

South Dakota Science and Technology Authority Board of Directors
Special Telephonic Meeting Minutes
Friday, July 22, 2022
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 Friday, July 22, 2022, via videoconference. A conference number and login were posted on the agenda with an invitation for members of the public to participate in the meeting electronically.

MEMBERS OF THE BOARD IN ATTENDANCE BY VIDEO CONFERENCE OR TELEPHONE

Secretary/Treasurer Pat Lebrun
Dr. Chris Fall
Mr. Roger Musick
Chairperson Casey Peterson
Mr. Ron Wheeler

MEMBERS OF THE BOARD ABSENT

Dr. Ani Aprahamian
Vice-Chairperson Dana Dykhouse
Dr. James Rankin, *ex-officio member*

SDSTA STAFF IN ATTENDANCE

Mr. Tim Engel, General Counsel (by video conference)
Ms. Julie Ewing, Environment, Safety and Health (ESH) Director
Mr. Mike Headley, Executive Director (by video conference)
Ms. Mandy Knight, Administrative Services Manager
Ms. Natasha Wheeler, Administrative Assistant (by phone)

ALSO PRESENT DURING THE MEETING

Ms. Wendy Pitlick, Black Hills Pioneer Journalist (by video conference)

ITEM 1. CALL TO ORDER

ITEM 1A. DETERMINATION OF A QUORUM

Chairperson Casey Peterson called the meeting to order at 8:00 a.m. (MT). Chairperson Peterson declared a quorum was present, consisting of board members Ms. Pat Lebrun, Dr. Chris Fall, Mr. Roger Musick, Chairperson Casey Peterson and Mr. Ron Wheeler. Dr. Ani Aprahamian, Mr. Dana Dykhouse and Dr. James Rankin were absent.

ITEM 1B. INTRODUCE GUESTS (LISTENING POST IN LEAD)

Guests present at the Lead Office listening post included: Ms. Julie Ewing, Ms. Mandy Knight and Ms. Natasha Wheeler. Mr. Tim Engel, Mr. Mike Headley and Ms. Wendy Pitlick joined by video conference.

ITEM 1C. PUBLIC COMMENT FORM

Chairperson Peterson said no public comment forms were submitted before the meeting.

ITEM 2. APPROVE AGENDA

Chairperson Peterson asked for a motion to approve the agenda.

Motion by Mr. Musick and seconded by Ms. Lebrun to approve the agenda as presented. 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 with respect to matters under consideration by the Board today, to disclose it verbally.

No conflicts of interest were disclosed.

ITEM 4. EXECUTIVE SESSION

Motion by Mr. Wheeler and seconded by Mr. Musick to enter into executive session to consult with legal counsel concerning legal and contractual matters as permitted by SDCL 1-25-2(3) and (4) and SDCL 19-19-502. Motion passed unanimously.

The board went into executive session at 8:04.

The board reconvened in open session at 8:35 AM.

ITEM 5. REPORT FROM EXECUTIVE SESSION

Chairperson Peterson reported that the board consulted with legal counsel concerning legal and contractual matters. No action was taken.

Motion by Mr. Wheeler and seconded by Dr. Fall to approve the executive session report. Motion passed unanimously

ITEM 6. APPROVAL OF ADDENDUM TO LAND USE AGREEMENT BETWEEN THE SDSTA AND KAJV

Mr. Headley said SDSTA and Kiewit Alberici Joint Venture (KAJV) have a land use agreement in place for the conveyor system that crosses SDSTA property into the Open Cut. He said an addendum is being proposed to support dust control measures, allowing for a helicopter, operated by a KAJV subcontractor, to use an area near the Wastewater Treatment Plant (WWTP) to fill a bucket with dust-covering material to be applied into the Open Cut. Mr. Headley said a flight path has been developed that will not go over any residential area. A provision has been included to hold KAJV and their subcontractor responsible for any cleanup if material is dropped between the staging area near the WWTP and the Open Cut. Mr. Headley said a contract action needs to be finalized between Fermilab and KAJV, but the proposed land use agreement addendum is ready for approval. Mr. Headley recommended SDSTA Board of Director approval for the proposed addendum.

Chairperson Peterson asked if there is potential for delay to the project since the subcontractor is a fire-fighting contractor that could be called away to a fire. Mr. Headley said yes, it is a potential risk, but the project is working hard to complete the work before the winter season.

Ms. Lebrun noted that a fire-fighting agency should have the experience required to operate a helicopter in the downdraft conditions that may exist in the mountainous area of the Open Cut and Mr. Headley concurred.

Mr. Wheeler asked about the timeline of the project and Mr. Headley said it should be completed within a day if weather conditions are favorable.

Mr. Engel commented that the subcontractor is well-insured.

Ms. Lebrun asked if the helicopter-applied product will require future applications and Mr. Headley said although it is possible, rock that is now going into the Open Cut has a tackifier applied before it is

released, and the helicopter is being used to address dust associated with rock that was deposited without tackifier before dust mitigation procedures were in place.

Motion by Mr. Wheeler and seconded by Mr. Musick to authorize the chairperson, executive director and legal counsel to negotiate the final terms of the Addendum to the Land Use Agreement between the South Dakota Science and Technology Authority and Kiewit Alberici Joint Venture and authorize the executive director to sign the Addendum. Motion passed unanimously.

ITEM 7. APPROVAL OF RELEASE RELATING TO ORO HONDO SHAFT

Mr. Headley said Fermilab, working with Thyssen Mining, constructed a bore hole for underground ventilation between the 4850L and 3650L, to exhaust air from the Long Baseline Neutrino Facility (LBNF) area to the surface, using the Oro Hondo Shaft. Mr. Headley said the bore hole construction was successful, including a final step to remove a wall to open a pathway between the Oro Hondo Shaft and 3650L for airflow, but removal of the wall revealed a second wall that was not a previously known structure at that location. Mr. Headley said the second wall needs to be removed and project managers have determined the best option to remove the wall is to use a small amount of explosives. He said some material is expected to fall down the Oro Hondo Shaft and Thyssen Mining has requested a release of any legal liability from the wall removal process. Mr. Headley said Tim Engel has had extensive discussions with LBNF, and Mr. Headley recommends approval by the board to allow for the release of Thyssen Mining from liability related to this action.

Motion by Ms. Lebrun and seconded by Mr. Musick to authorize the chairperson, executive director and legal counsel to negotiate final terms of the release and authorize the executive director to sign the release. Motion passed unanimously.

ITEM 8. PUBLIC COMMENTS

Chairperson Peterson said he did not receive any public comment request forms and there were no questions from the public.

ITEM 8. BOARD COMMENTS

Chairperson Peterson said the next regularly scheduled board meeting is Thursday, September 22, 2022, at 8:00 A.M. (MT) in the E&O Building Conference Room and via Zoom.

Dr. Fall said he is glad to see everything moving forward.

Mr. Headley thanked everyone for their time, attending the meeting and getting these items wrapped up.

Chairperson Peterson thanked everyone for their time and helping the team move projects along between quarterly meetings.

ITEM 7. ADJOURN

Motion by Mr. Musick and seconded by Ms. Lebrun to adjourn. The motion passed unanimously.

Meeting adjourned at 8:46 a.m. (MT) on July 22, 2022.