

**South Dakota Science and Technology Authority  
Annual Board Meeting  
June 20, 2024**



**SANFORD  
UNDERGROUND  
RESEARCH  
FACILITY**

630 East Summit Street  
Lead, SD 57754



**Call to Order—Chairperson Casey Peterson**

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1A. Call Roll

Dr. Ani Aprahamian  
Mr. Dana Dykhouse  
Dr. Chris Fall  
Ms. Pat Lebrun  
Mr. Roger Musick  
Mr. Casey Peterson  
Mr. Ron Wheeler  
President Steve Elliott/BHSU, ex-officio member  
President James Rankin/SD Mines, ex-officio member

1B. Introduce guests—ask to announce name and affiliation; 2024 Davis-Bahcall Scholar introductions.

1C. Public comment form (submit forms prior to start of board meeting)

Procedure for Public Comment Periods

Pursuant to SDCL 1-25-1 as amended by House Bill 1172 in the 2018 Legislative Session the procedure for conducting public comment periods during meetings of the South Dakota Science and Technology Authority (SDSTA) shall be as follows:

The chair of the SDSTA shall reserve a period for public comment, limited at the chair's discretion, at each meeting.

Before the beginning of the meeting, all persons who wish to make comments during the comment period shall indicate their desire to do so on a form that will be provided by the Executive Director. The form shall indicate the person's name, city of residence and generally describe the matter or matters on which the person wishes to comment.

The amount of time allocated to each interested person who wishes to make comments will be determined at the chair's discretion at each meeting.

Comments must be limited to matters which are under the jurisdiction of the SDSTA.

All persons making public comments at meetings of the SDSTA must do so in a manner that maintains civility. Comments which contain offensive language or profanity will not be tolerated.

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## Procedure for Public Comment and Form

South Dakota Science and Technology Authority

### Procedure for Public Comment Periods

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Adopted June 28, 2018

Full Name:

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City of Residence:

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General Subject Matter of Comments:

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**Approve Agenda—Chairperson Casey Peterson**

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Attached is the SDSTA Board agenda for the June 20, 2024 annual meeting.

*See recommended motion below.*

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**Recommended Action:**

*Motion to approve agenda as presented.*

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## AGENDA

**South Dakota Science and Technology Authority  
Annual Meeting of the Board of Directors  
Thursday, June 20, 2024 at 8:00 a.m. (MT)**

**\*\*Yates Education & Outreach Conference Room\*\***

**Public (Open) Session: 1-669-900-6833, Meeting ID: 605 722 4000, Passcode: 8650, <https://zoom.us/join>**

**NOTICE: Members of the public may listen to the meeting by calling 1-669-900-6833 and entering Meeting ID code: 605 722 4000. Please mute your phone after joining.**

*SDSTA Mission: We advance world class science and inspire learning across generations.*

	<b>Title</b>	<b>Report</b>	<b>Recommendations</b>
1.	Call to order A. Call roll B. Introduce guests including 2024 Davis-Bahcall Scholars  C. Submit public comment form	-- Chair Casey Peterson	<i>1A. Confirm quorum by calling roll 1B. Ask guests to announce their name/ affiliation  1C. Ask if there are any public comment form(s) submitted and announce time will be given at the end of the agenda to discuss</i>
2.	Approve agenda	-- Chair Casey Peterson	<i>Motion to approve agenda</i>
3.	Approve minutes	-- Chair Casey Peterson	<i>Motion to approve the March 21, 2024 minutes</i>
4.	General conflict of interest disclosure	-- Mr. Tim Engel	<i>Informational</i>
5.	Conflict of interest disclosure and waiver under SDCL CH. 3-23	-- Mr. Tim Engel	<i>“Motion to approve or deny” (as appropriate)</i>
6.	Annual appointment of Audit Committee members	-- Chair Casey Peterson	<i>Motion to confirm chairperson’s appointment of audit committee members</i>
7.	Financial Report A. Review financial statements  B. Approval of FY2025 budget	-- Mr. Mike Headley -- Mr. Terry Miller  -- Mr. Terry Miller	<i>7A. Motion to accept financial report as presented 7B. Motion to approve FY2025 budget as presented</i>

Please do not place or accept cell phone calls during this meeting. A copy of this agenda has been posted in a manner visible to the public at the entrance to the South Dakota Science and Technology Authority office located at 630 East Summit Street, Lead, South Dakota at least 72 hours prior to this meeting. Telephone: (605) 722-8650.

**Annual Meeting of the Board of Directors  
Thursday, June 20, 2024 at 8:00 a.m. (MT)**

<b>8.</b>	<p>SURF Foundation (SURFF)</p> <p><b>A.</b> Foundation update</p> <p><b>B.</b> Approve Memorandum of Agreement concerning rock conveyor donation</p>	<p>-- Ms. Michelle Kane</p> <p>-- Mr. Tim Engel</p>	<p><i>8A. Informational</i></p> <p><i>8B. Motion to approve 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</i></p>
<b>9.</b>	<p>Report from Executive Director</p> <p><b>A.</b> Declaration of Surplus (2)</p> <p><b>B.</b> SDSTA quarterly update</p> <p><b>C.</b> E&amp;O update</p> <p><b>D.</b> Sacred Circle planting update</p>	<p>-- Mr. Mike Headley</p> <p>-- Ms. Nicol Reiner</p> <p>-- Ms. Rochelle Zens</p>	<p><i>Informational</i></p> <p><i>Informational</i></p> <p><i>Presentation</i></p> <p><i>Informational</i></p> <p><i>Motion to accept executive director's report</i></p>
<b>10.</b>	<p>SDSTA policies and procedures</p> <p><b>A.</b> Annual review of PY &amp; PP</p> <p><b>B.</b> Annual statements affirming compliance with Financial Conflict of Interest policy</p>	<p>-- Mr. Mike Headley</p>	<p><i>10A. Motion to approve updated policies; reference board packet</i></p> <p><i>10B. Each board member to sign a copy of the Financial CoI statement</i></p>
<b>11.</b>	<p>Approval of FY2025 Office of Risk Management Intergovernmental Agreement</p>	<p>-- Mr. Mike Headley</p>	<p><i>Motion to approve FY2025 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 the agreement</i></p>
<b>12.</b>	<p>Report from nominating committee</p>	<p>-- Vice Chair Dykhouse</p>	<p><i>Slate of officers recommended:</i></p> <p><i>Chairperson: Mr. Casey Peterson</i></p> <p><i>Vice-Chairperson: Mr. Dana Dykhouse</i></p> <p><i>Secretary Treasurer: Ms. Patricia Lebrun</i></p>
<b>13.</b>	<p>Election of officers</p>	<p>-- Chair Casey Peterson</p>	<p><i>Elect officers as described in procedure adopted August 2008; reference board packet</i></p>

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**Annual Meeting of the Board of Directors  
Thursday, June 20, 2024 at 8:00 a.m. (MT)**

14.	Executive session <i>(closed meeting)</i>	-- Chair Casey Peterson	<i>Motion to enter executive session to discuss personnel matters and to consult with legal counsel concerning contractual and legal matters—SDCL 1-25-2(1), (3) and (4); 19-19-502</i>
15.	Report from executive session	-- Chair Casey Peterson	<i>“The board consulted with legal counsel concerning contractual and legal matters. No action was taken.” OR ...as discussed and stated otherwise</i>
16.	Termination of land use agreements (4)	-- Mr. Tim Engel -- Mr. Mike Headley	<i>Motion 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—</i> <ul style="list-style-type: none"> <li>• <i>Termination of Land Use Agreement dated December 9, 2020 between SDSTA and TMI for the City of Lead Property</i></li> <li>• <i>Termination of Land Use Agreement dated December 4, 2020 between SDSTA and TMI for the Homestake Mining Company Property</i></li> <li>• <i>Termination of Land Use Agreement dated December 9, 2020 between SDSTA and TMI for SDSTA Property – TMI</i></li> <li>• <i>Termination of Land Use Agreement dated December 9, 2020 between SDSTA and TMI for SDSTA Property – KAJV</i></li> </ul>
17.	Assignment of easements (3)	-- Mr. Tim Engel -- Mr. Mike Headley	<i>Motion 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—</i> <ul style="list-style-type: none"> <li>• <i>New Easement between SDSTA and SURF Foundation for that portion of the rock conveyor donation located on SDSTA property</i></li> </ul>

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**Annual Meeting of the Board of Directors  
Thursday, June 20, 2024 at 8:00 a.m. (MT)**

			<ul style="list-style-type: none"> <li>• <i>Non-exclusive assignment of easement for Homestake property to SURF Foundation</i></li> <li>• <i>Non-exclusive assignment of easement for City of Lead property to SURF Foundation</i></li> </ul>
18.	Confirm date and time of next meeting	-- Chair Casey Peterson	<i>Thursday, September 19, 2024 at 8:00 a.m. (MT)—meeting held in SURF’s E&amp;O large conference room</i>
19.	Public comments	-- Chair Casey Peterson	
20.	Board comments	-- Chair Casey Peterson	
21.	Adjourn	-- Chair Casey Peterson	<i>Motion to adjourn</i>

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**Annual Meeting of the Board of Directors  
Thursday, June 20, 2024 at 8:00 a.m. (MT)**

**SDSTA Board Member Terms of Service, Committees and Schedule**

<b>Board Members and Terms of Service</b>			
	<b>Board Members</b>	<b>Appointed</b>	<b>Term Expires</b>
1.	Dr. Ani Aprahamian	Re-appointed January 7, 2022	December 9, 2027
2.	Mr. Dana Dykhouse, Vice-Chair	Re-appointed August 15, 2020	August 14, 2026
3.	Dr. Chris Fall	Appointed December 1, 2021	August 8, 2027
4.	Ms. Patricia Lebrun, Secretary-Treasurer	Re-appointed August 8, 2022	August 8, 2028
5.	Mr. Roger Musick	Reappointed August 8, 2022	August 8, 2028
6.	Mr. Casey Peterson, Chair	Re-appointed December 1, 2021	August 8, 2027
7.	Mr. Ron Wheeler	Re-appointed April 28, 2020	April 9, 2026
8.	<i>Mr. Steve Elliott, ex-officio member</i>	<i>Black Hills State University (BHSU) President</i>	
9.	<i>Dr. James Rankin, ex-officio member</i>	<i>South Dakota School of Mines &amp; Technology (SD Mines) President</i>	
<b>Committees and Members (2023-2024)</b>			
	Audit Committee Members (Selected in June):	Nominating Committee Members (Selected in March):	
	➤ Pat Lebrun-Chair	➤ Dana Dykhouse	
	➤ Dana Dykhouse	➤ Roger Musick	
	➤ Roger Musick		
	➤ Casey Peterson, ex-officio		
<b>2024 Board Schedule</b>			
	Thursday, March 21, 2024	8:00 am (MT)	SURF E&O Bldg
	Thursday, June 20, 2024 — Annual Meeting	8:00 am (MT)	SURF E&O Bldg
	Thursday, September 19, 2024	8:00 am (MT)	SURF E&O Bldg
	Thursday, December 12, 2024	8:00 am (MT)	SURF E&O Bldg

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**Approve Minutes—Chairperson Casey Peterson**

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Attached are the March 21, 2024 Minutes for approval.

*See recommended motion below.*

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**Recommended Action:**

*Motion to approve the March 21, 2024 Minutes as presented.*

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**South Dakota Science and Technology Authority Board of Directors**  
**Meeting Minutes**  
**Thursday, March 21, 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 Thursday, March 21, 2024, in the Education and Outreach (E&O) Building Conference Room at the SDSTA, 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 in person or join by telephone or videoconference.

**MEMBERS OF THE BOARD IN ATTENDANCE**

Dr. Ani Aprahamian (by videoconference)  
Dr. Chris Fall (in person)  
Secretary/Treasurer Patricia Lebrun (by videoconference)  
Mr. Roger Musick (by videoconference)  
Chairperson Casey Peterson (in person)  
Dr. James Rankin, ex-officio (in person)  
Mr. Ron Wheeler (by phone)

**MEMBERS OF THE BOARD ABSENT**

Mr. Dana Dykhouse  
Mr. Steve Elliott, ex-officio

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

Ms. Christine Burger, Human Resource Manager (in person)  
Mr. Tim Engel, SDSTA General Counsel (in person)  
Ms. Stacie Granum, The Institute Program Manager (in person)  
Mr. Mike Headley, SDSTA Executive Director and SURF Laboratory Director (in person)  
Dr. Jaret Heise, Science Director (in person)  
Ms. Michelle Kane, SURF Foundation Director (in person)  
Ms. Mandy Knight, Administrative Services Manager (in person)  
Mr. Will McElroy, Deputy Director of Operations (in person)  
Ms. Ann Metli, Communications Director (in person)  
Mr. Terry Miller, Chief Financial Officer (in person)  
Mr. Al Stratman, Engineering Director (in person)

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

Mr. Adam Gollofon, SURF Foundation Board Member (by phone)  
Ms. Wendy Pitlick, Black Hills Pioneer Journalist (in person)  
Mr. Joshua Willhite, Fermilab LBNF FSCF-BSI Project Manager (in person)  
Dr. Robert Wilson, SURF Foundation Board Member (by phone)

**ITEM 1. CALL TO ORDER**

Chairperson Casey Peterson called the meeting to order at 8:00 a.m. (MT). Roll call was held.

Dr. Chris Fall, Chairperson Casey Peterson, and Dr. James Rankin were present in person. Ms. Lebrun, Mr. Roger Musick, and Mr. Wheeler joined via Zoom. Dr. Ani Aprahamian joined the meeting by videoconference at 8:05 a.m. Mr. Dana Dykhouse and Mr. Steve Elliott were absent. Chairperson Peterson then asked guests to introduce themselves. He said if any of the guests had any questions or

comments for the board to address, time will be given at the end of the agenda to discuss. No public comment forms were submitted.

## **ITEM 2. APPROVE AGENDA**

Chairperson Peterson asked for a motion to approve the agenda.

*Motion by Dr. Fall and seconded by Ms. Lebrun to approve the agenda. Motion passed unanimously.*

## **ITEM 3. APPROVE MINUTES**

Chairperson Peterson asked if there were any comments on the December 14, 2023, Minutes. Hearing none, he asked for a motion to approve the minutes as presented.

*Motion by Mr. Musick and seconded by Mr. Wheeler to approve the December 14, 2023, minutes as presented. Motion passed unanimously.*

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

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.

There were no disclosures.

## **ITEM 5. CONFLICT OF INTEREST DISCLOSURE AND WAIVER UNDER SDCL CH. 3-23**

Mr. Engel said, in regard to disclosures and waivers under SDCL Ch. 3-23, he polled the board members prior to the meeting and no disclosures were made.

## **ITEM 6. REPORT FROM AUDIT COMMITTEE**

### **ITEM 6A. AUDIT REPORT-FISCAL YEAR ENDED JUNE 30, 2023**

Ms. Lebrun said the audit report was presented to the Board at the December 14, 2023, meeting for discussion and it is now being presented for approval. Eide Bailly performed the independent audit and reviewed the policies and procedures—it was a clean audit.

Chairperson Peterson congratulated the SDSTA team for a clean audit.

*Motion by Ms. Lebrun and seconded by Mr. Musick to accept the Audit Report for the Fiscal Year Ended June 30, 2023, as reviewed and discussed at the December 14, 2023, board meeting. Motion passed unanimously.*

## **ITEM 7. FINANCIAL REPORT—JANUARY FINANCIAL STATEMENTS**

SDSTA Chief Financial Officer Mr. Miller said financial statements for the January 31, 2024, reporting period were included in the board packet and consist of the Cooperative Agreement (CA) SPA Curve Analysis, Balance Sheet, Income Statements, and Comparatives. As of January, the SPA Curve shows actual cumulative expenses at \$103,000,000.00, which is lower than the budgeted \$105,000,000.00 by \$1,900,000.00. With Congress operating under a continuing resolution, critical upgrade projects were held back. Moving forward with SDSTA projects, this underrun will be spent by the end of federal FY2024.

He noted on the balance sheet, the balance of the SB35 appropriation of \$13,000,000.00 for 4850L expansion is \$11,800,000.00. SDSTA spent \$1,200,000.00 on long lead items Thyssen Mining Inc. (TMI) will need for the expansion work. He said the other current asset category has grown from the previous month by almost \$800,000.00 due to liability insurance and prepaids, as well as the owners interest policy (OIP) insurance premium for the Deep Underground Neutrino Experiment (DUNE)

project. SDSTA is awaiting payment of Fermi Research Alliance, LLC's remaining share of the OIP premium.

Mr. Miller said on the income statement, the miscellaneous expenses and donations category includes assets recorded and purchased with CA dollars. Two big infrastructure improvement projects (IIPs), totaling approximately \$2,400,000.00, are the 3650 Level Pump Room project and the East Switchyard project.

In regard to the Comparative Balance Sheet, other accounts receivable has a large decrease from the prior year of \$2,700,000.00. This was primarily from the sale of excess xenon that was in receivables. Total Fixed Assets are higher by \$3,500,000.00 when comparing the two time frames. The large increase is from the Department of Energy property transfer and three IIPs: the Tuck-Pointing Roof Drain project, the East Switchyard project, and the purchase of the deep well pump and motor. He also noted there was an increase in depreciation expense of approximately \$1,900,000.00.

Reviewing the comparative income statement, labor expenses are larger due to additional new hires and salary increases over last year; benefits also increased as well as health insurance costs as SDSTA is paying for the employees' share of health insurance premiums. As an additional benefit, employees have the option to cash out up to 40 hours of earned vacation per year.

Lastly, Mr. Miller said the Operating Budget Analysis year-to-date is under budget by \$2,500,000.00 due to the SURF Artist-in-Residence program and the Center for Underground Theoretical Physics \*and Related Areas (CETUP\*) Workshop to be held this summer, as well as a shortage in staffing for the SURF Foundation and Quality Assurance/Quality Control Office. He then asked if there were any questions.

Chair Peterson asked what is the East Switchyard? Engineering Director Mr. Al Stratman responded that an old, vulnerable Homestake electrical power feeder line that ran along Kirk Canyon needed to be replaced with a new underground line that now runs below the Yates Yard to the electrical distribution substation.

Chair Peterson asked if there are other items other than the IIPs that are not capitalized? Mr. Miller replied there is nothing material apart from the IIPs. He also mentioned that the IIPs are capitalized at the end of each fiscal year in June.

Dr. Fall asked if the staff salary and benefit increases were the result of a comparative analysis? SDSTA Executive Director Mr. Mike Headley replied in the first CA, there was only a 2% escalation built in for labor costs. It was not predicted that regional inflation in a three-year period during COVID would total over 18% and the Consumer Price Index would be well over two percent—it has been a challenge. He said SDSTA had to creatively find ways to put more money into staff members pockets; one way is to reduce the amount of money employees pay for benefits. Mr. Headley said SDSTA recently upgraded the tool set used for salary analysis which provides national level data; it is a full-blown version of PayScale. Human Resources Manager Ms. Chris Burger concurred and said it is something SDSTA will continually monitor. The new system gives SDSTA real data about comparative value – the market value of positions. She said the team has done a full analysis on all positions and adjustments were made with the hope of more changes to come with the new CA.

Chairperson asked if there were any further questions and there were none.

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

## ITEM 7. SURF FOUNDATION STATUS UPDATE

SURF Foundation Director Ms. Michelle Kane began her presentation by reminding the Board the Foundation is SDSTA’s nonprofit arm of SURF. The Foundation raises funds to support public outreach, working with grant makers, other foundations, corporate partnerships, businesses, families, and individuals who are passionate about activities at SURF. She said as shared at the last board meeting in December, the Foundation has started to categorize some of the programs and projects the Foundation supports. One of the programs is The Institute for Underground Science at SURF staffed by Program Manager Stacie Granum who started in late December 2023, and includes: 1) Neutrino Day scheduled for July 13—fundraising outreach is happening now, and the goal is \$25,000.00, with \$2,000.00 committed/secured. 2) Deep Talks: Monthly Public Science Talks at the Sanford Lab Homestake Visitor Center, October through April—the goal is \$5,500.00 and \$5,500.00 is secured for 2024. 3) Deep Roots: Monthly Public Science and Cultural Talks at the Sacred Garden and Sanford Lab Homestake Visitor Center, May through September—fundraising outreach is happening now, and the goal is \$2,000.00 in programming. 4) Artist-in-Residence (AiR) Program announcement was made in January 2024, fundraising outreach is happening now, and the goal is \$10,000.00.

Ms. Kane then highlighted Community Engagement & Events: 1) 2024 Internships—Fundraising outreach is happening now, the goal is \$30,000.00, and approximately \$6,000.00 is secured. 2) 2024 Davis-Bahcall Scholars Program—fundraising outreach is happening now, and the goal is \$25,000.00. 3) Teacher Professional Development—fundraising outreach is happening now, and the goal is \$25,000.00.

In regard to Education and Student Development, Ms. Kane briefly discussed: 1) The CETUP\* Workshop to be held June 17 through July 22, 2024 in Lead—Dark Matter & Neutrino Physics focus, fundraising outreach is happening now, and the goal is \$100,000.00 with \$2,500.00 committed. She said there are 74 attendees registered for the workshop. 2) QuarkNet Conference is May 30 through June 3, 2024, at SURF—fundraising outreach is happening now, and the goal is \$2,000.00. She said this is a new program and SURF has invited ten lead science educators onsite for the first time.

Next, Ms. Kane mentioned the Friend of SURF Initiative and said the goal is to have a donor, a sponsor, or a SURF advocate in every state by the end of 2024. She pulled up a map of the USA and said she hoped to have a checkmark on every state as they expand their reach. She said they are working with past interns, past Davis Bahcall scholars, and researchers that have visited SURF, to reengage with them and get testimonials and stories to better promote the programming.

She concluded with goals for the next three months. The Foundation will continue to work with the SDSTA Communications Department to “sell” the story of SURF, fundraising drives for the programs discussed earlier, research available grant opportunities working with Ms. Granum on programs at the Institute, update the Foundation website as the new branding logo is launched, and improve the user experience by finding easier ways to donate.

Dr. Fall asked if there is a main sponsor for Neutrino Day and Ms. Kane replied Black Hills Energy has been a continual key sponsor. Dr. Fall also asked if DOE is a sponsor? Ms. Kane said no but further conversation should follow as to whether DOE could be a sponsor for Neutrino Day or one of the other programs mentioned during the presentation.

Mr. Wheeler asked if there is a financial statement for the SURF Foundation in the same form as SDSTA? Mr. Headley replied yes, and it has been provided to the SURF Foundation board. Mr. Headley said the Foundation statement will be included in the SDSTA quarterly board packets going forward and thanked Mr. Wheeler for the suggestion.

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

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

Mr. Headley began his presentation with SURF highlights and said recent accomplishments include: 1) An achievement of 1,000,000 work hours across SDSTA staff, contractors, and researchers without a lost time injury—this is the first time for SDSTA. He said TMI achieved the same safety record with the excavation activities, which says a lot about the safety culture and performance at SURF.

2) The federal FY2024 budget which was recently adopted includes \$35,000,000.00 for SURF. Mr. Headley said the split is \$26,000,000.00 for day-to-day operations and \$9,000,000.00 for IIPs.

3) The 4850L Ross Station Brow excavation is completed. The Brow work raises the ceiling to be able to offload long materials for the cryostat and other work. He said TMI did a wonderful job and equipment demobilization is underway.

4) SDSTA is handling a significant number of loads to supply LBNF with concrete installation now that the excavation phase is complete.

5) Planning discussions continue with Building and Site Infrastructure and Far Detectors and Cryogenic Infrastructure teams. They will install the detectors, but SDSTA will play a big role in the logistics of moving all of the material underground.

6) Yates Shaft Top-down maintenance (TDM) is below the 1850L, and the crews are making great progress. SDSTA is working to establish access to the 1700L for Caterpillar.

7) The next five-year CA proposal was submitted in January and a successful DOE CA renewal site visit was held on March 4-7. The site visit focused primarily on getting the reviewers out on the site, both on the surface and underground. As they review the 500 plus page proposal that was submitted, it will help the reviewers to have context for the IIPs that were strongly emphasized, their prioritization, and why the IIPs are needed.

8) The 4850L expansion mobilization is underway, which Mr. Stratman will discuss in his presentation.

9) Mr. Headley stated Marty Two Bulls, Jr. has been selected as the 2024 Artist in Residence. He is a well-known Native American artist from Rapid City.

10) The Outreach & Culture Department is planning a Higher Education Workshop on April 4 with seven state institutions set to participate. Additionally, more outreach effort is happening with universities in the state. For example, SDSTA Science Director Dr. Jaret Heise and Mr. Headley met with Dakota State University earlier in the week to discuss expanding partnerships with work being done at SURF. Also, SD Mines President Dr. Rankin and Mr. Headley talked this morning and will have additional conversation this spring to learn if there are additional possibilities to partner with SD Mines.

11) Education & Outreach worked with 11,189 students, with a goal of 16,000 by the end of June. They have made great progress again this year.

12) 2024 CETUP\* workshop planning is well underway with 74 participants registered as Ms. Kane mentioned earlier. Last year was a very successful effort, but SDSTA is planning for an even better conference this year with an additional week. Mr. Headley concluded with photos of the Ross Shaft progress and the Yates TDM progress.

Dr. Fall asked how much a Yates Shaft rebuild will cost? Mr. Headley said approximately \$200,000.00, which includes refurbishment of the hoists, a steel shaft, and 40% contingency.

Mr. Wheeler asked what was the cost to rebuild the Ross Shaft? Mr. Headley replied it was \$75,000,000.00, but it was self-performed. The Yates Shaft would not be self-performed.



Chairperson Peterson asked about the Tech Hub. The SDSTA is part of a consortium led by Elevate Rapid City; the consortium was awarded a \$500,000.00 Tech Hubs Strategy Development Grant through the U.S. Department of Commerce's Economic Development Administration. The Tech Hubs Program, authorized by the CHIPS and Science Act, is investing in regional projects and aims to transform them into globally competitive innovation centers. Mr. Headley said the Memorandum of Understanding (MOU) has been circulated among parties and a request for proposal will be advertised to select a consulting firm. Over an 18-month period, the consortium will work with a consultant to develop a proposal to get funding and designate the Black Hills as a Tech Hub. He noted that SDSTA plays a support role.

Mr. Headley answered additional questions and then Dr. Rankin congratulated the SDSTA team on the safety hours achievement.

#### **ITEM 9B. 4850L EXPANSION CONSTRUCTION UPDATE**

Mr. Headley introduced SDSTA Engineering Director Mr. Al Stratman. He provided a presentation on the 4850L SURF Underground Laboratory Expansion and began by explaining the two phases that would develop cavern spaces for science: 1) Phase A: By-Pass Drift for ventilation, waste rock handling/access development, and set-up for Phase B mobilization. He said it is a six-month duration with a 2024 excavation timeframe and would not interrupt current science activities. 2) Phase B: Construction of two large science-detector caverns, utility areas, primary access drifts. He said the execution timeframe for Phase B is to be determined.

Mr. Stratman said key design parameters for Phase A include the following: 1) Provide isolation from existing Science/Operations during excavations. 2) Provide separate, uncontaminated ventilation for all users, plus considerations for future cavern excavation. 3) Plan for future cavern excavation, larger equipment, rock dump development, and access/mobilization. 4) Consider geotechnical impacts based upon the proximity of excavation to the Ross Shaft and Ross Ore Pass. 5) All muck generated by Phase A excavations will be stored underground. He pointed out there will be no skipping of material to the surface.

He discussed the By-Pass Drift Excavation Phases and said there are two phases to the actual operation. 1) Breakout Excavations – Shop, Muck Bay, Multi-niche. This is the early excavations that will occur. 2) Main By-Pass Drift & 18x18 Ore Pass development. He said this excavation moves towards the Ross. If there is funding available, the 12x13 East Drift extension will be extended. He said approximately 8,800 loose yards of material (8% overbreak) will be generated from the excavation. It will be stored in 17 Ledge and the material will be hauled using rail cars.

