



Appendix A

Completeness Checklist

Appendix A Completeness Checklist Table

South Dakota Codified Laws	Administrative Rules of South Dakota	Required Information	Location
49-41B-11(1-12)	20:10:22:05	Application contents: The Application for a permit for a facility shall contain the applicable information specified in §§ 20:10:22:06 to 20:10:22:25, inclusive, 20:10:22:36, and 20:10:22:39. If the Application is for a permit for an energy conversion facility, it shall also contain the information specified in §§ 20:10:22:26 to 20:10:22:33, inclusive. If the Application is for a permit for a transmission facility as defined in SDCL subdivision 49-41B-2.1(1), it shall also contain the information in §§ 20:10:22:34 and 20:10:22:35. If the Application is for a permit for a transmission facility as defined in SDCL subdivision 49-41B-2.1(2), it shall also contain the information in §§ 20:10:22:37 and 20:10:22:38. If the Application is for a permit for a wind energy facility or a solar energy facility, it shall also contain the information in §§ 20:10:22:33.01 and 20:10:22:33.02. The Application for a permit for a facility shall contain a list of each permit that is known to be required from any other governmental entity at the time of the filing. The list of permits shall be updated, if needed, to include any permit the Applicant becomes aware of after filing the Application. The list shall state when each permit Application will be filed. The Application shall also list each notification that is required to be made to any other governmental entity.	Sections 2 – 27, and as further specified in the rows below
49-41B-11(1)	20:10:22:06	Names of participants required: The Application shall contain the name, address, and telephone number of all persons participating in the proposed facility at the time of filing, as well as the names of any individuals authorized to receive communications relating to the Application on behalf of those persons.	Section 5
49-41B-11(7)	20:10:22:07	Name of owner and manager: The Application shall contain a complete description of the current and proposed rights of ownership of the proposed facility. It shall also contain the name of the project manager of the proposed facility.	Section 6
49-41B-11(8)	20:10:22:08	Purpose of facility: The Applicant shall describe the purpose of the proposed facility.	Sections 2.3 and 7
49-41B-11(12)	20:10:22:09	Estimated cost of facility: The Applicant shall describe the estimated construction cost of the proposed facility.	Section 8
49-41B-11(9)	20:10:22:10	Demand for facility: The Applicant shall provide a description of present and estimated consumer demand and estimated future energy needs of those customers to be directly served by the proposed facility. The Applicant shall also provide data, data sources, assumptions, forecast methods or models, or other reasoning upon which the description is based. This statement shall also include information on the relative contribution to any power or energy distribution network or pool that the proposed facility is projected to supply and a statement on the consequences of delay or termination of the construction of the facility	Sections 2.3 and 7
49-41B-11(2)	20:10:22:11	General site description: The Application shall contain a general site description of the proposed facility, including a description of the specific site and its location with respect to state, county, and other political subdivisions; a map showing prominent features such as cities, lakes, and rivers; and maps showing cemeteries, places of historical significance, transportation facilities, or other public facilities adjacent to or abutting the plant or transmission site.	Section 9, Map 1, Map 12, Map 16, and Appendix D
49-41B-11(6); 49-41B-21; 34A-9-7(4)	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.	Section 10
49-41B-11(2, 11); 49-41B-21; 49-41B-22(2)	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.	Sections 11 – 18, 21, and 22

