

**27—50.90(207) Entry and consent to reclaim.**

**50.90(1)** The division or its agents, employees, or contractors, may enter upon land to perform reclamation activities if the consent of the owner cannot be obtained.

**50.90(2)** Prior to entry under this rule, the division shall find in writing with support reasons that:

- a.* Land or water resources have been adversely affected by past coal mining practices;
- b.* The adverse effects have advanced, so that in the interest of the public health, safety, or the general welfare, action to restore, reclaim, abate, control or prevent should be taken; and
- c.* The owner of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices is not known or readily available; or
- d.* The owner will not give permission for the division, its agents, employees, or contractors to enter upon such property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

**50.90(3)** The division shall give notice of its intent to enter for purposes of conducting reclamation at least 30 days before entry upon the property. The notice shall be in writing and shall be mailed, return receipt requested, to the owner, if known, with a copy of the findings required by this rule. If the owner is not known, or if the current mailing address of the owner is not known, notice shall be posted in one or more places on the property to be entered where it is readily visible to the public and advertised once in a newspaper of general circulation in the locality in which the land is located. The notice posted on the property and advertised in the newspaper shall include a statement of where the findings required by this rule may be inspected or obtained.