He reviewed key aspects of the Project Schedule Summary. 1) The Design/Planning Phase – 7 months, June – December 2023. 2) Early Procurements – 6 months, August 2023 – January 2024. 3) Construction Phase – 6 to 7 months, starting with mobilization in March, preparation, breakout excavation, primary excavation, demobilization and then close-out in October.

Mr. Stratman concluded his presentation with Project Status: 1) 100% Design Report was received in mid-January 2024. 2) TMI construction contract was awarded and a Notice to Proceed issued on February 21, 2024. 3) TMI onboarding training and mobilization was on March 14-16, 2024. 4) First shifts underground started on March 17, 2024, mobilizing equipment and supplies. He said the TMI workforce is 44 people; 12 people per shift and a 24-7 operation. He said it is a time and materials type contract and it is the best method of acquisition to reduce cost and manage the risk for a project like this.

Chairperson Peterson thanked Mr. Stratman.

## **ITEM 9C. LONG-BASELINE NEUTRINO FACILITY/DEEP UNDERGROUND NEUTRINO EXPERIMENT (LBNF/DUNE) UPDATE**

Mr. Headley then introduced Far Site Conventional Facilities (FSCF BSI Project Manager Mr. Joshua Willhite. He said he has the pleasure of bragging a little bit today as Mr. Headley had alluded to earlier—LBNF has reached a substantial milestone with the completion of the drill and blast excavation for this phase of the project.

He began his presentation with an illustration of the “Big Picture”. He said the Long-Baseline Neutrino Experiment/Deep Underground Neutrino Experiment (LBNF/DUNE) 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). He said there are five subprojects: Two subprojects are at Fermilab: 1) NSCF+B – Near Site Conventional Facilities and 2) Beamline and ND – Near Detectors). Three subprojects are at the Lead site: 1) FSCF EXC – Far Site Excavation, which is nearly complete, 2) FSCF BSI – Far Site Building & Site Infrastructure and 3) FDC – Far Detectors and Cryogenic Infrastructure.

Mr. Willhite summarized the end goal is to study neutrinos by generating a beam of neutrinos at Fermilab outside of Chicago and detect those as they reach SURF in Lead, South Dakota. He showed a graphic of the LBNF DUNE experiment’s location on a map and gave an excavation overview explaining the enormous size of the excavations in the North/South Caverns and Central Utility Cavern. He said North Cavern will have 100% concrete poured next week. Worth noting, and one of the beauties of working at this site, is that they did not encounter any water that did not dry up within a matter of a couple of days working with these enormous excavations. He said this is a great benefit to science not to have to deal with water issues.

Mr. Headley gave a shout out to the SDSTA Communications Department, specifically Creative Services Lead Mr. Matt Kapust and Multimedia Specialist Mr. Stephen Kenny, for the incredible photos and footage of the DUNE site. Mr. Willhite referenced a video of the excavation site, which will be? was later forwarded to board members along with photos. He said the Ross Brow mentioned earlier was the last and one of the riskier parts of the excavation phase that ended well.

Mr. Willhite reviewed a few statistics regarding excavation quantities and then discussed the next phase, Building and Site Infrastructure (BSI) Status: 1) They expect to begin surface work in April as weather allows (site civil work around Ross Headframe). 2) They will mobilize underground as soon as concrete work is completed and TMI demobilizes their equipment in late July. 3) 87% of the scope has been proposed or awarded and there is a steady flow of submittals to order materials. 4) The priority will be to prepare the South Cavern for cryostat erection, such as the required installation of sprinklers, fire alarms, elevator, and overhead cranes.

He then reviewed the Far Detectors and Cryogenics (FDC) status: 1) Most of the cryostat steel has been fabricated, with much already starting its journey to South Dakota. 2) A warehouse has been established in Rapid City to store materials until ready for installation. 3) Final design for production is ongoing for cryogenic systems and detector components. 4) SDSTA is supporting test lifting of a model cryostat beam. He concluded his presentation with photos of steel, anode plane arrays for the detectors, and prototypes of cryostats at CERN. He answered a few questions and emphasized all this work was also done with a million hours of non-serious injuries, and he is very proud of that fact.

Mr. Musick asked if the LBNF/DUNE videos and photos were available? Links to the video and photos were forwarded to the board during the meeting.

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

## **ITEM 10. SELECT NOMINATING COMMITTEE**

Chairperson Peterson said he asked Mr. Dykhouse and Mr. Musick to serve on the nominating committee. Mr. Musick confirmed his willingness to serve on the committee, and he is awaiting a response from Mr. Dykhouse. The nominating committee will report to the board at the June 20, 2024, annual board meeting when the election of officers will be held.

## **ITEM 11. EXECUTIVE SESSION**

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

*The board recessed at 9:11 a.m. for a ten-minute break and then entered into executive session.*

*The board reconvened in open session at 10:29 a.m.*

## **ITEM 12. REPORT FROM EXECUTIVE SESSION**

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

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

Chairperson Peterson noted that Dr. Rankin excused himself from a discussion during executive session due to a potential conflict.

## **ITEM 13. APPROVE RISK TRANSFER PROTOCOLS**

Mr. Engel said the board approved a version of the Risk Transfer Protocols in June of last year. Since then, they were submitted to DOE and FRA, resulting in significant feedback and several requests for changes. He said in his opinion, most of the changes were procedural; there are not a lot of substantive changes which will result in increased risk for SDSTA. Changes were vetted with the SD Office of Risk Management and Colliers Insurance. The updated draft with all the changes was submitted in this board packet. Mr. Engel said if the board approves the risk transfer protocols today, the draft will be sent to DOE; DOE approval is required by virtue of the Land Lease with DOE. Upon DOE approval, the draft will be sent to Homestake as required by the PDA, with a 30-to-45-day deadline for review.

*Motion Mr. Wheeler and seconded by Ms. Lebrun to approve the revised Risk Transfer Protocols manual as presented. Motion passed unanimously.*

## **ITEM 14. CONFIRM DATE AND TIME OF NEXT MEETING**

Chairperson Peterson reminded the board of the next meeting, scheduled for Thursday, June 20, 2024, at SURF in the Education & Outreach large conference room. He asked board members to reply regarding availability to confirm a quorum. Dr. Fall replied he will be unable to attend the June meeting.

## **ITEM 15. PUBLIC COMMENTS**

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

## **ITEM 16. BOARD COMMENTS**

Ms. Lebrun said she was in Sioux Falls for a function at the Washington Pavilion last week. She visited the water exhibit, and it was a joy watching the children play. (The SDSTA signed a five-year contract to sponsor a 1,000-foot space at the Washington Pavilion for the water exhibit). She then said the



progress being made at SURF is remarkable. Also, the scale of the caverns underground is mind-boggling. She commented the presentations by Mr. Stratman and Mr. Willhite were excellent.

Dr. Aprahamian said she has been following the progress at SURF and it is impressive.

Dr. Fall said it was a great discussion.

Mr. Musick said it was a good meeting and really likes the photos that were sent to the board.

Mr. Wheeler appreciated the good meeting.

Dr. Rankin said it was an informative meeting as always and reiterated that the safety record at SURF is impressive.

Mr. Headley thanked Ms. Knight for her assistance with the board meeting, Mr. Engel for his time with the state legislators, and the board for their continued support.

Chair Peterson thanked the board and the SDSTA team. He wished everyone good luck for the future and to keep up the great work.

#### **ITEM 17. ADJOURN**

Chairperson Peterson called for a motion to adjourn.

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

**Meeting adjourned at 10:37 a.m.**



**Conflict of Interest Disclosure—Mr. Tim Engel**

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Invite members of the board to disclose anything that might be construed to be a conflict of interest relative to their role on the board.

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**Recommended Action:**  
*Informational.*

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**Disclosures Under SDCL CH. 3-23—Mr. Tim Engel**

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*See recommended motion below.*

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**Recommended Action:**

*Motion to approve or deny as appropriate.*

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**Audit Committee Members—Chair Casey Peterson**

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Annual appointment of Audit Committee members. (*see recommended motion below*)

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**Recommended Action:**

*Motion to confirm chairperson's appointment of audit committee members.*

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**Financial Report—Mr. Headley and Mr. Terry Miller**

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The Financial Report includes the following:

7A. Financial Summaries for April 2024, *attached*.

7B. Approval of FY2025 budget, *attached*.

*(see suggested motion below)*

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**Recommended Action:**

*7A. Motion to accept financial report as presented.*

*7B. Motion to approve FY2025 budget as presented.*

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# Financial Summaries - Appendix B

REPORT DATE 5/13/2024

SOUTH DAKOTA SCIENCE & TECHNOLOGY

PAGE 0001

DIVISION: ALL

BALANCE SHEET

## ASSETS

AS OF  
4/30/2024

### CURRENT ASSETS

First Interstate Checking	\$	2,295,999.37
		-----
Total in Local Checking		2,295,999.37
SD Treas: Indemnification		7,500,000.00
SD Treas: Mine Closure		1,567,504.94
SD Treas: Operating		1,643,238.62
SD Treas: SB35 Appropriation		10,515,475.07
SD Treas: Experiments		550,878.65
		-----
Total with SD Treasurer		21,777,097.28
Billed A/R		1,677,361.31
Unbilled A/R		1,065,832.04
Other A/R		655,551.79
Inventory - Supplies		3,300,161.33
Inventory - Warehouse		494,153.11
Other Current Assets		1,665,926.38
		-----
Total Current Assets		32,932,082.61

### FIXED ASSETS

Land, Underground & Other	12,793,484.40
Bldgs & Infrastructure	19,215,582.35
Improvements	63,312,036.57
Work in Progress	6,039,722.86
Computer Equipment	366,435.18
Equipment & Fixtures	10,190,126.39
DOE Property Transfer	10,311,197.32
Accum Depr & Amort	(25,029,617.06)
DOE Prop. Accum Deprec.	(1,341,659.10)
	-----
Total Fixed Assets	95,857,308.91

### OTHER ASSETS

Asset Retirement Obligation Deferred Outflows	1,129,637.92
Asset Retirement Obligation Accumulated Depr.	(37,654.60)
Pension Deferred Outflows	5,823,104.49
Xenon Purchased	8,687,833.46
	-----
Total Other Assets	15,602,921.27

### TOTAL ASSETS

	\$	144,392,312.79
		=====

DIVISION: ALL

BALANCE SHEET

LIABILITIES & EQUITY

AS OF  
4/30/2024

CURRENT LIABILITIES		
Accounts Payable	\$	3,172,385.77
Other Payables		5,064.48
		-----
Total Accounts Payable		3,177,450.25
Accrued Payroll Liab		2,456,635.03
		-----
Total Current Liabilities		5,634,085.28
OTHER LIABILITIES		
LT Xenon Notes Payable		3,121,190.01
Pension Deferred Inflows		3,447,916.22
Asset Retirement Obligation		1,196,884.99
		-----
Total Other Liabilities		7,765,991.22
EQUITY		
Restricted: Indemnification		7,500,000.00
Restricted: SB35 Appropriation		10,515,475.07
Restricted: Mine Closure		1,567,504.94
Restricted: Pension		2,375,188.27
Restricted: Experiment. Int.		550,878.65
		-----
Total Restricted Funds		22,509,046.93
Investment in Gen FA		95,857,308.91
Unrestricted Funds		12,625,880.45
		-----
Total Equity		130,992,236.29
TOTAL LIABILITIES & EQUITY		
	\$	=====
		144,392,312.79
		=====

ALL

## STATEMENT OF INCOME

FOR THE PERIOD ENDING 4/30/2024

	YR-TO-DATE
	-----
REVENUE	
DOE Subcontracts	\$ 32,793,303.66
Checking Interest	6,288.28
Interest Income	306,511.45
	-----
TOTAL REVENUE	33,106,103.39
DIRECT COSTS	
Direct Labor	8,318,911.31
Board of Directors	8,418.71
Capital Outlay >\$5K	1,492,839.79
Contractual Svcs	9,558,365.19
Inventory	254,304.14
Supplies	1,839,971.47
Travel - Domestic	111,312.12
Travel - Foreign	12,773.21
Utilities	1,877,616.19
Other Direct Costs	233,860.58
Unallow/Unbill Costs	186,994.12
	-----
TOTAL DIRECT COSTS	23,895,366.83
INDIRECT COSTS	
Fringe Benefits	7,536,138.97
Overhead	9,574,575.80
	-----
TOTAL INDIRECT COSTS	17,110,714.77
	-----
GROSS PROFIT/LOSS ( )FROM OPERATIONS	(7,899,978.21)
	-----
OTHER INCOME	
Water Treatment	181,833.32
Miscellaneous Income	31,760.23
Other Operating Income	130,617.62
	-----
TOTAL OTHER INCOME	344,211.17
OTHER EXPENSES	
Misc. Expenses & Donations	(3,311,382.54)
Loss (Gain) on Sale of FA	139,191.34
Other Unallowable Expense	503,816.47
Reclass Incr Net Assets	(502,512.31)
	-----
TOTAL OTHER EXPENSES	(3,170,887.04)
	=====
NET INCOME/LOSS ( )	\$ (4,384,880.00)
	=====

DIVISION: ALL

COMPARATIVE BALANCE SHEET

ASSETS

	AS OF 04/30/24	AS OF 04/30/23	\$ CHANGE	% CHANGE
<b>CURRENT ASSETS</b>				
First Interstate Checking	\$ 2,295,999.37	\$ 3,633,324.54	\$ (1,337,325.17)	-36.81%
Total in Local Checking	2,295,999.37	3,633,324.54	(1,337,325.17)	-36.81%
SD Treas: Indemnification	7,500,000.00	7,500,000.00	-	0.00%
SD Treas: Mine Closure	1,567,504.94	1,533,566.14	33,938.80	2.21%
SD Treas: Operating	1,643,238.62	1,386,598.52	256,640.10	18.51%
SD Treas: SB35 Appropriation	10,515,475.07	13,000,000.00	(2,484,524.93)	100.00%
SD Treas: Experiments	550,878.65	613,780.19	(62,901.54)	-10.25%
Total with SD Treasurer	21,777,097.28	24,033,944.85	(2,256,847.57)	-9.39%
Billed A/R	1,677,361.31	1,447,617.94	229,743.37	15.87%
Unbilled A/R	1,065,832.04	1,004,743.93	61,088.11	6.08%
Other A/R	655,551.79	388,979.99	266,571.80	68.53%
Inventory - Supplies	3,300,161.33	3,150,678.11	149,483.22	4.74%
Inventory - Warehouse	494,153.11	439,444.50	54,708.61	12.45%
Other Current Assets	1,665,926.38	1,511,672.16	154,254.22	10.20%
Total Current Assets	32,932,082.61	35,610,406.02	(2,678,323.41)	-7.52%
<b>FIXED ASSETS</b>				
Land, Underground & Other	12,793,484.40	12,743,473.13	50,011.27	0.39%
Bldgs & Infrastructure	19,215,582.35	19,321,800.42	(106,218.07)	-0.55%
Improvements	63,312,036.57	62,813,135.62	498,900.95	0.79%
Work In Progress	6,039,722.86	4,026,307.26	2,013,415.60	50.01%
Computer Equipment	366,435.18	381,499.81	(15,064.63)	-3.95%
Equipment & Fixtures	10,190,126.39	10,705,072.13	(514,945.74)	-4.81%
DOE Property Transfer	10,311,197.32	8,692,069.01	1,619,128.31	18.63%
Accum Depr & Amort	(25,029,617.06)	(23,298,236.86)	(1,731,380.20)	7.43%
DOE Prop. Accum Deprec.	(1,341,659.10)	(839,756.75)	(501,902.35)	59.77%
Total Fixed Assets	95,857,308.91	94,545,363.77	1,311,945.14	1.39%
<b>OTHER ASSETS</b>				
Asset Retirement Obligation Deferred Outflows	1,129,637.92	1,129,637.92	-	0.00%
Asset Retirement Obligation Accumlated Depr.	(37,654.60)	-	(37,654.60)	100.00%
Pension Deferred Outflows	5,823,104.49	11,243,668.96	(5,420,564.47)	-48.21%
Xenon Purchased	8,687,833.46	8,687,833.46	-	0.00%
Total Other Assets	15,602,921.27	21,061,140.34	(5,458,219.07)	-25.92%
<b>TOTAL ASSETS</b>	<b>\$ 144,392,312.79</b>	<b>\$ 151,216,910.13</b>	<b>\$ (6,824,597.34)</b>	<b>-4.51%</b>

DIVISION: ALL

COMPARATIVE BALANCE SHEET

LIABILITIES & EQUITY

	AS OF 04/30/24	AS OF 04/30/23	\$ CHANGE	% CHANGE
<b>CURRENT LIABILITIES</b>				
Accounts Payable	\$ 3,172,385.77	\$ 926,362.37	2,246,023.40	242.46%
Other Payables	5,064.48	810.56	4,253.92	524.81%
	-----	-----	-----	-----
Total Accounts Payable	3,177,450.25	927,172.93	2,250,277.32	242.70%
Accrued Payroll Liab	2,456,635.03	2,388,253.37	68,381.66	2.86%
	-----	-----	-----	-----
Total Current Liabilities	5,634,085.28	3,315,426.30	2,318,658.98	69.94%
<b>OTHER LIABILITIES</b>				
LT Xenon Notes	3,121,190.01	3,121,190.01	-	0.00%
Pension Deferred Inflows	3,447,916.22	9,300,127.02	(5,852,210.80)	-62.93%
Asset Retirement Obligation	1,196,884.99	1,129,637.92	67,247.07	5.95%
	-----	-----	-----	-----
Total Other Liabilities	7,765,991.22	13,550,954.95	(5,784,963.73)	-42.69%
	-----	-----	-----	-----
<b>TOTAL LIABILITIES</b>	<b>13,400,076.50</b>	<b>16,866,381.25</b>	<b>(3,466,304.75)</b>	<b>-20.55%</b>
<b>EQUITY</b>				
Restricted: Indemnificati	7,500,000.00	7,500,000.00	-	0.00%
Restricted: SB35 Appropriation	10,515,475.07	13,000,000.00	(2,484,524.93)	100.00%
Restricted: Mine Closure	1,567,504.94	1,533,566.14	33,938.80	2.21%
Restricted: Pension	2,375,188.27	1,943,541.94	431,646.33	22.21%
Restricted: Experim. Int.	550,878.65	613,780.19	(62,901.54)	-10.25%
Restricted: Foundation	-	-	-	0.00%
	-----	-----	-----	-----
Total Restricted Funds	22,509,046.93	24,590,888.27	(2,081,841.34)	-8.47%
Investment in Gen FA	95,857,308.91	94,545,363.77	1,311,945.14	1.39%
Unrestricted Funds	12,625,880.45	15,214,276.84	(2,588,396.39)	-17.01%
	-----	-----	-----	-----
<b>TOTAL EQUITY</b>	<b>130,992,236.29</b>	<b>134,350,528.88</b>	<b>(3,358,292.59)</b>	<b>-2.50%</b>
	=====	=====	=====	=====
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$ 144,392,312.79</b>	<b>\$ 151,216,910.13</b>	<b>\$ (6,824,597.34)</b>	<b>-4.51%</b>
	=====	=====	=====	=====

## COMPARATIVE STATEMENT OF INCOME

FOR THE PERIOD ENDING 4/30/2024

	YEAR TO DATE	PRIOR YEAR TO DATE	\$ CHANGE	% CHANGE
<b>REVENUE</b>				
DOE Subcontracts	\$ 32,793,303.66	\$ 29,678,848.89	\$ 3,114,454.77	10.49%
State Revenue	-	13,000,000.00	(13,000,000.00)	-100.00%
Checking Interest	6,288.28	9,100.13	(2,811.85)	-30.90%
Interest Income	306,511.45	103,164.21	203,347.24	197.11%
<b>TOTAL REVENUE</b>	<b>33,106,103.39</b>	<b>42,791,113.23</b>	<b>(9,685,009.84)</b>	<b>-22.63%</b>
<b>DIRECT COSTS</b>				
Direct Labor	8,318,911.31	7,683,910.64	635,000.67	8.26%
Board of Directors	8,418.71	37,035.74	(28,617.03)	-77.27%
Capital Outlay >\$5K	1,492,839.79	2,790,513.95	(1,297,674.16)	100.00%
Contractual Svcs	9,558,365.19	2,305,119.56	7,253,245.63	314.66%
Inventory	254,304.14	278,012.87	(23,708.73)	-8.53%
Supplies	1,839,971.47	1,565,314.77	274,656.70	17.55%
Travel - Domestic	111,312.12	69,827.06	41,485.06	59.41%
Travel - Foreign	12,773.21	7,726.44	5,046.77	65.32%
Utilities	1,877,616.19	2,071,059.18	(193,442.99)	-9.34%
Other Direct Costs	233,860.58	198,081.36	35,779.22	18.06%
Unallow/Unbill Costs	186,994.12	421,332.01	(234,337.89)	-55.62%
<b>TOTAL DIRECT COSTS</b>	<b>23,895,366.83</b>	<b>17,427,933.58</b>	<b>6,467,433.25</b>	<b>37.11%</b>
<b>INDIRECT COSTS</b>				
Fringe Benefits	7,536,138.97	6,199,067.40	1,337,071.57	21.57%
Overhead	9,574,575.80	9,221,555.04	353,020.76	3.83%
<b>TOTAL INDIRECT COSTS</b>	<b>17,110,714.77</b>	<b>15,420,622.44</b>	<b>1,690,092.33</b>	<b>10.96%</b>
<b>GROSS PROFIT/LOSS ( )</b>	<b>(7,899,978.21)</b>	<b>9,942,557.21</b>	<b>(17,842,535.42)</b>	<b>517.81%</b>
<b>OTHER INCOME</b>				
Water Treatment	181,833.32	100,304.86	81,528.46	81.28%
Miscellaneous Income	31,760.23	62,796.77	(31,036.54)	-49.42%
Other Operating Income	130,617.62	75,333.57	55,284.05	73.39%
<b>TOTAL OTHER INCOME</b>	<b>344,211.17</b>	<b>238,435.20</b>	<b>105,775.97</b>	<b>44.36%</b>
<b>OTHER EXPENSES</b>				
Misc. Expenses & Donations	(3,311,382.54)	(2,480,985.74)	(830,396.80)	33.47%
Loss (Gain) on Sale of FA	139,191.34	(2,534,142.46)	2,673,333.80	-105.49%
Other Unallowable Expense	503,816.47	328,364.75	175,451.72	53.43%
Reclass Incr Net Assets	(502,512.31)	145,438.46	(647,950.77)	-445.52%
<b>TOTAL OTHER EXPENSES</b>	<b>(3,170,887.04)</b>	<b>(4,541,324.99)</b>	<b>1,370,437.95</b>	<b>-30.18%</b>
<b>NET INCOME/LOSS ( )</b>	<b>\$ (4,384,880.00)</b>	<b>\$ 14,722,317.40</b>	<b>\$ (19,107,197.40)</b>	<b>-129.78%</b>



**South Dakota Science & Technology Authority**  
**Available Resources**  
**4/30/2024**

Cash Total Checking	\$	2,295,999
Cash With State Treasurer	\$	<u>21,777,097</u>
Total Cash	\$	24,073,097
Less: Restricted Funds		
Indemnification/Mine Closure	\$	(9,067,505)
SB35 Appropriation	\$	(10,515,475)
Experiments (Xenon, Interest, Infrastructure)	\$	<u>(550,879)</u>
 Total Cash Available for Infrastructure Upgrades and Authority Operations	 \$	 3,939,238
Plus: Accounts Receivable Billed	\$	1,677,361
Transfer request from the SB35 Appropriation	\$	1,757,659
Accounts Receivable Unbilled	\$	1,065,832
Less: Current Liabilities (Accounts Payable & Accrued Payroll)	\$	(5,634,085)
 Available Cash and Receivables	 \$	 <u><u>2,806,005</u></u>

**SDSTA Operating Budget Summary FY2024**

Actual vs Budget  
April 2024 & YTD

	April 2024				Actual YTD				
	Budget	\$ Over/Under Budget	% of Budget	Actual YTD	YTD Budget	\$ Over/Under Budget	% of Budget	% Remaining	
SDSTA (Authority) Direct Charges									100%
Board of Directors	\$646	\$1,500	\$854	43.06%	\$8,956	\$15,000	\$6,044	59.71%	40.29%
Executive Office	\$88,111	\$88,811	\$700	99.21%	\$985,224	\$1,058,966	\$73,742	93.04%	6.96%
Science Center E & O	\$2,590	\$300	(\$2,290)	863.19%	\$104,256	\$82,600	(\$21,656)	126.22%	-26.22%
SURF Foundation	\$21,158	\$24,600	\$3,443	86.01%	\$171,017	\$258,407	\$87,390	66.18%	33.82%
Science Liaison	\$1,567	\$0	(\$1,567)	100.0%	-\$801	\$0	\$801	100%	NA
SLHVC (Visitor Center)	\$53,847	\$49,537	(\$4,310)	108.7%	\$430,368	\$524,795	\$94,427	82.01%	17.99%
Subtotal	\$167,919	\$164,749	(\$3,170)	101.92%	\$1,699,020	\$1,939,768	\$240,748	87.59%	12.41%
Federal/State Funding - Direct Charges									
Fermi C#671265 Prof. St.Services	\$7,888	\$10,910	\$3,022	72.3%	\$95,168	\$109,100	\$13,932	87.23%	12.77%
Fermi C#674969 Ross Logist.Supp.	\$253,525	\$282,106	\$28,581	89.87%	\$4,838,909	\$5,223,558	\$384,649	92.64%	7.36%
Fermi C#711484 Gen Site Services	\$27,847	\$76,175	\$48,328	36.56%	\$27,847	\$761,748	\$733,901	3.66%	96.34%
Office of Science Coop.Agree	\$1,382,527	\$1,510,046	\$127,519	91.56%	\$13,595,988	\$14,739,342	\$1,143,354	92.24%	7.76%
Office of Science IIP Projects	\$558,785	\$558,785	\$0	100.0%	\$3,572,674	\$3,572,674	\$0	0.00%	0.00%
LBNL LZExp.Operat.C#7650068 & DE-SC0022857	\$66,129	\$51,343	(\$14,786)	128.8%	\$563,431	\$513,430	(\$50,001)	109.74%	-9.74%
Battelle Mem. Inst - DEMO-FTES	\$7,041	\$4,167	(\$2,874)	168.99%	\$7,214	\$41,667	\$34,452	17.31%	82.69%
MJD (Majorana) SDSM&T CT001412 & CT005350	\$1,900	\$2,035	\$135	93.35%	\$21,056	\$20,352	(\$704)	103.46%	-3.46%
BHSU E & O - CT004853 & CT004854	\$1,971	\$1,971	\$0	100.0%	\$8,637	\$8,637	\$0	100.00%	0.00%
* Kiewit/Thyssen/DakotaT.	\$25	\$1,525	\$1,500	1.64%	\$12,250	\$15,250	\$3,000	80.33%	19.67%
* Caterpillar Inc.	\$0	\$0	\$0	0.0%	\$0	\$0	\$0	0.00%	100.00%
RESPEC Thermal Breakout	\$0	\$83	\$83	0.0%	\$0	\$833	\$833	0.00%	100.00%
Subtotal	\$2,307,638	\$2,499,145	\$191,507	92.34%	\$22,743,174	\$25,006,590	\$2,263,416	90.95%	9.05%
Indirect Expenses									
Indirect Charges Personnel	\$558,198	\$624,723	\$66,525	89.35%	\$4,575,719	\$6,006,708	\$1,430,989	76.18%	23.82%
Indirect Charges Other	\$694,434	\$559,428	(\$135,006)	124.13%	\$5,605,481	\$5,669,223	\$63,742	98.88%	1.12%
Subtotal	\$1,252,631	\$1,184,151	(\$68,481)	105.78%	\$10,181,200	\$11,675,931	\$1,494,731	87.20%	12.80%
Totals	\$3,728,188	\$3,848,044	\$119,856	96.89%	\$34,623,393.73	\$38,622,289.49	\$3,998,896	89.65%	10.35%
* Private Corporations (Commercial Group)									

