

**South Dakota Science and Technology Authority Board of Directors**  
**Meeting Minutes**  
**Thursday, June 22, 2023**  
**Lead, South Dakota**

The Board of Directors of the South Dakota Science and Technology Authority (SDSTA) convened at 8:09 AM Mountain Time (MT) on Thursday, June 22, 2023, in the Education and Outreach (E&O) Building Conference Room at the South Dakota Science and Technology Authority, 630 East Summit Street, Lead, South Dakota. 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**

Dr. Ani Aprahamian (by videoconference)  
Vice Chairperson Dana Dykhouse (by videoconference)  
Secretary/Treasurer Patricia Lebrun (in person)  
Chairperson Casey Peterson (in person)  
Mr. Ron Wheeler (by phone)

**MEMBERS OF THE BOARD ABSENT**

Dr. Chris Fall  
Mr. Roger Musick  
Dr. James Rankin, ex-officio

**SDSTA STAFF PRESENT DURING ALL OR PART OF THE MEETING**

Ms. Christine Burger, Human Resources Manager (in person)  
Mr. Tim Engel, General Counsel (in person)  
Mr. Mike Headley, Executive Director (in person)  
Ms. Michelle Kane, SURF Foundation Director (in person)  
Mr. Bill Kelly, Contracts & Procurement Manager (in person)  
Ms. Mandy Knight, Administrative Services Manager (in person)  
Mr. Terry Miller, Chief Financial Officer (in person)  
Ms. Wendy Straub, Hoists and Shafts Director (in person)  
Ms. Constance Walter, Communications Director (in person)  
Ms. Juliet Winger, Communications Specialist (by phone)  
Ms. Deb Wolf, Outreach & Culture Director (in person)  
Ms. April Yenglin, SURF Foundation Support Specialist (in person)

**ALSO PRESENT DURING ALL OR PART OF THE MEETING**

Mr. Paul Christen, former SDSTA Board Member  
Mr. Patrick Malone, Chief Sustainability Officer for Dakota Gold  
Ms. Wendy Pitlick, Journalist for Black Hill Pioneer  
Mr. Joshua Willhite, LBNF Far Site Conventional Facilities (FSCF)-Building and Site Infrastructure (BSI) Project Manager

**ITEM 1. CALL TO ORDER**

Chairperson Casey Peterson called the meeting to order at 8:09 AM (MT). Roll call was held and a quorum declared. Dr. Ani Aprahamian, Mr. Dana Dykhouse and Mr. Ron Wheeler joined by videoconference and phone. Ms. Pat Lebrun and Chairperson Peterson were present in person. Dr. Chris Fall, Mr. Roger Musick and Dr. Jim Rankin were absent.

Chairperson Peterson asked guests to introduce themselves.

Chairperson Peterson said if anyone from the audience had any questions or comments for the Board to address, to please complete the public comment form located at the sign-in table and time will be given at the end of the agenda to discuss. No comment forms were submitted during the meeting.

## **ITEM 2. APPROVE AGENDA**

Chairperson Peterson asked if there were any modifications to the agenda. Hearing none, Chairperson Peterson asked for a motion to approve the agenda.

*Motion by Mr. Dykhouse and seconded by Dr. Aprahamian to approve the agenda as presented. Motion passed unanimously.*

## **ITEM 3. APPROVE MINUTES**

Chairperson Peterson asked for any comments on the March 16 and June 6, 2023, Minutes. Hearing none, he asked for a motion to approve the minutes.

*Motion by Mr. Wheeler and seconded by Mr. Dykhouse to approve the March 16 and June 6, 2023 Minutes as presented. Motion passed unanimously.*

## **ITEM 4. GENERAL CONFLICT OF INTEREST DISCLOSURE**

SDSTA General Counsel Mr. Tim Engel invited members of the Board to disclose anything that might be construed to be a conflict of interest with respect to items under consideration at today's meeting.

No conflicts of interest were disclosed.

## **ITEM 5. DISCLOSURES AND WAIVER UNDER SDCL CH. 3-23**

Mr. Engel said he contacted all Board members before the June 22, 2023, board meeting and asked them to make any disclosures required by SDCL CH. 3-23. He said no disclosures were reported.

