXNI 453. All exploration holes associated with this project are planned to be plugged immediately upon completion while the drill rig is still on site.

INTERROGATORY NO. 10 Identify all additives, including the composition of non-hazardous polymers, to the drill mud or to be inserted into the drill bore.

---

<sup>1</sup> Strobel, M.L., Galloway, J.M., Hamade, G.R., and Jarrell, G.J., 2000. Potentiometric surface of the Inyan Kara Aquifer in the Black Hills area, South Dakota. U.S. Geological Survey, Hydrologic Atlas 745-A.



**ANSWER:** Bentonite, and possibly cement grout, would be used for drill hole plugging and abandonment. Additives may or may not be used depending on the drilling conditions. Most non-hazardous polymers have proprietary formulas.

INTERROGATORY NO. 11 What agency is conducting the "NEPA process" referred to in the proposed plan of operation, and what is the status of that process?

**ANSWER:** NEPA is not applicable to EXNI 453 located on state lands.

INTERROGATORY NO. 12 If the application is approved, and uranium deposits are located, and the mining of such uranium is approved, describe in detail the process or processes to be utilized for its extraction.

**ANSWER:** Objection. Not relevant to the factors identified in SDCL § 45-6D-29.

INTERROGATORY NO. 13 State each contention or fact to be presented at the hearing in this matter for the purpose of asserting that benefits of the proposed uranium exploration outweigh adverse impacts on historic, archaeological, geologic, scientific or recreational aspects of the surrounding land.

**ANSWER:** There will be no adverse effects on the historic, archeologic, geologic, scientific, or recreational aspects of the surrounding land. The hydrogeologic and mineral resource information received about the uranium deposits located in this area will be a positive effect of the operation. As stated in SDCL § 45-60-2: "The exploration for and discovery of uranium by means of drilling and other methods of detecting such deposits are important to the economic development of the state and nation."

INTERROGATORY NO. 14 Explain in detail the process of estimating that "the nearest listed cultural feature is 0.8 miles from the project."

**ANSWER:** The estimations of distance have been updated in conjunction with the abbreviated case report provided to the South Dakota State Historical Society on October 29, 2024. Details on the locations of archaeological sites are confidential and protected by state law, SDCL § 1-20-21.2.

INTERROGATORY NO. 15 What consideration has the applicant given to the fact that the proposed project is within the boundaries of the Great Sioux Reservation as defined in article 2 of the Treaty of Fort Laramie of April 29, 1868.

**ANSWER:** Objection. Not relevant to factors identified in SDCL § 45-6D-29.

INTERROGATORY NO. 16 What consideration has the applicant given to the approved Fall River County 2022 ballot initiative declaring uranium mining a public nuisance?

**ANSWER:** Objection. Not relevant to the factors identified in SDCL § 45-6D-29. See Brief on issue on file with the South Dakota Department of Agriculture and Natural Resources.

INTERROGATORY NO. 17 Describe all meetings, in person or virtual, that have taken place between the applicant and South Dakota officials in relation to the application, including the date, attendees, and matters discussed.

**ANSWER:** Objection. Not relevant to items articulated in SDCL § 45-6D-29. Additionally, the information requested is disproportionate to the needs of this exploration permit application.

#### REQUEST FOR PRODUCTION

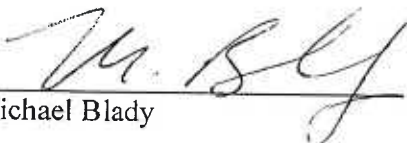
REQUEST FOR PRODUCTION NO. 1 All exhibits sought to be introduced at the hearing in this matter.

**ANSWER:** These will be disclosed consistent with the scheduling order to be entered in this matter.

REQUEST FOR PRODUCTION NO.2 All surveys, case reports and other documents relating to archaeological resources, cultural resources, historic properties or traditional cultural properties, that were prepared in relation to the application.

