

South Dakota Science and Technology Authority Board of Directors
Special Telephonic Meeting Minutes
Friday, July 19, 2024
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 19, 2024, 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

Dr. Ani Aprahamian (joined by phone at 8:03 a.m.)
Vice-Chairperson Dana Dykhouse (by videoconference)
Dr. Chris Fall (joined by phone at 8:01 a.m.)
Secretary/Treasurer Pat Lebrun (by videoconference)
Mr. Roger Musick (by videoconference)
Chairperson Casey Peterson (by videoconference)
Mr. Ron Wheeler (by phone)
Mr. Steve Elliott, *ex-officio*

MEMBERS OF THE BOARD ABSENT

Dr. Lance Roberts, *ex-officio* member

SDSTA STAFF IN ATTENDANCE

Mr. Tim Engel, General Counsel (by phone)
Mr. Mike Headley, Executive Director (by phone)
Mr. Bill Kelly, Business Services Manager (listening post)
Ms. Mandy Knight, Administrative Services Manager (listening post)
Mr. Terry Miller, Chief Financial Officer (listening post)
Ms. Stacy Sandgren, Administrative Assistant (listening post)
Ms. Ann Metli, Communications Director (listening post)
Mr. Mike Ray, Media Relations Manager (by videoconference)

OTHERS IN ATTENDANCE

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

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 Mr. Dana Dykhouse, Dr. Chris Fall, Ms. Pat Lebrun, Mr. Roger Musick, Chairperson Casey Peterson, and Mr. Ron Wheeler. Mr. Steve Elliott, *ex-officio* member, also joined.

Dr. Lance Roberts, *ex-officio* member, was absent.

Chairperson Peterson thanked the board for participating and said the telephonic special board is being held to discuss removal of land use agreements no longer valid and request approval of new easement assignments between SDSTA and the SURF Foundation for the property owned by the SDSTA, City of Lead, and Homestake.

ITEM 1B. INTRODUCE GUESTS (LISTENING POST IN LEAD, VIDEO, AND PHONE)

SDSTA staff present at the Lead Office listening post included: Mr. Bill Kelly, Ms. Mandy Knight, Ms. Ann Metli, and Mr. Terry Miller, and Ms. Stacy Sandgren. Mr. Tim Engel, Mr. Mike Headley, and Mr. Mike Ray joined by videoconference. Ms. Wendy Pitlick joined by phone.

ITEM 1C. PUBLIC COMMENT FORM

No public comment forms were submitted prior to the meeting. Chairperson Peterson said if there are any public comments to raise their hand via Zoom or submit a comment via Zoom Chat during the meeting.

ITEM 2. APPROVE AGENDA

Chairperson Peterson asked for a motion to approve the agenda.

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

Dr. Ani Aprahamian experienced phone difficulties but was able to join at 8:03 a.m.

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. APPROVE MEMORANDUM OF AGREEMENT CONCERNING ROCK CONVEYOR DONATION

Mr. Headley gave an overview of the rock conveyor system donation and said the concerns, including discussion with Department of Energy of the future management of the rock in the Open Cut and the remediation of the West Lab Access Drift, have been addressed. Mr. Headley recommended the Sanford Underground Research Facility Foundation (SURFF) should accept the donation from Thyssen Mining, Inc. (TMI).

Mr. Engel reviewed discussions from past meetings of the potential donation of the rock conveyor system from TMI to SURFF, including the conditions imposed by SURFF for acceptance of the donation. He said general liability insurance of not less than \$11 million will be provided by SDSTA, which is sufficient under the easement with the City of Lead; there is a preliminary indication that amount will be acceptable to Homestake. The inclusion of pollution insurance will be reviewed later although the agreement does not require it. The Memorandum of Agreement between SDSTA and SURFF was sent to board members for review prior to the meeting.

Motion by Mr. Dykhouse and seconded by Dr. Fall to approve the agreement between SDSTA and SURFF relating to acceptance of a rock conveyor system from Thyssen Mining, Inc., and requiring SDSTA to assume responsibility for insurance, maintenance, and other potential liabilities associated with the ownership of the system, and authorizing the executive director to negotiate the final terms and conditions in consultation with the chairperson and legal counsel, and authorize the SDSTA executive director to sign the agreement. Motion passed unanimously by roll call vote.

ITEM 5. TERMINATION OF LAND USE AGREEMENTS (4)

Mr. Engel discussed the Land Use Agreements that were put in place in 2020 between SDSTA and TMI and Kiewit Alberici Joint Venture regarding access to property owned by SDSTA, the City of Lead, and Homestake Mining Company. With the donation of the rock conveyor to SURFF, those agreements are no longer needed. Mr. Engel recommended termination of the Land Use Agreements, which were sent to board members for review prior to the meeting.

Motion by Mr. Musick and seconded by Ms. Lebrun to approve termination of the following land use agreements and authorize the executive director to negotiate final terms and conditions in consultation with the chairperson and general counsel, and to authorize the SDSTA executive director to sign the final agreements—

- *Termination of Land Use Agreement dated December 9, 2020, between SDSTA and TMI for the City of Lead Property.*
- *Termination of Land Use Agreement dated December 4, 2020, between SDSTA and TMI for the Homestake Mining Company Property.*
- *Termination of Land Use Agreement dated December 9, 2020, between SDSTA and TMI for SDSTA Property – TMI.*
- *Termination of Land Use Agreement dated December 9, 2020, between SDSTA and TMI for SDSTA Property – KAJV.*

Motion passed unanimously by roll call vote.

ITEM 6. ASSIGNMENT OF EASEMENTS

Mr. Engel explained new Easement Assignments are needed between SDSTA and SURFF for the property owned by Homestake and the City of Lead. The City of Lead easement does not require the city's consent. The assignment of the Homestake easement does require Homestake's consent, which Mr. Engel will pursue. Mr. Engel clarified the assignment of the Homestake easement will be limited to the location where the conveyor sits and will not allow any access to the Open Cut or to dump rock into the Open Cut. Mr. Engel also explained an easement is required from SDSTA to SURFF for that portion of the conveyor located on SDSTA-owned property. The Easement Assignments were sent to board members for review prior to the meeting.

Motion by Mr. Wheeler and seconded by Mr. Dykhouse to approve the following agreements and authorize the executive director to negotiate final terms and conditions in consultation with the chairperson and general counsel, and to authorize the SDSTA executive director to sign the final agreements—

- *New Easement between SDSTA and SURF Foundation for that portion of the rock conveyor donation located on SDSTA property.*
- *Non-exclusive assignment of easement for Homestake property to SURF Foundation.*
- *Non-exclusive assignment of easement for City of Lead property to SURF Foundation.*

Motion passed unanimously by roll call vote.

ITEM 7. PUBLIC COMMENTS

Chairperson Peterson asked if there were any questions from the public. There were none.

ITEM 8. BOARD COMMENTS

Mr. Wheeler thanked Ms. Wendy Pitlick from the Black Hills Pioneer for the special edition insert of the newspaper regarding the former Homestake Mine and its transition to Sanford Underground Research Facility. Board members who had seen the insert were greatly impressed. Ms. Pitlick said the goal of the article was to tell the history of Sanford Underground Research Facility. Copies are available for sale at the Sanford Lab Homestake Visitor Center. The Pioneer provided those copies to the Visitor Center at a reduced price as a fundraising mechanism for the Visitor Center.

ITEM 9. ADJOURN

Motion by Mr. Musick and seconded by Dr. Fall to adjourn. The motion passed unanimously.

Meeting adjourned at 8:21 a.m. (MT) on July 19, 2024.