## **ITEM 6. SURF FOUNDATION**

### **ITEM 6A. CONFIRMATION OF RE-ELECTION**

SURF Foundation Director Ms. Kane asked the Board to confirm the re-election of Mr. Fred Romkema for a second term to the SURF Foundation board.

*Motion by Ms. Lebrun and seconded by Mr. Dykhouse to confirm the reelection of Mr. Fred Romkema to the SURF Foundation Board for an additional 3-year term. Motion passed unanimously.*

### **ITEM 6A. FOUNDATION UPDATE**

Ms. Kane said that she has been in her new position for six months and the last three months have been very exciting. She shared short term wins, where The Institute for Underground Science at SURF is going, where the SURF Foundation is going next and how it is going to get there.

Ms. Kane reminded the Board that the SURF Foundation does not have its own social media presence but as an active social media user, Ms. Kane is helping to amplify what SURF is doing. All the messaging of what is happening on LinkedIn, Facebook, Twitter facilitates reaching the public, and she wants the public to be curious about SURF and ask questions. She encouraged the Board to connect and share that information with others. In the last three months, Ms. Kane said she wrote three grants and received funding for all three. The funding has brought approximately \$40,000.00 to the Foundation, which includes support for the following: Neutrino Day (met fundraising goal), innovative educator professional development program focused on rural educators virtually, fully funding an internship, and helping to build a strong foundation which equates to a strong infrastructure—making sure tools, processes and efficiencies are in place.

Ms. Kane welcomed new SURF Foundation Support Specialist Ms. April Yenglin. Ms. Yenglin will manage the administrative components of the Foundation, donor database and project management database. Ms. Kane then discussed The Institute for Underground Science at SURF and referred to the prototype program named Center for Underground Theoretical Physics and Related Areas (CETUP\*), that began on June 18. This is a four-week summer workshop held in Lead, South Dakota and includes over 70 researchers, scientists and graduate students. This program matters to SURF because CETUP\* is the type of program that will be part of The Institute in the future. As a reminder, Ms. Kane and Mr. Headley said 22 CETUP\* participants have been invited to a lunch to meet the board of directors from the SDSTA and Foundation along with a few SDSTA staff; it is being held at the Sanford Lab Homestake Visitor Center (SLHVC) today at noon.

Ms. Kane said current work on The Institute includes: the website, video clips and tools to help share what The Institute is and create partnerships, sponsorships and relationships with donors. She said the website will be launched in conjunction with Nobel Day in December and details will be shared as the event draws nearer. She said she is working on a strategic plan and is drafting a request for proposal to help the Foundation define the scope of work and map out the future. The focus for the Foundation is to raise funds for existing programs (*Deep Talks*, summer internships, Davis Bahcall Scholars, education programs and the Sacred Circle Garden).

Ms. Kane said the Sacred Circle Garden construction is on track. RCS Construction is expected to start the end of June. Also, messaging, website updates and grant opportunities are in review. She thanked Chairperson Peterson for sharing insight with the Garden Committee. She said programming discussions are in the works with an expected start the spring of 2024. Partnership talks are in the works for Native arts installation and Phase 2 assembly area construction; she is working on a grant to support this project. Lastly, there is a kick-off party scheduled on August 22 at the SLHVC.

Ms. Kane showed a slide with logos of all the sponsors supporting the 15th Annual Neutrino Day free science festival, which will held on Saturday, July 8, 2023.

She then discussed SURF's 2035 long-range goal: The SURF Institute will be constructed and fully operational, offering compelling, vibrant science and education programs. This year, the Foundation is going to create a nationwide marketing and fundraising campaign with the Communications Department to launch The Institute for Underground Science at SURF as well as complete the construction of the Sacred Circle Garden.

In conclusion, Ms. Kane said there are several upcoming events in the next three months: June 22 Luncheon SDSTA/Foundation Board/CETUP\*, next week RCS Construction starts The Sacred Circle Garden project; July 7, 5 p.m. – 7 p.m., Neutrino Day Kick-Off Party, July 8, 9 a.m. – 5 p.m., Neutrino Day, July 20, 10 a.m., summer intern presentations at SURF, July 21, Washington Pavilion Exhibit Ribbon Cutting, July 22, SURF Day at Washington Pavilion and August 22 Sacred Circle Garden Kick-Off Party. The next Foundation board meeting is September 21, 2023, at the Washington Pavilion in Sioux Falls.

