

South Dakota Codified Laws

Title 49. Public Utilities and Carriers (Refs & Annos)

Chapter 49-41B. Energy Conversion and Transmission Facilities (Refs & Annos)

SDCL § 49-41B-4.4

49-41B-4.4. Trans-state transmission facility--Eminent domain--Acquisition of fee in land contiguous to right-of-way--Divestiture of agricultural land

Currentness

In the exercise of the authority of eminent domain pursuant to chapter 21-35 to acquire right-of-way or other property for a trans-state transmission facility as defined by subdivision 49-41B-2(9) a property owner shall have the option to require the utility to take a fee interest in any amount of contiguous land outside the designated right-of-way which he owns and elects in writing to transfer to the utility within sixty days of receipt of the notice of filing of a petition pursuant to § 21-35-1. The fee acquisition of contiguous lands as required by this section shall be considered a taking for a public purpose and for use in the operation of the utility. However, the utility shall be required to divest itself completely of all lands used for farming or capable of being used for farming within five years after the date of acquisition pursuant to this section. If these lands are not divested as provided by this section they shall be sold at a public sale as provided by chapter 21-47 relating to foreclosure of a real property mortgage by action. No land more than one-half mile from the center line of the power line need be taken.

Credits

Source: SL 1980, ch 327, § 9.

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SDCL § 49-41B-4.4, SD ST § 49-41B-4.4

Current through the 2013 Regular Session and Supreme Court Rule 13-17

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South Dakota Codified Laws

Title 49. Public Utilities and Carriers (Refs & Annos)

Chapter 49-41B. Energy Conversion and Transmission Facilities (Refs & Annos)

SDCL § 49-41B-4.2

49-41B-4.2. Trans-state transmission line--Criteria required

Currentness

The South Dakota Legislature before approving a proposed trans-state transmission line shall find that each of the following criteria has been met:

- (1) That the proposed trans-state transmission line and route will comply with all applicable laws and rules;
- (2) That the proposed trans-state transmission line and route will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or anticipated inhabitants in the siting area;
- (3) That the proposed trans-state transmission line and route will not substantially impair the health, safety or welfare of the inhabitants;
- (4) That the proposed trans-state transmission line and route will not unduly interfere with the orderly development of the region with due consideration having been given to views of the governing bodies of effective local units of government;
- (5) That the proposed trans-state transmission facility will be consistent with the public convenience and necessity in any area or areas which will receive electrical service, either direct or indirect, from the facility, regardless of the state or states in which area or areas are located.

Credits

Source: SL 1979, ch 318, § 4; SL 1980, ch 327, § 3; SL 1981, ch 340, § 2.

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SDCL § 49-41B-4.2, SD ST § 49-41B-4.2

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Administrative Rules of South Dakota ^{Currentness}
Public Utilities Commission (Article 20:10)
Article 20:10 Public Utilities
Chapter 20:10:22 Energy Facility Siting Rules (Refs & Annos)

ARSD 20:10:22:12

20:10:22:12. Alternative sites.

The applicant shall present information related to its selection of the proposed site for the facility, including the following:

- (1) The general criteria used to select alternative sites, how these criteria were measured and weighed, and reasons for selecting these criteria;
- (2) An evaluation of alternative sites considered by the applicant for the facility;
- (3) An evaluation of the proposed plant, wind energy, or transmission site and its advantages over the other alternative sites considered by the applicant, including a discussion of the extent to which reliance upon eminent domain powers could be reduced by use of an alternative site, alternative generation method, or alternative waste handling method.

Credits

Source: 5 SDR 1, effective July 25, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005.

General Authority: SDCL 49-41B-35(2).

Law Implemented: SDCL 49-41B-11(6), 49-41B-21, 34A-9-7(4).

Current through rules published in the South Dakota register dated April 28, 2014.

ARSD 20:10:22:12, SD ADC 20:10:22:12

Administrative Rules of South Dakota ^{Currentness}
Public Utilities Commission (Article 20:10)
Article 20:10 Public Utilities
Chapter 20:10:22 Energy Facility Siting Rules (Refs & Annos)

ARSD 20:10:22:18

20:10:22:18. Land use.

