

# 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**The Problem:** Outdated mining laws from the 1980s and 1990s still govern modern industrial mining in South Dakota.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 A 2026 legislative proposal aims to eliminate this outdated distinction by moving all mining activities under the stronger, more comprehensive framework of SDCL 45-6B.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 <b>after approval</b> ; no landowner notice	Public notice <b>before approval</b> , public hearing, landowner notification
Environmental Review	<b>None</b> 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	<b>Not required</b>	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- ✓ End the outdated "construction aggregates" loophole of being able to have unlimited expansion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.**