

43.1 Subp. 2. **Determination.** After review and inspection under subpart 1, an RGU
43.2 must determine that:

43.3 A. reclamation is not yet complete;

43.4 B. it is not possible to assess whether reclamation is complete because of
43.5 weather conditions, snow cover, or other relevant factors;

43.6 C. reclamation is complete on a portion of or within the entire mine area and
43.7 conditions necessitating postclosure maintenance no longer exist and are unlikely to
43.8 recur; or

43.9 D. corrective actions have been successfully accomplished.

43.10 Subp. 3. **Notification.** An RGU must issue to an operator the results of the RGU's
43.11 determination under subpart 2 in writing within 60 days of receiving the request from
43.12 the operator. A determination that reclamation is not yet complete under subpart 2,
43.13 item A, must include findings of fact setting forth the reason for the determination. A
43.14 determination under subpart 2, item C or D, releases the operator from the responsibility to
43.15 maintain financial assurance for all portions of the mine area that are subject to the request.

43.16 **6126.0430 RIGHT OF INSPECTION.**

43.17 Subpart 1. **Conduct of inspections.** No person may refuse entry or access to a
43.18 person who presents credentials identifying the person as an official, employee, or agent of
43.19 the RGU who is duly authorized to inspect the mine area or review an operator's records
43.20 for compliance with this chapter. A person conducting inspections under this subpart has
43.21 the authority to take or obtain photographs for the purposes of inspection.

43.22 Subp. 2. **Inspector requirements.** A person who enters a mine area under the
43.23 authority granted in this part must have the training and safety equipment necessary to
43.24 comply with any federal, state, or local laws or regulations controlling persons in the
43.25 mine area.