Ms. Kane said SURF has sponsored a water exhibit at the Washington Pavilion. A ribbon cutting will be held on July 21 and a free admission "SURF Day" will be held on Saturday, July 22. This will be a great opportunity for the Foundation to connect with East River and continue to celebrate what SURF is doing and help build awareness. Mr. Headley extended an invite to all Board members to partake in the ribbon cutting and "SURF Day" in Sioux Falls.

Ms. Lebrun acknowledged all the work being done by Ms. Kane thanked her and the SDSTA team for their efforts to support the Foundation.

## **ITEM 7. AUDIT COMMITTEE**

### **ITEM 7A. ANNUAL APPOINTMENT OF MEMBERS**

Chairperson Peterson reported the appointment of Ms. Lebrun, Mr. Dykhous and Mr. Musick to continue to serve on the audit committee and asked for a motion to confirm the appointments.

*Motion by Mr. Dykhous and seconded by Mr. Wheeler to approve the appointment of audit committee members as presented. Motion passed unanimously.*

### **ITEM 7B. ACCEPTANCE OF AUDIT REPORT, FISCAL YEAR ENDED JUNE 30, 2022**

Ms. Lebrun said the audit report was presented to the Board at the March 16, 2023, meeting for discussion and is now being presented for approval.

*Motion by Ms. Lebrun and seconded by Mr. Wheeler to accept the Audit Report for the Fiscal Year Ended June 30, 2022, as reviewed and discussed at the March 16, 2023, board meeting. Motion passed unanimously.*

Chairperson Peterson thanked the Audit Committee members for their time commitment outside of regular board meetings.

## **ITEM 8. FINANCIAL REPORT**

### **ITEM 8A. REVIEW FINANCIAL STATEMENTS**

Mr. Miller referenced the financial statements for the April 30, 2023, reporting period included in the board packet and reviewed highlights. He said as of April, the SDSTA was behind on the Cooperative Agreement (CA) budget; however, SDSTA is awaiting an incremental funding modification to the CA which should help balance the budget. Based on the Board's acceptance of the \$13 million appropriation—Senate Bill 35—for underground expansion, Mr. Miller said the cash and revenue are included in the statements. Regarding fixed assets, he noted that \$1.6 million was included for the tuckpointing and roof drain infrastructure improvement project. Also, the money from the sale of a portion of the xenon has been received and the three foundations loans (South Dakota Community Foundation, University of South Dakota Foundation and South Dakota State University Foundation) have been paid down with each loan almost cut in half. He said the interest rate on the loans are 2.5% and Ms. Lebrun commented that the loan rate charged by the Foundations is very good compared to the going rate.

Mr. Miller said the \$13 million deposited into the SDSTA account is drawing interest through the state, and for bookkeeping purposes the accrual is the 1% approved by the Board last year. Mr. Miller then asked if there were any questions.

Chairperson Peterson asked what the June 30 statement will look like with assets transfer since \$14 million is being shown as a net increase. Mr. Miller replied that the \$14 million will stay in place until the end of the year and then as the underground expansion constructions gets underway, the project will be capitalized over the years. In regard to moving fixed assets, Mr. Miller said a few have been moved - approximately \$4 million.

*Motion by Mr. Wheeler and seconded by Dr. Aprahamian to accept the financial report as presented. Motion passed unanimously.*

### **ITEM 8B. APPROVAL OF FY2024 BUDGET**

Mr. Miller said there is a slight increase in the FY2024 budget as it relates to SDSTA funds due to construction of the Sacred Circle Garden for \$614,000.00 and the engineering design phase of expansion construction by Thyssen Mining Inc. for \$800,000.00.

He said there is an increase for xenon insurance—from \$190,000.00 to \$350,000.00—driven by a growth in value of xenon. Also, there are four FTEs that have moved to indirect funds; these are the four Black Hills State University staff who will transition to SDSTA employees. Also, the SLHVC budget slightly decreased due to the Director’s payroll moving to indirect funds as it was determined that role is beyond the work performed for the SLHVC.

He then discussed the \$22.5 million budgeted for FY2024 and said it includes \$17.1 million for the CA and \$5.4 million for infrastructure improvement projects (IIPs). In regard to the CA, the dollars have been allocated between labor and non-labor at 70% and 30%, respectively. The budget decreased slightly due to less money allocated for IIPs.

