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www.gpna.com

RECEIVED
Apr 26 2024
MINERALS, MINING, &
SUPERFUND PROGRAM

April 26, 2024

Sent via email to Roberta.hudson@state.sd.us

Matthew E. Naasz
Email: mnaasz@gpna.com
Direct Dial: (605) 719-3424

Roberta Hudson
Department of Agriculture and Natural Resources
523 E. Capital Ave.
Pierre, SD 57501

Re: Clean Nuclear Energy Corp. - General Business / Uranium Mining
GPNA File No. 17359.0002

Dear Ms. Hudson:

Our firm represents Clean Nuclear Energy Corp. We have been provided your correspondence dated March 18, 2024. In that letter, you mention that the Uranium Exploration Permit Application is incomplete for three reasons. I will address each in turn.

First, you indicated that the permit address was incomplete because there is no zip code. Clean Nuclear Energy Corp.'s address is **503-905 Pender St. W, Vancouver, British Columbia, Canada V6C 1L6**. This address meets South Dakota's statutory requirement found in SDCL § 45-6D-7(2). The zip code is V6C 1L6.

Second, you mentioned that the landowners must be provided the opportunity to designate in writing their preference for reclamation efforts. SDCL § 45-6D-16 states that the surface owner and surface lessee must have had an opportunity to designate in writing, preferences for the reclamation of the affected land. Such opportunity has been provided. Clean Nuclear Energy Corp. has records demonstrating correspondence between all relevant parties which meet this statutory obligation. A copy of an affidavit to this effect is attached, as required by statute. The original will be forwarded to DANR upon receipt by the undersigned.

Finally, the letter refers to a consultation with the State Archaeologist and State Historic Preservation Office (SHPO). It further implies that such consultations are a requirement for a complete application for a Uranium Exploration permit under SDCL § 45-6D-14. However, the statutory language requires only that the Board of Minerals and Environment notify these interested agencies at this stage of the permitting process. The completion of these consultations and SHPO review is not a barrier to commencement of the application technical review process. Rather, the statute requires notice and an opportunity for a comment prior to a final decision by DANR. A review of the statutory scheme makes clear that the review by the SHPO and the State Archeologist is to be conducted after the application has been filed – not as a condition of filing a complete application.

Offices in Rapid City and Pierre, South Dakota

Attorneys licensed to practice in South Dakota, North Dakota, Nebraska, Wyoming, and Montana

SDCL § 1-19A-11.1 furthers this understanding. The statute requires notice and an opportunity to investigate and comment on the project. *In re B.Y. Development, Inc.* made clear that the statute “does not give the Office of History the power to disapprove” a final decision. *In re B.Y. Development, Inc.*, 2000 S.D. 102, ¶ 11. Rather, it provides that no final action can be had until the Office has been provided the opportunity to investigate and comment on it. *Id.* Therefore, nothing in the statute precludes DANR from moving forward with the technical review of the project and scheduling the necessary hearing.

As can be seen by the maps attached to the application, the proposed project is not within the boundaries of Craven Canyon. The project will not encroach upon, damage or destroy any historic property within Craven Canyon. The consulting archeologist working on this project has preliminarily determined that the nearest listed cultural feature within Craven Canyon is located approximately 0.8 miles from the edge of the exploration project.

Clean Nuclear Energy Corp. has consulted with SHPO on this project. The SHPO has requested an abbreviated Case Report pursuant to ARSD 24:52:07:03. Clean Nuclear Energy Corp. intends to prepare that report and conduct levels 1 and 3 cultural resource surveys of the Project disturbance footprint. The relevant statute is clear, any restrictions concerning site disturbances provided in writing to the Board of Minerals and Environment shall be included as terms and conditions of an approved permit. SDCL § 45-6D-14. The written reports from the SHPO are not a requirement of a complete application.

Clean Nuclear Energy Corp. acknowledges that consultation with SHPO is required before the final permit can be issued. However, this consultation has no bearing on the completeness of its permit application. Thus, Clean Nuclear Energy Corp asks that its permit application be deemed complete and the application technical review process continue moving forward while the SHPO consultation is underway.