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49-41B-11(11); 49-41B-22(2)	20:10:22:14	Effect on physical environment: The Applicant shall provide information describing the effect of the proposed facility on the physical environment. The information shall include: (1) A written description of the regional land forms surrounding the proposed plant or wind energy site or through which the transmission facility will pass; (2) A topographic map of the plant, wind energy, or transmission site; (3) A written summary of the geological features of the plant, wind energy, or transmission site using the topographic map as a base showing the bedrock geology and surficial geology with sufficient cross-sections to depict the major subsurface variations in the siting area; (4) A description and location of economic deposits such as lignite, sand and gravel, scoria, and industrial and ceramic quality clay existent within the plant, wind energy, or transmission site; (5) A description of the soil type at the plant, wind energy, or transmission site; (6) An analysis of potential erosion or sedimentation which may result from site clearing, construction, or operating activities and measures which will be taken for their control; (7) Information on areas of seismic risks, subsidence potential, and slope instability for the plant, wind energy, or transmission site; and (8) An analysis of any constraints that may be imposed by geological characteristics on the design, construction, or operation of the proposed facility and a description of plans to offset such constraints.	Section 11, Map 6, Map 7, Map 8, and Map 10
49-41B-11(11); 49-41B-21; 49-41B-22(2)	20:10:22:15	Hydrology: The Applicant shall provide information concerning the hydrology in the area of the proposed plant, wind energy, or transmission site and the effect of the proposed site on surface and groundwater. The information shall include: (1) A map drawn to scale of the plant, wind energy, or transmission site showing surface water drainage patterns before and anticipated patterns after construction of the facility; (2) Using plans filed with any local, state, or federal agencies, indication on a map drawn to scale of the current planned water uses by communities, agriculture, recreation, fish, and wildlife which may be affected by the location of the proposed facility and a summary of those effects; (3) A map drawn to scale locating any known surface or groundwater supplies within the siting area to be used as a water source or a direct water discharge site for the proposed facility and all offsite pipelines or channels required for water transmission; (4) If aquifers are to be used as a source of potable water supply or process water, specifications of the aquifers to be used and definition of their characteristics, including the capacity of the aquifer to yield water, the estimated recharge rate, and the quality of ground water; (5) A description of designs for storage, reprocessing, and cooling prior to discharge of heated water entering natural drainage systems; and (6) If deep well injection is to be used for effluent disposal, a description of the reservoir storage capacity, rate of injection, and confinement characteristics and potential negative effects on any aquifers and groundwater users which may be affected.	Section 12, Map 12, Map 13, and Map 16
49-41B-11(11); 49-41B-21; 49-41B-22(2)	20:10:22:16	Effect on terrestrial ecosystems: The Applicant shall provide information on the effect of the proposed facility on the terrestrial ecosystems, including existing information resulting from biological surveys conducted to identify and quantify the terrestrial fauna and flora potentially affected within the transmission site, wind energy site, or siting area; an analysis of the impact of construction and operation of the proposed facility on the terrestrial biotic environment, including breeding times and places and pathways of migration; important species; and planned measures to ameliorate negative biological impacts as a result of construction and operation of the proposed facility.	Section 13
49-41B-11(11); 49-41B-21; 49-41B-22(2)	20:10:22:17	Effect on aquatic ecosystems: The Applicant shall provide information of the effect of the proposed facility on aquatic ecosystems and including existing information resulting from biological surveys conducted to identify and quantify the aquatic fauna and flora potentially affected within the transmission site, wind energy site, or siting area, an analysis of the impact of the construction and operation of the proposed facility on the total aquatic biotic environment and planned measures to ameliorate negative biological impacts as a result of construction and operation of the proposed facility.	Section 14
49-41B-11(11); 49-41B-22(2, 3)	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;	Section 15, Map 9, Map 12, Map 14, and Map 18

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		(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.	
49-41B-11(11); 49-41B-22(1, 2, 4); 49-41B-28	20:10:22:19	Local land use controls: The Applicant shall provide a general description of local land use controls and the manner in which the proposed facility will comply with the local land use zoning or building rules, regulations, or ordinances. If the proposed facility violates local land use controls, the Applicant shall provide the commission with a detailed explanation of the reasons why the proposed facility should preempt the local controls. The explanation shall include a detailed description of the restrictiveness of the local controls in view of existing technology, factors of cost, economics, needs of parties, or any additional information to aid the commission in determining whether a permit may supersede or preempt a local control pursuant to SD CL 49-41B-28.	Section 16
9-41B-11(11); 49-41B-22(2)	20:10:22:20	Water quality: The Applicant shall provide evidence that the proposed facility will comply with all water quality standards and regulations of any federal or state agency having jurisdiction and any variances permitted.	Section 17
49-41B-11(11); 49-41B-21; 49-41B-22(2)	20:10:22:21	Air quality: The Applicant shall provide evidence that the proposed facility will comply with all air quality standards and regulations of any federal or state agency having jurisdiction and any variances permitted.	Section 18
49-41B-11(3)	20:10:22:22	Time schedule: The Applicant shall provide estimated time schedules for accomplishment of major events in the commencement and duration of construction of the proposed facility.	Section 19
49-41B-11(3, 4, 10); 49-41B-22(2, 3, 4)	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.	Section 20