**SDSTA Operating Budget Summary FY2025**

July 2024 - June 2025

	Sources of Revenue		Total Budget \$ FY2025	Budget \$ FY2024	Difference	Details on Differences
	Federal Funding	SDSTA Funds				
Board of Directors		\$28,920	\$28,920	\$18,000	\$10,920	Board Per diem increased from \$75 to \$166
Executive Office (Includes Xenon Interest/Insurance, Marketing and Unallowable)		\$850,000	\$850,000	\$1,306,444	(\$456,444)	Institute moved to separate budget center, decrease in Xenon insurance, no OIP unallowable interest in FY2025, and slight decrease in travel budget
SURF Foundation		\$363,883	\$363,883	\$306,814	\$57,069	Increase in projected wages
Science Liaison - Collecting Liquid Nitrogen Costs (bill to contract users)		\$0	\$0	\$0	\$0	No Change
Science Center E & O		\$168,500	\$168,500	\$150,800	\$17,700	Slight increase for interns and Neutrino day budget
SURF Institute		\$308,650	\$308,650	\$0	\$308,650	New budget center
SLHVC (Sanford Visitor Center)		\$329,619	\$329,619	\$636,524	(\$306,905)	Moved a portion of SLHVC budget to Indirect funds
Sacred Circle Garden Construction		\$0	\$0	\$614,536	(\$614,536)	Done in FY2024
4850 UG laboratory Expansion Phase 1		\$4,000,000	\$4,000,000	\$13,000,000	(\$9,000,000)	Partial completion in FY2024
<b>Total</b>		\$6,049,572	\$6,049,572	\$16,033,118	(\$9,983,546)	
<b>Total Authority Operating Budgets</b>	\$0	\$6,049,572	\$6,049,572	\$16,033,118	(\$9,983,546)	
<b>Federal Funding (includes Indirect Budget)</b>	\$43,611,609		\$43,611,609	\$44,229,226	(\$617,617)	See Details on Difference on Next Tab
<b>Total for Approval</b>	\$43,611,609	\$6,049,572	\$49,661,181	\$60,262,344	(\$10,601,163)	

Total FTE

SDSTA Funds 5.0 FTE + 1.0 FTE interns  
Other & Indirect 193.5

Total FTE 199.5 Net Increase of 4

SDSTA Funds includes funding from GOED for Xenon Interest  
SDSTA Funds includes funding from SB35 for UG Lab Expansion  
SDSTA Funds includes funding from SURF Foundation Approx. \$80K

**SDSTA**  
**FY2025 Budget**

<u>Funding Source</u>	<u>P.O/Subc.</u>	<u>FY25 Amount</u>	<u>FY24 Amount</u>	<u>Difference</u>	<u>Details on Differences</u>
CA Cooperative Agreement	DE-SC0020216	\$ 22,621,998.01	\$ 22,564,892.00	\$ 57,106.01	An Increase in regular operations for the Coop Agreement - \$3.5M direct dollars; and, a reduction for IIP projects primarily 3650 pumphouse and Orohondo fan project - \$3.4M direct dollars
DOE LZ Experiment Support/Research Grant	DE-SC0022857	584,703	616,120	(31,417)	Supported by DOE Grant in FY2025
LBNL LZ Experiment Support/Research Grant	7650068	54,758	-	54,758	Continued minimal support in FY25
FRA Ross Logistics Support	674969	3,612,239	5,787,769	(2,175,530)	Decrease due to no OIP insurance in FY2025 (New Contract starting in Aug 24)
FRA Engineer Support	671265	133,539	130,920	2,619	Very Comparable to prior year
FRA LBNF Grounds Keeping Support	711484	512,611	914,098	(401,487)	Started in FY2024
SDM&T MJD	CT005350	24,097	24,422	(325)	Very Comparable to prior year
Thyssen Mining (Property/Equip. Lease)		-	32,400	(32,400)	Thyssen will not have any lease equipment in FY25
BHSU Education Grants	CT004854/CT004853	35,614	-	35,614	Continued grants with E&O
RESPEC	03506A	-	1,000	(1,000)	Contract being renewed
CUSSP	New Contract	13,500	-	13,500	New project to start in FY25
CASPAR	New Contract	2,626	2,670	(44)	CASPAR will be resuming activities again in FY2025
DEMO FTES	700997	23,499	50,000	(26,501)	Started later in FY2024. Using SIGMA-V equipment
Caterpillar	Lease	93,598	96,043	(2,445)	Same Contract
Indirects		15,898,827	14,008,892	1,889,935	Increased primarily for: employee compensation, liability insurance, and Visitor Center added to indirects
-					
Totals		<u>\$ 43,611,609</u>	<u>\$ 44,229,226</u>	<u>\$ (617,617)</u>	

**SURF Foundation—Ms. Michelle Kane**

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SURF Foundation (SURFF)

8A. Foundation update, *informational*.

8B. Approve Memorandum of Agreement concerning rock conveyor donation, *attached*.

*(see recommended motion below)*

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**Recommended Action:**

*8A. Informational.*

*8B. Motion to approve 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.*

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**MEMORANDUM OF AGREEMENT**

This agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between Sanford Underground Research Facility Foundation, a South Dakota non-profit corporation of 630 East Summit Street, Lead, South Dakota, 57754, hereinafter referred to as "SURFF" and the South Dakota Science and Technology Authority, a body corporate and politic created pursuant to SDCL Chapter 1-16h of 630 East Summit Street, Lead, South Dakota, 57754, hereinafter referred to as "SDSTA" witnesseth:

WHEREAS Thyssen Mining, Inc. has presented SURFF with a donation agreement offering to donate certain tangible personal property which is as described on Exhibit A attached hereto; and

WHEREAS SURFF is contemplating acceptance of the donation from Thyssen Mining, Inc.; and

WHEREAS SDSTA is willing to provide certain assurances to SURFF in order to accommodate the gift;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties do hereby agree as follows:

1. Charitable Donation. SURFF will accept from Thyssen Mining, Inc. the property described on Exhibit A as a charitable donation in that SURFF is an entity exempt from taxation pursuant to Section 501 C 3 of the Internal Revenue Code. The acceptance of the donation by SURFF is contingent upon SDSTA entering into this agreement with respect to said property.
2. Ownership of Property. SURFF agrees that it shall, for a period of not less than three years after the acceptance of the donation from Thyssen Mining, Inc., retain full ownership of the donated property described on Exhibit A. Thereafter, SURFF agrees to transfer to SDSTA, the donated property provided SDSTA has complied with the terms and conditions of this agreement as it relates to the donated property.
3. Maintenance of Property. The parties hereto agree that during the term of this agreement and until such time as SURFF transfers the same to SDSTA as SDSTA shall assume full and complete responsibility for all maintenance of said conveyer system. SURFF shall have no obligation to provide maintenance, repairs or upkeep to the conveyer system. Further, it is agreed by the parties that the conveyer system shall not be operated during the term of this agreement unless both parties hereto agree to such use and the terms and conditions under which the system would be used.

4. Insurance. During the term of this agreement and prior to transfer of the conveyer system to SDSTA, SDSTA agrees to provide all liability insurance and pollution liability in an amount of not less than \$\_\_\_\_\_ for the conveyer system and to name SURFF as an additional insured under any such liability policy. The parties agree that SURFF shall have no obligation to insure the conveyer system and SDSTA agrees to fully defend, indemnify and hold SURFF harmless from any and all claims that may arise as a result of the ownership of the conveyer system excepting therefrom any such liabilities that may be the direct result of the negligent acts of SURFF.
5. Indemnification by SDSTA. To the fullest extent allowed by applicable law, including SDCL 1-16H-15(18), SDSTA shall indemnify, defend and hold SURFF harmless from and against any claims, causes of action, causes, or actions (and including related costs of litigation and reasonable attorney fees) directly arising from SDSTA's activities on and directly related to easements granted to SDSTA by the City of Lead, South Dakota and Homestake Mining Company of California which are being assigned by SDSTA to SURFF pursuant to non-exclusive assignments of such easements by SDSTA. The easement from the City of Lead, South Dakota to be assigned was recorded in the office of the Lawrence County Register of Deeds on May 4, 2016 as Document # 2016-01972. The easement from Homestake Mining Company of California to be assigned was recorded in the office of the Lawrence County Register of Deeds on May 29, 2019 as Document # 2019-02081.
6. Choice of Law. The parties hereto agree that this Memorandum of Agreement shall be interpreted and construed under the laws of the State of South Dakota.
7. Authorization. The parties hereto acknowledge and confirm that the person signing this agreement on behalf of each of the parties has the requisite authority to do so and has been authorized by the Board of Directors to enter into this agreement on behalf of the entity for whom they have signed.
8. Counterparts. The parties hereto agree that this Memorandum of Agreement may be executed in counterparts and that upon complete authorization and signature from each of the parties hereto, the agreement shall be deemed binding upon all parties as if they had each signed the same original document.

*{Signature pages to follow}*



Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

SANFORD UNDERGROUND RESEARCH FACILITY  
FOUNDATION

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF \_\_\_\_\_)

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged themselves to be the \_\_\_\_\_ of the SANFORD UNDERGROUND RESEARCH FACILITY FOUNDATION that they as such \_\_\_\_\_ being so authorized so to do, executed the foregoing instrument for the purposes therein contained by signing their name as said \_\_\_\_\_.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024.

SOUTH DAKOTA SCIENCE AND TECHNOLOGY  
AUTHORITY

\_\_\_\_\_  
Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF \_\_\_\_\_)

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me, the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged themselves to be the \_\_\_\_\_ of the SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY that they as such \_\_\_\_\_ being so authorized so to do, executed the foregoing instrument for the purposes therein contained by signing their name as said \_\_\_\_\_.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Executive Director's Report—Mr. Mike Headley**

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The Executive Director's Report includes the following:

- 9A. Declaration of Surplus (2)
- 9B. SDSTA quarterly update—*informational*.
- 9B. Education and Outreach (E&O) update—SDSTA Director of E&O Ms. Nicol Reiner, *informational*.
- 9C. Sacred Circle planting update—SDSTA Community Relations Specialist Ms. Rochelle Zens, *informational*.

*(See recommended motion below.)*

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**Recommended Action:**

*Motion to accept the Executive Director's Report as presented.*

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## Declaration of Surplus Property

The South Dakota Science and Technology Authority (SDSTA) owns the listed items below that have reached end-of-life. All items are fully depreciated, still operate, have monetary value, and will be designated as surplus for sale.


- (1) 2009 Ford Shuttle Bus (Trolley)
  - Asset: VH-XXS99-41 (VIN/SN: 1F6NF53Y780A04855)
- (2) STINGER Mobile Fall Protection Units
  - Asset: FP-XXS99-01 and FP-XXS99-02
- (2) Huron NC1921 Bulk Fuel Tanks: Gasoline and Diesel
  - Asset: TA-RSS03-01 (SN: C942739) and TA-RSS03-02 (SN: C942740)

The following items listed below have reached end-of-life and it is not cost effective to repair them nor do they have monetary value to be sold, therefore the equipment will be scrapped

- (8) Spools of Wire Rope: (3) spools of 6w rope located on Mill Reservoir Road, (4) spools located in the Ross Yard, and (1) spool recycled
- (1) SLHVC Safe
- (2) Drager Leak Test Kits
  - Asset: TS-TMS04-04 (SN: 2340) and TS-TMS04-05 (SN: 824)
- (1) MineARC Scrubber Unit
  - Asset: RF-RSU48-01

Having no further use for this property, I hereby declare the above listed items to be Surplus Property.

Dated at Lead, South Dakota this 15<sup>th</sup> day of May 2024.

  
 Mike Headley (May 15, 2024 14:14 MDT)  
 Mike Headley  
 SDSTA Executive Director

### Revision History

Rev	Date	Section	Paragraph	Summary of Change	Authorized by
01	10/30/2023	NA	NA	Initial Release	CCR

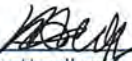
## Declaration of Surplus Property

The South Dakota Science and Technology Authority (SDSTA) owns the following items that have reached end-of-life. It is not cost effective to repair the items listed below nor do they have monetary value to be sold, therefore the equipment will be scrapped.

- Yates Hoist Heater Unit: Asset: HT-YSS02-01 (Serial: 4461)
- Line Power Transformer #65: Asset: TN-RSU00-01 (Serial: SNWA553C)
- Surface Lab Water Meter: Asset: UT-YSS14-01 (Serial: 40087)
- Dell Laptop: Serial: 6QCH6K1
- Polycom HDX 8000 HD: Serial: 1183A5
- Revolabs HDEXEC4: Serial: 501050210266

Having no further use for this property, I hereby declare the above listed items to be Surplus Property.

Dated at Lead, South Dakota this 4<sup>th</sup> day of June 2024.

  
 \_\_\_\_\_  
 Mike Headley (Jun 5, 2024 10:46 MDT)  
 Mike Headley  
 SDSTA Executive Director

### Revision History

Rev	Date	Section	Paragraph	Summary of Change	Authorized by
01	10/30/2023	NA	NA	Initial Release	CCR



## **March – May 2024 Progress Report**

*Submitted June 12, 2024 to:  
South Dakota Science and Technology Authority Board of Directors*

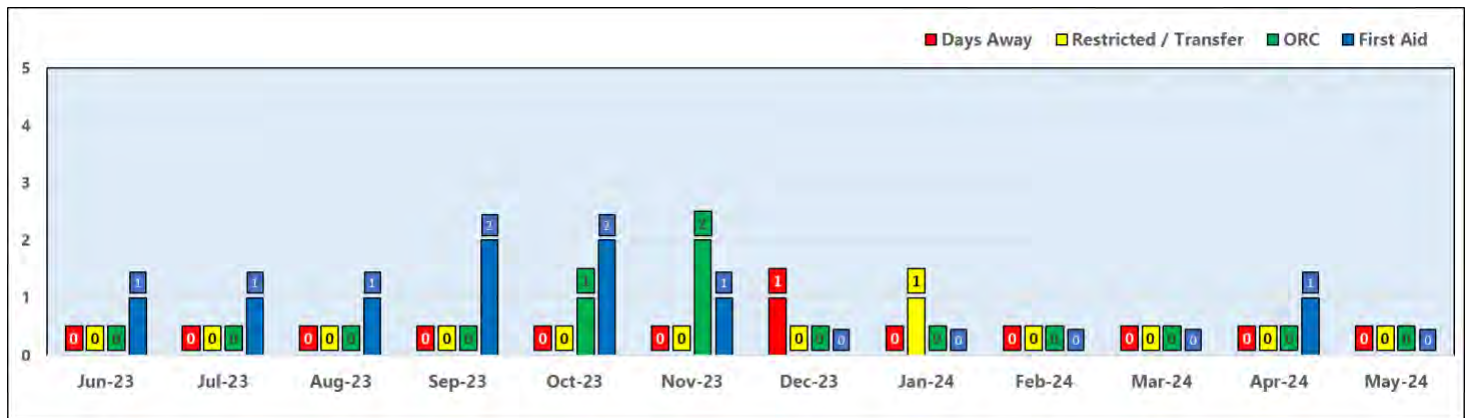
*Mike Headley  
SDSTA Executive Director  
Sanford Underground Research Facility Laboratory Director*





## Environment, Safety and Health (ESH) Status

### Health and Safety Status



SDSTA Rolling 12 Months – Days Away Restricted or Transferred Rate 1.05

### March 2024 thru May 2024: Recordable Cases

- N/A

### March 2024 thru May 2024: First Aid Cases

- 4/4/24 – Employee finger injury.

### ESH Support

- ESH Summer Intern (May-July).

### Work Accomplishments

- ESH completed the following incident investigations:
  - Ross cage chair lug incident (3/7)
- ESH updated the following Integrated Management System (IMS) documents:
  - The Respiratory Protection Standard
  - Cranes and Hoists Standard
- ESH assisted Compact Accelerator System for Performing Astrophysical Research (CASPAR) personnel with planning emergency escape routes and assembly areas as they prepare to return to the Ross Campus.
- The first quarter Office of Risk Management (ORM) compliance visit for the underground 4850L and the WWTP was completed. The SDSTA Mine Safety and Health Administration (MSHA) consultant accompanied this tour and will provide feedback to add to the ORM report.
- ESH hosted SFM (SDSTA's workers compensation insurance carrier) loss prevention site visit on the 4850L; zero issues were noted.
- SDSTA completed the first quarter emergency exercise (simulated equipment fire at the 4850L Ross Station) meeting all objectives and gaining valuable lessons learned.
- The SDSTA health fair took place; 28 participants were screened.
- The equipment to increase the 4850L refuge chamber capacity has been installed. The training and Standard Operation Procedure (SOP) have been updated. This has increased the total underground headcount to 274.
- ESH generated the top leading indicator data report (emergency lighting and general housekeeping) and created a schedule for ESH team members to accomplish focused safety sweeps.
- ESH hosted the SDSTA/FRA security workshop to ensure alignment with programs.
- ERT and the occupational health nurse are conducting First Aid/CPR/AED courses to certify all SDSTA staff.
- Three ERT paramedics and the occupational health nurse were recertified in the advanced cardiac life support course.
- Three full-time ERT members passed their EMT tests and have become certified through the National Registry of Emergency Medical Technicians. In addition, two full-time ERT members became certified firefighters.
- Three ERT paramedics were recertified in pediatric advanced life support.

- The Integrated Management System audit updates were completed and approved.
- The sitewide annual fire extinguisher and sprinkler system inspections were completed.
- ESH completed ergonomic workstation “spot checks” for the second quarter. This was implemented as a corrective action from the Safety Support Perception Survey feedback.
- The industrial hygienist updated the Baseline Exposure Assessment data for wastewater treatment plant (WWTP) operators.
- ESH hosted the South Dakota Department of Public Safety underground/ERT tour.
- QA/QC assisted with the camera inspection of the Yates Shaft (skip and cage) from the collar to 1700L to provide current evidence of the shaft condition.
- Quality Assurance conducted an inspection of a borehole on the 4850L utilizing the newly purchased camera.

### Upcoming Activities/Trainings

- Q3 2024 SD ORM compliance visit
- 2024 ESHAC Meeting
- Master Rigger Training
- Crane Inspector Training

### Well-Being Initiatives

- Fruit in your water Fridays (June)
- Walking challenge (July-August)
- Sand volleyball (TBD)
- Wellness newsletters (Monthly)

### Environmental Support

- All monthly Discharge Monitoring Reports as required by the National Pollutant Discharge Elimination System (NPDES) Permit were prepared and submitted to the South Dakota Department of Agriculture and Natural Resources (SDDANR). All water discharge was within permit limits.
- The SDDANR conducted a biennial WWTP and NPDES Permit inspection. No issues were noted during the inspection.
- Whole Effluent Toxicity Testing was performed on discharged water. The facility passed this aquatic life survival testing.
- The 2024 Emergency Planning and Community Right-to-Know Act Tier II Report was submitted to the State of South Dakota, the County Emergency Planning Committee, and the Lead Fire Department.
- SDSTA received approval from the South Dakota State Historic Preservation Office and the City of Lead Historic Preservation Committee for the demolition of the Ellison Hoist Room.
- Annual refresher training was provided to all employees for Environmental Compliance, Hazard Communications, and Historic Preservation.
- The environmental team developed an Underground Injection Control Standard that was approved last week and can be found on DocuShare.

### Third Party Review Recommendations Status



## Quality Assurance / Quality Control Status

### Work Accomplishments

- Change Control Request (CCR) submittals and approval/pending (2/17/2024– 5/15/2024)
  - Initiated CCRs – 36
  - Approved CCRs – 30
  - Pending CCRs – 8
- SDSTA documents for the Integrated Management System (IMS) as of 5/15/2024 – total of 710.

CCR No.	Title	Status	Approval Date
911	New-Converted E&O Docs	Approved	2/27/2024
913	SOU Docs Corrections and Updates	Approved	2/27/2024
916	Hearing Conservation Standard Update	Approved	2/27/2024
917	Work Breakdown Structure Update	Approved	2/27/2024
918	ESH Map Update	Approved	2/23/2024
919	Historic Preservation Standard	Approved	3/27/2024
920	Cultural Advisory Committee Charter	Approved	4/2/2024
921	SSPS Register & Update	Approved	3/27/2024
922	ESH Docs Updates	Approved	3/1/2024
923	Blast Permit Update	Approved	3/6/2024
924	Update Admin Service WI	Approved	3/7/2024
925	Approved Guides Register	Approved	3/7/2024
926	Update to controlled environmental documents	Approved	3/27/2024
927	New ESH SOP	Approved	3/14/2024
928	TMI Vent Form Updated	Approved	3/25/2024
929	Convert EDS Documents	Approved	3/27/2024
930	Update Admin Services WI	Approved	3/26/2024
931	Underground Injection Control Standard	Approved	4/30/2024
932	New HR Form	Approved	4/2/2024
933	SOP 114 Update & New Attachment	Approved	4/3/2024
934	Science Form Update	Approved	4/3/2024
935	New HR Form	Approved	4/4/2024
936	Respiratory Protection	Approved	4/30/2024
937	New Science Form	Approved	4/10/2024
938	IMS Audit Updates	Approved	4/30/2024
939	Archive Docs & New WI	Approved	4/16/2024
940	Cranes and Hoists Standard Update	Approved	4/30/2024
941	SOP 114 Update	Approved	4/23/2024
942	Ventilation Docs Update	Pending	
943	Update to WWTP SOP 40	Approved	4/30/2024
944	Update to IMS Manual	Pending	
945	Converted ESH Doc	Approved	5/7/2024
946	SURF Logo Change	Pending	
947	Doc Title Change (FR&IM)	Pending	
948	Duty Officer Change	Pending	
949	Duty Officer - FR&IM Change	Pending	
950	Changes Per Annual Review	Pending	
951	Update Cranes and Hoists Doc	Pending	

- Completed projects
  - Sign-Off Set 1 to 246 in Yates Shaft to allow CAT access to the 1700L
- Other completed activities
  - Internal Process Audits
    - Accounting & Finance
    - Administrative Services
    - Communications
  - Internal IMSM Audits
    - P-400 – Organizational Context
    - P-500 – Leadership
    - P-600/P-610 – Planning IMS/Risk Management
    - P-740 – Communication
    - P-852 – Identification and Traceability
    - P-912 – Customer Satisfaction
- Nonconformances and Corrective Actions created (2/17/2024– 5/15/2024)
  - Typical nonconformances - 6
  - Opportunities for improvement (internal audit) nonconformances - 22
  - Corrective Actions - 0

### **Upcoming Activities**

- Upcoming projects and other activities
  - 3650L Pump Room Rehabilitation Project
  - Dewatering Control System
  - Ellison Hoist Building Demo
  - Power Pole Replacement
  - Battery Shop Roof Repair
  - Education and Outreach Internal Audit
  - Environment, Safety & Health Internal Audit
  - Information Technology Internal Audit
  - Underground Operations Internal Audit
  - IMSM P-720 Competence awareness & Training Internal Audit
  - IMSM P-810 Operational Planning & Control Internal Audit
  - IMSM P-825 Emergency Preparedness & Response Internal Audit
  - IMSM P-916 Evaluation of Compliance Internal Audit
  - IMSM P-920 Internal Audit Internal Audit
  - IMSM P-930 Management Review Internal Audit
- In-Process projects and other activities
  - Oro Hondo Fan Project
  - 4850L UG Laboratory Expansion - Phase A Bypass Drift
  - WWTP RBC Replacement
  - Completion of Saddle Torquing 5,6,7 locations
  - Access Control Project (Phase II/III)
  - Yates Hoist Room Roof Repair
  - Dewatering Control System
  - COTO log reviews (continuous)
  - TDM weekly quality inspection (continuous)

## **Surface and Underground Operations Status**

### **Yates Shaft**

#### **Work Accomplishments**

- Yates Shaft new station gates installed on the 1700L.
- Yates Top-Down Maintenance (TDM) and conveyance inspection checklist complete to re-establish support to CAT on the 1700L.
- Crew provided support to move CAT back to the Yates 1700L.
- Sourced large timber; new Idaho vendor identified through extensive search.

#### **Upcoming Activities**

- Establish workstation on the 2300L.
- Complete TDM to the 2750L.
- Continue TDM to reach the loose rocks below 4100L.
- Return-to-operations on the 4850L.

### **Ross Shaft**

#### **Work Accomplishments**

- Ross Shaft crews have safely slung 404 separate loads to support the Long-Baseline Neutrino Facility/Deep Underground Neutrino Experiment (LBNF/DUNE).
- Ross Shaft crews supported Thyssen Mining, Inc. (TMI) to complete the Ross brow excavation.
- Ross Shaft supported numerous tours including the CA renewal tour and Governor Daugaard tour.
- Ross Shaft crew supported trial run with the L-beam mockup.
- TMI #2 Bypass drift mobilization complete.
- One remaining slung load for TMI excavation demobilization.

#### **Upcoming Activities**

- Building and Site Infrastructure (BSI) mobilization.
- Plan for remaining saddle bolt torquing.

### **Hoist Maintenance**

#### **Work Accomplishments**

- Replaced pins and bushings on the Yates dogging system; cleaned and tested to ensure working properly.
- Replaced all guide runners on Yates north work deck and south cage.
- Installed additional re-sync switches at the Ross 4850L.

#### **Upcoming Activities**

- Yates cage rope cuts.
- Change gear oil on the Ross ore hoist.
- Bi-annual hoist rope non-destructive testing.
- Test wireless communication system.

### **Underground Hazard Mitigation**

#### **Work Accomplishments**

- Installed ventilation stopping in the 3500L exhaust ventilation drift.
- Began removing legacy pipe and utilities on the 2000L.
- Completed installation of ventilation stoppings on the 2300L.
- Demobilized ProStar rail crew from the 1700L.
- Twice cleaned #2 Air Raise on the 1700L.

## **Upcoming Activities**

- Complete MineStar system commissioning at the 4850L Ross Shaft.
- Continue installing ground support on 4100L Yates mainline drift.
- Continue supporting DEMO-FTS on the 4100L.
- Complete rehabilitation of 4850L #4 Winze Wye powder magazine and concrete.
- Complete 4850L #4 Winze Wye switch replacement and concrete.
- Continue removal of legacy pipe and utilities on the 2000L.

## **Surface Operations and Utilities (SOU) Support**

### Facility Maintenance (Surface and 4850L) and Mobile Equipment

#### **Work Accomplishments**

- Provided support for LBNF project with newly awarded General Site Services contract.
- Facilitated contractor work to complete Spring preventative maintenance on HVAC equipment.
- Worked with engineering to improve the performance of Davis Campus air handling system.
- Assisted with preparing for tourist season at Sanford Lab Homestake Visitor Center and Čanĝlěška Wakĝán Garden.

#### **Upcoming Activities**

- Complete parking lot painting in June.
- Add Ross 4850L science area to HVAC contract scope.

## **Electrical / Cyber Infrastructure / Dewatering**

#### **Work Accomplishments**

- Assisted with Howden Fan repairs.
- Work continues to re-establish water supply to Ross 4850L science area.
- Posted Request For Proposal (RFP) and hosted site visit for replacement of overhead transmission line poles.
- Replaced Yates Shaft sump pump and ordered additional spare.

#### **Upcoming Activities**

- Preparing scope of work for a substation maintenance contract.

## **Wastewater Treatment Plant (WWTP)**

#### **Work Accomplishments**

- Replaced media in Yardney filter bank and ordered another round of media.
- Started the process to remove old iron oxide deposits from the site.
- Transitioned the WWTP from winter season operations.
- Deep pool has reached 5,926 feet.