Clean Nuclear Energy Corp. desires to work hand in hand with DANR, and all other state agencies, on this project. We would respectfully request an opportunity to discuss the most expedient way to move this exploration application forward.

Sincerely,



Matthew E. Naasz

MEN:lf
Encl.

Prepared by:
Matthew E. Naasz
GUNDERSON, PALMER, NELSON & ASHMORE, LLP
P.O. Box 8045
Rapid City, SD 57709-8045
(605) 342-1078

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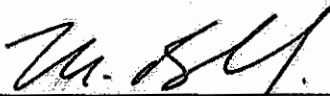
Province
STATE OF British Columbia
COUNTY OF Kelowna

Affidavit of Mike Blady

1. My name is Mike Blady and I am the Director of Clean Nuclear Energy Corp.
2. As Director of Clean Nuclear Energy Corp., I am familiar with the business activities entered into on behalf of Clean Nuclear Energy Corp. and I have personal knowledge of the facts stated in this Affidavit.
3. Clean Nuclear Energy Corp has contacted both the surface owner (SD Office of School and Public Lands) and the surface lessee (Timothy Allen) at the property subject to Clean Nuclear Energy Corp.'s Uranium Exploration Application.
4. Attached as Exhibit A is an email from Commissioner Greenfield, indicating his office reviewed the reclamation plan that was attached to the permit application. His office did not have any additional comments or preferences for the reclamation plan.
5. Clean Nuclear Energy Corp. also contacted surface lessee. RESPEC (on behalf of Clean Nuclear Energy Corp.) had a phone conversation with Timothy Allen on March 6, 2024, and followed up that call with an email. Attached hereto as Exhibit B.
6. A supplemental email further requesting confirmation of receipt of the plan and preferences was sent on March 19, 2024. Timothy Allen confirmed receipt of the correspondence. Attached hereto as Exhibit C.
7. Clean Nuclear Energy Corp. conducted consultation with both the surface owner and surface lessee.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated this 23rd day of April, 2024.



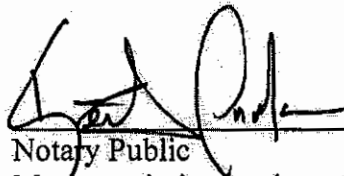
Mike Blady
Clean Nuclear Energy Corp.
503-905 Pender St. W
Vancouver, British Columbia, Canada V6C 1L6

Province
STATE OF British Columbia) ss.
COUNTY OF Kelowna.)

On this, the 23rd day of April, 2024, before me, personally appeared Mike Blady, the Director for Clean Nuclear Energy Corp., satisfactorily proven to be the person whose name is subscribed to the within instrument, and he, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

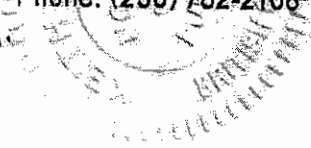
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL)



Notary Public
My commission expires: N/A

KEITH INMAN
Barrister & Solicitor
#204 - 1665 Ellis Street
Kelowna, BC V1Y 2B3
Phone: (250) 762-2108



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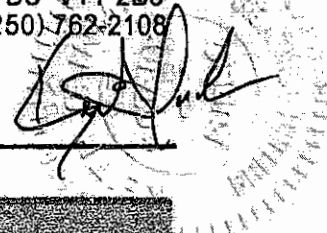
MINERALS, MINING, &
SUPERFUND PROGRAM

Exhibit "A"

KEITH INMAN

Barrister & Solicitor
#301 - 1665 Ellis Street
Kelowna, BC V1Y 2B3
Phone: (250) 762-2108

From: [Greenfield, Brock](#)
To: [Crystal Hocking](#); timothy7171973@gmail.com
Cc: [Mike Blady](#); [Holt, Kyle](#); [Nagel, Justin](#); [Finck, Caleb](#)
Subject: RE: Clean Nuclear Exploration Project - Sec 36/T7S/R2E - Reclamation Consultation
Date: Friday, March 8, 2024 3:33:22 PM



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Ms. Hocking,

We've reviewed the reclamation plan submitted to our office by Clean Nuclear Energy Corp. We noted several references to SDCL 45-6C, a chapter that pertains to mineral exploration. Since this project is specifically for uranium exploration, SDCL 45-6D would be the appropriate chapter to refer to.