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49-41B-11(4)	20:10:22:24	Employment estimates: The Application shall contain the estimated number of jobs and a description of job classifications, together with the estimated annual employment expenditures of the Applicants, the contractors, and the subcontractors during the construction phase of the proposed facility. In a separate tabulation, the Application shall contain the same data with respect to the operating life of the proposed facility, to be made for the first ten years of commercial operation in one-year intervals. The Application shall include plans of the Applicant for utilization and training of the available labor force in South Dakota by categories of special skills required. There shall also be an assessment of the adequacy of local manpower to meet temporary and permanent labor requirements during construction and operation of the proposed facility and the estimated percentage that will remain within the county and the township in which the facility is located after construction is completed.	Section 23
49-41B-11(5)	20:10:22:25	Future additions and modifications: The Applicant shall describe any plans for future modification or expansion of the proposed facility or construction of additional facilities which the Applicant may wish to be approved in the permit.	Section 24
49-41B-11	20:10:22:34	Transmission facility layout and construction: If a transmission facility is proposed, the Applicant shall submit a policy statement concerning the route clearing, construction and landscaping operations, and a description of plans for continued right-of-way maintenance, including stabilization and weed control.	Sections 9.3 and 9.4
49-41B-11(2, 11); 49-1B-22(3)	20:10:22:35	Information concerning transmission facilities: If a transmission facility is proposed, the Applicant shall provide the following information: (1) Configuration of the towers and poles, including material, overall height, and width; (2) Conductor configuration and size, length of span between structures, and number of circuits per pole or tower; (3) The proposed transmission site and major alternatives as depicted on overhead photographs and land use culture maps; (4) Reliability and safety; (5) Right-of-way or condemnation requirements; (6) Necessary clearing activities; and (7) If the transmission facility is placed underground, the depth of burial, distance between access points, conductor configuration and size, and number of circuits.	Sections 9 and 25, Map 2, Map 3, Map 4, and Map 5
49-41B-7; 49-41B-22	20:10:22:36	Additional information in Application: The Applicant shall also submit as part of the Application any additional information necessary for the local review committees to assess the effects of the proposed facility pursuant to SDCL 49-41B-7. The Applicant shall also submit as part of its Application any additional information necessary to meet the burden of proof specified in SDCL 49-41B-22.	Section 27
	20:10:22:39	Testimony and exhibits: Upon the filing of an Application pursuant to SDCL 49-41B-11, an Applicant shall also file all data, exhibits, and related testimony which the Applicant intends to submit in support of its Application. The Application shall specifically show the witnesses supporting the information contained in the Application.	Section 27.2
49-41B-22		Applicant's burden of proof: The Applicant has the burden of proof to establish by a preponderance of the evidence that: (1) The proposed facility will comply with all applicable laws and rules; (2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area. An Applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is determined not to threaten the social and economic condition of inhabitants or expected inhabitants in the siting area; (3) The facility will not substantially impair the health, safety or welfare of the inhabitants; and (4) The facility will not unduly interfere with the orderly development of the region with due consideration having been given the views of governing bodies of affected local units of government. An Applicant for an electric transmission line, a solar energy facility, or a wind energy facility that holds a conditional use permit from the applicable local units of government is in compliance with this subdivision.	Sections 9 - 26