FRA Ross logistics support increased mainly due to labor and FRA/LBNF grounds-keeping support is budgeted for a full year compared to only half a year. Ms. Lebrun asked what is “grounds keeping” and Mr. Headley replied that it is a collection of ground support activities such as servicing porta potties, removing snow, etc. that Kiewit Alberici Joint Venture (KAJV) was performing but SDSTA will now perform at the request of Fermi Research Alliance (FRA).

Mr. Miller said there is a new contract with Geothermica for \$50,000 to use equipment that was formerly Stimulation Investigations for Geothermal Modeling Analysis and Validation’s (SIGMA-V’s).

Chairperson Peterson asked about SIGMA-V and if there is abandonment cost. Mr. Headley said several of the members from the former SIGMA-V project make up Geothermica and there was very little equipment left behind. The project is funded by the Department of Energy (DOE) through Pacific Northwest National Laboratory.

*Motion by Ms. Lebrun and seconded by Mr. Dykhouse to approve and adopt the FY2024 budget as presented. Motion passed unanimously.*

## **ITEM 9. REPORT FROM EXECUTIVE DIRECTOR**

### **ITEM 9A. DECLARATIONS OF SURPLUS**

Mr. Headley referenced the Declaration of Surplus included in the board packet and said the items are primarily equipment that have been identified for scrap. He asked if there were further questions and there were none.

### **ITEM 9B. SDSTA QUARTERLY UPDATE**

Mr. Headley began his update with SURF highlights, which included the following: 1) LBNF excavation is 68% complete and on schedule. He said planning for outfitting and cryostat installation is underway. 2) Institute for Underground Science at SURF kickoff planning is underway as well as the CETUP\* workshop are underway. 3) Funds are in hand for Phase A of the 4850L expansion. A contract has been signed with Thyssen Mining Inc. Design is underway to be completed by the end of 2023 in preparation for excavation the first six months of 2024. A working group has been established made up of Dr. Mike Procario from DOE/High Energy Physics, individuals from Fermilab and the LBNF project, the DOE site office at Fermilab, Mr. Headley, and SDSTA Engineering Director Mr. Al Stratman has been established to ensure SDSTA excavation work will not impact the LBNF/DUNE activities. 4) SDSTA has provided significant input into the P5 strategic planning process. Dr. Heise and Mr. Headley have attended meetings and provided presentations. 5) Yates Shaft heavy maintenance continues and reached 1100L in May (plan was July) and crews are now at the 1,200-foot mark. The crew is planning to reach the 4100L in mid-2024. 6) The new Oro Hondo ventilation fan is in operation. This was advanced due to downtime of on older fan but both fans are now operable with 100% redundancy capability. 7) Education and Outreach had another great year supporting students in SD. 8) Efforts are underway to “get out the word” about SURF in South Dakota, including advertising at the Rapid City



Regional Airport and sponsorship of a display at the Washington Pavilion in Sioux Falls. 9) A Washington Pavilion ribbon cutting is planned for July 21 at 11:30 am CT. “SURF Day” at the Washington Pavilion is set for July 22. 10) SDSTA hosted the SD Joint Committee on Appropriations for a site visit on June 19. 11) An LBNF/DUNE congressional briefing is being held in Washington D.C. today (June 22); SDSTA Science Director Dr. Jaret Heise is representing SURF. 12) A Congressional Staff delegation visit is being planned within an August 23, 24, 25 window.

Mr. Headley showed several slides as he discussed the SURF highlights. He said regarding the excavation design work, SDSTA is optimizing the Phase A drift to be shorter to fit within the \$13 million available, but also to meet the functional goals. Mr. Engel pointed out that all the rock from this excavation work will be stored underground and Mr. Headley concurred.

Mr. Headley said the K-12 E&O scope has been the same as the last few years. Prior to COVID, E&O was working with approximately 12,000-13,000 student per year and this year student contacts increased to approximately 18,000 in a virtual format. In addition, E&O has been working with 500+ teachers each summer for professional development. He commended the team for all their efforts.