#### **Upcoming Activities**

- Support rotating biological contactor (RBC) replacement project.

## **Operations Integration and Maintenance Planning**

#### **Work Accomplishments**

- Completed 2024 asset testing with finance department.
- Provided ManagerPlus training for new hires.
- Completed full cycle count of warehouse stock items.
- Assisted in documenting multiple items within ManagerPlus as surplus.

#### **Upcoming Activities**

- Work on filter inventory for future HVAC Preventive Maintenances.



## **Engineering Support**

### **Work Accomplishments**

- Yates Hoist Building Re-roofing: Contractor mobilized in early May to install roofing anchors in preparation for demolition of the roof to begin in June.
- Dewatering PLC Recapitalization: The contract to replace these programmable logic controls (PLC) was awarded in April. The DOE Technical Review Justification package was submitted for approval.
- Access Control Phase 2: Project has restarted and is scheduled to be completed by September 30. Muth Electric is installing conduit and pulling cable. Project is 30% complete.
- SLHVC Roof Design: The SLHVC Roof Design task order is in process with West Plains Engineering/ARC International. The 60% design submittal was received on May 24. The final design is due in July. After design, SDSTA plans to solicit roofing contractors to complete the replacement.
- Ellison Hoistroom Demo: SD SHPO approval to demolish the Ellison Hoistroom was received in March. The project RFP resulted in six bids. The contract was awarded to Dean Kurtz Construction. The contract end date is July 31.
- Oro Hondo Backup Fan: The perimeter fence has been completed. The contractor remobilized to replace shaft bearings under warranty.
- 1250L Pump Room Rehabilitation: Awarded AE design contract. Site visit for 30% design completed.
- Ross Campus Restrooms: RFP for packaged WWTP sent to vendor.
- WWTP RBC Replacement project continues: RBC demolition and concrete basin construction have been completed. Construction of blower building is underway.
- Ross Dry Remodel: TSP began the remodel design of the Ross Dry locker room, and 60% design has been received.
- SURF 4850L Laboratory Expansion: Mobilization occurred in March/April; the Site Preparation Phase was accomplished in April/May which included evaluating shock hazard boundary and arc flash hazard boundary for a 500 kVA Mine Power Center. Breakout Mining began on May 15. As of the end of May, the Breakout Mining Phase is 50% complete with transition to Production Excavation in June.
- Yates Hoists Upgrades: An RFP was issued to Stantec in May 2024 for them to develop the proposal/technical documents for a Design Build hoist rehabilitation package for both the Cage and Skip hoists.
- A Task Order contract has been awarded to Avid4 to develop specifications and general arrangement drawings for the Electrical Distribution Rehabilitation Phase 1 project. This IIP project is for the rehabilitation of the electrical distribution on the 4850L to support the future Yates Shaft Rehabilitation project and restore a redundant power source for the Davis Campus. A kickoff/technical coordination meeting was held in May.
- An RFP has been issued for an Electrical Coordination Study at SURF. The study is needed to capture the current state of the facilities electrical distribution system and ensure that appropriate fuses and circuit breakers are in use to protect the facility but prevent nuisance power outages

### **Science Support Status**

- The Science Program Advisory Committee (SPAC) meeting June 3-5 included in-person presentations from generation-3 dark matter experiment representatives, a review of the draft science strategic plan for SURF, and an initial discussion of Letters of Interest (LOIs) received from the call announced in March (15 responses). The final version of the science strategic plan is expected by the end of June.
- The Conference on Science at SURF (CoSSURF) held May 14-16 at SD Mines attracted 110 participants, including some attendees also associated with the NSF PIRE-GEMADARC workshop: <https://indico.sanfordlab.org/e/CoSSURF2024>.
- SURF presented at the Radiation Impact on Superconducting Qubits (RISQ) workshop that highlighted significant progress in the field and at other underground facilities (notably FNAL and PNNL).
- SURF was involved with two U.S. Dept of State-sponsored groups – Indonesian water treatment experts at the WWTP, and discussions with an Eisenhower Fellow physicist from Türkiye active in global science diplomacy.
- Plans are advancing for a Quantum Partnership Workshop organized by the Institute for mid-July at SURF.
- The May 2025 DUNE collaboration meeting is expected to be held near SURF (nominally in Deadwood).
- Two new hires joined the Science Department: Dee Espinosa started April 29 (Laboratory Custodian) and Christopher Kreitzinger started June 4 (Science Support Associate).

- Frank Strieder (SD Mines/CASPAR) was selected as the new SURF User Association Chair. A former DUNE spokesperson (Ed Blucher) was selected to fill a recently vacated seat on the Executive Committee.
- Airflow measurements were collected at Davis Campus locations to inform/validate oxygen deficiency hazards.
- Interruptions: Similar to last quarter, there was another Davis Campus chilled water leak due to aging fittings (this time outside the clean space); there were also power bumps in April and May that briefly affected Davis Campus HVAC systems. No significant issues resulted from these events.

## LUX-ZEPLIN—LZ

- Science run #3 has now accumulated over 300 days of WIMP-search data. An updated result with approximately 250 days of data is expected this summer.
- A paper describing the LZ data acquisition system was submitted to the Nuclear Instruments and Methods in Physics Research (NIM-A) journal and posted to the arXiv: <https://arxiv.org/abs/2405.14732>.
- After a slight delay waiting for offsite calibrations of radiation survey equipment, injection calibration sources (Kr-83m and Xe-131m) were shipped and received at SURF and re-installed underground at the Davis Campus.
- Work on both the circulation and recovery compressors continues; sourcing diaphragms has been challenging and a shipment is expected from the vendor in early June.
- A technician from the cryocooler vendor will be onsite mid-June to replace crankshaft seals and complete regular maintenance on both cryocoolers.
- After significant challenges, new compressor diaphragms arrived and will be first employed in the circulation compressor currently undergoing maintenance.
- The gaseous nitrogen generator for LZ is underground and installation is nearly complete – most of the compressed air piping is complete and a few items are on order for the nitrogen plumbing. Only a few days of work remain to complete the installation, and a service technician from the vendor is expected onsite in early July to complete the commissioning.
- The environmental monitoring system has been commissioned for gamma-ray (NaI) and neutron detectors (BF3); radon monitoring is in process.
- An XLZD meeting is being held at Brown University mid-June with a focus on U.S. program; SURF will present.

## MAJORANA DEMONSTRATOR—MJD

- Ta-180m data collection continues. A SURF LOI was submitted to extend running through September 2025, with a corresponding 40% increase in sensitivity.
- The Charge Nonconservation and Pauli Exclusion Principle Violation paper has been published in the high-impact journal Nature Physics: <https://www.nature.com/articles/s41567-024-02437-9>.
- Copper electroforming baths are operating well, and sensor systems were installed for future baths #5-8.
- Copper machining continues. Some Machine Shop materials were shipped to the surface for storage and/or recycling, including electroformed copper chips.
- Los Alamos National Lab (LANL) personnel were onsite to swap a spare compressor for the helium cryocooler system (SDSTA also made adjustments to the chilled water booster system), but it ultimately needed to be shipped offsite for repairs.
- University of Tennessee representatives were onsite to bring muon veto system back online.
- Glovebox preparations were completed to support clean storage of LEGEND copper parts at the Davis Campus.
- The transfer of remaining MAJORANA electroformed copper to the Dark Matter in CCDs in Modane (DAMIC-M) experiment in the French underground laboratory is being negotiated, requiring significant machining through 2025.
- A replacement liquid nitrogen (LN) dewar was delivered from Matheson to SURF (addressing pressure relief issues).
- Chemistry support continues at the surface WWTP, with an electrowinning batch currently being processed.
- The DOE CD-1 review for LEGEND-1000 originally scheduled for summer is now planned for November.

## Low-Background Counting

Black Hills State University Underground Campus—BHUC:

- Regular sample and LN logistics continue with BHSU personnel and SDSTA support. An assay of LZ resistors was completed, and results were consistent with previous measurements.



- Sample shipments from Pacific Northwest National Lab (PNNL) are expected for a long-term study on cosmogenic activation of various materials at different geographic locations (with different cosmic ray muon fluxes) to validate activation models.
- The cryocooler for the nEXO Ge-IV detector was shipped offsite for repair. The unit was received at the vendor in early April and unfortunately the latest update in early June did not offer any insights or diagnosis.
- LBNL-managed detectors are operating well. Twins dual-crystal system commissioning continues by Virginia Tech personnel, with initial energy resolutions determined (4 keV, 12 keV).
- The earliest return to Ross Campus would be late summer/fall 2024 (or possibly early 2025).
- BHSU Research Experiences for Undergraduates (REU) students are onsite and plugged into various SURF experiments (mainly physics and biology).

### **Compact Accelerator System for Performing Astrophysical Research—CASPAR**

- An Experiment Planning Statement for Phase 2 was signed (campaigns proposed through 2027) and a draft User Agreement (formerly MOU) was submitted for SURF review. A SURF LOI was received for Phase 3, detailing a HV platform upgrade optimizing low-energy measurements and running until 2035.
- Details on loads from the University of Notre Dame are expected in June, with shipments arriving at SURF around the end of June. The collaboration is planning lab cleaning and is seeking assistance with some floor and door issues.

### **Geothermal—Demonstration of Fracture Thermal Energy Storage (DEMO-FTES) and Center for Understanding Subsurface Signals and Permeability (CUSSP)**

- DEMO-FTES: Crews have been at SURF over the past few months to test packer installations and install a new control system for upcoming tests. Sandia National Laboratories is completing some implementation documents and updating the pressure safety package for high-pressure work at SURF. PNNL procurement delays mean that the main experiment testing is expected start after the August Sturgis Rally.
- CUSSP: SDSTA submitted a response to the PNNL RFP regarding upcoming site support (mainly dedicated personnel). Due to reduced funding, some monitoring activities may be brought in under DEMO-FTES.

### **Other Current Research Activities**

#### Physics

- TESSERACT: Following recent significant French investment, at least some portion of the project will be conducted at the Modane underground laboratory in France.
- Cryogenic User Facility: Virginia Tech is considering a DOE Quantum Information Science funding opportunity.

#### Biology

- Biodiversity: BHSU researchers sampled sites on the 800L with summer REU students. More trips are planned.
- m-sense: Environmental characteristics were inspected at 800L, 1700L and 4100L sites. More trips are planned.
- Plant Growth: There has been no recent growth despite appropriate watering and soil moisture levels.

#### Geology

- Other: SD Mines researchers are considering SURF as a potential site for an Advanced Research Projects Agency-Energy (ARPA-E) proposal.

#### Engineering

- Microbe-Assisted Phytoremediation (MAP): Plant growth sites were set up in the 1700L Yates intake and 2000L exhaust airstreams.
- Other: Discussions were held with MITRE representatives in areas of mutual interest, including autonomous/robotic underground inspections. A support letter was provided for a National Institute for Occupational Safety and Health (NIOSH) project related to dust studies.

### **Quarterly Work Plan Variances**

- The Quarter (February - April) ended with a Cooperative Agreement contract-to-date underrun of \$2.5M.
- The CA underrun will reduce starting in May. There are three payrolls in the month, and all critical upgrade money has been budgeted.
- February had an underrun of \$429K.
- March had an overrun of \$2K.

- April had an underrun of \$188K.

## **Financial Status**

Included in the Financial Report are the following:

- Cooperative Agreement SURF Services FY2024 (federal fiscal year) SPA Curve as of April 2024 (included as Appendix A at the end of the report).
- Financial Summary (included as Appendix B at the end of the report).
  - 1) Balance Sheet as of April 2024
  - 2) Comprehensive Statement of Income April 2024
  - 3) Comparative Balance Sheet – April 2024 vs. April 2023
  - 4) Comparative Statement of Income – April 2024 vs. April 2023
  - 5) Available Resources as of April 2024
  - 6) Operating Budget Summary

### **Cooperative Agreement (CA) SURF Services FY2024 Scheduled Performed Actual (SPA) Curve**

- The SPA curve presented in Appendix A provides a summary of the CA-SURF Services Award No. DE-SC0020216 scheduled financial performance compared to the actual costs. The report shows funding through April 2024 along with information related to Funded-to-Date dollars, Scheduled dollars, and Actual dollars by month. Actual dollars represent actual invoices for the months sent to the DOE Office of Science for reimbursement. For April, the invoices totaled \$2,061,330 which is lower than the anticipated reimbursements of \$2,249,617 by \$188,287. Cumulative expenses are at \$109,428,648 which is lower than the budgeted \$111,992,647 by \$2,563,999.

### **Balance Sheet Items**

- Cash in Local Checking—Total on hand April 2024 was \$2,295,999; up from last month by \$321,844. Funds on hand were necessary to pay operating expenses including employee salaries, medical/life/vision insurance, and other items.
- Cash with State Treasurer—Total balance of \$21,777,097; This amount decreased from last month by \$837,570 with the use of the cash provided by SB35 for the underground expansion phase 1 and an interest payment on the xenon note payable from the Experiments cash balance.
- Billed Accounts Receivable (A/R)—Billed A/R represents any open invoices based on contracts from sources such as the DOE Office of Science, LBNL, Fermilab, other smaller contracts from other universities/private entities, and Barrick-Homestake Mining Company. Total is at \$1,677,361; down from last month by \$1,300,128. Included in the balance are open invoices for; \$255,829 from Fermilab primarily from the contract for Ross Shaft Logistics Support; \$1,389,704 from the DOE for the Cooperative Agreement and the LZ project; \$14,786 from LBNL for the LZ project; \$2,967 from SD Mines for the MJD project; \$10,997 from the Pacific Northwest National Laboratory for the DEMO-FTES project; and \$3,078 from BHSU for a couple of Education and outreach grants.
- Unbilled A/R—Current balance is \$1,065,832. The unbilled A/R represents items that have not been billed on various contracts, in this case it was for expenses related to the payroll ending April 26, 2024, paid on May 3, 2024. April's balance increased \$962,112 from March.
- Other A/R—Current balance of \$655,552. This balance represents Interest Receivable and Miscellaneous Accounts Receivable. The balance increased by \$31,217. Activity for this month includes recording the interest accrual for April.
- Inventory/Supplies—Balance at \$3,300,161 for fixed assets being stored but not in service. This balance remained unchanged from last month.
- Inventory Warehouse/Personal Protective Equipment (PPE)—Current balance of \$494,153. This balance represents the warehouse inventory that was purchased by SDSTA prior to federal funding, the warehouse inventory purchased with federal funds, and an inventory category for the SLHVC inventory. The balance remained unchanged from last month. All three inventories have separate account balances that are tracked. Yet they are summarized on the balance sheet under one category.

- Other Current Assets—This listing on the balance sheet represents the balances of both prepaid insurance—\$1,254,075 and prepaid other – \$411,851. Total balance of \$1,665,926 decreased from last month by \$189,927. This decrease is primarily due to liability insurance being expensed.
- Fixed Assets—Current balance of \$95,857,309. Fixed assets activity since last month includes recording a Hach spectrophotometer and, four refuge chamber CO2 Scrubbers – \$86,230, 6 assets were surplus in April for a loss of \$119,953. The net decrease of \$286,340 since last month includes depreciation on fixed assets. Note: depreciation for the DOE Property Transfer items is separated as this amount will not be included in our indirect cost recovery on contracts.
- Asset Retirement Obligation Deferred Outflows (ARO)—SDSTA has deemed there would be costs associated with closing the SURF facility, if abandoning the site would occur. Outside regulatory agencies that would be involved with oversight of the closure would be the U.S. Environmental Protection Agency, and the South Dakota Department of Agriculture and Natural Resources. The capital assets on SDSTA’s financial statements that would be included in the asset retirement obligation are land, above ground and underground infrastructure, and buildings. SDSTA used a team of internal experts to develop the estimate including mining engineers, mechanical engineers, construction managers, heavy equipment experts, all with expertise in mining, underground, and environmental industries. The methods and assumptions used by these experts were to estimate hours associated with completing all necessary tasks using a current average salary and benefit rate, plus any associated contractor fees. The ARO balance is \$1,129,638 and is depreciated over an estimated useful life of 30 years.
- Pension Deferred Outflows—This designation on our Balance Sheet reflects the requirements related to the Governmental Accounting Standards Board (GASB) No. 68 and No. 71 in reference to pensions. SDSTA is required to report the net pension asset or liability on the face of our financials along with related deferred inflows and outflows. The State’s retirement system is now fully funded. The Net Pension Asset is a restricted asset. Thus, the equity created is also restricted. The balance Pension Deferred Outflows shown as a noncurrent asset is \$5,823,104 created by the FY2023 financial entries.
- Xenon Purchased—Balance of \$8,687,833 represents the value of xenon purchased for use by experiments. The xenon inventory is considered a non-current asset and includes all the purchases through fiscal year 2020.
- Total Assets—Total of \$144,392,313. This balance has decreased from last month by \$1,298,792 which represents the net activity as listed above.
- Accounts Payable—Our Total Accounts Payable balance of \$3,177,450 at the end of the month compared to last month has decreased by \$23,768.
- Accrued Payroll Liabilities—Current balance of 2,456,635 has increased by \$57,392 from last month. This represents the net change between earned vacation and vacation taken and other changes in employee benefit-related liabilities.
- Long Term Xenon Notes Payable—This designation represents \$2M of funding received from the South Dakota Community Foundation, \$2M received from the University of South Dakota Foundation, and \$2M received from the South Dakota State University Foundation. The \$6,000,000 was designated for purchasing xenon for experiment use at SURF. The balance is currently \$3,121,190 after SDSTA made a principle payment this past year with the proceeds from the sale of a small portion of the xenon.
- Pension Deferred Inflows—This classification reflects the requirements of GASB No. 68 and No. 71, as discussed earlier. The balance of \$3,447,916 represents our portion of the difference between projected and actual earnings on pension plan investments with the South Dakota Retirement System.
- Asset Retirement Obligation (ARO) —This is an estimated liability for costs associated with closing the SURF facility, if abandoning the site would ever occur. The ARO balance is \$1,196,885 and is adjusted annually.
- Total Liabilities—Total Liabilities increased by \$33,624 (from \$13,366,452 to \$13,400,076), which reflects the net activity listed above.
- Total Equity—decreased to \$130,992,236 from the previous months \$132,324,652.
- Total Liabilities & Equity—decreased to \$144,392,313 from the previous month of \$145,691,105.

#### Statement of Income Items

- On the SDSTA’s Statement of Income, the DOE Subcontracts are consolidated into one line on the report. Included in this amount are various subcontracts from LBNL, Fermi National Accelerator Laboratory (FNAL), the Cooperative Agreement with the DOE Office of Science, as well as small contracts for the MAJORANA project with SD Mines and E&O grants with BHSU. Total revenue through April is \$32,793,304.

- Interest income recorded for the current fiscal year on State Funds is at \$312,800. This represents interest accruing at 1.75% on the cash held by the state on behalf of the SDSTA as well as cash in our local bank.
- Direct Costs are then listed on the Statement of Income. The classifications for Unallowable Costs and Indirect Costs are listed as well on this report to follow the federal contracting format. Direct Costs/Unallowable Costs are at \$23,895,367 for the current fiscal year. Indirect Costs including fringe benefits are at \$17,110,715. Costs are higher than revenue by \$7,899,978.
- Other Income is at \$344,211 which primarily represents miscellaneous income received from TMI, scrap metal receipts, and amounts from Barrick.
- Miscellaneous Expenses and Donations is at \$3,311,383 for current year fixed assets that were purchased on federal funds through the Cooperative Agreement, transfers from the SURF Foundation for the Sacred Circle Garden, and sales at the SLHVC.
- Loss (Gain) on Sale of Fixed Assets is at \$139,191 for the current year.
- Net Income through January is at a loss of \$4,384,880, primarily from expenses related to the underground expansion phase 1 project. This project will be capitalized on June 20, 2024 as work in progress until complete.

### Comparative Balance Sheet

- Total in Local Checking is lower by \$1,337,325 from this time last year.
- Total Cash with State Treasurer is lower by \$2,256,848 from this time last year as funds received from the State in SB35 is being spent on the underground expansion phase 1 project, the State's interest proration, as well as funds have been used from the Experiment funds for the xenon interest on the notes payable.
- Total Current Assets are lower than last year by \$2,678,323 primarily from the cash received from SB35 being spent on the underground expansion phase 1 project.
- Total Fixed Assets are higher by \$1,311,945 when comparing the two-time frames. The biggest change was in work in progress – an increase of \$2,013,416; primarily from work on the Oro Hondo fan project, 3650L pump room project, and the WWTP project. The second biggest change was in fixed assets purchased on the Cooperative Agreement federal funds – an increase of \$1,619,128; primarily from finalizing the power cables east switch yard project, purchase of the deep well pump and motor, purchase of a JCB forklift/loader, and various other assets purchased. Accumulated depreciation is also part of this balance – an increase of \$1,731,380.
- Asset Retirement Obligation Deferred Outflows is being reported for \$1,129,638. Included in this item is accumulated depreciation, currently at \$37,655.
- Pension Deferred Outflows has changed from last year by a \$5,420,564 decrease based on the FY 2023 entries.
- Xenon purchased stayed the same as last year at \$8,687,833.
- In summary, Total Assets have decreased by \$6,824,597.
- Total Current Liabilities are higher by \$2,318,659 when comparing the two-time frames. Total Current Liabilities is higher primarily due to Accounts Payable for the period being higher.
- Other Liabilities—LT Xenon Notes Payable has remained the same. Pension Deferred Inflows has changed from last year by a \$5,852,211 decrease based on the fiscal year 2023 entries. The Asset Retirement Obligation has changed from last year by a \$67,247 increase due to estimated changes for inflation.
- Total Restricted Funds are lower by \$2,081,841, primarily due to spending the Restricted SB35 Appropriation for the underground expansion phase 1 project.
- Investment in General Fixed Assets has increased by \$1,311,945 for the various additions of fixed assets and projects purchased on federal funds, and work in progress being reported.
- Unrestricted Funds are lower by \$2,588,396 when comparing the two-time frames.
- Total Equity has decreased by \$3,358,293 from this time last year.
- In summary, Total Liabilities & Equity have decreased by \$6,824,597.

### Comparative Profit/Loss

- Total Revenue for year-to-date April 2024 compared to year-to-date April 2023 has decreased by \$9,685,010. This decrease is primarily the net; increase in activity on DOE subcontracts and decrease in state revenue. Direct Costs and Indirect Costs for year-to-date April 2024 compared to this time last year shows a combined increase of \$8,157,526. Net Income/Loss for the comparative time periods shows a decrease of \$19,107,197.

**Available Resources**

- This report reflects SDSTA’s available cash/accounts receivable after noting the restricted cash balances in the Indemnification, Mine Closure, SB35 Appropriation, and funds held for Experiments—interest for investors. This report reflects available cash and (short term) accounts receivable as compared to current liabilities including accrued payroll liabilities. After noting current obligations, \$2,806,005 is available. It is also important to note that the accrued payroll liabilities include accrued vacation and sick pay. Therefore, the report reflects SDSTA’s available resources compared to current obligations.

**Operating Budget Analysis**

- This report is separated into three sections: SDSTA-funded activities, Federal, State, and Commercial-funded activities and Indirect expenses that benefit various activities. Total operating expenses are under budget for April by \$119,856. This is primarily due to expenses for the CA, Ross Logistics Support, and General Site Services all lower than budgeted.

**Human Resources**

**Projects:**

- Held Open Enrollment education meetings March 1-15
- Successfully executed electronic Open Enrollment for benefits plan year effective April 1, 2024.
- Co-sponsored Lead Employment Expo held at SLHVC on April 16, 2024.
- Submitted Centers for Medicare and Medicaid Services Disclosure Report April 16, 2024.
- Filed 2023 EEOC Report May 21, 2024.
- Implemented SDRS Fast Pay electronic process April 1, 2024.
- Begin implementation process of Payscale’s Job Description Manager.

**Hires: 16 total**

- 6 Summer Interns.
- Mechanical Engineer, Contracts Specialist, Communication Specialist, 2 Infrastructure Technicians, Ross Shaft Foreman, Science Laboratory Custodian, Administrative Assistant, SLHVC Guest Associate.

**Terms: 7 total**

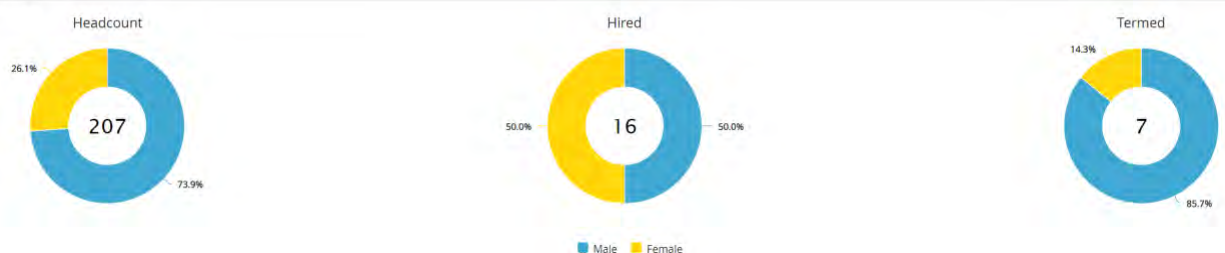
- 2 retirement; 4 voluntary; 1 involuntary.

**Position Changes: 3 promotions**

**Data:**

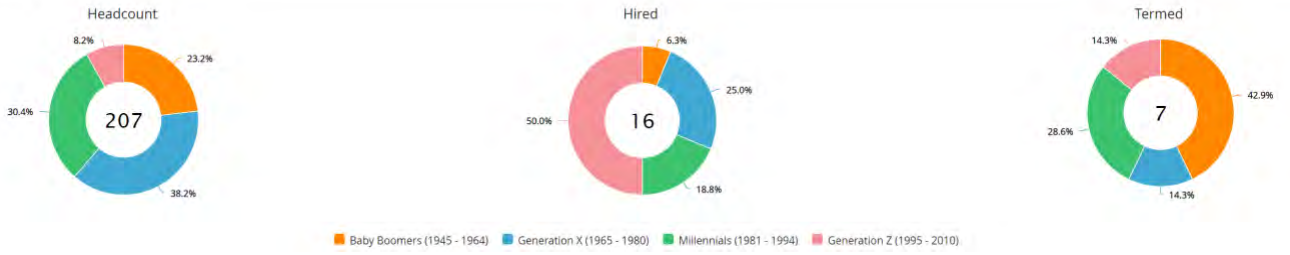


**Gender (Legal) at a Glance**

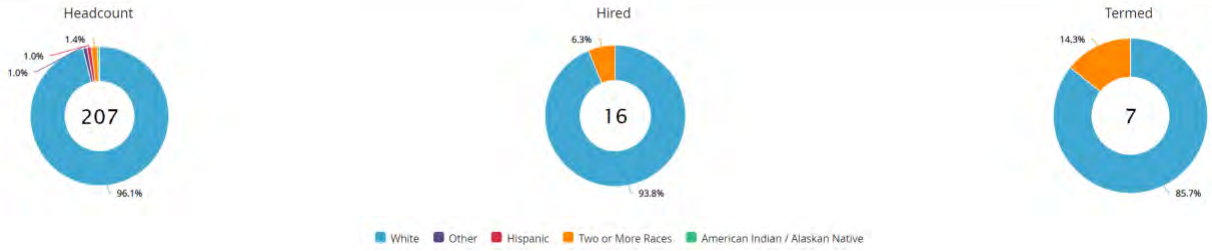




Generation at a Glance



Ethnicity at a Glance





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## **Professional Staff Services – Subcontract No. 607915**

## **Long-Baseline Neutrino Facility (LBNF) and Deep Underground Neutrino Facility (DUNE)**

- Cryostat Beam Lifting Fixture—Working with the SURF and LBNF/DUNE groups, the cryostat beam lifting fixtures were designed and the procurement was completed for ten units.
- Created a Ross collar floor elevation heat map and modeled an animation for loading the L-beam loading and created drawings for lifting fixtures for rigging cryostat beams.
- Participated in review of FRA Waiver Request to waive Low Smoke Zero Halogen (LSZH) requirement for smoke detection system components where LSZH material weren't available. SDSTA policy requires the use of LSZH materials for electrical wiring and plumbing. FRA's waiver request was approved and SDSTA has decided to eliminate the LSZH requirement. Use of LSZH materials is still encouraged but not required.