While it doesn't specifically apply to the reclamation plan, if more insight could be provided on the relationship between Cowboy Exploration/RESPEC/Clean Nuclear Energy/Basin Uranium, we would certainly appreciate some clarification. Most notably, in our research we discovered that Clean Nuclear Energy is a wholly owned subsidiary of Basin Uranium. It appears that Basin is not registered with the SD Secretary of State, while Clean Nuclear filed its registration with the SOS in January of 2024. The paperwork transmitted to our office in February implies that when Cowboy (through Mr. John Glasscock) sought the subsurface lease, they were acting as an agent of Clean Nuclear. We are trying to gain a handle on the situation that is unlike anything my relatively new team has dealt with to-date.

Thank you.

Brock Greenfield
Commissioner, SD Office of School & Public Lands

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Exhibit "B"

KEITH INMAN

Barrister & Solicitor
#301 - 1665 Ellis Street
Kelowna, BC V1Y-2B8
Phone: (250) 762-7108

From: Crystal Hocking
To: timothy7171973@gmail.com
Cc: Mike Blady; Greenfield, Brock; Holt, Kyle; Nagel, Justin; Finck, Caleb
Subject: Clean Nuclear Exploration Project - Sec 36/T7S/R2E - Reclamation Consultation
Date: Wednesday, March 6, 2024 1:24:00 PM
Attachments: TimothyAllen_CoverLetterandReclamationPlan_030624.pdf

Mr. Allen,

I appreciate your time earlier. As discussed, I'm providing you a copy of the reclamation plan associated with Clean Nuclear Energy's proposed uranium exploration drilling project on State School Lands in Section 36, T7S, R2E (attached).

Please confirm you have received and reviewed this information.

If you have any questions, feel free to email or call me. I've also cc'd the folks from the Office of School and Public Lands as well as the head of Clean Nuclear Energy.

Cheers,
Crystal

Crystal M. Hocking, PE, PG
Project Geologist

RESPEC
3824 Jet Drive
Rapid City, SD 57703
605.394.6451 office
605.431.7416 cell
respec.com

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Exhibit "C"

KEITH INMAN
Barrister & Solicitor
#301 - 1665 Ellis Street
Kelowna, BC V1Y 2B3
Phone: (250) 762-2108



From: Tim Allen
To: Crystal Hocking
Subject: Re: Clean Nuclear Exploration Project - Sec 36/T75/R2E - Reclamation Consultation
Date: Tuesday, March 19, 2024 10:02:34 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image004.png

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I received the email and am waiting for more clarification from the South Dakota Public Lands office. At this time, without further clarification from them I only feel comfortable acknowledging receipt of your correspondence.

Tim Allen

On Tue, Mar 19, 2024, 10:10 AM Crystal Hocking <crystal.hocking@respec.com> wrote:

Mr. Allen,

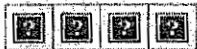
Can you please confirm that you have received the proposed exploration reclamation plan? Also, if you have any preferences for the reclamation of the affected land, please submit that information in writing.

I need your confirmation immediately as you did not respond to the March 6 email.



Crystal M. Hocking, PG PE
RESPEC

605.394.6451



From: Crystal Hocking <crystal.hocking@respec.com>

Sent: Wednesday, March 6, 2024 1:25 PM

To: timothy7171973@gmail.com

Cc: Mike Blady <mikeblady@gmail.com>; Greenfield, Brock <Brock.Greenfield@state.sd.us>; Holt, Kyle <Kyle.Holt@state.sd.us>; Nagel, Justin <Justin.Nagel@state.sd.us>; Finck, Caleb <Caleb.Finck@state.sd.us>

Subject: Clean Nuclear Exploration Project - Sec 36/T7S/R2E - Reclamation Consultation

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Cheers,

Crystal

Crystal M. Hocking, PE, PG
Project Geologist

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605.431.7416 call

respec.com

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