**ANSWER:** Objection. The reports contain confidential information regarding the location and character of known archeological sites in South Dakota and is protected by SDCL § 1-20-21.2. Subject to and without waiving the same, see documents on file with the DANR, which are available on their website.

Submitted this 16 day of September, 2025.

By:   
Michael Blady

Notarial Certificate

I, Navaneeth Ravichandran a Notary Public in and for the Province of British Columbia do hereby certify that on this 16th day of September, 2025, before me personally appeared Michael Blady, who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.



SEAL

**Navaneeth Ravichandran**  
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#### CERTIFICATE OF SERVICE

The undersigned hereby certifies on September 18, 2025, that the original of CLEAN NUCLEAR ENERGY CORP.'S ANSWERS TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS was served electronically, and via U.S. First Class Mail, Postage Prepaid upon the following:

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*Secretary, Board of Minerals & Environment*

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

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By: /s/ Matthew E. Naasz

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Matthew E. Naasz

**From:** Peter Capossela <[pcapossela@nu-world.com](mailto:pcapossela@nu-world.com)>  
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**Subject:** [EXT] EXNI 453 discovery docs

Ms. Binegar -- attached are discovery requests served on the applicant on July 10, for posting on the above-referenced docket. This was served today on all other parties by mail per the scheduling order. Thank you!

Peter

--

**Peter Capossela**  
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(541) 505-4883

**BEFORE THE STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES  
BOARD OF MINERALS AND ENVIRONMENT**

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

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**INTERVENOR GREAT PLAINS TRIBAL WATER ALLIANCE, INC.  
FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION**

TO: Matthew E. Naasz  
Gunderson Palmer Nelson & Ashmore LP

Attorneys for Clean Nuclear Energy Corp.

Intervenor Great Plains Tribal Water Alliance, Inc., by and through undersigned counsel, and pursuant to SDCL §§15-6-26 and 15-6-33, requests that the applicant Clean Nuclear Energy Corp. answer the following interrogatories within 30 days.

**Instructions**

1. Any information held by any person acting or providing answers on your behalf will be revealed in the answers.
2. These Interrogatories shall be deemed to be continuing. If information is discovered by or becomes known to you, your attorney or anyone acting on your behalf after answering these interrogatories, which would change or add to the answer given, you are requested to furnish the information in a timely manner, under oath, to the undersigned.
3. Any word written in these interrogatories that is in the singular shall be considered as plural, and vice versa, when necessary to facilitate any answer.

4. Where an answer to an interrogatory is based in whole or in part on any documents, please identify with specificity each document on which an answer is based.

5. If, and to the extent an interrogatory is objected to on the basis that the answer requires identification of a document containing privileged information, state with particularity the privilege claimed and all underlying facts upon which the privilege is based.

6. Any objection to answering an interrogatory or claim of privilege or other exemption from discovery shall state in detail the grounds for the objection.

7. If there are documents not currently in your possession, but which you can obtain from former employees, agents or contractors, such additional documents are included in this request.

8. If your response to any request for production is that the documents are not in your possession or custody, describe in detail the unsuccessful efforts you have made to locate the records.

9. If your response to any request for production is that the documents are not in your control, identify the location and person with control of the records, and provide any documents that contain all or part of the information contained in the requested document or category of documents.

#### **Definitions**

1. The term “documents” has the meaning ascribed to it in SDCL §15-6-34(a), and shall include all originals, drafts and revisions of such documents and attachments to such documents. It shall include any electronic or written copy, regardless of origin or location, of any written, typed, printed, recorded or graphic material of any kind, however produced, including but not limited to any book, manual, pamphlet, memorandum, letter, email, report, record, data sheet, tape or digital recording, or other written, printed or recorded material.

2. The term “identify” means (i) to provide the name, address, telephone number, job title and position or description of duties for each individual; (ii) to provide the date, author, recipient and subject matter of each document; (iii) to provide, with respect to any oral communication, the time and place of making, the substance of the

communication and the identity of the makers, recipients and witnesses to the communication.