## **LZ Operations Phase I – Subcontract No. 7525117**

## **Other Experiment Support**

### **LUX-ZEPLIN (LZ)**

- Rebuild of Recovery Compressor 1 Stage 1 head was completed and successfully tested.
- Calibration of the Water Purification System monitoring sensors was completed in preparation for a swap to refurbished deionizing resin beds.
- LZ High-Pressure Gas Cylinder Consolidation—Working with the LZ and SURF groups, the inventory of rented LZ high-pressure gas cylinders was consolidated to minimize the monthly rental cost. Additional effort is required to install a management system which will prevent future situations where unused high-pressure gas cylinders remain onsite.



## **Indirect Funded Activities Status**

## Contracts Status

### Department of Energy (DOE) subcontracts to SDSTA

#### US Department of Energy, Office of Science

- SDSTA received modification No. 36 on the Cooperative Agreement for *Incremental Funding*.
- SDSTA received modification No. 37 on the Cooperative Agreement for *Definitizing Critical Upgrades*.

#### Fermi Research Alliance

- SDSTA received a Supplemental Agreement (SA No. 12) on contract No. 674969 *LBNF Logistics Support Services* for incremental funding for operations and a corresponding two-month extension.
- SDSTA submitted an updated proposal for *LBNF/DUNE-US SDSTA Logistics Support Services* (Replacement contract to No. 674969).
- SDSTA received a new contract, No. 711484, for *LBNF/DUNE General Site Support Services*.

#### Lawrence Berkely National Laboratory

- None.

#### Pacific Northwest National Laboratory

- Submitted a proposal for the *Center for Understanding Subsurface Signals and Permeability (CUSSP) Project*.

### **Summary of Contracts Awarded by SDSTA in March 2023 – May 2024:**

<b>Contract No.</b>	<b>Contractor/Vendor</b>	<b>Type</b>	<b>Project</b>
2019-28	Jacob's Welding	CO#43	J-hooks & Plates
2024-03	FootHills Fencing	NEW	Oro Hondo Fan Fence
2023-37	Hills Toilet Service	CO#1	Add Scope
2023-31	Sander Sanitation	CO#1	Add Scope
2020-05	West Plains Engineering	TSK#10	1250L Pump Room Rehab
2024-04	Elite Industrial	NEW	Oro Hondo Fan Motor Enclosure
2020-05	West Plains Engineering	TSK#9.1	SLHVC Roof Replace Design
2023-40	HOA Solutions	NEW	Dewatering Control System
2022-41	Albertson's Engineering	TSK#5	Yates North Skip Evaluation
2022-41	Albertson's Engineering	TSK#4	Yates Shaft Screen Design
2022-41	Albertson's Engineering	TSK#5.1	Yates South Cage Evaluation
2023-05	RCS	CO#3	Add Delay Costs
2022-41	Albertson's Engineering	TSK#6	Ross Shaft Screen Design
2020-07	Avid4 Engineering	TSK#8	Electrical Distribution Rehab
2023-37	Hills Toilet Service	CO#2	Add Sacred Garden
2024-08	SP6	NEW	SIEM Software
2022-41	Albertson's Engineering	TSK#7	4850L UG Lab Expansion Shop Monorail
2022-33	RCS	TSK#11	WWTP Oxide Removal
2024-09	Dean Kurtz	NEW	Ellison HR Demo
2024-03	FootHills Fencing	CO#1	Add Scope

- **Purchase Orders (POs):** 657 POs were issued March 1 – May 31 totaling **\$1,900,867.32**.
- **Warehouse Inventory:** Warehouse inventory as of May 31 totaled **\$265,523.11**.

## **Community Relations Status**

- The first iteration of Deep Roots, the speaker series in conjunction with Čhaŋgléška Wakǵáŋ, was held on June 12. Sequoia Crosswhite told stories and offered a musical performance; former Cultural Advisory Committee Chair George Campbell and former SDSTA employee KC Russell were honored for their time served at SDSTA and for their work to move the Garden project forward.
- Marty Two Bulls (Oglala Lakota) has been selected as the 2024 SURF Artist in Residence. He is the first Native American and second South Dakota resident to be selected for the role.
- Deep Roots programming will continue through September. July will feature Phil Gover from the Center for Indian Country Development at the Minneapolis Federal Reserve; August will feature 2024 SURF Artist in Residence Marty Two Bulls; and September will feature Amy Sazue of the Remembering the Children Memorial in Rapid City, SD.
- Community relations specialist Emily Berry is serving as interim Guest Services Manager at the Sanford Lab Homestake Visitor Center.
- Community Relations has scheduled twice weekly tours of Čhaŋgléška Wakǵáŋ this summer. The tours will be free to the public.
- On March 27, members of the Star Knowledge Working Group visited the Timber Lake Area Museum in Timber Lake, SD to learn more about the White Horse Winter Count, a photo of which is on display at the Sanford Lab Homestake Visitor Center. Winter counts are pictorial histories on animal hides or cloth. Experiment support scientist Mark Hanhardt researched astronomical events recorded on the winter count, connecting them to events recorded by Western scientists.
- Community Relations will be offering tours of Čhaŋgléška Wakǵáŋ on Neutrino Day from 9am-1pm. Transportation will be provided from the Sanford Lab Homestake Visitor Center.
- Community Relations staff will be traveling to Bismark, ND to work with a summer camp for Native American students at United Tribes Technical College. Many of the students are South Dakota residents and/or members of South Dakota tribes.
- Community Relations is working with The Institute for Underground Science at SURF on coordination of tours of Čhaŋgléška Wakǵáŋ for participants of CETUP\* and QuarkNet.
- Community Relations is continuing its work with the Sanford Lab Homestake Visitor Center to update interactive activities for the Sanford Lab Homestake Visitor Center. Activities include conversation cards for the photo gallery, a Yates Shaft activity with Keva Planks, and information about the ethnobotanical garden.
- The Community Relations Office, E&O Team, and colleagues from Black Hills State University are collaborators on the Cultivating Indigenous Research Communities for Leadership in Education and STEM (CIRCLES) Alliance, a six state NSF grant geared at increasing indigenous STEM education and career readiness opportunities. The South Dakota and North Dakota teams hosted a teacher professional development workshop in Fort Yates, ND on June 4th through 6th. Community Relations and E&O staff have been working with CIRCLES team members and the South Dakota CIRCLES advisory committee to create and facilitate the professional development workshop.

## **Education and Outreach (E&O) Status**

### **K-12 Education and Outreach**

#### **Curriculum units**

- In March through May 2024, 21 curriculum units were utilized by districts in South Dakota, impacting the science learning of 887 students.
- All curriculum units have been returned for cleaning and refurbishment. Some will be used by a student summer program in Sioux Falls.

#### **Classroom presentations**

- In March through May 2024, presentations were made in 24 school districts in South Dakota serving 3,412 students.
- E&O supported the Deadwood Library with their afterschool program in March by creating and facilitating an activity to perform with students and families.
- The E&O team also supported Rapid City Area Schools with STEM activities for their Kindergarten Round-up event as well as Rapid Valley Elementary with their family STEM night.

## Field Trips

- In March through May 2024, there were 10 field trips serving 436 students.

## Professional Development (PD)

- In April 2024, E&O concluded the Powerful & Productive Discourse in K-12 Mathematics course for a group of 16 educators. The course met five times over the course of the Spring semester.
- At the end of May, E&O partnered with QuarkNet and The Institute for Underground Science at SURF to offer a Teacher Leader Institute for teacher leaders in QuarkNet centers across the nation. Teachers came from 13 different states and Puerto Rico.
- In March through May 2024, the E&O team facilitated 455 people hours of professional development for educators.

## Undergraduate

- In March 2024, science education specialist Ashley Armstrong worked with 12 pre-service educators from SDSU to explore a SURF curriculum unit and talk about best practices in science teaching.
- In May 2024, science education specialist Chad Ronish and the E&O team facilitated a weeklong on-boarding program for the Summer 2024 interns.

## Other

- E&O partnered with QuarkNet to offer a Masterclass at SURF for middle and high school students. The event included 34 students from Newcastle (WY), Spearfish, Lower Brule, and Timber Lake.
- Sessions and support were provided for Women in Science events at SD Mines and BHSU.
- The E&O team supported the High Plains Science Fair at SD Mines by judging entries.
- E&O coordinated with Community Relations and ESH to provide an activity booth for the Earth Day event at Western Dakota Tech in April.
- Refer to Table 1 below for the annual numbers from fiscal year 2016 to present.

**Table 1. K-12 Students: Fiscal year final numbers (July 1 – June 30)**

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024*
<b>Curriculum Units</b>	934	3504	2286	3598	3236	3384	3718	2554	3525
<b>Presentations</b>	8734	8157	6304	6704	3704	2005	14038	12799	10281
<b>Field trips</b>	595	660	796	1117	254	58	485	972	966
<b>Other</b>	10	891	825	1055	918	298	1468	1596	1368
<b>Total</b>	10273	13212	10211	12474	8112	5745	19709	17921	16140

\*Numbers include data from July 1 – May 31, 2024

## Communications Status

- The Communications Department hired Laine Mitchell for the open communications specialist's position.
- Communications collaborated with Click Rain Lemonly to streamline the brand and logos of SURF.
- The new brand was launched at the end of April during the SURF All-Hands meeting.
- Communications is on schedule with rolling out branded items from the working calendar.
- SDSTA was awarded the TAP Grant from SD Tourism with the assistance of the Foundation and the SLHVC.
- Communications represented SURF at the January Black Hills Energy Citizen Advisory Board meeting.
- Work continues populating the new SURF website, which launched May 1.
- Communications provided technical support and created assets for the launch of a very successful Deeper Talks hosted by The Institute for Underground Science at SURF.
- Neutrino Day planning is moving along and expanding the footprint. New vendors, presenters, community partners, and community outreach is helping grow the event.
- After successfully representing SURF at the GOED conference, SDSTA/SURF is going to be part of an online segment featured on the GOED website.
- Communications summer intern Kate Shelton began working in the department for the summer.

- Communications updated our Crisis Communication Standard COM-(1000-S)-79595 and continued work with our partners at Fermilab on crisis communication planning.

### **Community Outreach/Media/Site Visits/Presentations**

- March 8 – Communications director Ann Metli and media relations manager Mike Ray met with Elevate Rapid City economic development director Lori Frederick.
- March 11 – Ann and outreach and culture director Deb Wolf presented at the Spearfish Lions Club.
- March 13 – BHSU President Steve Elliott visited SURF.
- April 2 – Attended a Science Near Me Meeting.
- April 10-11 – Ann, multimedia specialist Stephen Kenny, and Mike Ray attended the Governor’s Office of Economic Development Conference in Sioux Falls.
- April 23 – Ann attended the Black Hills Energy Advisory Council Q2 meeting in Rapid City.
- April 24 – Ann and donor relations manager Michelle Kane attended the Lead Chamber Mixer.
- April 30 – Mike Ray escorted New York Times reporter for tour and interview with Director Headley.
- May 2 – Ann and Michelle attended SD CEO event and lunch.
- May 2 – Ann and Mike Ray presented at the Rushmore Regional Alliance Meeting.
- May 7 – Mike Ray escorted a Times of London reporter on a tour and interview with Director Headley.
- May 10 – Ann presented at Sioux Falls Rotary West.
- May 13 – Mike Ray assisted Black Hills Pioneer journalist Wendy Pitlick on a tour of the WWTP
- May 13 – Ann and Mike Ray presented at Lead Kiwanis.
- May 14 – Ann attended an AiR presentation at BHSU given by SURF AiR coordinator Gina Gibson.
- May 20 – Ann and Deb gave tour of the SLHVC and hoistroom to a PBS television scout for a national travel show.
- May 29 – Ann assisted Ryan Bozer of SDPB on a tour of the WWTP.
- May 30 – Stephen and Ann escorted Josh from GOED on tours of the underground, WWTP, Hoistroom, and the SLHVC. Director Headley was interviewed.
- May 31 – Mike Ray attended an interview with BH Pioneer and Dr. Brianna Mount on the BHSU campus.

### **Upcoming Community Outreach/Media/Site Visits/Presentations**

- Sowing the Seeds of Čhaŋglěška Wakħáj June 12.
- Sturgis Kiwanis presentation on June 13.
- Neutrino Day July 13 – Honored Neutrino Day guest reception on July 12.

### **Video, Web, Graphics**

- Developed new live streaming and webinar event platform for Deeper Talks.
- Updated new brand templates (powerpoint, letterhead, and business cards, and ISM documents).
- Launched new sanfordlab.org website.
- Content continues to be refined and updated across all SURF-owned websites.
- Distributed logos and brand guides to departments and partners.
- Live stream Deep Talks in March and April.
- Developed and updated compelling videos about SURF to use in the region, across the state, and around the world.
  - Neutrino Day promotional material
  - Rock handling video
  - Document the first blast of SDSTA underground Expansion video
  - Updated student opportunities video
  - DUNE Cavern Tour for Deep Talks Video
  - Logo hype reveal

### **News Coverage**

- Our media tracking platform, Meltwater, shows SURF received 608 media mentions so far this quarter (March-June 3) with an advertising value equivalency of \$864,000.
- National and international press coverage includes the PBS- Nova, Nature, Yahoo News, and Phys.org among the top media outlets covering SURF so far this quarter. Upcoming publications are expected in the New York Times

and Times of London to increase our numbers this quarter.

- Major covered stories include the EPA Grant, MAJORANA news, DUNE news, LZ news, EPSCoR grant coverage and local news stories.
- Multiple interviews and news stories were completed with local media, including SDPB, BH Pioneer, KOTA, KNBN, the New York Times, Times of London, and others.
- Stephen’s photo of the Northern Lights over SURF is the most liked social post of this quarter. The SURF Facebook post has 868 reactions with a reach of more than 18,888 people as of this time.

#### A sampling of the many news articles mentioning SURF since April 1st.

- [State awarded \\$3 million in EPA funds for cleanups at Fort Sisseton, Box Elder, Sioux Falls, Lead](#), by John Hault, South Dakota Searchlight, May 20, 2024.
- Experimental setup expands the hunt for hidden dark matter particles, by [US Department of Energy](#), Phys.org, May 7, 2024.
- [Blast to the future: Subterranean lab digs further into Black Hills, particle physics](#), by Joe Sneve, The Dakota Scout, May 23, 2024.
- [South Dakota's brightest minds selected as Davis-Bahcall Scholars](#), KNBN NewsCenter1, May 15, 2024.
- [Lead employment expo looks to hire roles for DUNE project](#), Rapid City Journal, April 11, 2024.
- [Headley named to prestigious list of SDSU Distinguished Engineers](#), Black Hills Pioneer, April 9, 2024.

### Information Technology Status

#### Projects

- Migrated Ivanti/Duo from LDAPS to Radius.
- Investigated and deployed FortiClient/Duo configuration to eventually replace Ivanti.
- Implemented new FEX replacement switches.
- Supported various tasks for CAT including mapping and re-configuring the Brain Boxes.
- Updated IT systems to display the new logo.
- Reconfigured and deployed the new Ross manifest.
- Deployed Mosyle as a replacement for JAMF Apple management.
- Deployed the Yates Minestar kiosk at the Yates ramp for initial testing and showcasing.
- Deployed Syxsense critical vulnerability patching to SDSTA servers – automated monthly patching for critical vulnerabilities

#### Daily Activities

In addition to work order activity, IT monitors and reviews wireless and general network activity and counts, network hardware readiness, VPN Remote Access logs, Firewall logs, and establishes new VPN and DocuShare accounts for individuals and user groups, as requested.

### March – May 2024 Events

- The Visitor Registration Monthly Reports were submitted electronically to the SD Fusion Center/Homeland Security utilizing the SURF database reporting tool. The Monthly SURF Foreign National Visits Reports and Restricted Party Screening Audits were generated and distributed. The Administrative Services team registered 691 visitors from March 1 to May 30. Access badge requests continued to be processed and monthly badging reports distributed.



Number of New Visitors, Users and Contractors On-Site



## Administrative Services Activities

- The open administrative assistant position was filled by Stacy Sandgren in late March. A draft SURF Access Request Form was completed in April, and staff feedback provided. A meeting is being scheduled with Johnson Controls Inc. and SDSTA staff in early summer 2024 to discuss best methods to populate key fields from the SARF into SURF's new C-CURE 9000 access control system. An SDSTA/FRA working group is being established to streamline the vetting and badging process. Trademark documentation was submitted for SURF, Neutrino Day, and the Institute logos. QA/QC completed the Administrative Services Office internal process audit; zero discrepancies were found.
- Events and meetings onsite have steadily increased through Spring. The Administrative Services team provided support for the following:
  - Mar 4-7 – SURF Operations Cooperative Agreement Renewal site visit; Mar 7 – Times of London site visit
  - Mar 11 – Office of Risk Management Compliance Q1 site visit
  - Mar 12-14 – CAT site visit
  - Mar 13 – BHSU President Steve Elliott site visit; DTI site visit and tour of WWTP
  - Mar 21 – SDSTA Board Meeting; SURF Foundation Board Meeting
  - Mar 25 – BHSU site visit
  - Mar 28 – Gov. Dugaard and guests site visit
  - Apr 4 – Higher Ed Connections Workshop
  - Apr 8, 15, 16, 22, 23, 26, 29 – First Aid/AED/CPR Certification Class
  - Apr 9 – Quarterly EOS Summit with Mike Roth
  - Apr 11 – Lunch & Learn series
  - April 18, 19, 24, 25 – School Field Trip site-visits
  - Apr 22 & 26 – CAT site visits
  - Apr 25 – SURF All Hands Meeting
  - May 14 – 17 – CoSSURF hosted at SD Mines; included a SURF site visit
  - May 15, 16, 20, 21, 22 – School Field Trip site visit; May 15 SD Department of Public Safety site visit
  - May 28 – SD State Legislators site visit
  - May 30 & 31 – Quarknet Lead Teacher Cornerstone Workshop
- Administrative support continues to be provided to the SDSTA Board of Directors. Their quarterly meeting was held on March 21, 2024; Board materials and meeting minutes were posted to the Boards & Commissions portal. Preparations began for their annual meeting on June 20. Administrative support is also being provided to donor relations manager Michelle Kane for the Foundation Board's annual meeting also scheduled on June 20.
- The Administrative Services team is assisting with planning efforts for upcoming events in June/July including the following: the Entrepreneurial Operating System (EOS) 2-day annual summit with consultant Mike Roth on July 23-24 held at BHSU, the "SURF on the TURF" family picnic held at Manuel Bros Park on July 26, SURF All Hands Meeting on July 31, and various other site visits. Logistics planning continues with The Institute program manager Stacie Granum for several upcoming workshops and programs in July. The Neutrino Day planning committee is meeting weekly in preparation for annual science festival to be held on July 13.



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## **SANFORD LAB HOMESTAKE VISITOR CENTER**

## **Sanford Lab Homestake Visitor Center (SLHVC) Status**

### **Outreach and Programming**

- The March Deep Talks was a Fermilab update on the DUNE excavation, bringing in a record number of attendees.
- The April Deep Talks was the SURF annual update, providing further details on the Yates Top-Down Maintenance and the work occurring throughout the organization.
- The May Deep Talks was by Tansé Herrmann, a USDA soil health specialist. His presentation set the stage for upcoming summer programming, including the planting at Čangléška Wakháj.
- In March, the SLHVC put on a Pi Day event, bringing in a number of homeschool families and community members.
- May brought Road Scholars, bus tours, and the start of our city and hoistroom tours. The trolley was retired, and a new transport shuttle is being utilized.
- Ask a Scientist continues to be held the second Thursday of every month. Graduate students working on the various experiments have been joining SURF's science support specialists in participating in this outreach event.
- The Education and Outreach team partnered with the SLHVC as part of their spring field trip planning, including time for an exhibit scavenger hunt as a part of the experience.
- The SLHVC has hosted events for the Black Hills Area Community Foundation, workshops for Fermilab, a graduation party for a Lead-Deadwood high school graduate, and was the polling place for the city commission election.
- The Lead Employment Expo occurred at the SLHVC in April, allowing Fermilab and SURF to work with other community employers to advertise open positions and talk to potential hires.
- The first Institute-sponsored Deeper Talks presentation was a hybrid event, and the SLHVC classroom provided a space for the in-person portion of the program.
- As part of the iPAGE program, a representative from the Science Museum of Minnesota visited SURF and lead a workshop for the Outreach and Culture team.
- Community relations specialist Emily Berry has joined the SLHVC team as interim Guest Experience Manager, allowing her to share her informal science education background with visitors and team members alike.
- Hiring for summer season and onboarding team members continues as visitation increases.



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**SURF FOUNDATION  
501(c)(3)**

## **SURF Foundation Status**

### **Work Accomplishments**

- Progress of Foundation Funded Projects
  - The planting day at Čanĝlěška Wakħáj Garden is scheduled for June 12, 2024, with volunteers from Northern Hills Master Gardeners and donors participating.
  - The Chris Bauer Memorial Scholarship was awarded to intern Bridger Roberdeau, who was introduced to the family.
  - Eight Davis Bahcall Scholars were selected with support from First Premier Bank.
  - Meetings were held for fundraising planning with Gina Gibson, the SURF AiR coordinator, and a meeting with Marty Two Bulls, Jr., SURF AiR. A presentation at Matthew’s Opera House for the SURF AiR is scheduled in November.
- Outreach and Public Affairs Activities
  - The Foundation maintained an active presence at various forums, including the SD CEO Women’s Business Center, local chambers, economic development events, and SURF’s Deep Talks, and other meetings.
  - SURF was represented at the GOED Annual Conference in Sioux Falls and the SD CEO Women In Business Conference in Spearfish.
  - The visit of Germanium Materials and Detectors Advancement Research Consortium (GEMADARC) to SURF was coordinated successfully.
  - Presentations were delivered to Northern Hills Rotary, Rapid City Rotary, Black Hills Area Community Foundation, and Road Scholars.
- Foundation Marketing
  - Updates were reviewed and recommended for the SURF website and the Neutrino Day event website.
  - Discussions have started about hosting a SURFF-focused LinkedIn page.
  - Assistance was provided in updating the Foundation’s Annual Report.
- Foundation Internal Processes
  - Administrative updates included completing Sam.gov updates, renewing D&O insurance coverage, and registering Fermilab’s FEMASID.
  - The Governance Committee meeting was coordinated, including drafting the slate of officers and board skills matrix.
  - The Foundation actively participated in the internal SURF Donation Committee, enhancing outreach and collaboration efforts.
- Grants and Highlighted Donations Received
  - SDSTA was awarded a \$9,869 grant from SD Tourism for enhanced marketing for Neutrino Day.
  - In addition to the SD Tourism Grant, \$33,000 has been raised for Neutrino Day 2024.
  - A donation of \$500 was received from the Black Hills Area Community and applied to QuarkNet expenses.
  - Private donations have contributed over \$6,000 for internships and more than \$1,000 for monthly public outreach events.



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## **The Institute for Underground Science at SURF**

## **The Institute Status**

### **Outreach and Programming**

#### **Work Accomplishments**

- Higher Ed Connections Workshop
  - The purpose is to foster collaboration, share knowledge, and support SD universities.
  - Thirty faculty from seven South Dakota universities attended this workshop on April 4.
  - The universities that participated included Augustana, Black Hills State, Dakota State, Dakota Wesleyan, SD Mines, South Dakota State University, and University of South Dakota.
- QuarkNet Lead Teacher Cornerstone Workshop
  - The purpose is to support science teachers in bringing real particle physics into their classrooms. The Institute/SURF partners with BHSU as a designated QuarkNet center.
  - Eleven lead teachers from throughout the U.S. attended this workshop from May 30 through June 2.
- Deeper Talks: SURF Seminar Series
  - The purpose of this monthly series of talks is to create a platform to engage the science community via a seminar series to foster an intellectual community and interdisciplinary research.
  - The series launched May 8 with featured speaker Magdalena Osburn sharing her research about “A Decade of DeMMO: Microbes a mile underground at SURF.”
  - Forty-six people registered, including both virtual and in-person participants.
- Center for Theoretical Underground Physics \*and Related Areas (CETUP\*) Workshop
  - The purpose is to promote organized research in physics, cosmology and astrophysics, geoscience, and other fields related to underground science and collaborative research in a dynamic atmosphere of intense scientific interactions.
  - Planning is in progress and the workshop will take place from June 17 through July 19.
  - Seventy-four scientists and researchers are expected to attend.
- Quantum Partnership Workshop
  - The purpose of this workshop is to foster synergies and forge new connections within the quantum research community.
  - Planning is in progress for a July 16 workshop date.
  - Twenty-five people from within the South Dakota quantum research community are expected to attend.
- Continue to foster relationships within area education, tourism, and business sectors to raise awareness and develop partnerships to enhance program participant experiences.
- Finalized messaging and ordered branded collateral and promotional materials.
- Continue to support fundraising efforts through outreach and grant research.



