

Support the Gilt Edge Mine Conveyance Act

To Direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes.

March 1, 2022

Committee on Natural Resources
Subcommittee on National Parks, Forests, & Public Lands
Chair – Joe Neguse (D) Colorado
Ranking Member – Russ Fulcher (R) Idaho

- Mr. Chair, subcommittee members, my name is Hunter Roberts, and I am the Secretary of the South Dakota Department of Agriculture and Natural Resources. Thank you for allowing me to speak with you today.
- I am here today to testify in support of the Gilt Edge Mine Conveyance Act - which seeks to authorize the sale of approximately 266 acres of federal land within the Gilt Edge Mine Superfund site – located in the Black Hills, southeast of Lead, South Dakota.
- Between 1992 and 1997 the Brohm Mining Company conducted open pit gold mining at the Gilt Edge mine.
- The Brohm Mining Company filed for bankruptcy on July 29, 1999, leaving the state with 150 million gallons of heavy metal laden water in three open pits, an unreclaimed heap leach pad, and a 60-acre waste rock dump.
- From July 1999 to August of 2000, South Dakota Governor Janklow stepped in and took over the site using state funds to keep the site environmentally safe for a year.
- In August 2000, EPA assumed water treatment activities at the site and ultimately listed the site as a federal Superfund site in December. EPA continues to lead the cleanup actions at the site today.
- Under the federal Superfund law, South Dakota is required to provide a 10% match on EPA's cleanup costs and, once cleanup is complete, the state will be responsible for 100% of the operation and maintenance costs to collect and treat water at the site in perpetuity.
- In short, once cleanup actions are complete, the state must assure EPA it can and will indefinitely maintain the cleanup remedies put in place along with any institutional controls implemented during the cleanup.
- Institutional controls, such as site security, access limitations, or deed restrictions are difficult to implement on property you do not own.

- Therefore, the best way for South Dakota to meet this requirement is to own the property within the Gilt Edge Mine Superfund site boundary.
- With that in mind, since 2001 South Dakota has been acquiring land within the site boundary to enable Superfund cleanup and to meet its long-term assurances to EPA.
- The Department of Justice, EPA, and the State of South Dakota worked cooperatively to acquire property through settlement agreements with former owners and operators at the site to conduct cleanup actions. The EPA supports the State's plan to acquire the Forest Service property.
- There is a total of 1,328 acres within the superfund site boundary and, to date, South Dakota has acquired 977 of them – approximately 74% percent.
- This brings us to the need for the Gilt Edge Mine Conveyance Act.
- There are 266 acres of U.S. Forest Service property located within the Gilt Edge Mine Superfund site boundary.
- The Act authorizes the sale of those acres from the federal government to the State of South Dakota.
- Specifically, the Act states if South Dakota conducts an appraisal of the properties in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice and, based on the findings of the appraisal, submits a market value offer to the Forest Service to acquire the 266 acres the Forest Service will convey the land to South Dakota.
- In addition, the bill says that any proceeds received by the Forest Service from the conveyance shall be deposited and made available to the Forest Service for the maintenance and improvement of land or facilities in the Black Hills National Forest in South Dakota.
- Although it is a relatively simple bill - it creates significant benefits for both the state and the federal government.
- First, it relieves the Forest Service from any potential Superfund liabilities that could come from owning property within the boundaries of a listed Superfund site.
- Second, it improves site security by giving the state control over most of the property within the site boundary which allows a single government agency to control site access, and it creates state owned buffer space between private property and the in-place remedies and water treatment facilities.

- Third, by maintaining control of the property within the site boundary, the state minimizes the potential for incompatible land uses that could cause water quality degradation or increased contaminant exposure.
- Fourth, it provides the state with additional land for expansion of water collection or treatment facilities as future needs dictate, and
- Finally, acquisition of the Forest Service property puts the state in the best position to assure EPA any institutional controls established as part of the Superfund cleanup will remain in place after EPA leaves the site and the state takes over long-term site responsibility.
- It was also important for us to make sure our neighbors, the Cities of Deadwood and Lead, and Lawrence County understood and supported this legislation.
- In July 2020, myself, DANR staff, and the Commissioner of the South Dakota Office of School and Public Lands met with officials from Deadwood, Lead, and Lawrence County to discuss this issue.
- In the end, all three entities submitted letters of support to South Dakota's Congressional delegation – we are grateful for their support and their desire to help ensure the site is managed in the best way possible moving forward.
- In summary – the Gilt Edge Mine Conveyance Act is a commonsense piece of legislation allowing the state of South Dakota to purchase 266 acres of Forest Service property located within the Gilt Edge Mine Superfund site.
- By doing this, the state puts itself in the best position to assure EPA and the public it has the tools in place to safely manage the superfund site moving forward.
- I urge your support of the Gilt Edge Mine Conveyance Act and will stand by for questions.
- Thank you!