



South Dakota regulatory process for high voltage transmission lines

SOUTH DAKOTA REGULATORY PROCESS

Decisions on need and routing for high voltage transmission lines are combined in South Dakota. The South Dakota Public Utilities Commission (SD PUC) reviews project applications, and if approved, grants an order for a permit for project location, construction and operation. When reviewing an application, the SD PUC considers its compliance with relevant laws, the potential environmental impact, social and economic conditions in the proposed project area, and the health, safety and welfare of nearby residents.

FACILITY PERMIT

South Dakota codified law Chapter 49-41B governs the state's regulatory process for permits to construct high voltage transmission lines. The SD PUC must decide whether to grant a permit to construct the proposed facility within 12 months of receiving the application.

Preliminary scoping/public meeting: The SD PUC permitting process begins with an informal public meeting held by the applicant. Multiple routes may be reviewed at the meeting, but only one is evaluated in the SD PUC review process. The meeting also allows the public an opportunity to comment on the proposed transmission line route prior to the application filing.

Permit application: An application must be filed with the SD PUC at least six months before the planned construction of the transmission line.

Completeness review: The SD PUC reviews the application for completeness. If an application is not accepted, the SD PUC provides the reasons and allows the applicant to make changes. Public hearings are scheduled by the SD PUC once it accepts an application.

Legal notice: The applicant must notify in writing all landowners within a half-mile of the proposed transmission line at least 30 days before the public hearings. The applicant must also publish notices in the official newspapers of each affected county at least once a week for two consecutive weeks.

Pre-hearing conference: The SD PUC may require additional information prior to the hearing. The agency or applicant may request a pre-hearing conference.

Public hearing: Within 30 days of a determining the application complete, the SD PUC will schedule a formal public hearing and notify the applicant, governments, landowners, the public and other relevant parties.

Intervention: Anyone can attend meetings and hearings. Parties to the permit proceedings include the SD PUC, the applicant, and upon timely application, municipalities, counties and government agencies in the proposed project area; members of the public living near the proposed route; and relevant non-profit organizations. Statements filed by parties to the permit proceedings become part of the record and are available to the public.

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SD PUC decision: Within 12 months of the filing, the SD PUC must decide whether to grant the permit; the applicant and parties to the proceeding must be notified within 10 days. A SD PUC order granting a permit includes approval of the route and allows construction to proceed.

Environmental Impact Statement (EIS): Under South Dakota codified law Chapter 34A-9 (the South Dakota Environmental Policy Act), prior to issuing a permit, the SD PUC may prepare or require the preparation of an EIS to provide information about the project's potential environmental effects, ways to minimize these effects and possible alternatives to the project.

The type of project proposed determines whether an EIS is needed. If one is required, a draft is prepared and circulated for comment to the relevant state and federal agencies and the public. The Draft EIS, with comments, is made available to the public at least 30 days prior to the SD PUC's permitting decision. When the SD PUC approves a project subjected to an EIS, the commission must make an explicit finding that all legal requirements have been

met and all feasible action will be taken to avoid or minimize any environmental problems addressed in the EIS. If a federal EIS is required, the state does not need to prepare one.

Federal environmental review: Before federal agencies grant loans or issue permits for transmission lines, the applicant must comply with National Environmental Policy Act requirements. Depending on circumstances and the application of federal regulations, an Environmental Assessment or an EIS may be prepared. Federal environmental review is usually done concurrently or jointly with state environmental review.

STAY INFORMED

The best way to participate is to stay informed. Follow progress on the individual agency websites and at www.capx2020.com.

South Dakota Public Utilities Commission:
Contact the agency at (605) 773-3201 or by visiting www.puc.sd.gov.