



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 3, 2024

Matthew Naasz
Gunderson, Palmer, Nelson, and Ashmore LLP
PO Box 8045
Rapid City, SD 57709

Re: Clean Nuclear Energy Corp

Dear Mr. Naasz:

Thank you for your response dated April 26, 2024. The department has determined there are still items that need to be addressed in the application. Please address the items listed below.

1. As an enclosure in your letter, you provided an affidavit from Mr. Mike Blady indicating consultation had been completed with both the surface owner and surface lessee. Item # 4 of the affidavit refers to Exhibit A, stating Commissioner Greenfield indicated his office reviewed the reclamation plan and did not provide any comments or preferences. However, on review of Exhibit A, we noted that Commissioner Greenfield provided a comment on the reclamation plan, indicating the plan references SDCL 45-6C.

The reclamation plan Ms. Hocking sent to the landowner and lessee refer to SDCL 45-6C, *Mineral Exploration*, whereas the proposed uranium exploration project falls under SDCL 45-6D, *Uranium Exploration*. The department confirmed with the Office of School and Public Lands that a corrected reclamation plan has not been submitted to them for additional review. Clean Nuclear Energy must provide the potentially affected landowner and lessee a corrected version of the reclamation plan and allow a reasonable period of time for them to respond with comments or preferences. In other words, Clean Nuclear Energy needs to reinitiate the landowner consultation with a correct version of the reclamation plan in order to preclude any confusion regarding the proposed uranium exploration project.

2. In regard to Clean Nuclear Energy completing the SHPO review process (SDCL 1-19A-11.1) prior to the department deeming the uranium exploration permit application complete, please refer your legal opinions, concerns, and questions to the department's counsel, Steve Blair, Deputy Attorney General.

Your April 26, 2024, response letter brought up an additional issue that is not a permit application completeness item, but I'm responding to provide clarification. Your response letter included a map demonstrating that the proposed uranium exploration project is not within the boundaries of Craven Canyon. The department met with State Historic Preservation Office staff who indicated that the proposed uranium exploration project area is *within the environs* of historic property which is included in the national register of historic places.

Please let me know if you have questions regarding the required landowner consultation. Please contact Steve Blair if you have questions regarding the timing of the concurrent state review and approval processes under SDCL 1-19A-11.1 and SDCL 45-6D, respectively.

Sincerely,

\s/

Roberta Hudson
Engineering Manager I
Minerals, Mining, and Superfund Program
523 E Capitol Ave
Pierre, SD 57501
Email: Roberta.hudson@state.sd.us
Phone: (605) 773-4201
Fax: (605) 773-5286