Chairperson Peterson asked why curriculum unit totals were down this year and Outreach and Culture Director Ms. Deb Wolf responded that E&O did a better job promoting field trips this year compared to the curriculum units, hence, the fluctuation in numbers from this time last year. Also, she said the E&O team is at capacity for total work.

Mr. Headley concluded his update with photos of the 2023 Davis-Bahcall Scholars and SURF summer interns. Presentations from all the individuals will be in July and also will be live-streamed.

#### **ITEM 9C. HOISTS & SHAFTS UPDATE**

Ms. Straub began her presentation by sharing a schedule of the Yates Shaft top down maintenance (TDM) activities. She said new survey points were added in the upper shaft (based on the quarterly survey performed by a third party surveyor). The crew transitioned to split set rock bolts for cost and efficiency, which will be replaced with permanent ground support during full shaft rehabilitation. She said 20+ sets below the 800L were completed by RCS in 2009 and are in good condition. The schedule was re-baselined in May to reflect efficiency improvements and there is one Infrastructure Technician vacancy left to fill. Ms. Straub said there are 18 total individuals (four infrastructure technicians per crew and two top landers) working on the project on a 24/7 basis.

Ms. Staub shared several photos illustrating the TDM progress from stabilization of boulders, Yates Shaft timber replacement and TDM at the 1100L Station. She said Yates TDM next steps include: 1) Evaluating conditions when TDM is complete in all compartments to the 1700L – can SDSTA support CAT operations on the 1700L in a modified capacity? 2) Evaluating conditions when TDM is complete to the 2600L in all compartments – can SDSTA support more deliveries via the Yates Shaft? 3) Once TDM is complete in all compartments to the 3650L (TDM is complete in cage panels from the 3650L – 19 sets above the 4850L in the cage compartments), crews will transition back to the northeast utility compartment with full TDM until the boulders below the 4100L are reached.

Chairperson Peterson asked when the crews expect to get to the 1700L and 2600L and Ms. Straub replied 1700L in April 2024 and the boulders in July of 2024. It will be late next year before the Yates will be able to provide some relief for the demands on the Ross.

#### **ITEM 9D. LBNF EXCAVATING TO OUTFITTING UPDATE**

Mr. Willhite started his presentation with an illustration of the Long Baseline Neutrino Experiment/Deep Underground Neutrino Experiment (LBNF/DUNE) and said the project begins with an accelerator that exists at Fermilab in Batavia, IL (Near Site Facility) which will generate an intense beam of neutrinos

that will travel through the earth to SURF (Far Site Facility). The LBNF/DUNE project is very large and is divided into five subprojects with three here at the Far Site, which his presentation is focused on. He said the subprojects are fairly new, and reviewed acronyms to familiarize the Board: FSCF-EXC (Far Site Excavation), FSCF-BSI (Far Site Buildings & Site Infrastructure) also referred to as “outfitting” and FDC (Far Detectors and Cryogenic Infrastructure). He then showed several photos of the excavation progress: east end of the North Detector Cavern, South Detector Cavern, and the Central Utility Cavern (CUC), CUC Concrete, and South Drift rail installation. Mr. Willhite said excavation Progress is 68% complete. He noted the 68% progress is drill and blast excavation only, not the entire project. He reviewed the cavern excavation completion percentages and then discussed the BSI bidding progress. He said 23 packages are planned (+/-), five package proposals are in hand and two packages are in process. The contractor pool is mostly regional (Rapid City, Spearfish, Lead/Deadwood and Gillette, WY). He anticipates a similar number of people working onsite at SURF during the BSI phase as now, but divided among many firms. He said work is planned to begin in summer of 2024.

