

7-505.

(g) [Unless a lease in existence on June 1, 1967 does not so provide or permit, the] THE application for a permit shall include [, on a form furnished by the -{Bureau,] DEPARTMENT, FOR ALL LAND TO BE AFFECTED BY THE OPEN-PIT COAL MINING AND RECLAMATION OPERATIONS:

(1) ON A FORM FURNISHED BY THE DEPARTMENT, [the ] THE written consent of the landowner AND ANY OWNER OF A LEGAL OR EQUITABLE INTEREST IN THE LAND SURFACE for the [operator -{or the State or any of its authorized agents,] APPLICANT to enter on any land TO BE affected by the operator [within a period of five years after the operation is completed or abandoned, for the purpose of backfilling, planting, reclamation, and inspection.] CONDUCTING OPEN-PIT COAL MINING AND RECLAMATION OPERATIONS; OR

(2) A CONVEYANCE THAT EXPRESSLY GRANTS OR RESERVES TO THE APPLICANT THE RIGHT TO EXTRACT COAL BY OPEN-PIT MINING METHODS.

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(c) (1) The Department and its AUTHORIZED agents, WITHOUT ADVANCE NOTICE AND UPON PRESENTATION OF APPROPRIATE CREDENTIALS, [may enter on and inspect] SHALL HAVE THE RIGHT OF ENTRY TO, ON OR THROUGH any open-pit mining or prospecting operation OR ANY PREMISES IN WHICH ANY RECORDS REQUIRED TO BE MAINTAINED UNDER THIS SUBTITLE ARE LOCATED to determine conditions of safety and TO assure compliance with the provisions of this subtitle, any rules and regulations promulgated under it and ANY permit conditions, and shall have access to and the right to copy any records, reports, or other information, AND TO INSPECT ANY MONITORING EQUIPMENT OR METHOD OF OPERATION required by the [Bureau] DEPARTMENT under this subtitle. [For the purpose of performing the duties required under this subtitle and applicable regulations, including but not limited to inspection, enforcement of this subtitle, and reclamation, the Department, its agents, employees, and contractors may enter upon private property for access to or reclamation of any open-pit mining and reclamation operation or prospecting operation which is not otherwise accessible to the Department from a public road. Entry onto private property for these purposes shall not be undertaken without prior consent of the property owner. If, after real and bona fide effort, the consent of the property owner cannot be secured, the Department may apply to a law or equity court where the property or any part of it is located for an order directing that entry be permitted. "Bona fide effort" shall include either 30 days advance notice in writing by certified mail, return receipt requested, to the last known address of the property owner or posting notice on the property not less than 30 days in advance, or such other requirements as the court may deem appropriate. The Department shall reimburse the landowner or lessee who is farming the property for agricultural products destroyed or damaged by its agents, employees, or contractors.]