



2026 South Dakota Legislature

Senate Bill 188

Introduced by: **Senator Carley**

1 **An Act to revise public notice requirements for new sand, gravel, and construction**
 2 **aggregate mines.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 45-6-68 be AMENDED:**

5 **45-6-68.** The operator ~~shall~~ must publish notice of each ~~mine~~ mining operation
 6 once in a newspaper of general circulation in the locality of the operation, ~~at least fourteen~~
 7 ~~days before the commencement of mining, if the operation will affect an area of ten acres~~
 8 ~~or less, or will annually extract less than twenty-five thousand tons of material.~~

9 If the operation will affect an area greater than ten acres, or annually extract at
 10 least twenty-five thousand tons of material, the operator must publish notice of each mine
 11 operation at least three times in a newspaper of general circulation in the locality of the
 12 operation. The first notice must be published no sooner than one hundred eighty days
 13 before the commencement of the mining operation. The second notice must be published
 14 at least ninety days before the commencement of the mining operation. The third notice
 15 must be published at least thirty days before the commencement of the mining operation.

16 The notice ~~shall contain the~~ must:

- 17 (1) State the identity and address of the operator and resident agent, ~~the~~ ;
 18 (2) State the location of the mining operation, ~~whether~~ ;
 19 (3) State whether the mineral to be mined is sand, gravel, or rock to be crushed and
 20 used in construction, ~~the~~ ;
 21 (4) State whether the mining operation is to involve the use of explosives;
 22 (5) Include any plans to mitigate dust, stormwater runoff, and noise from the
 23 operation;
 24 (6) State the dates of commencement and completion of the operation, ~~the~~ ;
 25 (7) Describe any proposed future use of the affected land, ~~and the location~~
 26 (8) Indicate where additional information about the operation may be obtained.

1 **Section 2. That § 45-6-69 be AMENDED:**

2 **45-6-69.** The operator of a mining operation that affects an area of ten acres or
 3 less, or extracts less than twenty-five thousand tons of material, shall submit notification,
 4 consisting of forward all information required in § 45-6-68, together with a map of the
 5 affected area and the information required in the newspaper notice to the South Dakota,
 6 to the persons listed in this section at least fourteen days before the commencement of
 7 mining.

8 The operator of a mining operation that affects an area greater than ten acres, or
 9 annually extracts at least twenty-five thousand tons of material, shall forward all
 10 information required in § 45-6-68, together with a map of the affected area, to the persons
 11 listed in this section at least ninety days before the commencement of mining. The
 12 information must be forwarded to:

13 (1) The Department of Agriculture and Natural Resources, the South Dakota;

14 (2) The Department of Game, Fish and Parks, the South Dakota;

15 (3) The Department of Education, and the local conservation district, of the operator's
 16 intent to commence mining at a new mine site at least thirty days before beginning
 17 mining operations;

18 (4) The conservation district within which the mining site is located;

19 (5) Any individual who lives within a two-mile radius of the center of the mine site and
 20 who can be reached by direct mail;

21 (6) The board of commissioners for the county in which the proposed mining operation
 22 is located;

23 (7) The governing board of any municipality located within ten miles of the site of the
 24 proposed mining operation;

25 (8) Any broadcast media located in the county where the proposed mining operation
 26 is located; and

27 (9) Any statewide public notice website maintained by a media organization in this
 28 state.

29 **Section 3. That § 45-6-70 be AMENDED:**

30 **45-6-70.** When an emergency situation exists and when in the public interest, the
 31 secretary of agriculture and natural resources may waive the minimum ~~fourteen-day~~
 32 ~~advertising requirements and thirty-day notice requirement of §§~~ time period applicable

- 1 to the publication of notices under § 45-6-68 and the dissemination of information under
- 2 § 45-6-69.