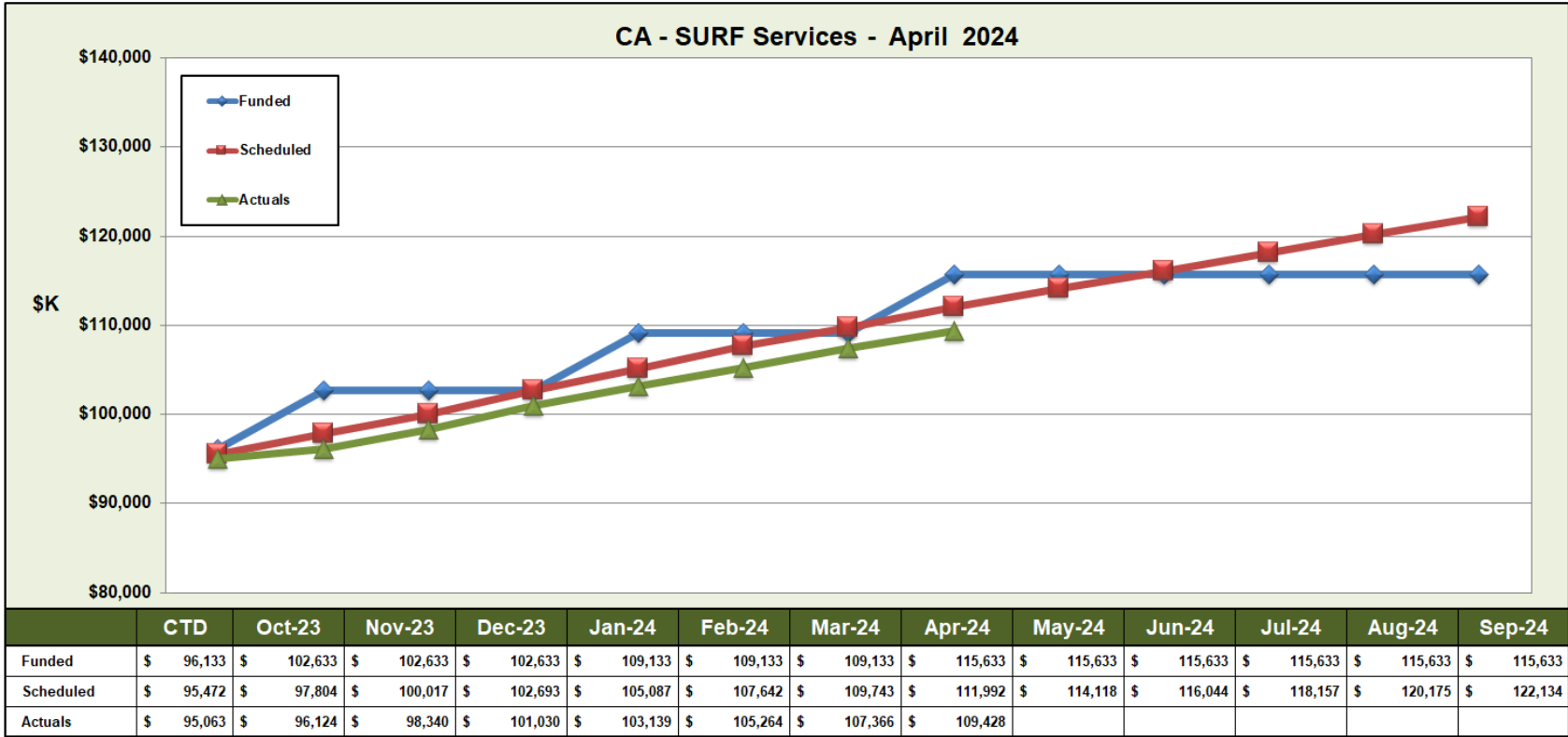




## **APPENDIX**



**Business Services Department  
Appendix A**



**DOE SDSTA Fiscal Year 2024 SPA Curve**



# Financial Summaries - Appendix B

REPORT DATE 5/13/2024

SOUTH DAKOTA SCIENCE & TECHNOLOGY

PAGE 0001

DIVISION: ALL

## BALANCE SHEET

### ASSETS

AS OF  
4/30/2024

		AS OF 4/30/2024
<b>CURRENT ASSETS</b>		
First Interstate Checking	\$	2,295,999.37
		-----
Total in Local Checking		2,295,999.37
SD Treas: Indemnification		7,500,000.00
SD Treas: Mine Closure		1,567,504.94
SD Treas: Operating		1,643,238.62
SD Treas: SB35 Appropriation		10,515,475.07
SD Treas: Experiments		550,878.65
		-----
Total with SD Treasurer		21,777,097.28
Billed A/R		1,677,361.31
Unbilled A/R		1,065,832.04
Other A/R		655,551.79
Inventory - Supplies		3,300,161.33
Inventory - Warehouse		494,153.11
Other Current Assets		1,665,926.38
		-----
Total Current Assets		32,932,082.61
<b>FIXED ASSETS</b>		
Land, Underground & Other		12,793,484.40
Bldgs & Infrastructure		19,215,582.35
Improvements		63,312,036.57
Work in Progress		6,039,722.86
Computer Equipment		366,435.18
Equipment & Fixtures		10,190,126.39
DOE Property Transfer		10,311,197.32
Accum Depr & Amort		(25,029,617.06)
DOE Prop. Accum Deprec.		(1,341,659.10)
		-----
Total Fixed Assets		95,857,308.91
<b>OTHER ASSETS</b>		
Asset Retirement Obligation Deferred Outflows		1,129,637.92
Asset Retirement Obligation Accumulated Depr.		(37,654.60)
Pension Deferred Outflows		5,823,104.49
Xenon Purchased		8,687,833.46
		-----
Total Other Assets		15,602,921.27
<b>TOTAL ASSETS</b>	<b>\$</b>	===== 144,392,312.79 =====

DIVISION: ALL

BALANCE SHEET

LIABILITIES & EQUITY

AS OF  
4/30/2024

CURRENT LIABILITIES		
Accounts Payable	\$	3,172,385.77
Other Payables		5,064.48
		-----
Total Accounts Payable		3,177,450.25
Accrued Payroll Liab		2,456,635.03
		-----
Total Current Liabilities		5,634,085.28
OTHER LIABILITIES		
LT Xenon Notes Payable		3,121,190.01
Pension Deferred Inflows		3,447,916.22
Asset Retirement Obligation		1,196,884.99
		-----
Total Other Liabilities		7,765,991.22
EQUITY		
Restricted: Indemnification		7,500,000.00
Restricted: SB35 Appropriation		10,515,475.07
Restricted: Mine Closure		1,567,504.94
Restricted: Pension		2,375,188.27
Restricted: Experiment. Int.		550,878.65
		-----
Total Restricted Funds		22,509,046.93
Investment in Gen FA		95,857,308.91
Unrestricted Funds		12,625,880.45
		-----
Total Equity		130,992,236.29
TOTAL LIABILITIES & EQUITY		
	\$	=====
		144,392,312.79
		=====

ALL

## STATEMENT OF INCOME

FOR THE PERIOD ENDING 4/30/2024

	YR-TO-DATE
	-----
REVENUE	
DOE Subcontracts	\$ 32,793,303.66
Checking Interest	6,288.28
Interest Income	306,511.45
	-----
TOTAL REVENUE	33,106,103.39
DIRECT COSTS	
Direct Labor	8,318,911.31
Board of Directors	8,418.71
Capital Outlay >\$5K	1,492,839.79
Contractual Svcs	9,558,365.19
Inventory	254,304.14
Supplies	1,839,971.47
Travel - Domestic	111,312.12
Travel - Foreign	12,773.21
Utilities	1,877,616.19
Other Direct Costs	233,860.58
Unallow/Unbill Costs	186,994.12
	-----
TOTAL DIRECT COSTS	23,895,366.83
INDIRECT COSTS	
Fringe Benefits	7,536,138.97
Overhead	9,574,575.80
	-----
TOTAL INDIRECT COSTS	17,110,714.77
	-----
GROSS PROFIT/LOSS ( )FROM OPERATIONS	(7,899,978.21)
	-----
OTHER INCOME	
Water Treatment	181,833.32
Miscellaneous Income	31,760.23
Other Operating Income	130,617.62
	-----
TOTAL OTHER INCOME	344,211.17
OTHER EXPENSES	
Misc. Expenses & Donations	(3,311,382.54)
Loss (Gain) on Sale of FA	139,191.34
Other Unallowable Expense	503,816.47
Reclass Incr Net Assets	(502,512.31)
	-----
TOTAL OTHER EXPENSES	(3,170,887.04)
	=====
NET INCOME/LOSS ( )	\$ (4,384,880.00)
	=====

DIVISION: ALL

COMPARATIVE BALANCE SHEET

ASSETS

	AS OF 04/30/24	AS OF 04/30/23	\$ CHANGE	% CHANGE
<b>CURRENT ASSETS</b>				
First Interstate Checking	\$ 2,295,999.37	\$ 3,633,324.54	\$ (1,337,325.17)	-36.81%
Total in Local Checking	2,295,999.37	3,633,324.54	(1,337,325.17)	-36.81%
SD Treas: Indemnification	7,500,000.00	7,500,000.00	-	0.00%
SD Treas: Mine Closure	1,567,504.94	1,533,566.14	33,938.80	2.21%
SD Treas: Operating	1,643,238.62	1,386,598.52	256,640.10	18.51%
SD Treas: SB35 Appropriation	10,515,475.07	13,000,000.00	(2,484,524.93)	100.00%
SD Treas: Experiments	550,878.65	613,780.19	(62,901.54)	-10.25%
Total with SD Treasurer	21,777,097.28	24,033,944.85	(2,256,847.57)	-9.39%
Billed A/R	1,677,361.31	1,447,617.94	229,743.37	15.87%
Unbilled A/R	1,065,832.04	1,004,743.93	61,088.11	6.08%
Other A/R	655,551.79	388,979.99	266,571.80	68.53%
Inventory - Supplies	3,300,161.33	3,150,678.11	149,483.22	4.74%
Inventory - Warehouse	494,153.11	439,444.50	54,708.61	12.45%
Other Current Assets	1,665,926.38	1,511,672.16	154,254.22	10.20%
Total Current Assets	32,932,082.61	35,610,406.02	(2,678,323.41)	-7.52%
<b>FIXED ASSETS</b>				
Land, Underground & Other	12,793,484.40	12,743,473.13	50,011.27	0.39%
Bldgs & Infrastructure	19,215,582.35	19,321,800.42	(106,218.07)	-0.55%
Improvements	63,312,036.57	62,813,135.62	498,900.95	0.79%
Work In Progress	6,039,722.86	4,026,307.26	2,013,415.60	50.01%
Computer Equipment	366,435.18	381,499.81	(15,064.63)	-3.95%
Equipment & Fixtures	10,190,126.39	10,705,072.13	(514,945.74)	-4.81%
DOE Property Transfer	10,311,197.32	8,692,069.01	1,619,128.31	18.63%
Accum Depr & Amort	(25,029,617.06)	(23,298,236.86)	(1,731,380.20)	7.43%
DOE Prop. Accum Deprec.	(1,341,659.10)	(839,756.75)	(501,902.35)	59.77%
Total Fixed Assets	95,857,308.91	94,545,363.77	1,311,945.14	1.39%
<b>OTHER ASSETS</b>				
Asset Retirement Obligation Deferred Outflows	1,129,637.92	1,129,637.92	-	0.00%
Asset Retirement Obligation Accumlated Depr.	(37,654.60)	-	(37,654.60)	100.00%
Pension Deferred Outflows	5,823,104.49	11,243,668.96	(5,420,564.47)	-48.21%
Xenon Purchased	8,687,833.46	8,687,833.46	-	0.00%
Total Other Assets	15,602,921.27	21,061,140.34	(5,458,219.07)	-25.92%
<b>TOTAL ASSETS</b>	<b>\$ 144,392,312.79</b>	<b>\$ 151,216,910.13</b>	<b>\$ (6,824,597.34)</b>	<b>-4.51%</b>



DIVISION: ALL

COMPARATIVE BALANCE SHEET

LIABILITIES & EQUITY

	AS OF 04/30/24	AS OF 04/30/23	\$ CHANGE	% CHANGE
<b>CURRENT LIABILITIES</b>				
Accounts Payable	\$ 3,172,385.77	\$ 926,362.37	2,246,023.40	242.46%
Other Payables	5,064.48	810.56	4,253.92	524.81%
	-----	-----	-----	-----
Total Accounts Payable	3,177,450.25	927,172.93	2,250,277.32	242.70%
Accrued Payroll Liab	2,456,635.03	2,388,253.37	68,381.66	2.86%
	-----	-----	-----	-----
Total Current Liabilities	5,634,085.28	3,315,426.30	2,318,658.98	69.94%
<b>OTHER LIABILITIES</b>				
LT Xenon Notes	3,121,190.01	3,121,190.01	-	0.00%
Pension Deferred Inflows	3,447,916.22	9,300,127.02	(5,852,210.80)	-62.93%
Asset Retirement Obligation	1,196,884.99	1,129,637.92	67,247.07	5.95%
	-----	-----	-----	-----
Total Other Liabilities	7,765,991.22	13,550,954.95	(5,784,963.73)	-42.69%
	-----	-----	-----	-----
<b>TOTAL LIABILITIES</b>	<b>13,400,076.50</b>	<b>16,866,381.25</b>	<b>(3,466,304.75)</b>	<b>-20.55%</b>
<b>EQUITY</b>				
Restricted: Indemnificati	7,500,000.00	7,500,000.00	-	0.00%
Restricted: SB35 Appropriation	10,515,475.07	13,000,000.00	(2,484,524.93)	100.00%
Restricted: Mine Closure	1,567,504.94	1,533,566.14	33,938.80	2.21%
Restricted: Pension	2,375,188.27	1,943,541.94	431,646.33	22.21%
Restricted: Experim. Int.	550,878.65	613,780.19	(62,901.54)	-10.25%
Restricted: Foundation	-	-	-	0.00%
	-----	-----	-----	-----
Total Restricted Funds	22,509,046.93	24,590,888.27	(2,081,841.34)	-8.47%
Investment in Gen FA	95,857,308.91	94,545,363.77	1,311,945.14	1.39%
Unrestricted Funds	12,625,880.45	15,214,276.84	(2,588,396.39)	-17.01%
	-----	-----	-----	-----
<b>TOTAL EQUITY</b>	<b>130,992,236.29</b>	<b>134,350,528.88</b>	<b>(3,358,292.59)</b>	<b>-2.50%</b>
	=====	=====	=====	=====
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>\$ 144,392,312.79</b>	<b>\$ 151,216,910.13</b>	<b>\$ (6,824,597.34)</b>	<b>-4.51%</b>
	=====	=====	=====	=====

COMPARATIVE STATEMENT OF INCOME

FOR THE PERIOD ENDING 4/30/2024

	YEAR TO DATE	PRIOR YEAR TO DATE	\$ CHANGE	% CHANGE
<b>REVENUE</b>				
DOE Subcontracts	\$ 32,793,303.66	\$ 29,678,848.89	\$ 3,114,454.77	10.49%
State Revenue	-	13,000,000.00	(13,000,000.00)	-100.00%
Checking Interest	6,288.28	9,100.13	(2,811.85)	-30.90%
Interest Income	306,511.45	103,164.21	203,347.24	197.11%
<b>TOTAL REVENUE</b>	<b>33,106,103.39</b>	<b>42,791,113.23</b>	<b>(9,685,009.84)</b>	<b>-22.63%</b>
<b>DIRECT COSTS</b>				
Direct Labor	8,318,911.31	7,683,910.64	635,000.67	8.26%
Board of Directors	8,418.71	37,035.74	(28,617.03)	-77.27%
Capital Outlay >\$5K	1,492,839.79	2,790,513.95	(1,297,674.16)	100.00%
Contractual Svcs	9,558,365.19	2,305,119.56	7,253,245.63	314.66%
Inventory	254,304.14	278,012.87	(23,708.73)	-8.53%
Supplies	1,839,971.47	1,565,314.77	274,656.70	17.55%
Travel - Domestic	111,312.12	69,827.06	41,485.06	59.41%
Travel - Foreign	12,773.21	7,726.44	5,046.77	65.32%
Utilities	1,877,616.19	2,071,059.18	(193,442.99)	-9.34%
Other Direct Costs	233,860.58	198,081.36	35,779.22	18.06%
Unallow/Unbill Costs	186,994.12	421,332.01	(234,337.89)	-55.62%
<b>TOTAL DIRECT COSTS</b>	<b>23,895,366.83</b>	<b>17,427,933.58</b>	<b>6,467,433.25</b>	<b>37.11%</b>
<b>INDIRECT COSTS</b>				
Fringe Benefits	7,536,138.97	6,199,067.40	1,337,071.57	21.57%
Overhead	9,574,575.80	9,221,555.04	353,020.76	3.83%
<b>TOTAL INDIRECT COSTS</b>	<b>17,110,714.77</b>	<b>15,420,622.44</b>	<b>1,690,092.33</b>	<b>10.96%</b>
<b>GROSS PROFIT/LOSS ( )</b>	<b>(7,899,978.21)</b>	<b>9,942,557.21</b>	<b>(17,842,535.42)</b>	<b>517.81%</b>
<b>OTHER INCOME</b>				
Water Treatment	181,833.32	100,304.86	81,528.46	81.28%
Miscellaneous Income	31,760.23	62,796.77	(31,036.54)	-49.42%
Other Operating Income	130,617.62	75,333.57	55,284.05	73.39%
<b>TOTAL OTHER INCOME</b>	<b>344,211.17</b>	<b>238,435.20</b>	<b>105,775.97</b>	<b>44.36%</b>
<b>OTHER EXPENSES</b>				
Misc. Expenses & Donations	(3,311,382.54)	(2,480,985.74)	(830,396.80)	33.47%
Loss (Gain) on Sale of FA	139,191.34	(2,534,142.46)	2,673,333.80	-105.49%
Other Unallowable Expense	503,816.47	328,364.75	175,451.72	53.43%
Reclass Incr Net Assets	(502,512.31)	145,438.46	(647,950.77)	-445.52%
<b>TOTAL OTHER EXPENSES</b>	<b>(3,170,887.04)</b>	<b>(4,541,324.99)</b>	<b>1,370,437.95</b>	<b>-30.18%</b>
<b>NET INCOME/LOSS ( )</b>	<b>\$ (4,384,880.00)</b>	<b>\$ 14,722,317.40</b>	<b>\$ (19,107,197.40)</b>	<b>-129.78%</b>

**South Dakota Science & Technology Authority**  
**Available Resources**  
**4/30/2024**

Cash Total Checking	\$	2,295,999
Cash With State Treasurer	\$	<u>21,777,097</u>
Total Cash	\$	24,073,097
Less: Restricted Funds		
Indemnification/Mine Closure	\$	(9,067,505)
SB35 Appropriation	\$	(10,515,475)
Experiments (Xenon, Interest, Infrastructure)	\$	<u>(550,879)</u>
Total Cash Available for Infrastructure Upgrades and Authority Operations	\$	3,939,238
Plus: Accounts Receivable Billed	\$	1,677,361
Transfer request from the SB35 Appropriation	\$	1,757,659
Accounts Receivable Unbilled	\$	1,065,832
Less: Current Liabilities (Accounts Payable & Accrued Payroll)	\$	(5,634,085)
Available Cash and Receivables	\$	<u><u>2,806,005</u></u>

**SDSTA Operating Budget Summary FY2024**

Actual vs Budget  
April 2024 & YTD

	April 2024				YTD				
	April 2024	Budget	\$ Over/Under Budget	% of Budget	Actual YTD	YTD Budget	\$ Over/Under Budget	% of Budget	% Remaining
SDSTA (Authority) Direct Charges									100%
Board of Directors	\$646	\$1,500	\$854	43.06%	\$8,956	\$15,000	\$6,044	59.71%	40.29%
Executive Office	\$88,111	\$88,811	\$700	99.21%	\$985,224	\$1,058,966	\$73,742	93.04%	6.96%
Science Center E & O	\$2,590	\$300	(\$2,290)	863.19%	\$104,256	\$82,600	(\$21,656)	126.22%	-26.22%
SURF Foundation	\$21,158	\$24,600	\$3,443	86.01%	\$171,017	\$258,407	\$87,390	66.18%	33.82%
Science Liaison	\$1,567	\$0	(\$1,567)	100.0%	-\$801	\$0	\$801	100%	NA
SLHVC (Visitor Center)	\$53,847	\$49,537	(\$4,310)	108.7%	\$430,368	\$524,795	\$94,427	82.01%	17.99%
<b>Subtotal</b>	<b>\$167,919</b>	<b>\$164,749</b>	<b>(\$3,170)</b>	<b>101.92%</b>	<b>\$1,699,020</b>	<b>\$1,939,768</b>	<b>\$240,748</b>	<b>87.59%</b>	<b>12.41%</b>
Federal/State Funding - Direct Charges									
Fermi C#671265 Prof. St.Services	\$7,888	\$10,910	\$3,022	72.3%	\$95,168	\$109,100	\$13,932	87.23%	12.77%
Fermi C#674969 Ross Logist.Supp.	\$253,525	\$282,106	\$28,581	89.87%	\$4,838,909	\$5,223,558	\$384,649	92.64%	7.36%
Fermi C#711484 Gen Site Services	\$27,847	\$76,175	\$48,328	36.56%	\$27,847	\$761,748	\$733,901	3.66%	96.34%
Office of Science Coop.Agree	\$1,382,527	\$1,510,046	\$127,519	91.56%	\$13,595,988	\$14,739,342	\$1,143,354	92.24%	7.76%
Office of Science IIP Projects	\$558,785	\$558,785	\$0	100.0%	\$3,572,674	\$3,572,674	\$0	0.00%	0.00%
LBNL LZExp.Operat.C#7650068 & DE-SC0022857	\$66,129	\$51,343	(\$14,786)	128.8%	\$563,431	\$513,430	(\$50,001)	109.74%	-9.74%
Battelle Mem. Inst - DEMO-FTES	\$7,041	\$4,167	(\$2,874)	168.99%	\$7,214	\$41,667	\$34,452	17.31%	82.69%
MJD (Majorana) SDSM&T CT001412 & CT005350	\$1,900	\$2,035	\$135	93.35%	\$21,056	\$20,352	(\$704)	103.46%	-3.46%
BHSU E & O - CT004853 & CT004854	\$1,971	\$1,971	\$0	100.0%	\$8,637	\$8,637	\$0	100.00%	0.00%
* Kiewit/Thyssen/DakotaT.	\$25	\$1,525	\$1,500	1.64%	\$12,250	\$15,250	\$3,000	80.33%	19.67%
* Caterpillar Inc.	\$0	\$0	\$0	0.0%	\$0	\$0	\$0	0.00%	100.00%
RESPEC Thermal Breakout	\$0	\$83	\$83	0.0%	\$0	\$833	\$833	0.00%	100.00%
<b>Subtotal</b>	<b>\$2,307,638</b>	<b>\$2,499,145</b>	<b>\$191,507</b>	<b>92.34%</b>	<b>\$22,743,174</b>	<b>\$25,006,590</b>	<b>\$2,263,416</b>	<b>90.95%</b>	<b>9.05%</b>
Indirect Expenses									
Indirect Charges Personnel	\$558,198	\$624,723	\$66,525	89.35%	\$4,575,719	\$6,006,708	\$1,430,989	76.18%	23.82%
Indirect Charges Other	\$694,434	\$559,428	(\$135,006)	124.13%	\$5,605,481	\$5,669,223	\$63,742	98.88%	1.12%
<b>Subtotal</b>	<b>\$1,252,631</b>	<b>\$1,184,151</b>	<b>(\$68,481)</b>	<b>105.78%</b>	<b>\$10,181,200</b>	<b>\$11,675,931</b>	<b>\$1,494,731</b>	<b>87.20%</b>	<b>12.80%</b>
<b>Totals</b>	<b>\$3,728,188</b>	<b>\$3,848,044</b>	<b>\$119,856</b>	<b>96.89%</b>	<b>\$34,623,393.73</b>	<b>\$38,622,289.49</b>	<b>\$3,998,896</b>	<b>89.65%</b>	<b>10.35%</b>
* Private Corporations (Commercial Group)									

## Communications Department Photo Appendix C



*Top: Multimedia Specialist Stephen Kenny captured this image of the Northern Lights over the SURF campus.*

*Center left: Media Relations Manager Mike Ray demonstrating how to calculate for Pi on Pi Day.*

*Center right: Research Scientist Doug Tiedt talks to a Pi Day visitor at the Sanford Lab Homestake Visitor Center.*

*Bottom: Tanse Herrmann talks to an audience about soil health at Deep Talks in May.*





## Communications Department Photo Appendix C



*Top: Director Mike Headley (left) accompanies former S.D. Governor Dennis Daugaard underground to the 4850 Level. Seen here at the newly excavated governors corner.*

*Center left: Interns stop for a group photo on a tour of the underground.*

*Center right: Fermilab speaks to a packed house at Deep Talks in March.*

*Bottom: A group of Fermilab employees are seen here in the North DUNE cavern on the 4850 Level.*



**Annual Review of SDSTA Policies and Procedures—Mr. Mike Headley**

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- 10A. Annual review of SDSTA Policy and Policy-Procedure Manual—*informational*.
- 10B. Board members to sign annual statements for 2024 affirming compliance with Financial Conflict of Interest, attached—return signed statements to Mandy Knight.

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**Recommended Action:**

*None.*

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## Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

### Article I

The purpose of this Financial Conflict of Interest Policy is to protect the South Dakota Science and Technology's (SDSTA's) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of a Board Member, officer or employee.

This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest which are applicable to the SDSTA.

### Article II

#### A. Definitions

1. Interested Person—Any officer, employee, Director or member of a committee with powers delegated from the Board of Directors, who has a direct or indirect financial interest, as defined below, is an Interested Person.
2. Financial Interest—A person has a Financial Interest if the person has, directly or indirectly, through business (including membership in a partnership or limited liability company or ownership of stock in a corporation), investment or a member of the person's immediate family:
  - a. An ownership or investment interest in any entity with which the SDSTA has a transaction or arrangement;
  - b. A compensation arrangement with the SDSTA or with any entity or individual with which the SDSTA has a transaction or arrangement; or
  - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the SDSTA is negotiating a transaction or arrangement.
3. Compensation—includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

## Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

### Article III—Procedures

#### B. Duty to disclose

In connection with any actual or possible conflict of interest, an Interested Person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the Board of Directors considering the proposed transaction or arrangement.

#### C. Determining whether a financial conflict of interest exists

After disclosure of the Financial Interest and all material facts, and after any discussion with the Interested Person, the person shall leave the Board of Directors meeting while the determination of a conflict of interest is discussed and voted upon. The remaining members of the Board of Directors shall decide if a conflict of interest exists.

#### D. Procedures for addressing the financial conflict of interest

1. An Interested Person may make a presentation at the Board of Directors meeting, but after the presentation, the person shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
2. The Chairperson shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
3. After exercising due diligence, the Board of Directors shall determine whether the SDSTA can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board of Directors shall determine by a majority vote of the disinterested Directors whether the transaction or arrangement is in the SDSTA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

## Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

### E. Violations of the financial conflict of interest policy

1. If the Board of Directors has reasonable cause to believe a person has failed to disclose actual or possible conflicts of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose.
2. If, after hearing the person's response and after making further investigation as warranted by the circumstances, the Board of Directors determines the person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

### Article IV—Contracts Supported by Federal Funds

#### A. Participation in award or administration

Anything in this Policy to the contrary notwithstanding, no employee, officer, Board Member, or agent of the SDSTA shall participate in the selection, or in the award or administration of, a contract supported by federal funds if disqualified pursuant to the terms of this Article IV.

#### Disqualification

A person is disqualified if the person, any member of his immediate family or a business partner, associate, or co-owner of the person has a financial or other interest in the firm selected for the award. A person is not disqualified if his direct or indirect interest in the firm is insubstantial, such as in the case of ownership of an insubstantial amount of stock in a publicly-traded corporation. The Board of Directors may determine whether other interests are insubstantial on a case-by-case basis.

#### B. Gratuities

Neither the SDSTA nor any employee, officer or Board Member shall accept any gratuity, favor of anything of monetary value from a contractor, potential contractor or parties to sub-agreements. This Policy does not prohibit the acceptance of gifts of nominal value (under \$20 or \$50 a year per source) such as business meals, logo or promotional advertising novelties routinely used by vendors to market their businesses to the public, or refreshments or meals in connection with attendance at professional meetings or events sponsored by businesses or associations. However, employees should exercise discretion in accepting invitations or wearing logo items where they could create the appearance of a conflict of interest.

## Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

### Article V—SDCL Ch. 3-23

*Members of the Board of Directors shall also comply with the provisions of SDCL Ch. 3-23. In the event of a conflict between the terms of this Policy and the terms of SDCL Ch. 3-23, the more restrictive terms shall govern and all committees with Board-delegated powers shall contain:*

The names of the persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible conflict of interest, the nature of the Financial Interest, any action taken to determine whether a conflict of interest was present and the Board's decision as to whether a conflict of interest in fact existed.

The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement and a record of any votes taken in connection with the proceedings.

### Article VII—Compensation

#### F. Board of Directors

A member of the Board of Directors who receives compensation, directly or indirectly, from the SDSTA for services is precluded from voting on matters pertaining to that member's compensation.

#### G. Committees

A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the SDSTA for services is precluded from voting on matters pertaining to that member's compensation.

#### Information concerning compensation

No member of the Board of Directors or voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the SDSTA, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

## Financial Conflict of Interest Policy

South Dakota Science and Technology Authority

### Article VIII—Notification of Conflict of Interest Rules

#### H. Statement

Each Director, principal officer and member of a committee with Board-delegated powers shall annually sign a statement which affirms such person:

1. Has received a copy of the Financial Conflict of Interest Policy;
2. Has read and understands the Policy; and
3. Has agreed to comply with the Policy.