3. The term “person” shall include a natural person, or agency or other group however organized.

4. The terms “relate to” or “relating to” means discussing, describing, reflecting, containing, analyzing, studying, evidencing, constituting, setting forth, considering, concerning, recommending or pertaining to, the event, person or object.

5. The term “application” or “proposed project” means the Clean Nuclear Corp. uranium exploration application identified in the above caption and docket.

### **Interrogatories**

INTERROGATORY NO. 1 State the name, current address and telephone number of each person, other than your legal counsel, who assisted you in answering these interrogatories or who provided information you relied upon in answering these interrogatories.

INTERROGATORY NO. 2 State the name, current address and phone number of all witnesses that shall testify at the hearing in this matter on behalf of the applicant.

INTERROGATORY NO. 3 State the name, current address and phone number of the consulting archaeologist for the application.

INTERROGATORY NO. 4 Explain in detail the process of delineating the boundaries of the “project disturbance footprint” for the purpose of determining any potential impacts to historic properties or traditional cultural properties, including all parties consulted in making such determination.

INTERROGATORY NO. 5 Identify all substances that may potentially be discharged into groundwater as a result of the proposed project.

INTERROGATORY NO. 6 What is the depth of the groundwater at the sites of the proposed drill pads?

INTERROGATORY NO. 7 What approvals have been sought or obtained by municipal water sources in Edgemont or Hot Springs, or any other water sources, for use in the proposed project?



- INTERROGATORY NO. 8           What is the precise distance of the “short distance of overland travel” referenced in the plan of operation?
- INTERROGATORY NO. 9           Identify the number and location of the proposed monitoring wells.
- INTERROGATORY NO. 10          Identify all additives, including the composition of non-hazardous polymers, to the drill mud or to be inserted into the drill bore.
- INTERROGATORY NO. 11          What agency is conducting the “NEPA process” referred to in the proposed plan of operation, and what is the status of that process?
- INTERROGATORY NO. 12          If the application is approved, and uranium deposits are located, and the mining of such uranium is approved, describe in detail the process or processes to be utilized for its extraction.
- INTERROGATORY NO. 13          State each contention or fact to be presented at the hearing in this matter for the purpose of asserting that benefits of the proposed uranium exploration outweigh adverse impacts on historic, archaeological, geologic, scientific or recreational aspects of the surrounding land.
- INTERROGATORY NO. 14          Explain in detail the process of estimating that “the nearest listed cultural feature is 0.8 miles from the project.”
- INTERROGATORY NO. 15          What consideration has the applicant given to the fact that the proposed project is within the boundaries of the Great Sioux Reservation as defined in article 2 of the Treaty of Fort Laramie of April 29, 1868.
- INTERROGATORY NO. 16          What consideration has the applicant given to the approved Fall River County 2022 ballot initiative declaring uranium mining a public nuisance?
- INTERROGATORY NO. 17          Describe all meetings, in person or virtual, that have taken place between the applicant and South Dakota officials in relation to the application, including the date, attendees, and matters discussed.


**Request for Production**

REQUEST FOR PRODUCTION NO. 1 All exhibits sought to be introduced at the hearing in this matter.

REQUEST FOR PRODUCTION NO. 2 All surveys, case reports and other documents relating to archaeological resources, cultural resources, historic properties or traditional cultural properties, that were prepared in relation to the application.

Submitted this 10th day of July, 2025

By:



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**BEFORE THE STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES  
BOARD OF MINERALS AND ENVIRONMENT**

---

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

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 11, 2025, a copy of Intervenor Great Plains Tribal Water Alliance, Inc.'s First Set of Interrogatories and Request For Production was served on Matthew Naasz, attorney for Clean Nuclear Energy Corp. by electronic mail to [mnaasz@gpna.com](mailto:mnaasz@gpna.com); and U.S. mail with proper postage affixed to P.O. Box 8045 Rapid City, S.D. 57709; and that, on this day, a copy of the afore was served via U.S. mail with proper postage affixed to:

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DATED this 26th day of September 2025

*Peter Ceposela*

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