With regard to the Far Detector and Cryogenics (FDC) Status, a Fermilab Director’s Review was being held at Fermilab simultaneous with the SDSTA board meeting. The review is a dry-run of review materials to prepare for a DOE CD-2/3 review planned for September 2023. There has already been some FDC construction funding approved (CD-3a) but this is for the rest of the project; the hope is to have approval by the end of 2023. He said steel deliveries are planned to start this fall, which will roughly double the project team on site during this time. ProtoDUNE detectors have proven technologies for FD1 and FD2. In conclusion, he gave an LBNF/DUNE logistics overview and cited the Anode Plane Detectors that arrived at SURF last fall. The Anode Plane Array Shipping Frame (ASF) Test Lift departed from Fermilab on August 29, 2022, arrived at SURF on September 1 and was successfully tested on September 2, 2022. He said the SDSTA team performed perfectly in getting this test completed and built the confidence that this work can be done in the future. Mr. Headley pointed out that SDSTA has 20 master riggers onsite, so every one of the SDSTA crews has at least one master rigger onsite which is a huge step for SURF; 250 slung loads have already been completed for the project. Mr. Willhite said another notable thing that has arisen from this week’s review is whether there is enough shaft capacity for the BSI and FDC work that is coming up? What is being projected is shaft demand will go down from what SDSTA has been providing for the past six months because excavation needs so much concrete—there will be continuous flow of concrete—and the capacity does exist. (Three to four super sacks are loaded in the cage at a time and they have averaged 74 loads per day). The speed of the cage has increased for supplies and that has also helped.

*Motion by Dr. Aprahamian and seconded by Mr. Dykhouse to accept the executive director’s report as presented. Motion passed unanimously.*

## **ITEM 10. SDSTA POLICIES AND PROCEDURES**

### **ITEM 10A. ANNUAL REVIEW OF PY & PP**

Mr. Headley said Policy (PY) and Policy-Procedure (PP) updates were included in the board packet and pointed out that the Publication Policy is being retired from the manual and will be included in the Science Department’s procedures. The remaining updates to PYs and PPs are to make them current with SDSTA operations. He asked if there were any questions and there were none. Mr. Engel mentioned that his office reviewed all the updated policies and procedures.

*Motion by Mr. Wheeler and seconded by Dr. Aprahamian to approve the updated Leave Policy, Records Retention Policy, Travel Approval and Reimbursement – Employees Policy and Procedure and retire the Publication Policy from the SDSTA Manual, as presented. Motion passed unanimously.*

## **ITEM 10B. ANNUAL STATEMENTS AFFIRMING COMPLIANCE WITH FINANCIAL CONFLICT OF INTEREST POLICY**

Mr. Engel reminded the Board about the rules of the Financial Conflict of Interest Policy and all board members are required to sign their annual Conflict of Interest statement. Ms. Knight confirmed she had received signed forms from all board members.

## **ITEM 11. REPORT FROM NOMINATING COMMITTEE**

Mr. Dykhouse said he met with Mr. Musick via email as the Nominating Committee and indicated the report was included in the board packet. Chairperson Peterson said the nominations include: Mr. Casey Peterson as chairperson, Mr. Dana Dykhouse as vice-chairperson and Ms. Pat Lebrun as secretary/treasurer. Chairperson Peterson asked for additional nominations and none were made.

## **ITEM 12. ELECTION OF OFFICERS**

*Motion by Mr. Wheeler and seconded by Dr. Aprahamian to accept the nominating committee slate and elect Casey Peterson as Chairperson, Dana Dykhouse as Vice Chairperson, and Patricia Lebrun as Secretary/Treasurer. Motion passed unanimously.*

## **ITEM 13. EXECUTIVE SESSION**

*Motion by Mr. Dykhouse and seconded by Ms. Lebrun to enter into executive session to discuss personnel matters and to consult with legal counsel concerning legal and contractual matters as permitted by SDCL 1-25-2(1), (3) and (4) and 19-19-502. Motion passed unanimously.*

*The Board recessed at 9:24 AM for a ten-minute break followed by executive session.*

*The Board reconvened in open session at 10:15 AM and a quorum was confirmed.*

## **ITEM 14. REPORT FROM EXECUTIVE SESSION**

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

*Motion by Mr. Wheeler and seconded by Mr. Dykhouse to approve the executive session report. Motion passed unanimously.*

## **ITEM 15. MISCELLANEOUS ITEMS FOR DISCUSSION**

### **15A. REVIEW AMENDED WAIVERS**

Mr. Engel reminded the Board under the Property Donation Agreement (PDA) any individual who travels underground is required to sign a Release, Agreement Not To Sue And Waiver and an Acknowledgment of Risk. He said the two documents had not been reviewed in a long time and have been reviewed as part of the revision of the Risk Transfer Protocols. The major changes to the waivers include to remove FRA, LLC and DOE as releasees at their request as it was creating issues with their contractors; there are also some format changes. The Release is subject to review by Homestake and Mr. Engel said he will send both the Release and the Acknowledgment of Risk to Homestake for review and comment.