#### I. Notification

Each employee of SDSTA shall be given notice of this Financial Conflict of Interest Policy and any related or similar policies, procedures, manuals, rules or requirements pursuant to the Employee Awareness Program provided for in the *Code of Business Ethics and Conduct Policy-Procedure*, Section



**Approval of FY2025 IGA—Mr. Mike Headley**

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Approval of FY2025 Office of Risk Management Intergovernmental Agreement.

*(See suggested motion below.)*

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**Recommended Action:**

*11. Motion to approve FY2025 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 the agreement.*

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INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE  
BUREAU OF ADMINISTRATION,  
OFFICE OF RISK MANAGEMENT  
OF THE STATE OF SOUTH DAKOTA  
AND THE  
SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

This INTERGOVERNMENTAL AGREEMENT (“AGREEMENT”) is made and effective the 1<sup>st</sup> day of July, 202~~4~~<sup>3</sup>, between the South Dakota Bureau of Human Resources and Administration~~Bureau of Administration~~, Office of Risk Management, 1429 E. Sioux Avenue, Pierre, South Dakota 57501 (“ORM”), and the South Dakota Science and Technology Authority, 630 E. Summit, Lead, South Dakota, 57754 (“SDSTA”) pursuant to SDCL Ch. 1-24 and in particular SDCL 1-24-8.

Introduction and Purpose

The State of South Dakota established SDSTA to facilitate the development of the former Homestake gold mine into an underground science laboratory (the “Sanford Underground Research Facility” or “SURF”) and to lead the operation of SURF. The mission of the SDSTA is “to advance world class science and inspire learning across generations.”

When operating as an active mine, the Homestake gold mine was regulated by the U.S. Mine Safety and Health Administration (“MSHA”) and the South Dakota Department of Environment and Natural Resources (“DENR”)<sup>1</sup>. SDSTA received title to the Homestake site in 2006 from Homestake Mining Company of California after the 2003 closure of the mining facility.

MSHA and DENR continued to administer and enforce safety and environmental programs until 2008, at which time the SDSTA sought to clarify MSHA’s regulatory role. MSHA determined at that time it no longer had regulatory jurisdiction over the safety and health operations at the Homestake site due to the completion of mining reclamation and the new function of the site.

The U.S. Occupational Safety and Health Administration’s (“OSHA’s”) 29 CFR 1926<sup>2</sup> and 29 CFR 1910<sup>3</sup> are considered the most applicable of the available standards for safety and health for most activities conducted in support of the development and operation of SURF except for the underground shafts, hoists and ventilation systems. In these instances, MSHA’s 30 CFR<sup>4</sup> standards are employed (see appendix A).

Although OSHA standards are being applied to the work conducted at SURF, OSHA does not have jurisdictional authority for enforcement of those regulations because SDSTA is for the purposes of OSHA standards and regulation a “political subdivision” as defined in 29 CFR 1975.5 because it is administered by individuals who are appointed by the Governor.

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<sup>1</sup> Pursuant to Executive Reorganization Order 2021-03 DENR was merged with the South Dakota Department of Agriculture and is now referred to as Department of Agriculture and Natural Resources (DANR).

<sup>2</sup> Title 29 Code of Federal Regulations Part 1926, “Safety and Health Regulations for Construction”

<sup>3</sup> Title 29 Code of Federal Regulations Part 1910, “Occupational Safety and Health Standards”

<sup>4</sup> Title 30 Code of Federal Regulations Parts 15, 49, and 57”

ORM has the responsibility to oversee the state's risk management activities. Accordingly, ORM is the agency that is mandated to provide the inspection and audit of state institutions and facilities and has been designated to serve as the authority having jurisdiction ("AHJ") for occupational safety and health at SURF. In cooperation with the SDSTA, ORM also provides leadership in risk management, loss control and insurance matters at SURF.

SDSTA has entered into a lease (the "Lease") with the United States of America, acting through the Department of Energy (the "Government"), dated March 29, 2016, whereby SDSTA has leased to the Government certain surface and subsurface real estate for the purpose of constructing, operating and maintaining the Long-Baseline Neutrino Facility ("LBNF") and the Deep Underground Neutrino Experiment ("DUNE"), and related infrastructure (the "Leased Space"). Fermi Research Alliance, LLC ("FRA") manages the LBNF/DUNE project for the Government through Contract No. DE-AC02-07CH11359 between FRA and the Government for the operation of the Fermi National Accelerator Laboratory ("Fermilab"). ORM's jurisdiction hereunder shall not include the Leased Space, but SDSTA and ORM shall continue to consult and cooperate concerning occupational safety, health, risk management, loss control and insurance related to the Leased Space.

The purpose of this Agreement is to clarify the roles and responsibilities, expectations and communications for ORM to serve as the AHJ for SDSTA in the implementation of the occupational safety and health standards.

This Agreement is authorized pursuant to SDCL Ch. 1-24 and SDCL 1-16H-32.

### Agreement

#### A. Safety Standards Applicable to SDSTA.

Until amended in writing by ORM, the safety standards applicable to SDSTA's facilities and operations will be as set out in Appendix A, attached hereto and incorporated herein by this reference. The parties agree that ORM may unilaterally amend Appendix A at any time and in their sole discretion, and all such amendments shall be incorporated herein effective upon 30 days written notice to SDSTA. The parties further acknowledge and agree that the agency having jurisdiction over the enforcement of building (International Building Code) and fire safety (National Fire Protection Association) codes and standards is the City of Lead, South Dakota. ORM shall not have jurisdiction to apply or enforce any building codes or fire safety standards but will identify, notify and consult with the entity having enforcement authority with respect to such codes and standards.

#### B. Responsibilities of the ORM.

ORM will:

1. Provide for safety, loss control and regulatory compliance audits and inspections of SDSTA's documentation, records and facilities.
2. Review claims to identify trends or situations requiring loss prevention efforts.
3. Advise SDSTA on applicable laws, regulations and standards which contribute to a safe work environment at SURF.
4. Provide for loss control training.

5. Upon request, review contracts for appropriate risk management language.
6. The Director of ORM and the Board of Directors of SDSTA (which may delegate authority to the Executive Director of SDSTA) have sole authority to select, negotiate and bind insurance coverage.
7. Provide enforcement of the safety standards made applicable to SDSTA's facilities by this Agreement.
8. Identify safety and risk exposures and take appropriate steps to address such safety and risk exposures.
9. Provide copies of the results of safety or compliance reviews, inspections or audits to SDSTA upon completion.
- ~~10. Attend quarterly meetings held with SDSTA and FRA through the duration of LBNF construction for discussion of matters related to occupational safety, health, risk management, loss control and insurance.~~
- ~~11.~~10. Attend any SDSTA Board meetings wherein there will be considerations regarding safety and insurance.

C. Risk Management Responsibilities of SDSTA.

SDSTA will:

1. Be responsible for coordinating and implementing risk management programs within its departments and at its facilities with the assistance of ORM. SDSTA will provide a safe workplace and conduct operations in a manner that protects employees, contractors, visitors and the public from harm. ~~The SDSTA shall conform to its safety policy: "Perform all work safely, with full regard to the well-being of all stakeholders and the environment."~~
2. Perform all activities at SURF in a safe and environmentally sound manner.
3. Pursuant to Section 6.7 of the Property Donation Agreement<sup>5</sup> between SDSTA and Homestake, undertake all measures necessary to comply with federal, state, and local laws and regulations, including, without limitation, laws relating to workers' compensation, mine health and safety, and all Environmental, Health and Safety Laws (as defined in the Property Donation Agreement), and shall apply in a timely manner for all Environmental Permits (as defined in the Property Donation Agreement) and all other permits, licenses and approvals necessary for its operations.
4. Assist ORM in identifying, measuring and minimizing exposures to loss by:
  - a. Conducting facility inspections to identify and address safety hazards;
  - b. Conducting services and operations in accordance with applicable laws, regulations and safety standards;
  - c. Properly reporting accidents, incidents and unsafe conditions;
  - d. Reviewing losses to identify trends or situations requiring loss prevention efforts;
  - e. Ensuring policies and procedures remain current, are communicated to all employees and enforced;
  - f. Drafting all contracts with the appropriate risk management language;
  - g. Communicating changes in exposures to ORM; and

<sup>5</sup> Property Donation Agreement Between and Among Homestake Mining Company of California, The State of South Dakota and the South Dakota Science and Technology Authority, April 14, 2006.

- h. Evaluating ORM's recommendations.
- 5. Comply with all safety and enforcement directives and actions given by ORM.
- 6. The Board of Directors of SDSTA (which may delegate its authority to the Executive Director of SDSTA) and the Director of ORM have sole authority to select, negotiate, and bind insurance coverage.
- ~~7. Arrange quarterly meetings between SDSTA, ORM and FRA through the duration of LBNF construction for discussion of matters related to occupational safety, health, risk management, loss control and insurance.~~
- 8.7. Invite ORM to all SDSTA Board meetings, supply ORM copies of the agendas and specifically advise ORM whether the Board will be considering matters of safety and insurance.
- 9.8. Provide ORM with a schedule of any outside inspections and calendar events reasonably in advance.
- 10.9. Comply with requests from ORM for information and documents related to safety or compliance reviews, inspections or audits, including, to the extent available to SDSTA, any such reviews, inspections or audits related to activities in the Leased Space.

D. Agreement Administration.

The cooperative undertaking herein described shall be administered by the Parties through their risk management contact persons: ORM through its Director and SDSTA through its Executive Director or authorized designees as contemplated in SDCL 1-24-5.

E. Reporting.

SDSTA employees and SURF users and contractors may contact ORM directly and without risk of retaliation if they feel there is substantial risk of harm to persons or the environment that is not being addressed by SDSTA management. SDSTA will communicate this procedure to all employees and will post notifications regarding this throughout SDSTA facilities. The notification will include ORM's phone number and email addresses as designated by ORM.

F. Site Access Rules.

- 1. SDSTA will provide accommodations for ORM to have unencumbered access to SDSTA facilities and operations.
- 2. The parties acknowledge and agree that representatives of ORM conducting activities relating to this Agreement are "Authorized Entrants" as that term as used in the Property Donation Agreement.
- 3. Access to underground and other hazardous environments shall be provided.

G. Right to Inspect.

- 1. ORM has the right to inspect SDSTA facilities at will and with no advance notification when there is cause.
- 2. ORM will otherwise provide reasonable notification in advance of scheduled visits.
- 3. ORM may require SDSTA to undertake third party inspections or oversight visits, or may

contract for such inspection and oversight visits in its own right at SDSTA's expense. ORM will consult and coordinate with SDSTA in advance concerning unanticipated expenses relating to inspection or oversight visits.

4. SDSTA will provide timely notifications to ORM when third party inspections or oversight visits are scheduled, and ORM may observe such third-party inspections or oversight visits at ORM's discretion.
5. SDSTA will provide ORM the results and any findings from all third-party reviews or inspections that are related to the ORM's scope as stated in this agreement.

#### H. Payment of Costs.

SDSTA will upon request reimburse ORM for services and related charges at the rates shown in Appendix B and actual expenses and other costs incurred by ORM in connection with ORM's responsibilities hereunder. Costs of travel, lodging and meals will be reimbursed at state rates as established by the State Board of Finance. ORM shall provide or cause to be provided to SDSTA a written invoice, on no less than a quarterly basis, for costs and services incurred by ORM under this Agreement. SDSTA will contest any portions of the invoice it deems unreasonable and pay any uncontested amount within forty-five (45) days of receipt of the invoice.

#### I. Indemnification and Insurance.

SDSTA will indemnify and hold the officers, agents and employees of the State of South Dakota ("Indemnified Parties") harmless from and against any and all claims, causes, actions or causes of action made or asserted against the Indemnified Parties arising out of related to ORM's duties and responsibilities under this Agreement. SDSTA shall cause the Indemnified Parties to be named as additional insureds under SDSTA's general liability policy. The limits of liability of SDSTA's general liability policy shall not be less than \$75 million. SDSTA shall provide such proof of the existence and enforceability of the insurance required by this paragraph as ORM may from time to time reasonably request. Nothing in this paragraph (I) shall require SDSTA to indemnify ORM or its officers, employees or agents against any claims or losses resulting solely from the negligence or intentional acts of its officers, employees or agents of ORM.

#### J. Exclusion of Leased Space.

ORM hereby acknowledges receipt of a copy of the Lease. For so long as the Lease remains in force or the parties agree otherwise, ORM's jurisdiction hereunder shall not include the Leased Space. SDSTA and ORM will continue to consult and cooperate concerning occupational safety and health related to the Leased Space.

#### K. Duration of Agreement.

This Agreement shall be in effect from July 1, ~~2024~~2023, through June 30, ~~2025~~2024.

L. Remedies - Enforcement.

ORM is entitled to all remedies necessary to carry out the terms of this Agreement and enforcement of the environment, safety and health standards made applicable to SDSTA and its facilities by this Agreement. Without limiting the generality of the foregoing, ORM may pursuant to the terms of this Agreement issue an administrative order directing SDSTA to cease operations and/or close all or any portion of its facilities until such time as the environment, safety and health standards violation giving rise to the administrative order has been resolved to ORM's reasonable satisfaction.

When ORM has identified insurance gaps that ORM believes create risk and exposure to SDSTA and SURF and that have not been resolved to ORM's reasonable satisfaction, the ORM Director will provide written notice to the SDSTA Board Chairperson requesting a timely resolution. Resolutions and remedies regarding the identified insurance coverage concerns will be agreed to by ORM and the SDSTA Board of Directors. If there is no agreed upon resolution in a timely manner, this Agreement is subject to termination. A copy of all written notices shall also be provided to the Governor's Office.

M. Retention of Records.

Each party hereto agrees to retain all documentation and records relating to the services and inspections provided for hereunder and for payment and reimbursements for expenses under this Agreement for a period of three (3) years after termination of this Agreement. Such records shall be available for inspection at any reasonable time by personnel authorized therefore by the State of South Dakota.

N. Funding Out.

This Agreement depends upon the continued availability of appropriate funds and expenditure authority from the Legislature for this purpose. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or funds become unavailable by operation of law or federal funds reductions, this Agreement will be terminated by ORM. Termination for any of these reasons is not a default by the ORM nor does it give rise to a claim against ORM.

O. Nature of Agreement.

This Agreement is intended to be an agreement for services by a public agency as contemplated by SDCL 1-24-8. The parties acknowledge that no separate entity as contemplated by SDCL 1-24-4 is being created to implement this Agreement. This Agreement is intended to only govern the rights and interest of the parties named herein. It is not intended to, does not and may not be relied upon to create any rights, substantial or procedural, enforceable at law by any third party in any matters, civil or criminal. SDSTA is authorized to enter this Agreement by virtue of SDCL 1-16H-32.

P. Governing Law-Venue.

This Agreement shall be governed by and construed in accordance with the laws of the State of South Dakota. Any lawsuit pertaining to or affecting this Agreement shall be venued in Circuit Court, Sixth Judicial Circuit, Hughes County, South Dakota.

Q. Notice.

Any notice or other communication required under this Agreement shall be in writing and sent to the address set forth above. Notices shall be given by and to the Director of ORM, and by and to the Executive Director of SDSTA, or such authorized designees as either party may from time to time designate in writing. Notices or communications to or between the parties shall be deemed to have been delivered when mailed by first class mail, provided that the notice of default or termination shall be sent by registered or certified mail, or, if personally delivered, when received by such party.

R. Filing of Agreement.

The parties acknowledge that the ORM will file a true copy of this Agreement with the Office of Attorney General and the Legislative Research Council within fourteen (14) days of the execution hereof, as required by SDCL 1-24-6.1.

S. Alterations and Entire Agreement.

Except as provided in section A. of this Agreement, no amendment, alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by both parties. No oral understanding or agreement not incorporated herein may be binding on any of the parties hereto. Terms expressly stated within the Agreement constitute the entire agreement between ORM and SDSTA. All other prior discussions, communications and representations concerning the subject matter of this Agreement are superseded by the terms of this Agreement, except as specifically provided herein.

T. Partial Invalidity.

In the event that any court of competent jurisdiction shall hold any provision of this Agreement unenforceable or invalid, such holding shall not invalidate or render unenforceable any other provision hereof.

U. Authorization of Agreement.

By the signature of their representatives below, ORM and SDSTA certify that approval of this Agreement by ordinance, resolution or other appropriate means has been obtained by that governmental body's governing body or officer pursuant to SDCL 1-24-3 and 1-24-6, and that the representative is authorized to sign on the party's behalf. A copy of any SDSTA authorizing resolution or ordinance is attached to this Agreement and incorporated herein by reference.

In Witness hereto the parties signify this Agreement by signatures affixed below:

\_\_\_\_\_  
Mike Headley                                      Date  
Executive Director  
South Dakota Science and Technology  
Authority

\_\_\_\_\_  
Darin Seeley                                      Date  
Commissioner  
~~Bureau of Human Resources and  
Administration~~  
Bureau of Administration  
State of South Dakota



## Appendix A – Codes and Standards

SUBJECT	REFERENCE
Asbestos	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.1001</li> <li>• SD Administrative Rule 74:36:08</li> </ul>
Biosafety	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• Center for Disease Control (CDC) Guidelines</li> </ul>
Bloodborne Pathogens	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• <u>29 CFR 1910.1030</u></li> <li>• <u>29 CFR 1910.20</u></li> </ul>
Compressed Gases	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• <u>29 CFR 1910.101, Subpart H</u></li> <li>• <u>OSHA General Industry Standards, Permissible Exposure Limits</u></li> <li>• <u>OSHA General Industry Standards, Hazard Communication</u></li> <li>• <u>OSHA General Industry Standards, Occupational Exposure to Hazardous Chemicals in Laboratories</u></li> </ul>
Confined Spaces	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.0146</li> </ul>
<del>Control of Hazardous Energy</del> /Lock Out Tag Out	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.147</li> <li>• 29 CFR 1910.269</li> <li>• <del>29 CFR 1926.46</del></li> <li>• 29 CFR 1926.417</li> <li>• NFPA 70</li> <li>• NFPA 70E</li> </ul>
Cranes and Hoists ( <i>excluding underground conveyances</i> )	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910, Subpart N</li> <li>• <u>29 CFR 1926, Subpart N</u></li> <li>• <u>29 CFR 1926.1431(k)-(o)</u></li> </ul>
Cryogenic Systems	<ul style="list-style-type: none"> <li>• <u>ESH Manual</u></li> <li>• <u>ASME B31.3, Pressurized Process Piping</u></li> </ul>
Diesel Particulate Matter (DPM)	<ul style="list-style-type: none"> <li>• 30 CFR 57.5060 – .5075</li> </ul>
Disablement or Impairment of Critical Safety Equipment	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>

Electrical Safety	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• NFPA 70 E</li> <li>• 29 CFR 1910, Subpart S</li> <li>• <u>29 CFR 1926, Subpart K</u></li> <li>• <u>29 CFR 1910.7</u></li> <li>• <u>29 CFR 1910.132</u></li> <li>• <u>29 CFR 1910.137</u></li> <li>• <u>29 CFR 1910.269</u></li> <li>• <u>South Dakota (SD) Electrical Commission, SD Codified Law Chapter 36-16 and Article 20:44</u></li> <li>• —</li> <li>• NFPA 70 B</li> <li>• NFPA 101, Life Safety Code</li> <li>• Department of Energy (DOE) 10 CFR Ch. III Part 851, Work Safety and Health Program</li> </ul>
Emergency Eyewash and Shower Equipment	<ul style="list-style-type: none"> <li>• 29 CFR 1910.151 (c)</li> </ul>
Emergency Management	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• National Incident Management System</li> <li>• 30 CFR 57.11050 - .11059</li> <li>• <del>29 CFR 1910.38(a)</del></li> <li>•</li> </ul>
<u>Emergency Response Team</u>	<ul style="list-style-type: none"> <li>• <u>30 CFR 49, Subpart A</u></li> <li>• <u>NFPA 2500 – Rope and Equipment</u></li> </ul>
<u>Environment, Safety and Health Concerns</u>	<ul style="list-style-type: none"> <li>• <u>ESH Manual</u></li> <li>• <u>Office of Risk Management Notice</u></li> </ul>
	<ul style="list-style-type: none"> <li>• —</li> </ul>
ESH Training	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Explosive Materials Management	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• <u>27 CFR 555</u></li> <li>• <u>29 CFR 1926.901</u></li> <li>• 29 CFR 1910, Subpart N</li> <li>• 29 CFR 1926, Subpart U</li> <li>• 29 CFR 1926.800 (p) (1,2)</li> <li>• 29 CFR 1910.109</li> <li>• 30 CFR 15</li> <li>• 30 CFR 57, Subpart E</li> <li>• ATF Form 5400.14/5400.15 Part I</li> <li>• DOE-STD-1212-2012 (content evaluated for ATF equivalency)</li> <li>• <del>Memorandum of Understanding between the Department of Justice (ATF) and the Department of Labor (MSHA), Metal and Non-Metal General Inspection Procedures Handbook No.PHI3-IV-J</del></li> <li>• —</li> <li>• <u>State of South Dakota Explosives Permit</u><del>South Dakota Department of Public Safety Office of State Fire Marshal Explosives Permit</del></li> </ul>
Facility Access	<ul style="list-style-type: none"> <li>• <del>SURE Environment, Safety, and Health (ESH) Manual</del></li> </ul>

Fall Protection and Prevention	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910, Subpart D</li> <li>• 29 CFR 1910, Subpart F</li> <li>• 29 CFR 1910, Subpart I</li> <li>• 29 CFR 1926, Subpart M</li> <li>• 29 CFR 1926, Subpart L</li> <li>• 29 CFR 1926, Subpart X</li> </ul>
Fatigue Management	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Fire Prevention & Protection	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.39</li> <li>• 29 CFR 1926, Subpart F</li> <li>• International Building Code (IBC) 2009</li> <li>• International Fire Code (IFC) 2009</li> <li>• National Fire Protection Association (NFPA) National Fire Codes and Standards.</li> <li>• 30 CFR, Mine Safety Regulations (MSHA), Selected Subchapters</li> </ul>
Ground Control	<ul style="list-style-type: none"> <li>• 30 CFR 57.3200 – .3401</li> </ul>
Guide and Guide Training	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Hazard Communications	<ul style="list-style-type: none"> <li>• <u>ESH Manual</u></li> <li>• <u>26 CFR 1926.59</u></li> <li>• —</li> <li>• 29 CFR 1910.1200</li> <li>• 29 CFR 1910.1450</li> <li>• NFPA 704</li> </ul>
Hearing Conservation	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.0095</li> </ul>
Hoists and Shafts <i>(includes personnel hoisting, underground conveyances, wire ropes, inspection, maintenance, etc.)</i>	<ul style="list-style-type: none"> <li>• 30 CFR 57.1900 - .1934</li> </ul>
Hot Work	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910, Subpart Q</li> </ul>
Illumination	<ul style="list-style-type: none"> <li>• 29 CFR 1926.56(a)</li> </ul>
Incident <u>Management Reporting and Investigation</u>	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Industrial Hygiene	<ul style="list-style-type: none"> <li>• <u>ESH Manual</u></li> <li>• <u>40 CFR 61, Subpart M</u></li> <li>• —</li> <li>• <u>29 CFR 1910.1000</u></li> <li>• <u>29 CFR 1910.141(b)(1)</u></li> <li>• <u>29 CFR 1926.51(a)</u></li> </ul>
Lead (Pb)	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• <u>29 CFR 1910.1025</u></li> <li>• <u>29 CFR 1910.1000</u></li> <li>• <u>29 CFR 1926.62</u></li> </ul>

Machine Safeguarding

- ESH Manual
- 29 CFR 1910.212
- 29 CFR 1910.215, Subpart O
- 29 CFR 1926.404(b)(1)(i)

Materials Handling and Storage	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910, Subpart N</li> </ul>
Oxygen Deficiency Hazards (ODH)	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Personal Protective Equipment (PPE)	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910, Subpart I</li> </ul>
Powered Industrial Trucks (PITs)	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.178</li> </ul>
Radiation Safety	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• Nuclear Regulatory Commission</li> <li>• 29 CFR 1910.1096</li> <li>• 49 CFR 173</li> <li>• 30 CFR 57, Subpart D</li> </ul>
Respirable Crystalline Silica	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.1053</li> </ul>
Respiratory Protection	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1910.0134</li> <li>• 29 CFR 1910.1020</li> <li>• 30 CFR 57.15030</li> </ul>
<del>Safeguard and Security</del> <del>Severe Weather Management</del>  <del>Severe Weather Management (cont.)</del>	<ul style="list-style-type: none"> <li>• <del>ESH Manual</del> <del>ESH Manual</del></li> <li>• <del>NFPA 780</del></li> <li>• <del>National Weather Service</del></li> </ul>
Slings, Rigging and Below-the-Hook Devices	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• CFR 29 1910.179, .184</li> <li>• CFR 29 1926.251, .753</li> </ul>
Stairways	<ul style="list-style-type: none"> <li>• 29 CFR 1926, Subpart X</li> </ul>
Stop Work	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>
Transportation Safety	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• South Dakota Codified Laws, Title 32, Motor Vehicles</li> <li>• 49 CFR 40</li> <li>• 49 CFR 382</li> <li>• 29 CFR 1926.600</li> <li>• 29 CFR 1926.800</li> <li>• 30 CFR, 56.14207 &amp; 57.14207</li> </ul>
Trenching and Excavation	<ul style="list-style-type: none"> <li>• ESH Manual</li> <li>• 29 CFR 1926.650 – .652</li> </ul>
Underground <u>C</u> onstruction	<ul style="list-style-type: none"> <li>• SDSTA Underground Construction Materials &amp; Practices Design Standard</li> <li>• 30 CFR Part 57, Subpart C</li> <li>• NFPA 520 Subterranean Spaces</li> </ul>

Ventilation	<ul style="list-style-type: none"> <li>• SDSTA Ventilation Standard</li> <li>• 30 CFR 57.22212 – .22229(b)</li> <li>• 30 CFR 57.8518 – .8535</li> <li>• 29 CFR 1926.800(K)</li> <li>• 40 CFR 89.112</li> </ul>
Work Planning Control	<ul style="list-style-type: none"> <li>• ESH Manual</li> </ul>

### **Additional References**

The following are a selection of additional trade organizations and references that may govern the SDSTA's selection and installation of products:

ACGIH Threshold Limit Values

American Concrete Institute (ACI) – ACI-318

American Industrial Hygiene Association (AIHA)

American Institute of Steel Construction (AISC) – Manual of Steel Construction

American National Standards Institute (ANSI)

American Society for Testing and Materials (ASTM)

American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE)

American Society of Mechanical Engineers (ASME)

American Water Works Association (AWWA)

Department of Transportation (DOT)

Institute of Electrical and Electronics Engineers (IEEE)

National Electrical Manufacturers Association (NEMA)

National Fire Protection Association (NFPA)

National Institute for Occupational Safety and Health (NIOSH)

National Institute of Standards & Technology (NIST)

Underwriters Laboratories, Inc. (UL)

## Appendix B – ORM Fee Schedule

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SDSTA shall pay for services performed by ORM personnel hereunder for actual hours worked using the following fee schedule, which is subject to change as provided below:

<u>Position Title</u>	<u>Rate</u>
Director	\$ 76.03
State Risk Manager	\$ 52.77
Risk Analyst	\$ 42.91
Risk Analyst	\$ 47.20
Risk Analyst	\$ 41.86
Risk Analyst	\$ 39.31
Risk Analyst	\$ 39.15
Administrative Assistant	\$ 26.75
Legal Counsel	\$ 63.69

The parties acknowledge and agree that the fees payable on account of the above-described personnel are based on their respective rates of compensation paid by ORM, and that in the ordinary course of ORM's business those rates may change during the term of the Agreement. As often as ORM may reasonably request, ORM shall advise SDSTA of any such changes in writing. Absent written objection from SDSTA within thirty (30) days of such notice, the change in rate shall be deemed an amendment to the Agreement. Any notices given under this paragraph shall be attached to the Agreement and absent objection from SDSTA as provided herein shall become a part of the Agreement.





