



LAWRENCE COUNTY

SOUTH DAKOTA

"Where Beauty and Adventure Meet"

Lawrence County Commissioners
90 Sherman Street, Deadwood SD
605-578-1941

July 14, 2020

Senator John Thune
United States Senate SD-511
Washington, DC 20510

Senator Mike Rounds
Hart Senate Office Bldg.
Suite 502
Washington, DC 20510

Congressman Dusty Johnson
1508 Longworth HOB
Washington, DC 20515

Dear Congressman and Senators,

This letter on behalf of the county is regarding the state's request to purchase federal U.S. Forest Service Property as part of the Gilt Edge Mine cleanup. We have met with state officials and received a presentation on the proposed legislation. We understand the need for this property to be conveyed to the state and do not have any concerns with the proposal.

The Brohm Mining Company went bankrupt and left the mine site in 1999 leaving the State of South Dakota with 150 million gallons of acidic heavy-metal laden water in three open pits, and an un-reclaimed heap leach pad and 60-acre waste rock dump. The site was listed as an EPA Superfund Site in 2000. EPA is currently conducting the site cleanup, which requires the State to provide a 10 percent cost share of the cleanup costs. After EPA completes the site cleanup, the State will be responsible for 100 percent of the costs to collect and treat the acid mine drainage at the site in perpetuity.

The State of South Dakota is also required to assure EPA any institutional controls established as part of the cleanup will remain in place when the State takes over responsibility for operation and maintenance. Institutional controls used at the site could be easements, zoning, covenants, restrictions, etc. To meet this requirement, the state has worked to acquire ownership and control of the property within the Superfund boundary. Since 2001 the state has acquired property within the Superfund boundary from responsible parties, private owners, and some small tract federal purchases. However, the state cannot place these controls on federal property.

Therefore, based on the need for consolidated management of the Superfund cleanup remedy when the State of South Dakota assumes responsibility for the site, we do not have any concerns with the sale and transfer of U.S. Forest Service property to the State. The property transfer will enable the State of South Dakota to efficiently put institutional controls in place, secure the site, manage water collection and treatment, and protect the cleanup remedy put in place by EPA.

Sincerely,

Brandon Flanagan
Chair

A handwritten signature in black ink, appearing to read "Brandon Flanagan". The signature is written in a cursive, flowing style with a large initial "B" and "F".