*Motion by Ms. Lebrun and seconded by Mr. Dykhouse to approve amendments to the Acknowledgment of Risk and the Release, Agreement Not To Sue And Waiver as presented, subject to review by Homestake. Motion passed unanimously.*



## **15B. REVIEW RISK TRANSFER PROTOCOLS**

Mr. Engel said the Risk Transfer Protocols (RTP) is a document that governs releases and waivers required by third party and also addresses insurance. He said this is SDSTA's way to transfer risk to others to the extent it can be transferred. This document was first adopted in the early 2010s and changes were made in 2016 but has not had a thorough review until now. Mr. Engel said the primary changes are (1) to increase the insurance limits due to inflation and to add provisions to address large projects such as LBNF/DUNE to require or explore the possibility of a "wrap-up" program, (2) changes to some administrative features, and (3) correction of typos and cross-references that were no longer valid. Subject to approval by DOE and review by Homestake are required based on the DOE Lease Agreement and PDA, respectively. Mr. Engel said he will send the RTP to DOE for approval followed by Homestake with a 60-to-90 day deadline for review. Chairperson Peterson asked if the SD Office of Risk Management (ORM) had reviewed the RTP and Mr. Engel replied ORM has been involved in the process.

*Motion Mr. Wheeler and seconded by Dr. Aprahamian to approve the revised Risk Transfer Protocols as presented, subject to approval by the Department of Energy and review by Homestake as provided in the Property Donation Agreement. Motion passed unanimously.*

## **15C. APPROVAL OF FY2024 OFFICE OF RISK MANAGEMENT INTERGOVERNMENTAL AGREEMENT**

Mr. Headley said SDSTA has an agreement with the Office of Risk Management (ORM) for safety oversight at SURF and assistance with insurance matters. The annual review and update to the Intergovernmental Agreement is included in the board packet. Reorganization of the information to a table format was the biggest change with very few changes to the codes and standards to which SDSTA has agreed to adhere.

Mr. Engel interjected that costs have increased and ORM passes along increases on a dollar-for-dollar basis. State employees received a 7% salary increase, which is a part of the reason for the increased cost.

*Motion by Mr. Wheeler and seconded by Dr. Aprahamian to approve the FY2024 Intergovernmental Agreement between the Bureau of Administration, Office of Risk Management of the State of SD and SDSTA and authorize the SDSTA executive director to sign agreement. Motion passed unanimously.*

## **ITEM 16. CONFIRM DATE, TIME AND LOCATION OF NEXT MEETING**

Chairperson Peterson reminded the Board of the next meeting, scheduled for Thursday, September 21, 2023, at 9:00 AM (CDT). It will be held at the Washington Pavilion in Sioux Falls and via Zoom. Please contact Ms. Knight by August 19 if you plan to join in person and hotel arrangements will be made in advance at the Holiday Inn Downtown City Center.

## **ITEM 17. PUBLIC COMMENTS**

Chairperson Peterson said he did not receive any public comment request forms during the meeting and there was no one present in the room asking to provide public comment.

## **ITEM 18. BOARD COMMENTS**

There were no comments from Dr. Aprahamian, Mr. Dykhous and Ms. Lebrun.

Mr. Wheeler said he appreciates the staff's work and congratulated them on the progress.

Mr. Engel thanked the Board.

Mr. Headley thanked the staff for their great work over the last quarter and thanked the Board for their strong support.

Mr. Peterson noted that the SDSTA Wastewater Treatment Plant received its 15<sup>th</sup> award for water quality exceeding set standards and asked that thanks for the great work be relayed to the team from the Board. Mr. Headley said he would pass along the praise and noted that SDSTA WWTP Foreman Mr. Ken Noren has been a driving force of these great results as well as modernizing the Plant. He said Mr. Noren is retiring the end of July and a successor has been identified. Chairperson Peterson concluded by saying he appreciated the work of the Board and the committees.

#### **ITEM 19. ADJOURN**

Chairperson Peterson called for a motion to adjourn.

*Motion by Mr. Dykhous and seconded by Ms. Lebrun to adjourn. Motion passed unanimously.*

**Meeting adjourned at 10:28 AM (MT) on June 22, 2023.**