

South Dakota Science and Technology Authority Board of Directors
Emergency Telephonic Meeting Minutes
Wednesday, March 25, 2020
Lead, South Dakota

The Board of Directors of the South Dakota Science and Technology Authority (SDSTA) convened at 8:00 a.m. Mountain Time (MT) on Tuesday, March 25, 2020, via teleconference. The SDSTA office was closed at the time of the board meeting due to the COVID-19 pandemic; a conference number was posted on the agenda with an invitation for members of the public to participate in the meeting by telephone.

MEMBERS OF THE BOARD IN ATTENDANCE BY TELEPHONE

Vice-Chairperson Dana Dykhouse
Secretary/Treasurer Patricia Lebrun
Mr. Roger Musick
Chairperson Casey Peterson
Vice-Chairperson Ron Wheeler
Dr. Robert Wilson
Dr. James Rankin, *ex-officio member*

MEMBERS OF THE BOARD ABSENT

Dr. Ani Aprahamian

SDSTA STAFF PRESENT

Mr. Tim Engel, Legal Counsel (by phone)
Ms. Nancy Geary, Chief Financial Officer
Mr. Mike Headley, Executive Director
Dr. Jaret Heise, Science Director
Ms. Mandy Knight, Administrative Services Manager
Mr. Will McElroy, Operations Program Manager
Ms. Staci Miller, SURF Foundation Director (by phone)
Ms. Constance Walter, Communications Director (by phone)

ALSO PRESENT DURING ALL OR PART OF THE MEETING

Mr. Kent Bush, Rapid City Journal Journalist (by phone)
Mr. Jerry King, FRA/LBNF Procurement Manager (by phone)
Mr. Alex Portal, Black Hills Pioneer Journalist (by phone)
Mr. Patrick Weber, FRA/South Dakota Services Division Head (by phone)
Mr. Joshua Willhite, FRA/LBNF Far Site Conventional Facilities Project Manager (by phone)

ITEM 1. CALL TO ORDER

Chair Peterson called the meeting to order at 8:01 a.m. (MT). Chair Peterson declared a quorum was present, consisting of board members Mr. Dana Dykhouse, Ms. Pat Lebrun, Mr. Roger Musick, Chair Casey Peterson, Mr. Ron Wheeler, Dr. Bob Wilson and Dr. Jim Rankin. Dr. Ani Aprahamian was absent.

Chair Peterson asked participants at the listening post in Lead to identify themselves. Ms. Nancy Geary, Mr. Mike Headley, Dr. Jaret Heise, Ms. Mandy Knight and Mr. Will McElroy were present in person. Mr. Tim Engel, Ms. Staci Miller and Ms. Constance Walter joined by phone. Others who announced themselves on the phone included Mr. Alex Portal, Mr. Josh Willhite and Mr. Patrick Weber.

Chair Peterson proceeded if anyone from the audience or on the phone had any questions or comments for the board to address, to notify the Lead listening post or announce it, and time will be given at the end of the agenda to discuss.

ITEM 2. APPROVE AGENDA

Chair Peterson asked for a motion to approve the agenda.

Motion by Mr. Wheeler and seconded by Ms. Lebrun to approve the agenda as presented. By roll call vote, the motion passed unanimously.

ITEM 3. GENERAL CONFLICT OF INTEREST DISCLOSURE

Mr. Engel asked if any member of the board, who feels they have anything that might be construed to be a conflict of interest for items under consideration today, to disclose it verbally.

No conflicts of interest were disclosed.

ITEM 4. DISCUSS TRANSITION TO LEVEL 3 MINIMAL ESSENTIAL OPERATIONS MODE AT SURF

Mr. Headley started the discussion by thanking the board for meeting on short notice. He said as the COVID-19 epidemic advances in South Dakota, he is recommending the South Dakota Science and Technology Authority (SDSTA) temporarily transition activities at the Sanford Underground Research Facility (SURF) to a Level 3 minimal essential operations mode for a period of at least two weeks. This transition is necessary to limit the spread of COVID-19 and preserve the health and safety of SDSTA staff, researchers, contractors and the surrounding public.