The applicant shall provide the following information concerning present and anticipated use or condition of the land:

(1) A map or maps drawn to scale of the plant, wind energy, or transmission site identifying existing land use according to the following classification system:

- (a) Land used primarily for row and nonrow crops in rotation;
- (b) Irrigated lands;
- (c) Pasturelands and rangelands;
- (d) Haylands;
- (e) Undisturbed native grasslands;
- (f) Existing and potential extractive nonrenewable resources;
- (g) Other major industries;
- (h) Rural residences and farmsteads, family farms, and ranches;
- (i) Residential;
- (j) Public, commercial, and institutional use;
- (k) Municipal water supply and water sources for organized rural water systems; and
- (l) Noise sensitive land uses;

- (2) Identification of the number of persons and homes which will be displaced by the location of the proposed facility;
- (3) An analysis of the compatibility of the proposed facility with present land use of the surrounding area, with special attention paid to the effects on rural life and the business of farming; and
- (4) A general analysis of the effects of the proposed facility and associated facilities on land uses and the planned measures to ameliorate adverse impacts.

Credits

Source: 5 SDR 1, effective July 25, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005.

General Authority: [SDCL 49-41B-35\(2\)](#).

Law Implemented: [SDCL 49-41B-11\(11\)](#), [49-41B-22\(2\)](#).

Current through rules published in the South Dakota register dated April 28, 2014.

[ARSD 20:10:22:18](#), [SD ADC 20:10:22:18](#)

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Administrative Rules of South Dakota ^{Currentness}
Public Utilities Commission (Article 20:10)
Article 20:10 Public Utilities
Chapter 20:10:22 Energy Facility Siting Rules (Refs & Annos)

ARSD 20:10:22:23

20:10:22:23. Community impact.

The applicant shall include an identification and analysis of the effects the construction, operation, and maintenance of the proposed facility will have on the anticipated affected area including the following:

- (1) A forecast of the impact on commercial and industrial sectors, housing, land values, labor market, health facilities, energy, sewage and water, solid waste management facilities, fire protection, law enforcement, recreational facilities, schools, transportation facilities, and other community and government facilities or services;
- (2) A forecast of the immediate and long-range impact of property and other taxes of the affected taxing jurisdictions;
- (3) A forecast of the impact on agricultural production and uses;
- (4) A forecast of the impact on population, income, occupational distribution, and integration and cohesion of communities;
- (5) A forecast of the impact on transportation facilities;
- (6) A forecast of the impact on landmarks and cultural resources of historic, religious, archaeological, scenic, natural, or other cultural significance. The information shall include the applicant's plans to coordinate with the local and state office of disaster services in the event of accidental release of contaminants from the proposed facility; and
- (7) An indication of means of ameliorating negative social impact of the facility development.

Credits

Source: 5 SDR 1, effective July 25, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 49-41B-35.

Law Implemented: SDCL 49-41B-11(3), 49-41B-22.

Current through rules published in the South Dakota register dated April 28, 2014.

ARSD 20:10:22:23, SD ADC 20:10:22:23

Administrative Rules of South Dakota ^{Currentness}
Public Utilities Commission (Article 20:10)
Article 20:10 Public Utilities
Chapter 20:10:22 Energy Facility Siting Rules (Refs & Annos)

ARSD 20:10:22:13

20:10:22:13. Environmental information.

The applicant shall provide a description of the existing environment at the time of the submission of the application, estimates of changes in the existing environment which are anticipated to result from construction and operation of the proposed facility, and identification of irreversible changes which are anticipated to remain beyond the operating lifetime of the facility. The environmental effects shall be calculated to reveal and assess demonstrated or suspected hazards to the health and welfare of human, plant and animal communities which may be cumulative or synergistic consequences of siting the proposed facility in combination with any operating energy conversion facilities, existing or under construction. The applicant shall provide a list of other major industrial facilities under regulation which may have an adverse effect on the environment as a result of their construction or operation in the transmission site, wind energy site, or siting area.

Credits

Source: 5 SDR 1, effective July 25, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 32 SDR 109, effective December 26, 2005.

General Authority: SDCL 49-41B-35(2).

Law Implemented: SDCL 49-41B-11(11), 49-41B-21, 49-41B-22(2).

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ARSD 20:10:22:13, SD ADC 20:10:22:13

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