

HB 1273: Why Mining Law Reform Matters in 2026

The Problem: Outdated mining laws from the 1980s and 1990s still govern modern industrial mining in South Dakota. Today, the state’s mining laws are split between two chapters: SDCL 45-6, which provides minimal oversight, and SDCL 45-6B, which includes stronger public and environmental protections. A 2026 legislative proposal aims to eliminate this outdated distinction by moving all mining activities under the stronger, more comprehensive framework of SDCL 45-6B. Over 256,000 acres of the Black Hills are under active mining claims — 17% of the entire Black Hills — and that does not count proposed mining on private lands. The pressure is growing.

Side-by-Side Comparison: SDCL 45-6 vs. SDCL 45-6B

Regulatory Feature	SDCL 45-6 (“Concrete Aggregates”: Limestone, Lithium, Gravel) <i>*chapter to mostly repeal</i>	SDCL 45-6B (<i>Minerals like Silver and Gold</i>) <i>*Move all mining under this framework</i>
Purpose	Minimal oversight; designed for small pits	Full reclamation law for industrial mining
Application	1-page form; no location required	Full application with environmental and technical detail
Public Notice	Only after approval ; no landowner notice	Public notice before approval , public hearing, landowner notification
Environmental Review	None required	Baseline studies: water, soil, wildlife, history, and community impacts
Reclamation Plan	Minimal; erosion control only	Required with hydrology, vegetation, wildlife recovery
Bonding	Flat-rate per acre; from \$500-\$3,500 depending on the year	Site-specific; based on actual cost of reclamation
Hearing Process	Not required	Public hearing if objections raised
Sensitive Lands	No protections	Board may restrict mining on sites of historical and cultural importance

Key Issues Today

- ✗ **No required environmental or water impact review** for lithium, limestone, sand, or gravel mining
- ✗ **Minimal oversight** — a \$100 annual fee with no required disclosure of mining locations or meaningful landowner protections

2026 Legislative Solution

- ✓ Repeal most of SDCL 45-6, so that 45-6B applies to all mining
- ✓ End the outdated "construction aggregates" loophole of being able to have unlimited expansion
- ✓ Require notice, hearings, environmental baseline studies, and reclamation plans
- ✓ Protect South Dakota’s **economy, water, recreation, and communities**

***The bill remains under development, though its core elements are expected to remain consistent.**