Until recently, a large majority of COVID-19 cases detected in South Dakota were traced back to persons who had recently traveled out of state. The experimental and construction activities currently underway at SURF involve significant numbers of persons coming from outside South Dakota on a steady basis, including some persons coming from areas with significant numbers of COVID-19 cases.

He said numerous governmental entities and business organizations in the Black Hills region of South Dakota, including the City of Rapid City, the Butte County Commission, and the Deadwood Gaming Association, have mandated or adopted recommendations for business closure, travel restrictions and other practices intended to reduce the spread of COVID-19.

Given the nature of the activities underway at SURF, including but not limited to the significant number of persons coming from outside of the local area, including from areas with significant outbreaks of COVID-19, the best means to reduce the likelihood of spreading COVID-19 is to temporarily reduce operations at SURF to a minimum essential level.

Mr. Headley said this transition is aligned with South Dakota Governor Noem's Executive Order dated March 23, 2020, which encourages employers to implement the recommended CDC hygiene practices and other business strategies designed to reduce the likelihood of spreading COVID-19.

He stated Level 3 essential operations will include operations and maintenance activities necessary to preserve the safety of critical infrastructure elements and to keep existing science experiments in a safe configuration. He said during this period, construction activities will be halted.

Mr. Headley then introduced SDSTA Legal Counsel Mr. Tim Engel and asked him to read a draft Resolution 2020-01 that he would like the board to consider approving. A copy of the modified draft Resolution is attached to these minutes.

After the Resolution was read, Chair Peterson queried the board for questions or comments. Ms. Lebrun said this is a prudent act as people traveling from a distance could visit the lab and spread COVID-19.

Referencing the Resolution, Mr. Dykhouse asked if Mr. Headley has the authority to extend the minimal essential operations for more than two weeks, and Mr. Headley responded “yes”.

Dr. Rankin said the wording is unclear on the second page of the Resolution as it implies Mr. Headley is required to wait for the full two weeks before he can extend Level 3 operations and that would be short notice for staff.

Dr. Wilson commented by prefacing that his wife is a physician in Colorado and understands how bad things are in the regional medical community and world-wide, but also questions how this transition could affect the lab and Deep Underground Neutrino Experiment (DUNE) now and longer term. He said his background is with DUNE and the Long Baseline Neutrino Facility (LBNF) project—and is leaning towards doing whatever is possible to stop COVID-19 from spreading but also wants to mitigate the effects on the lab.

He mentioned several impacts to the LBNF/DUNE project including the concern to keep funding flowing and building support for the project, as well as competition from Japan with a similar experiment. Dr. Wilson asked if limited construction activities could proceed with the appropriate safeguards?

Chair Peterson said members of the group who drafted the resolution weighed the science against the safety of the employees and community as well as sustainability of essential employees to maintain the lab before making the recommendation. Chair Peterson said long-term, should the Northern Hills get community spread, there could be a potential of the lab shutting down anyway, and that would not be good for employees or the project. He said the two-week transition will allow the lab to coordinate with KAJV and other contractors.

Mr. Headley concurred with Chair Peterson and specified the staff are quite nervous about the number of individuals traveling from areas where the disease is more prevalent to the lab. He said during this two-week period, the lab will stand-down, including curtailment of construction. Proper controls will be put in place to provide the day-to-day staff in the field a level of comfort that they currently do not have.

Mr. Headley added OSHA has recently provided guidance directly related to COVID-19 and controls that are expected to be put in place. It has been a challenge to implement the controls as personal protective equipment (PPE), such as face shields and respirators, are in short supply across the country. He said under OSHA’s General Duty Clause, the lab has a general responsibility to protect the health and safety of the staff and the surrounding public. This two-week pause will allow us to implement social-distancing and prepare to operate in a different mode going forward and ensure the lab is meeting OSHA guidance.