Report from Nominating Committee—Vice Chairperson Dana Dykhouse

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**Nominating Committee Report**

May 22, 2024

Participants:

Mr. Dana Dykhouse, SDSTA Board of Director and Nominating Committee Chair  
Mr. Roger Musick, SDSTA Board of Director and Nominating Committee Member

Mr. Dykhouse and Mr. Musick communicated as the nominating committee for the purpose of nominating the slate officers for the 2024-2025 board year. The slate of officers is as follows:

Chairperson: Mr. Casey Peterson  
Vice-Chairperson: Mr. Dana Dykhouse  
Secretary Treasurer: Ms. Patricia Lebrun

The nominating committee has contacted all of the candidates and they are each willing to serve in this capacity for another year.

---

**Recommended Action:**

Slate of officers recommended:

Chairperson: Mr. Casey Peterson  
Vice-Chairperson: Mr. Dana Dykhouse  
Secretary Treasurer: Ms. Patricia Lebrun

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**Election of Officers—Chairperson Casey Peterson**

---

*See suggested motion below.*

South Dakota Science and Technology Authority  
Election Procedures Policy

Adopted 6/24/08

The Board of Directors shall follow the following procedure for the nomination and election of officers.

- A. The nomination and election process shall be held in open session.
- B. At the last meeting of the Board before the Annual Meeting, the Chairperson shall appoint a Nominating Committee.
- C. The following procedure shall be utilized at the Annual Meeting:
  1. The Chairperson shall call for the report of the Nominating Committee.
  2. After the Nominating Committee reports, the Chairperson shall ask if any Board member intends to make additional nominations.
  3. If no Board member indicates the intention to make additional nominations, the Chairperson shall call for a motion to elect the slate recommended by the Nominating Committee.
  4. If any Board member indicates the intention to make an additional nomination for any office, the slate recommended by the Nominating Committee shall be deemed rejected and the following procedure shall be utilized:
    - a. The Chairperson shall call for oral nominations for the office of Chairperson. Once it appears that all nominations have been made, a motion that nominations cease would be in order. This motion may be made with or without a call for such motion by the Chairperson.
    - b. If there is only one nominee, a motion that all nominations cease and that the nominee be elected Chairperson would be in order. This motion may be made with or without a call for such motion by the Chairperson.
    - c. If there is more than one nominee, nominations shall continue until there is a successful motion that nominations cease.
    - d. Upon passage of a motion that nominations cease, the Chairperson shall call for a vote. Each Board member shall announce his or her vote out loud. Counsel for the Authority shall tabulate the vote and announce the results.
    - e. The successful candidate shall immediately take office as Chairperson and conduct the remainder of the election and the meeting.
    - f. The Chairperson shall follow the procedure set forth above for each of the remaining offices.
- D. Pursuant to SDCL 1-16H-11, the affirmative vote of no less than four Board members is necessary to elect any officer. If no candidate receives four votes, the Board will vote twice more. If no candidate receives four votes after three attempts, the election for that office will be deemed adjourned until the next meeting of the Board. At the next meeting, the Board shall commence the election procedure set forth above in Section C.4, but only as to any office not filled at the prior meeting. This procedure shall continue from meeting-to-meeting until a candidate receives at least four votes. Pursuant to Article III, Section 1 of the Bylaws, the officers in office as of the commencement of the Annual Meeting shall remain in office until their successors are duly elected.

This policy shall remain in effect until specifically rescinded or modified.

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**Recommended Action:**

*Motion to accept the report from the nominating committee and to elect Casey Peterson as Chairperson, Dana Dykhouse as Vice Chairperson and Patricia Lebrun as Secretary/Treasurer, to take office at the end of the June 20, 2024 board meeting.*

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**Executive Session—Chairperson Casey Peterson**

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Meeting closed to public during executive session.

*See recommended motion below.*

---

**Recommended Action:**

*Motion to enter executive session to discuss personnel matters and to consult with legal counsel concerning contractual and legal matters—SDCL 1-25-2(1), (3) and (4); 19-19-502.*

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**Report from Executive Session—Chairperson Casey Peterson**

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*See recommended motion below.*

---

**Recommended Action:**

*“The board consulted with legal counsel concerning contractual and legal matters. No action was taken.”*

*OR*

*...as discussed and stated otherwise*

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**Termination of Land Use Agreements—Mr. Tim Engel**

---

Discuss termination of Land Use Agreements (4).

*See recommended motions below.*

---

**Recommended Action:**

*Motion 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.*

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## **TERMINATION OF LAND USE AGREEMENT AND RECONVEYANCE**

### **CITY OF LEAD PROPERTY**

This Agreement for Termination of Land Use Agreement and Reconveyance (this “Termination Agreement”) is made and entered into effective the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and Thyssen Mining, Inc., 377 Sunshine Lane, Spring Creek, NV, 89815 (“TMI”).

### **RECITALS**

A. SDSTA and TMI entered into a Facility and Land Use Agreement dated December 9, 2020 (the “City LUA”), under which SDSTA granted TMI access to the real property covered by an easement from the City of Lead, South Dakota, to SDSTA. The property covered by the easement granted by the City of Lead is shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

B. Access was granted to TMI under the City LUA to facilitate the construction, operation, and maintenance of a temporary rock conveyor system (“TRCS”) to support the construction of the Long Baseline Neutrino Facility (“LBNF”) on property owned by SDSTA.

C. TMI is the owner of the TRCS.

D. The portion of the construction of LBNF which required the use of the TRCS is completed.

E. TMI has agreed to convey the TRCS to the Sanford Underground Research Facility Foundation (“SURFF”), a South Dakota not-for-profit corporation and supporting organization for SDSTA.

F. Because TMI no longer requires use or access to the property covered by the easement from the City of Lead, it is necessary and appropriate to terminate the City LUA and re-convey all rights granted to TMI under the City LUA to SDSTA.

**AGREEMENT**

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Termination Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. The City LUA is hereby terminated effective \_\_\_\_\_, 2024.
2. The following provisions of the City LUA shall survive termination: subparagraph 2(g); subparagraph 2(h); paragraph 4.
3. TMI hereby represents and warrants it has substantially complied with all of the covenants, terms, and conditions of the City LUA.
4. TMI hereby represents and warrants it has not assigned or conveyed its interests under the City LUA or any part thereof to any party, and there are no outstanding rights granted by TMI to any subcontractor, licensee, or invitee for the use of or access to the real property covered by the City LUA.
5. Effective \_\_\_\_\_, 2024, TMI hereby reconveys to SDSTA all of TMI's right, title, and interest under the City LUA.

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

THYSSEN MINING, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Prepared by:

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## **TERMINATION OF LAND USE AGREEMENT AND RECONVEYANCE**

### **HOMESTAKE MINING COMPANY PROPERTY**

This Agreement for Termination of Land Use Agreement and Reconveyance (this “Termination Agreement”) is made and entered into effective the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and Thyssen Mining, Inc., 377 Sunshine Lane, Spring Creek, NV, 89815 (“TMI”).

### **RECITALS**

A. SDSTA and TMI entered into a Facility and Land Use Agreement dated December 4, 2020 (the “Homestake LUA”), under which SDSTA granted TMI access to the real property covered by an easement from Homestake Mining Company of California (“Homestake”), to SDSTA. The property covered by the easement granted by Homestake is shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

B. Access was granted to TMI under the Homestake LUA to facilitate the construction, operation, and maintenance of a temporary rock conveyor system (“TRCS”) to support the construction of the Long Baseline Neutrino Facility (“LBNF”) on property owned by SDSTA.

C. TMI is the owner of the TRCS.

D. The portion of the construction of LBNF which required the use of the TRCS is completed.

E. TMI has agreed to convey the TRCS to the Sanford Underground Research Facility Foundation (“SURFF”), a South Dakota not-for-profit corporation and supporting organization for SDSTA.

F. Because TMI no longer requires use or access to the property covered by the easement from Homestake, it is necessary and appropriate to terminate the Homestake LUA and re-convey all rights granted to TMI under the Homestake LUA to SDSTA.

**AGREEMENT**

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Termination Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. The Homestake LUA is hereby terminated effective \_\_\_\_\_, 2024.
2. The following provisions of the Homestake LUA shall survive termination: subparagraph 2(g); subparagraph 2(h); paragraph 4.
3. TMI hereby represents and warrants it has substantially complied with all of the covenants, terms, and conditions of the Homestake LUA.
4. TMI hereby represents and warrants it has not assigned or conveyed its interests under the Homestake LUA or any part thereof to any party, and there are no outstanding rights granted by TMI to any subcontractor, licensee, or invitee for the use of or access to the real property covered by the Homestake LUA.
5. Effective \_\_\_\_\_, 2024, TMI hereby reconveys to SDSTA all of TMI's right, title, and interest under the Homestake LUA.

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

THYSSEN MINING, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Prepared by:

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## **TERMINATION OF LAND USE AGREEMENT AND RECONVEYANCE**

### **SDSTA PROPERTY - TMI**

This Agreement for Termination of Land Use Agreement and Reconveyance (this “Termination Agreement”) is made and entered into effective the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and Thyssen Mining, Inc., 377 Sunshine Lane, Spring Creek, NV, 89815 (“TMI”).

### **RECITALS**

A. SDSTA and TMI entered into a Facility and Land Use Agreement dated December 9, 2020 (the “SDSTA LUA”), under which SDSTA granted TMI access to certain real property owned by SDSTA. The property covered by the SDSTA LUA is shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

B. Access was granted to TMI under the SDSTA LUA to facilitate the construction, operation, and maintenance of a temporary rock conveyor system (“TRCS”) to support the construction of the Long Baseline Neutrino Facility (“LBNF”) on property owned by SDSTA.

C. TMI is the owner of the TRCS.

D. The portion of the construction of LBNF which required the use of the TRCS is completed.

E. TMI has agreed to convey the TRCS to the Sanford Underground Research Facility Foundation (“SURFF”), a South Dakota not-for-profit corporation and supporting organization for SDSTA.

F. Because TMI no longer requires use or access to the property covered by the SDSTA LUA, it is necessary and appropriate to terminate the SDSTA LUA and re-convey all rights granted to TMI under the SDSTA LUA to SDSTA.

**AGREEMENT**

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Termination Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. The SDSTA LUA is hereby terminated effective \_\_\_\_\_, 2024.
2. The following provisions of the SDSTA LUA shall survive termination: subparagraph 2(g) and paragraph 4.
3. TMI hereby represents and warrants it has substantially complied with all of the covenants, terms, and conditions of the SDSTA LUA.
4. TMI hereby represents and warrants it has not assigned or conveyed its interests under the SDSTA LUA or any part thereof to any party, and there are no outstanding rights granted by TMI to any subcontractor, licensee, or invitee for the use of or access to the real property covered by the SDSTA LUA.
5. Effective \_\_\_\_\_, 2024, TMI hereby reconveys to SDSTA all of TMI's right, title, and interest under the SDSTA LUA.

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

THYSSEN MINING, INC.

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_



Prepared by:

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## **TERMINATION OF LAND USE AGREEMENT AND RECONVEYANCE**

### **SDSTA PROPERTY - KAJV**

This Agreement for Termination of Land Use Agreement and Reconveyance (this “Termination Agreement”) is made and entered into effective the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and Kiewit Alberici Joint Venture, 8510 W. Higgins Rd., Suite 400, Chicago, IL, 60631 (“KAJV”).

### **RECITALS**

A. SDSTA and KAJV entered into a Facility and Land Use Agreement dated December 9, 2020 (the “SDSTA LUA”), under which SDSTA granted KAJV access to certain real property owned by SDSTA. The property covered by the SDSTA LUA is shown on Exhibit “A”, attached hereto and incorporated herein by this reference.

B. Access was granted to KAJV under the SDSTA LUA to facilitate the construction, operation, and maintenance of a temporary rock conveyor system (“TRCS”) to support the construction of the Long Baseline Neutrino Facility (“LBNF”) on property owned by SDSTA.

C. On August 16, 2022, the parties entered into an Addendum to Facility and Land Use Agreement relating to certain aircraft operations using certain SDSTA-owner property (the “Addendum”).

D. Thyssen Mining Inc. (“TMI”) is the owner of the TRCS.

E. The portion of the construction of LBNF which required the use of the TRCS is completed.

F. TMI has agreed to convey the TRCS to the Sanford Underground Research Facility Foundation (“SURFF”), a South Dakota not-for-profit corporation and supporting organization for SDSTA.

G. Because neither KAJV nor TMI require further use of or access to the property covered by the SDSTA LUA, it is necessary and appropriate to terminate the SDSTA LUA and re-convey all rights granted to KAJV under the SDSTA LUA to SDSTA.

**AGREEMENT**

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Termination Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. The SDSTA LUA is hereby terminated effective \_\_\_\_\_, 2024.
2. The following provisions of the SDSTA LUA shall survive termination: subparagraph 2(g) and paragraph 4. The following provisions of the Addendum shall survive termination: subparagraph 3(c) and paragraph 4.
3. KAJV hereby represents and warrants it has substantially complied with all of the covenants, terms, and conditions of the SDSTA LUA and the Addendum.
4. KAJV hereby represents and warrants it has not assigned or conveyed its interests under the SDSTA LUA or the Addendum or any part thereof to any party, and there are no outstanding rights granted by KAJV to any subcontractor, licensee, or invitee for the use of or access to the real property covered by the SDSTA LUA or the Addendum.
5. Effective \_\_\_\_\_, 2024, KAJV hereby reconveys to SDSTA all of KAJV’s right, title, and interest under the SDSTA LUA and the Addendum.

SOUTH DAKOTA SCIENCE AND TECHNOLOGY AUTHORITY

KIEWIT ALBERICI JOINT VENTURE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ITS: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Assignment of Easements—Mr. Tim Engel**

---

Discuss assignment of easements (3).

*See recommended motions below.*

---

**Recommended Action:**

*Motion 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.*



Prepared by:  
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May, Adam, Gerdes & Thompson LLP  
503 S. Pierre Street  
PO Box 160  
Pierre, South Dakota 57501

## EASEMENT

This Easement is made and entered into this \_\_\_ day of \_\_\_\_\_, 2021, by and between the South Dakota Science and Technology Authority, 630 East Summit Street, Lead, South Dakota, 57754 (“Grantor”) and Sanford Underground Research Facility Foundation, 630 E. Summit Street, Lead, South Dakota, 57754 (“Grantee”). For and in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Subject to the terms and conditions hereof, Grantor hereby grants to Grantee a temporary easement over certain real property shown on the attached Exhibit "A" (the “Servient Tenement”) for the Permitted Uses described herein.

2. No Representations or Warranties – Contamination. The Servient Tenement may be contaminated with mine tailings containing iron, arsenic, or other minerals, chemicals, or other materials which may be harmful to human health. The property rights described herein are granted on an “as is,” “where is” basis, with no representations or warranties, express or implied, concerning the condition of the Servient Tenement or its suitability for the Permitted Uses.

3. Permitted Uses. Grantee may only use the easement provided for herein for the purpose of the location and maintenance of a temporary rock conveyor system (“TRCS”) as shown on Exhibit “A” (the “Dominant Tenement”).

4. Further Conditions of the Easement. The easement over and upon the Servient Tenement is subject to the following further terms and conditions:

(a). The easement granted herein is non-exclusive, and Grantor reserves the right to enter the Servient Tenement. However, Grantor may not unreasonably interfere with the Grantee's Permitted Uses under this easement.

(b). Grantor shall be solely responsible for maintenance of the TRCS and to provide liability insurance coverage for the TRCS as provided by separate written agreement between Grantor and Grantee.

5. Term of Easement. The Easement provided for herein shall be for a term of four (4) years from the Effective Date or until Grantee no longer owns the TRCS, whichever occurs first. The Easement provided for herein shall run with the land and be binding upon, and inure to the

benefit of, the parties and their successors and assigns. As used in this paragraph, the term "Effective Date" means the date Grantee takes ownership of the TRCS.

6. Miscellaneous. The terms of this Easement shall be construed under and governed by the laws of the State of South Dakota without the application of the conflicts of law principles thereof and any applicable federal law. Any lawsuit arising out of related to this Agreement shall be brought in a court of the South Dakota Unified Judicial System.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

GRANTOR  
South Dakota Science and Technology Authority

\_\_\_\_\_  
By: Michael J. Headley  
Its: Executive Director

STATE OF SOUTH DAKOTA       )  
  )SS  
COUNTY OF LAWRENCE        )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned officer, personally appeared Michael J. Headley, known to me to be the Executive Director of the South Dakota Science and Technology Authority, a body corporate and politic created under the laws of South Dakota, that is described in and that executed the within instrument, having authority to execute such instrument, and acknowledged to me that such body corporate and politic executed the same.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

(SEAL)  
Notary Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

GRANTEE  
Sanford Underground Research Facility Foundation

By: \_\_\_\_\_

Its: Chair of the Board

STATE OF SOUTH DAKOTA     )  
  )SS  
COUNTY OF LAWRENCE     )

On this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the Chair of the Board of Directors of the Sanford Underground Research Facility Foundation, a South Dakota not-for-profit corporation, that is described in and that executed the within instrument, having authority to execute such instrument, and acknowledged to me that such corporation executed the same.

In witness whereof I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

(SEAL)  
Notary Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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## NON-EXCLUSIVE ASSIGNMENT OF EASEMENT

### Homestake Property

This Assignment is made and entered into the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and the Sanford Underground Research Facility Foundation, 630 E. Summit Street, Lead, SD, 57754 (“SURFF”).

### RECITALS

A. SDSTA is the Grantee under and pursuant to an Agreement for Termination of Easements and Grant of Replacement Easement from Homestake Mining Company of California, relating to certain real property as shown on Exhibit “A”, attached hereto and incorporated herein by this reference (the “Homestake Easement”). The Homestake Easement is dated December 6, 2018, and was filed for record in the Office of the Register of Deeds of Lawrence County, South Dakota, on May 29, 2019, as Doc. 2019-02081

B. SURFF is the owner of a temporary rock conveyor system (“TRCS”) which is located on and over the property covered by the Homestake Easement. SURFF intends to maintain ownership of the TRCS for approximately three years, at which time it intends to convey ownership of the TRCS to SDSTA. Thereafter, SDSTA intends to utilize the SURFF for further expansion and development of underground laboratory space.

C. SDSTA desires to grant, and SURFF desires to accept, a non-exclusive assignment of SDSTA’s rights under and pursuant to the Homestake Easement to facilitate SURFF’s ownership of the TRCS.

### ASSIGNMENT

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Assignment, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. SDSTA hereby assigns to SURFF, on a non-exclusive basis, SDSTA’s rights under the Homestake Easement.

2. SURFF hereby accepts the assignment set forth above upon the terms and conditions set out herein. SURFF agrees it may only use the City Easement for the Permitted Uses (as that term is defined in the Homestake Easement) and that it will not materially alter the TRCS. SURFF further agrees it will not use or operate the TRCS for any purpose during the term of this Assignment.

3. SDSTA, and its sole and exclusive expense, will secure and maintain the TRCS and provide liability insurance coverage and pollution liability coverage as required by the Homestake Easement as provided by separate agreement between SDSTA and SURFF.

4. This Assignment is non-exclusive; SDSTA reserves to itself the right of access to the real property covered by the Homestake Easement for the purpose of securing and maintaining the TRCS as required by separate agreement with SURFF, and for other purposes as contemplated by the Homestake Easement.

5. SURFF shall have no obligation to indemnify Homestake, nor to dismantle or remove the TRCS.

6. SURFF accepts this assignment subject to the terms, covenants, and conditions set out below in the "Consent to Assignment."

7. The term of this Assignment shall commence effective as so the date of transfer of ownership of the TRCS to SURFF and shall terminate upon the transfer of ownership from SURFF to SDSTA.

8. The covenants, terms, and conditions of this Assignment shall be construed under and governed by the laws of the State of South Dakota without application of the conflicts of laws principles thereof and any applicable federal law. Any lawsuit arising out of related to this Assignment must be brought in a court of the South Dakota Unified Judicial System.

South Dakota Science and  
Technology Authority

Sanford Underground Research  
Facility Foundation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

State of South Dakota        )  
  )ss  
County of \_\_\_\_\_ )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of the South Dakota Science and Technology Authority, a \_\_\_\_\_, and that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the \_\_\_\_\_ by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

(SEAL)

Notary Print Name:  
My Commission Expires:

State of South Dakota        )  
  )ss  
County of \_\_\_\_\_ )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of Sanford Underground Research Facility Foundation, a foundation, and that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the foundation by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

(SEAL)

Notary Print Name:  
My Commission Expires:

CONSENT TO ASSIGNMENT

Homestake Mining Company of California, 11457 Bobtail Gulch Street, Central City, SD, 57754, hereby consents to the foregoing assignment upon and terms set forth therein and upon the following additional terms and conditions:

1. SDSTA shall remain liable and responsible to Homestake for compliance with all of the "Easement Conditions" set out in paragraph 5 of the the Homestake Easement.
2. The health and safety plan described in paragraph 6 of the Homestake Easement shall remain in effect throughout the term of the Assignment.
3. SDSTA shall remain responsible for the procurement and cost of insurance as required by paragraph 7 of the Homestake Easement, and shall cause SURFF to be added to all such policies (excluding workers compensation and employer's liability policies) as an additional named insured.
4. By its acceptance of this Assignment, SURFF agrees to the limitation of liability set out in subparagraph 7.C of the Homestake Easement.
5. SDSTA shall remain liable for all liabilities and to indemnify the Homestake Indemnified Parties as provided in subparagraph 7.D of the Homestake Easement.

Homestake Mining Company of California

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

State of \_\_\_\_\_ )  
 )ss  
 County of \_\_\_\_\_ )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of Homestake Mining Company of California, a corporation, that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the corporation by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Notary Public

(SEAL)

Notary Print Name:

My Commission Expires:



Prepared by:

MAY, ADAM, GERDES & THOMPSON LLP  
Timothy M. Engel  
503 S. Pierre Street  
PO Box 160  
Pierre, SD 57501  
(605)224-8803  
tme@mayadam.net

## NON-EXCLUSIVE ASSIGNMENT OF EASEMENT

### City of Lead Property

This Assignment is made and entered into the \_\_\_ day of \_\_\_\_\_, 2024, by and between the South Dakota Science and Technology Authority, 630 E. Summit Street, Lead, SD, 57754 (“SDSTA”) and the Sanford Underground Research Facility Foundation, 630 E. Summit Street, Lead, SD, 57754 (“SURFF”).

### RECITALS

A. SDSTA is the Grantee under and pursuant to an Easement granted by the City of Lead, South Dakota (the “City”) relating to certain real property as shown on Exhibit “A”, attached hereto and incorporated herein by this reference (the “City Easement”). The City Easement is dated May 2, 2016, and was filed for record in the Office of the Register of Deeds of Lawrence County, South Dakota, on May 4, 2016, as Doc. 2016-01972.

B. SURFF is the owner of a temporary rock conveyor system (“TRCS”) which is located on and over the property covered by the City Easement. SURFF intends to maintain ownership of the TRCS for approximately three years, at which time it intends to convey ownership of the TRCS to SDSTA. Thereafter, SDSTA intends to utilize the SURFF for further expansion and development of underground laboratory space.

C. SDSTA desires to grant, and SURFF desires to accept, a non-exclusive assignment of SDSTA’s rights under and pursuant to the City Easement to facilitate SURFF’s ownership of the TRCS.

### ASSIGNMENT

For and in consideration of the foregoing Recitals, which are hereby made a substantive part of this Assignment, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party hereto, the parties AGREE as follows:

1. SDSTA hereby assigns to SURFF, on a non-exclusive basis, SDSTA’s rights under the City Easement.

2. SURFF hereby accepts the assignment set above upon the terms and conditions set out herein. SURFF agrees it may only use the City Easement for a Permitted Use (as that term is defined in the City Easement) and that it will not materially alter the TRCS. SURFF further agrees it will not use or operate the TRCS for any purpose during the term of this Assignment.

3. SDSTA, and its sole and exclusive expense, will secure and maintain the TRCS and provide liability insurance coverage as mandated by the City Easement as provided by separate agreement between SDSTA and SURFF.

4. This Assignment is non-exclusive; SDSTA reserves to itself the right of access to the real property covered by the City Easement for the purpose of securing and maintaining the TRCS as required by separate agreement with SURFF, and for other purposes as contemplated by the City Easement.

5. SURFF shall have no obligation to indemnify the City, nor to dismantle or remove the TRCS.

6. The term of this Assignment shall commence effective as so the date of transfer of ownership of the TRCS to SURFF and shall terminate upon the transfer of ownership from SURFF to SDSTA.

7. The covenants, terms, and conditions of this Assignment shall be construed under and governed by the laws of the State of South Dakota without application of the conflicts of laws principles thereof and any applicable federal law. Any lawsuit arising out of related to this Assignment must be brought in a court of the South Dakota Unified Judicial System.

South Dakota Science and  
Technology Authority

Sanford Underground Research  
Facility Foundation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



State of South Dakota        )  
  )ss  
County of \_\_\_\_\_ )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of the South Dakota Science and Technology Authority, a \_\_\_\_\_, and that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the \_\_\_\_\_ by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

(SEAL)

Notary Print Name:  
My Commission Expires:

State of South Dakota        )  
  )ss  
County of \_\_\_\_\_ )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of Sanford Underground Research Facility Foundation, a foundation, and that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the foundation by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

(SEAL)

Notary Print Name:  
My Commission Expires:

CONSENT TO ASSIGNMENT

City of Lead, 801 West Main Street, Lead, SD, 57754, hereby consents to the foregoing assignment upon and terms set forth therein.

City of Lead

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

State of South Dakota            )  
  )ss  
County of \_\_\_\_\_            )

On this the \_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned officer, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the \_\_\_\_\_ of the City of Lead, a \_\_\_\_\_, and that he/she as such \_\_\_\_\_, being authorized so to do, executed the foregoing name of the \_\_\_\_\_ by himself/herself as \_\_\_\_\_.

IN WITNESS WHEREOF I hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

(SEAL)

Notary Print Name:  
My Commission Expires:

**Confirm date and time of next meeting—Chairperson Casey Peterson**

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The next board meeting is the annual meeting and will be held on Thursday, September 19, 2024, beginning at 8:00 a.m. (Mountain Time).

<b>2024 Regular Quarterly Board Meeting Schedule 8:00 a.m. (Mountain Standard Time)</b>
Thursday, March 21
Thursday, June 20—Annual Mtg
Thursday, September 19
Thursday, December 12

*South Dakota Science and Technology Authority / Sanford Underground Research Facility  
Education & Outreach Building (large conference room and zoom)  
630 E. Summit Street  
Lead, SD 57754  
Questions? Contact Mandy Knight, [mknight@sanfordlab.org](mailto:mknight@sanfordlab.org)  
Direct Line: 605.722.4022, Cell: 605.641.0475*

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**Recommended Action:**  
*Informational.*

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**Public Comments—Chairperson Casey Peterson**

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- Reminder to ask guests who did not identify themselves at the beginning of the meeting to do so at this time.
- Discuss any public comment request forms submitted.

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**Board Comments—Chairperson Casey Peterson**

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1. Dr. Ani Aprahamian
2. Mr. Dana Dykhouse, Vice-Chairperson
3. Dr. Chris Fall
4. Ms. Pat Lebrun, Secretary-Treasurer
5. Mr. Roger Musick
6. Mr. Ron Wheeler
7. BHSU Pres. Steve Elliott, *ex-officio member*
8. SD Mines Pres. Jim Rankin, *ex-officio member*
9. Mr. Casey Peterson, Chairperson

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**Recommended Action:**  
*Informational.*

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**Adjourn—Chairperson Casey Peterson**

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*See recommended motion below.*

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**Recommended Action:**  
*Motion to adjourn.*

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