Mr. Headley answered Dr. Wilson’s earlier question and said he would entertain resumption of some construction activities after the two-week period. Mr. Engel followed up by stating employers generally have a legal obligation to maintain a safe work environment, and that has been taken into account as management considered these issues. He said there can be liability for failing to maintain a safe work environment. Chair Peterson noted SDSTA cage operators have been testing different face shield models and are having issues communicating properly, which is a safety hazard.

Chair Peterson asked Dr. Wilson if all his questions and concerns were addressed and Dr. Wilson replied yes. He said his intent was not to imply management did not do due diligence during the discussions. Chair Peterson said he appreciated Dr. Wilson’s comments and perspective and said it has been a valuable discussion.

Mr. Engel addressed Dr. Rankin’s earlier comment and proposed to modify the Resolution. The proposed modification would strike out the 6th paragraph in regard to “no COVID-19 cases in the Black

Hills” and strike out the first clause on Page 2, No. 2 “Upon expiration of the minimum two-week period of minimal essential operation.” Mr. Headley concurred.

Dr. Wilson said he has a lot of confidence in the Executive Director’s judgment and will support any language to determine the appropriate level of operations. Mr. Headley thanked him.

Chair Peterson said this is a difficult time, but it will take bold steps to control what is going on. It is not a positive appearing situation for the project and SURF, but he is absolutely convinced it is the right step to take, which will take the lab well into the future rather than taking a possible short-term gain that could jeopardize the lab’s ability to operate. He thanked everyone involved.

Motion by Mr. Wheeler and seconded by Mr. Musick to adopt Resolution 2020-01, as modified, to transition to Level 3 minimal essential operations. Board members Dykhouse, Lebrun, Musick, Wheeler, Wilson and Chair Peterson voted “yes.” There were zero “no” votes. The Chair declared that the motion passed unanimously.

ITEM 5. PUBLIC COMMENTS

Black Hills Pioneer journalist Mr. Alex Portal asked if the two-week period of minimal essential operations would significantly set the lab back for LBNF. Mr. Headley said he could not answer definitively at this time, but he has been communicating with Fermilab partners to determine what the plan is going forward. He said Fermilab is also assessing what the impact might be.

Mr. Wheeler said after this is over, it is the intention of the lab to do everything possible to mitigate any lost time in the schedule. Chair Peterson and Mr. Headley concurred.

ITEM 6. BOARD COMMENTS

Mr. Musick said it is the prudent thing to do.

Mr. Wheeler said the lab is doing the right thing.

Dr. Wilson thanked Mr. Headley and management for doing their due diligence. He said this is a complicated situation and stressed to keep the communication open and the collaborative spirit between major stakeholders is essential. He strongly supports Mr. Headley’s efforts to keep Fermilab informed. The project is operating in good faith with all the partners and the lab is doing the right thing to help the community. He said he supports the resolution.

Dr. Rankin said having just suspended campus (South Dakota School of Mines and Technology) operations yesterday and the impacts to his constituents, he said it is the right step and appreciates the proactive move.

Mr. Dykhouse echoed the board comments and said decisions will need to be made daily and weekly and Mr. Headley is in the right position to make those.

Ms. Lebrun agreed with all the remarks and said the lab is doing the prudent thing. She said it is not forever—COVID will be over eventually, and the lab will be up and running.

Chair Peterson called for a motion to adjourn, thanked everyone and said to stay well.

ITEM 7. ADJOURN

Mr. Dykhouse left the meeting prior to the motion to adjourn.

Motion by Mr. Musick and seconded by Mr. Dykhouse to adjourn. By roll call vote, the motion passed unanimously.

Meeting adjourned at 8:41 a.m. (MT) on March 25, 2020.